



Rep. Marcus C. Evans, Jr.

Filed: 3/1/2017

10000HB3822ham001

LRB100 08546 SMS 22484 a

1 AMENDMENT TO HOUSE BILL 3822

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3822 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Lottery Law is amended by changing  
5 Section 10.1 and by adding Section 10.1b as follows:

6 (20 ILCS 1605/10.1) (from Ch. 120, par. 1160.1)

7 Sec. 10.1. The following are ineligible for any license  
8 under this Act:

9 (a) any person ~~who has been~~ convicted of a felony who  
10 is not sufficiently rehabilitated following the  
11 conviction;

12 (b) any person who is or has been a professional  
13 gambler or gambling promoter;

14 (c) any person who has engaged in bookmaking or other  
15 forms of illegal gambling;

16 (d) any person who is not of good character and

1 reputation in the community in which he resides;

2 (e) any person who has been found guilty of any fraud  
3 or misrepresentation in any connection;

4 (f) any firm or corporation in which a person defined  
5 in (a), (b), (c), (d) or (e) has a proprietary, equitable  
6 or credit interest of 5% or more.

7 (g) any organization in which a person defined in (a),  
8 (b), (c), (d) or (e) is an officer, director, or managing  
9 agent, whether compensated or not;

10 (h) any organization in which a person defined in (a),  
11 (b), (c), (d), or (e) is to participate in the management  
12 or sales of lottery tickets or shares.

13 However, with respect to persons defined in (a), the  
14 Department may grant any such person a license under this Act  
15 when:

16 (1) a period of 5 years after the conviction or 3 years  
17 since release from confinement, whichever is later, has  
18 elapsed without a subsequent conviction; ~~1) at least 10~~  
19 ~~years have elapsed since the date when the sentence for the~~  
20 ~~most recent such conviction was satisfactorily completed;~~

21 (2) ~~2)~~ the applicant has no history of criminal  
22 activity subsequent to such conviction;

23 (2.5) the applicant completed their sentence  
24 successfully and, for applicants serving a term of parole  
25 or probation, the applicant's probation or parole officer  
26 provides a progress report that documents the applicant's

1 compliance with conditions of supervision;

2 (3) (blank); and 3) the applicant has complied with all  
3 conditions of probation, conditional discharge,  
4 supervision, parole or mandatory supervised release; and

5 (4) 4) the applicant presents at least 3 letters of  
6 recommendation from responsible citizens in his community  
7 who personally can attest that the character and attitude  
8 of the applicant indicate that he is unlikely to commit  
9 another crime or the applicant provides other evidence of  
10 rehabilitation or rehabilitative effort during or after  
11 incarceration, or during or after a term of supervision,  
12 including, but not limited to, a certificate of good  
13 conduct under Section 5-5.5-25 of the Unified Code of  
14 Corrections or a certificate of relief from disabilities  
15 under Section 5-5.5-10 of the Unified Code of Corrections.

16 The Department may revoke, without notice or a hearing, the  
17 license of any agent who violates this Act or any rule or  
18 regulation promulgated pursuant to this Act. However, if the  
19 Department does revoke a license without notice and an  
20 opportunity for a hearing, the Department shall, by appropriate  
21 notice, afford the person whose license has been revoked an  
22 opportunity for a hearing within 30 days after the revocation  
23 order has been issued. As a result of any such hearing, the  
24 Department may confirm its action in revoking the license, or  
25 it may order the restoration of such license.

26 (Source: P.A. 97-464, eff. 10-15-11.)

1 (20 ILCS 1605/10.1b new)

2 Sec. 10.1b. Applicant convictions.

3 (a) It is the affirmative obligation of the Department to  
4 demonstrate that a prior conviction would impair the ability of  
5 the applicant to engage in the licensed practice. If the  
6 Department refuses to issue a license to an applicant, then the  
7 Department shall notify the applicant of the denial in writing  
8 with the following included in the notice of denial:

9 (1) a statement about the decision to refuse to issue a  
10 license;

11 (2) a list of the convictions that formed the sole or  
12 partial basis for the refusal to issue a license;

13 (3) a list of the mitigating evidence presented by the  
14 applicant;

15 (4) reasons for refusing to issue a license specific to  
16 the evidence presented in mitigation of conviction items  
17 that formed the partial or sole basis for the Department's  
18 decision; and

19 (5) a summary of the appeal process or the earliest the  
20 applicant may reapply for a license, whichever is  
21 applicable.

22 (b) No later than May 1 of each year, the Department must  
23 prepare, publicly announce, and publish a report of summary  
24 statistical information relating to new and renewal license  
25 applications during the preceding calendar year. Each report

1 shall show, at a minimum:

2 (1) the number of applicants for a new or renewal  
3 license under this Act within the previous calendar year;

4 (2) the number of applicants for a new or renewal  
5 license under this Act within the previous calendar year  
6 who had any criminal conviction;

7 (3) the number of applicants for a new or renewal  
8 license under this Act in the previous calendar year who  
9 were granted a license;

10 (4) the number of applicants for a new or renewal  
11 license with a criminal conviction who were granted a  
12 license under this Act within the previous calendar year;

13 (5) the number of applicants for a new or renewal  
14 license under this Act within the previous calendar year  
15 who were denied a license;

16 (6) the number of applicants for a new or renewal  
17 license with a criminal conviction who were denied a  
18 license under this Act in the previous calendar year in  
19 whole or in part because of a prior conviction;

20 (7) the number of probationary licenses without  
21 monitoring issued under this Act in the previous calendar  
22 year to applicants with a criminal conviction; and

23 (8) the number of probationary licenses with  
24 monitoring issued under this Act in the previous calendar  
25 year to applicants with a criminal conviction.

26 (c) The Department shall not require the applicant to

1 report the following information and shall not consider the  
2 following criminal history records in connection with an  
3 application for licensure:

4 (1) Juvenile adjudications of delinquent minors as  
5 defined in Section 5-105 of the Juvenile Court Act of 1987,  
6 subject to the restrictions set forth in Section 5-130 of  
7 the Juvenile Court Act of 1987.

8 (2) Law enforcement records, court records, and  
9 conviction records of an individual who was 17 years old at  
10 the time of the offense and before January 1, 2014, unless  
11 the nature of the offense required the individual to be  
12 tried as an adult.

13 (3) Records of arrest not followed by a conviction.

14 (4) Convictions overturned by a higher court.

15 (5) Convictions or arrests that have been sealed or  
16 expunged.

17 Section 10. The Criminal Identification Act is amended by  
18 changing Sections 12 and 13 as follows:

19 20 ILCS 2630/12)

20 Sec. 12. Entry of order; effect of expungement or sealing  
21 records.

22 (a) Except with respect to law enforcement agencies, the  
23 Department of Corrections, State's Attorneys, or other  
24 prosecutors, and as provided in Section 13 of this Act, an

1 expunged or sealed record may not be considered by any private  
2 or public entity in employment matters, certification,  
3 licensing, revocation of certification or licensure, or  
4 registration. Applications for employment must contain  
5 specific language which states that the applicant is not  
6 obligated to disclose sealed or expunged records of conviction  
7 or arrest. The entity authorized to grant a license,  
8 certification, or registration shall include, in an  
9 application for certification, registration, or licensure,  
10 specific language stating that the applicant is not obligated  
11 to disclose sealed or expunged records of a conviction or  
12 arrest; however, if the inclusion of that language in an  
13 application for certification, registration, or licensure is  
14 not practical, the entity shall publish on its website  
15 instructions specifying that applicants are not obligated to  
16 disclose sealed or expunged records of a conviction or arrest.  
17 Employers and entities authorized to grant professional  
18 licenses, certification, or registration may not ask if an  
19 applicant has had records expunged or sealed.

20 (b) A person whose records have been sealed or expunged is  
21 not entitled to remission of any fines, costs, or other money  
22 paid as a consequence of the sealing or expungement. This  
23 amendatory Act of the 93rd General Assembly does not affect the  
24 right of the victim of a crime to prosecute or defend a civil  
25 action for damages. Persons engaged in civil litigation  
26 involving criminal records that have been sealed may petition

1 the court to open the records for the limited purpose of using  
2 them in the course of litigation.

3 (Source: P.A. 93-211, eff. 1-1-04; 93-1084, eff. 6-1-05.)

4 (20 ILCS 2630/13)

5 Sec. 13. Retention and release of sealed records.

6 (a) The Department of State Police shall retain records  
7 sealed under subsection (c) or (e-5) of Section 5.2 or  
8 impounded under subparagraph (B) or (B-5) of paragraph (9) of  
9 subsection (d) of Section 5.2 and shall release them only as  
10 authorized by this Act. Felony records sealed under subsection  
11 (c) or (e-5) of Section 5.2 or impounded under subparagraph (B)  
12 or (B-5) of paragraph (9) of subsection (d) of Section 5.2  
13 shall be used and disseminated by the Department only as  
14 otherwise specifically required or authorized by a federal or  
15 State law, rule, or regulation that requires inquiry into and  
16 release of criminal records, including, but not limited to,  
17 subsection (A) of Section 3 of this Act, except these records  
18 shall not be used or disseminated in connection with an  
19 application for any professional or business licensure,  
20 registration, or certification not involving a health care  
21 worker position, as defined in the Health Care Worker  
22 Self-Referral Act. However, all requests for records that have  
23 been expunged, sealed, and impounded and the use of those  
24 records are subject to the provisions of Section 2-103 of the  
25 Illinois Human Rights Act. Upon conviction for any offense, the



1 Department of Corrections shall have access to all sealed  
2 records of the Department pertaining to that individual.

3 (b) Notwithstanding the foregoing, all sealed or impounded  
4 records are subject to inspection and use by the court and  
5 inspection and use by law enforcement agencies and State's  
6 Attorneys or other prosecutors in carrying out the duties of  
7 their offices.

8 (c) The sealed or impounded records maintained under  
9 subsection (a) are exempt from disclosure under the Freedom of  
10 Information Act.

11 (d) The Department of State Police shall commence the  
12 sealing of records of felony arrests and felony convictions  
13 pursuant to the provisions of subsection (c) of Section 5.2 of  
14 this Act no later than one year from the date that funds have  
15 been made available for purposes of establishing the  
16 technologies necessary to implement the changes made by this  
17 amendatory Act of the 93rd General Assembly.

18 (Source: P.A. 97-1026, eff. 1-1-13; 97-1120, eff. 1-1-13;  
19 98-399, eff. 8-16-13; 98-463, eff. 8-16-13.)

20 Section 15. The Cigarette Tax Act is amended by changing  
21 Sections 4, 4b, and 4c and by adding Section 4i as follows:

22 (35 ILCS 130/4) (from Ch. 120, par. 453.4)

23 Sec. 4. Distributor's license. No person may engage in  
24 business as a distributor of cigarettes in this State within

1 the meaning of the first 2 definitions of distributor in  
2 Section 1 of this Act without first having obtained a license  
3 therefor from the Department. Application for license shall be  
4 made to the Department in form as furnished and prescribed by  
5 the Department. Each applicant for a license under this Section  
6 shall furnish to the Department on the form signed and verified  
7 by the applicant under penalty of perjury the following  
8 information:

9 (a) The name and address of the applicant;

10 (b) The address of the location at which the applicant  
11 proposes to engage in business as a distributor of  
12 cigarettes in this State;

13 (c) Such other additional information as the  
14 Department may lawfully require by its rules and  
15 regulations.

16 The annual license fee payable to the Department for each  
17 distributor's license shall be \$250. The purpose of such annual  
18 license fee is to defray the cost, to the Department, of  
19 serializing cigarette tax stamps. Each applicant for license  
20 shall pay such fee to the Department at the time of submitting  
21 his application for license to the Department.

22 Every applicant who is required to procure a distributor's  
23 license shall file with his application a joint and several  
24 bond. Such bond shall be executed to the Department of Revenue,  
25 with good and sufficient surety or sureties residing or  
26 licensed to do business within the State of Illinois, in the

1 amount of \$2,500, conditioned upon the true and faithful  
2 compliance by the licensee with all of the provisions of this  
3 Act. Such bond, or a reissue thereof, or a substitute therefor,  
4 shall be kept in effect during the entire period covered by the  
5 license. A separate application for license shall be made, a  
6 separate annual license fee paid, and a separate bond filed,  
7 for each place of business at which a person who is required to  
8 procure a distributor's license under this Section proposes to  
9 engage in business as a distributor in Illinois under this Act.

10 The following are ineligible to receive a distributor's  
11 license under this Act:

12 (1) a person who is not of good character and  
13 reputation in the community in which he resides; the  
14 Department may consider past conviction of a felony but  
15 the conviction shall not operate as an absolute bar to  
16 licensure;

17 (2) a person who has been convicted of a felony  
18 under any Federal or State law, if the Department,  
19 after investigation and a hearing and consideration of  
20 mitigating factors and evidence of rehabilitation  
21 contained in the applicant's record, including those  
22 in Section 4i, ~~if requested by the applicant,~~  
23 determines that such person has not been sufficiently  
24 rehabilitated to warrant the public trust;

25 (3) a corporation, if any officer, manager or  
26 director thereof, or any stockholder or stockholders



1 Manufacturers' Escrow Act and the Tobacco Products  
2 Manufacturers' Escrow Enforcement Act of 2003 (30  
3 ILCS 168/ and 30 ILCS 167/);

4 (d) has been found by the Department, after  
5 notice and a hearing, to have imported or caused to  
6 be imported into the United States for sale or  
7 distribution any cigarette in violation of 19  
8 U.S.C. 1681a;

9 (e) has been found by the Department, after  
10 notice and a hearing, to have imported or caused to  
11 be imported into the United States for sale or  
12 distribution or manufactured for sale or  
13 distribution in the United States any cigarette  
14 that does not fully comply with the Federal  
15 Cigarette Labeling and Advertising Act (15 U.S.C.  
16 1331, et seq.); or

17 (f) has been found by the Department, after  
18 notice and a hearing, to have made a material false  
19 statement in the application or has failed to  
20 produce records required to be maintained by this  
21 Act.

22 The Department, upon receipt of an application, license fee  
23 and bond in proper form, from a person who is eligible to  
24 receive a distributor's license under this Act, shall issue to  
25 such applicant a license in form as prescribed by the  
26 Department, which license shall permit the applicant to which

1 it is issued to engage in business as a distributor at the  
2 place shown in his application. All licenses issued by the  
3 Department under this Act shall be valid for not to exceed one  
4 year after issuance unless sooner revoked, canceled or  
5 suspended as provided in this Act. No license issued under this  
6 Act is transferable or assignable. Such license shall be  
7 conspicuously displayed in the place of business conducted by  
8 the licensee in Illinois under such license. No distributor  
9 licensee acquires any vested interest or compensable property  
10 right in a license issued under this Act.

11 A licensed distributor shall notify the Department of any  
12 change in the information contained on the application form,  
13 including any change in ownership and shall do so within 30  
14 days after any such change.

15 Any person aggrieved by any decision of the Department  
16 under this Section may, within 20 days after notice of the  
17 decision, protest and request a hearing. Upon receiving a  
18 request for a hearing, the Department shall give notice to the  
19 person requesting the hearing of the time and place fixed for  
20 the hearing and shall hold a hearing in conformity with the  
21 provisions of this Act and then issue its final administrative  
22 decision in the matter to that person. In the absence of a  
23 protest and request for a hearing within 20 days, the  
24 Department's decision shall become final without any further  
25 determination being made or notice given.

26 (Source: P.A. 95-1053, eff. 1-1-10; 96-782, eff. 1-1-10.)

1 (35 ILCS 130/4b) (from Ch. 120, par. 453.4b)

2 Sec. 4b. (a) The Department may, in its discretion, upon  
3 application, issue permits authorizing the payment of the tax  
4 herein imposed by out-of-State cigarette manufacturers who are  
5 not required to be licensed as distributors of cigarettes in  
6 this State, but who elect to qualify under this Act as  
7 distributors of cigarettes in this State, and who, to the  
8 satisfaction of the Department, furnish adequate security to  
9 insure payment of the tax, provided that any such permit shall  
10 extend only to cigarettes which such permittee manufacturer  
11 places in original packages that are contained inside a sealed  
12 transparent wrapper. Such permits shall be issued without  
13 charge in such form as the Department may prescribe and shall  
14 not be transferable or assignable.

15 The following are ineligible to receive a distributor's  
16 permit under this subsection:

17 (1) a person who is not of good character and  
18 reputation in the community in which he resides; the  
19 Department may consider past conviction of a felony but the  
20 conviction shall not operate as an absolute bar to  
21 receiving a permit;

22 (2) a person who has been convicted of a felony under  
23 any Federal or State law, if the Department, after  
24 investigation and a hearing and consideration of  
25 mitigating factors and evidence of rehabilitation

1       contained in the applicant's record, including those in  
2       Section 4i of this Act, ~~if requested by the applicant,~~  
3       determines that such person has not been sufficiently  
4       rehabilitated to warrant the public trust;

5           (3) a corporation, if any officer, manager or director  
6       thereof, or any stockholder or stockholders owning in the  
7       aggregate more than 5% of the stock of such corporation,  
8       would not be eligible to receive a permit under this Act  
9       for any reason.

10       With respect to cigarettes which come within the scope of  
11       such a permit and which any such permittee delivers or causes  
12       to be delivered in Illinois to licensed distributors, such  
13       permittee shall remit the tax imposed by this Act at the times  
14       provided for in Section 3 of this Act. Each such remittance  
15       shall be accompanied by a return filed with the Department on a  
16       form to be prescribed and furnished by the Department and shall  
17       disclose such information as the Department may lawfully  
18       require. The Department may promulgate rules to require that  
19       the permittee's return be accompanied by appropriate  
20       computer-generated magnetic media supporting schedule data in  
21       the format prescribed by the Department, unless, as provided by  
22       rule, the Department grants an exception upon petition of the  
23       permittee. Each such return shall be accompanied by a copy of  
24       each invoice rendered by the permittee to any licensed  
25       distributor to whom the permittee delivered cigarettes of the  
26       type covered by the permit (or caused cigarettes of the type



1 covered by the permit to be delivered) in Illinois during the  
2 period covered by such return.

3 Such permit may be suspended, canceled or revoked when, at  
4 any time, the Department considers that the security given is  
5 inadequate, or that such tax can more effectively be collected  
6 from distributors located in this State, or whenever the  
7 permittee violates any provision of this Act or any lawful rule  
8 or regulation issued by the Department pursuant to this Act or  
9 is determined to be ineligible for a distributor's permit under  
10 this Act as provided in this Section, whenever the permittee  
11 shall notify the Department in writing of his desire to have  
12 the permit canceled. The Department shall have the power, in  
13 its discretion, to issue a new permit after such suspension,  
14 cancellation or revocation, except when the person who would  
15 receive the permit is ineligible to receive a distributor's  
16 permit under this Act.

17 All permits issued by the Department under this Act shall  
18 be valid for not to exceed one year after issuance unless  
19 sooner revoked, canceled or suspended as in this Act provided.

20 (b) Out-of-state cigarette manufacturers who are not  
21 required to be licensed as distributors of cigarettes in this  
22 State and who do not elect to obtain approval under subsection  
23 4b(a) to pay the tax imposed by this Act, but who elect to  
24 qualify under this Act as distributors of cigarettes in this  
25 State for purposes of shipping and delivering unstamped  
26 original packages of cigarettes into this State to licensed

1 distributors, shall obtain a permit from the Department. These  
2 permits shall be issued without charge in such form as the  
3 Department may prescribe and shall not be transferable or  
4 assignable.

5 The following are ineligible to receive a distributor's  
6 permit under this subsection:

7 (1) a person who is not of good character and  
8 reputation in the community in which he or she resides; the  
9 Department may consider past conviction of a felony but the  
10 conviction shall not operate as an absolute bar to  
11 receiving a permit;

12 (2) a person who has been convicted of a felony under  
13 any federal or State law, if the Department, after  
14 investigation and a hearing and consideration of  
15 mitigating factors and evidence of rehabilitation  
16 contained in the applicant's record, including those set  
17 forth in Section 4i of this Act, ~~if requested by the~~  
18 ~~applicant,~~ determines that the person has not been  
19 sufficiently rehabilitated to warrant the public trust;  
20 and

21 (3) a corporation, if any officer, manager, or director  
22 thereof, or any stockholder or stockholders owning in the  
23 aggregate more than 5% of the stock of the corporation,  
24 would not be eligible to receive a permit under this Act  
25 for any reason.

26 With respect to original packages of cigarettes that such

1     permittee delivers or causes to be delivered in Illinois and  
2     distributes to the public for promotional purposes without  
3     consideration, the permittee shall pay the tax imposed by this  
4     Act by remitting the amount thereof to the Department by the  
5     5th day of each month covering cigarettes shipped or otherwise  
6     delivered in Illinois for those purposes during the preceding  
7     calendar month. The permittee, before delivering those  
8     cigarettes or causing those cigarettes to be delivered in this  
9     State, shall evidence his or her obligation to remit the taxes  
10    due with respect to those cigarettes by imprinting language to  
11    be prescribed by the Department on each original package of  
12    cigarettes, in such place thereon and in such manner also to be  
13    prescribed by the Department. The imprinted language shall  
14    acknowledge the permittee's payment of or liability for the tax  
15    imposed by this Act with respect to the distribution of those  
16    cigarettes.

17         With respect to cigarettes that the permittee delivers or  
18    causes to be delivered in Illinois to Illinois licensed  
19    distributors or distributed to the public for promotional  
20    purposes, the permittee shall, by the 5th day of each month,  
21    file with the Department, a report covering cigarettes shipped  
22    or otherwise delivered in Illinois to licensed distributors or  
23    distributed to the public for promotional purposes during the  
24    preceding calendar month on a form to be prescribed and  
25    furnished by the Department and shall disclose such other  
26    information as the Department may lawfully require. The

1 Department may promulgate rules to require that the permittee's  
2 report be accompanied by appropriate computer-generated  
3 magnetic media supporting schedule data in the format  
4 prescribed by the Department, unless, as provided by rule, the  
5 Department grants an exception upon petition of the permittee.  
6 Each such report shall be accompanied by a copy of each invoice  
7 rendered by the permittee to any purchaser to whom the  
8 permittee delivered cigarettes of the type covered by the  
9 permit (or caused cigarettes of the type covered by the permit  
10 to be delivered) in Illinois during the period covered by such  
11 report.

12 Such permit may be suspended, canceled, or revoked whenever  
13 the permittee violates any provision of this Act or any lawful  
14 rule or regulation issued by the Department pursuant to this  
15 Act, is determined to be ineligible for a distributor's permit  
16 under this Act as provided in this Section, or notifies the  
17 Department in writing of his or her desire to have the permit  
18 canceled. The Department shall have the power, in its  
19 discretion, to issue a new permit after such suspension,  
20 cancellation, or revocation, except when the person who would  
21 receive the permit is ineligible to receive a distributor's  
22 permit under this Act.

23 All permits issued by the Department under this Act shall  
24 be valid for a period not to exceed one year after issuance  
25 unless sooner revoked, canceled, or suspended as provided in  
26 this Act.

1 (Source: P.A. 96-782, eff. 1-1-10.)

2 (35 ILCS 130/4c)

3 Sec. 4c. Secondary distributor's license. No person may  
4 engage in business as a secondary distributor of cigarettes in  
5 this State without first having obtained a license therefor  
6 from the Department. Application for license shall be made to  
7 the Department on a form as furnished and prescribed by the  
8 Department. Each applicant for a license under this Section  
9 shall furnish the following information to the Department on a  
10 form signed and verified by the applicant under penalty of  
11 perjury:

12 (1) the name and address of the applicant;

13 (2) the address of the location at which the applicant  
14 proposes to engage in business as a secondary distributor  
15 of cigarettes in this State; and

16 (3) such other additional information as the  
17 Department may reasonably require.

18 The annual license fee payable to the Department for each  
19 secondary distributor's license shall be \$250. Each applicant  
20 for a license shall pay such fee to the Department at the time  
21 of submitting an application for license to the Department.

22 A separate application for license shall be made and  
23 separate annual license fee paid for each place of business at  
24 which a person who is required to procure a secondary  
25 distributor's license under this Section proposes to engage in

1 business as a secondary distributor in Illinois under this Act.

2 The following are ineligible to receive a secondary  
3 distributor's license under this Act:

4 (1) a person who is not of good character and  
5 reputation in the community in which he resides; the  
6 Department may consider past conviction of a felony but the  
7 conviction shall not operate as an absolute bar to  
8 receiving a permit;

9 (2) a person who has been convicted of a felony under  
10 any federal or State law, if the Department, after  
11 investigation and a hearing and consideration of the  
12 mitigating factors provided in subsection (b) of Section 4i  
13 of this Act, if requested by the applicant, determines that  
14 such person has not been sufficiently rehabilitated to  
15 warrant the public trust;

16 (3) a corporation, if any officer, manager, or director  
17 thereof, or any stockholder or stockholders owning in the  
18 aggregate more than 5% of the stock of such corporation,  
19 would not be eligible to receive a license under this Act  
20 for any reason;

21 (4) a person who manufactures cigarettes, whether in  
22 this State or out of this State;

23 (5) a person, or any person who owns more than 15% of  
24 the ownership interests in a person or a related party who:

25 (A) owes, at the time of application, any  
26 delinquent cigarette taxes that have been determined

1 by law to be due and unpaid, unless the license  
2 applicant has entered into an agreement approved by the  
3 Department to pay the amount due;

4 (B) had a license under this Act revoked within the  
5 past two years by the Department or has been convicted  
6 of a State or federal crime, punishable by imprisonment  
7 of one year or more, relating to stolen or contraband  
8 cigarettes;

9 (C) has been found by the Department, after notice  
10 and a hearing, to have imported or caused to be  
11 imported into the United States for sale or  
12 distribution any cigarette in violation of 19 U.S.C.  
13 1681a;

14 (D) has been found by the Department, after notice  
15 and a hearing, to have imported or caused to be  
16 imported into the United States for sale or  
17 distribution or manufactured for sale or distribution  
18 in the United States any cigarette that does not fully  
19 comply with the Federal Cigarette Labeling and  
20 Advertising Act (15 U.S.C. 1331, et seq.); or

21 (E) has been found by the Department, after notice  
22 and a hearing, to have made a material false statement  
23 in the application or has failed to produce records  
24 required to be maintained by this Act.

25 The Department, upon receipt of an application and license  
26 fee from a person who is eligible to receive a secondary

1 distributor's license under this Act, shall issue to such  
2 applicant a license in such form as prescribed by the  
3 Department. The license shall permit the applicant to which it  
4 is issued to engage in business as a secondary distributor at  
5 the place shown in his application. All licenses issued by the  
6 Department under this Act shall be valid for a period not to  
7 exceed one year after issuance unless sooner revoked, canceled,  
8 or suspended as provided in this Act. No license issued under  
9 this Act is transferable or assignable. Such license shall be  
10 conspicuously displayed in the place of business conducted by  
11 the licensee in Illinois under such license. No secondary  
12 distributor licensee acquires any vested interest or  
13 compensable property right in a license issued under this Act.

14 A licensed secondary distributor shall notify the  
15 Department of any change in the information contained on the  
16 application form, including any change in ownership, and shall  
17 do so within 30 days after any such change.

18 Any person aggrieved by any decision of the Department  
19 under this Section may, within 20 days after notice of the  
20 decision, protest and request a hearing. Upon receiving a  
21 request for a hearing, the Department shall give notice to the  
22 person requesting the hearing of the time and place fixed for  
23 the hearing and shall hold a hearing in conformity with the  
24 provisions of this Act and then issue its final administrative  
25 decision in the matter to that person. In the absence of a  
26 protest and request for a hearing within 20 days, the



1 Department's decision shall become final without any further  
2 determination being made or notice given.

3 (Source: P.A. 96-1027, eff. 7-12-10.)

4 (35 ILCS 130/4i new)

5 Sec. 4i. Applicant convictions.

6 (a) The Department shall not require applicants to report  
7 the following information and shall not consider the following  
8 criminal history records in connection with an application for  
9 a license or permit under this Act:

10 (1) Juvenile adjudications of delinquent minors as  
11 defined in Section 5-105 of the Juvenile Court Act of 1987,  
12 subject to the restrictions set forth in Section 5-130 of  
13 the Juvenile Court Act of 1987.

14 (2) Law enforcement, court records, and conviction  
15 records of an individual who was 17 years old at the time  
16 of the offense and before January 1, 2014, unless the  
17 nature of the offense required the individual to be tried  
18 as an adult.

19 (3) Records of arrest not followed by a conviction.

20 (4) Convictions overturned by a higher court.

21 (5) Convictions or arrests that have been sealed or  
22 expunged.

23 (b) When determining whether to grant a license or permit  
24 to an applicant with a prior conviction of a felony, the  
25 Department shall consider any evidence of rehabilitation and

1 mitigating factors contained in the applicant's record  
2 including any of the following:

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

7 (2) whether 5 years since a felony conviction or 3  
8 years since release from confinement for the conviction,  
9 whichever is later, have passed without a subsequent  
10 conviction;

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

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

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

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

24 (7) evidence of rehabilitation or rehabilitative  
25 effort during or after incarceration, or during or after a  
26 term of supervision, including, but not limited to, a

1 certificate of good conduct under Section 5-5.5-25 of the  
2 Unified Code of Corrections or a certificate of relief from  
3 disabilities under Section 5-5.5-10 of the Unified Code of  
4 Corrections; and

5 (8) any other mitigating factors that contribute to the  
6 person's potential and current ability to perform the  
7 duties and responsibilities of the position for which a  
8 license, permit or employment is sought.

9 (c) It is the affirmative obligation of the Department to  
10 demonstrate that a prior conviction would impair the ability of  
11 the applicant to engage in the practice regulated under this  
12 Act. If the Department refuses to issue a license or permit to  
13 an applicant, then the Department shall notify the applicant of  
14 the denial in writing with the following included in the notice  
15 of denial:

16 (1) a statement about the decision to refuse to issue a  
17 license or permit;

18 (2) a list of the conviction items that formed the sole  
19 or partial basis for the refusal to issue a license or  
20 permit;

21 (3) a list of the mitigating evidence presented by the  
22 applicant;

23 (4) reasons for refusing to issue a license or permit  
24 specific to the evidence presented in mitigation of  
25 conviction items that formed the partial or sole basis for  
26 the Department's decision; and

1           (5) a summary of the appeal process or the earliest the  
2           applicant may reapply for a license or permit, whichever is  
3           applicable.

4           (d) No later than May 1 of each year, the Department must  
5           prepare, publicly announce, and publish a report of summary  
6           statistical information relating to new and renewal license or  
7           permit applications during the preceding calendar year. Each  
8           report shall show, at a minimum:

9           (1) the number of applicants for a new or renewal  
10           license or permit under this Act within the previous  
11           calendar year;

12           (2) the number of applicants for a new or renewal  
13           license or permit under this Act within the previous  
14           calendar year who had any criminal conviction;

15           (3) the number of applicants for a new or renewal  
16           license or permit under this Act in the previous calendar  
17           year who were granted a license or permit;

18           (4) the number of applicants for a new or renewal  
19           license or permit with a criminal conviction who were  
20           granted a license or permit under this Act within the  
21           previous calendar year;

22           (5) the number of applicants for a new or renewal  
23           license or permit under this Act within the previous  
24           calendar year who were denied a license or permit;

25           (6) the number of applicants for a new or renewal  
26           license or permit with a criminal conviction who were

1 denied a license or permit under this Act in the previous  
2 calendar year in whole or in part because of a prior  
3 conviction;

4 (7) the number of probationary licenses or permits  
5 without monitoring issued under this Act in the previous  
6 calendar year to applicants with a criminal conviction; and

7 (8) the number of probationary licenses or permits with  
8 monitoring issued under this Act in the previous calendar  
9 year to applicants with a criminal conviction.

10 Section 20. The Counties Code is amended by changing  
11 Section 5-10004 and by adding Section 5-10004a as follows:

12 (55 ILCS 5/5-10004) (from Ch. 34, par. 5-10004)

13 Sec. 5-10004. Qualifications for license. A license to  
14 operate or maintain a dance hall may be issued by the county  
15 board to any citizen, firm or corporation of the State, who

16 (1) Submits a written application for a license, which  
17 application shall state, and the applicant shall state under  
18 oath:

19 (a) The name, address, and residence of the applicant,  
20 and the length of time he has lived at that residence;~~;~~+

21 (b) The place of birth of the applicant, and if the  
22 applicant is a naturalized citizen, the time and place of  
23 such naturalization;

24 (c) Whether the applicant has a prior felony

1 conviction; and ~~That the applicant has never been convicted~~  
2 ~~of a felony, or of a misdemeanor punishable under the laws~~  
3 ~~of this State by a minimum imprisonment of six months or~~  
4 ~~longer.~~

5 (d) The location of the place or building where the  
6 applicant intends to operate or maintain the dance hall.

7 (2) And who establishes:

8 (a) That he is a person of good moral character; and

9 (b) that the place or building where the dance hall or  
10 road house is to be operated or maintained, reasonably  
11 conforms to all laws, and health and fire regulations  
12 applicable thereto, and is properly ventilated and  
13 supplied with separate and sufficient toilet arrangements  
14 for each sex, and is a safe and proper place or building  
15 for a public dance hall or road house.

16 (Source: P.A. 86-962.)

17 (55 ILCS 5/5-10004a new)

18 Sec. 5-10004a. Applicant convictions.

19 (a) Applicants shall not be required to report the  
20 following information and the following information shall not  
21 be considered in connection with an application for a license  
22 under this Act:

23 (1) Juvenile adjudications of delinquent minors, as  
24 defined in Section 5-105 of the Juvenile Court Act of 1987,  
25 subject to the restrictions set forth in Section 5-130

1 Juvenile Court Act of 1987.

2 (2) Law enforcement, court records, and conviction  
3 records of an individual who was 17 years old at the time  
4 of the offense and before January 1, 2014, unless the  
5 nature of the offense required the individual to be tried  
6 as an adult.

7 (3) Records of arrest not followed by a conviction.

8 (4) Convictions overturned by a higher court.

9 (5) Convictions or arrests that have been sealed or  
10 expunged.

11 (b) No application for a license under this Division shall  
12 be denied by reason of a finding of lack of "good moral  
13 character" when the finding is based upon the fact that the  
14 applicant has previously been convicted of one or more criminal  
15 offenses.

16 (c) When determining whether to grant a license to an  
17 applicant with a prior conviction of a felony, the county board  
18 shall consider any evidence of rehabilitation and mitigating  
19 factors contained in the applicant's record including any of  
20 the following:

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

25 (2) whether 5 years since a felony conviction or 3  
26 years since release from confinement for the conviction,

1 whichever is later, have passed without a subsequent  
2 conviction;

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

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

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

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

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

23 (8) any other mitigating factors that contribute to the  
24 person's potential and current ability to perform the  
25 duties and responsibilities of the position for which a  
26 license or employment is sought.



1       (d) It is the affirmative obligation of the county board to  
2 demonstrate that a prior conviction would impair the ability of  
3 the applicant to engage in the practice regulated under this  
4 Act. If the county board refuses to issue a license to an  
5 applicant, then the county board shall notify the applicant of  
6 the denial in writing with the following included in the notice  
7 of denial:

8           (1) a statement about the decision to refuse to issue a  
9 license;

10          (2) a list of the conviction items that formed the sole  
11 or partial basis for the refusal to issue a license;

12          (3) a list of the mitigating evidence presented by the  
13 applicant;

14          (4) reasons for refusing to issue a license specific to  
15 the evidence presented in mitigation of conviction items  
16 that formed the partial or sole basis for the county  
17 board's decision; and

18          (5) a summary of the appeal process or the earliest the  
19 applicant may reapply for a license, whichever is  
20 applicable.

21       (e) No later than May 1 of each year, the board must  
22 prepare, publicly announce, and publish a report of summary  
23 statistical information relating to new and renewal license  
24 applications during the preceding calendar year. Each report  
25 shall show, at a minimum:

26           (1) the number of applicants for a new or renewal

1 license under this Act within the previous calendar year;

2 (2) the number of applicants for a new or renewal  
3 license under this Act within the previous calendar year  
4 who had any criminal conviction;

5 (3) the number of applicants for a new or renewal  
6 license under this Act in the previous calendar year who  
7 were granted a license;

8 (4) the number of applicants for a new or renewal  
9 license with a criminal conviction who were granted a  
10 license under this Act within the previous calendar year;

11 (5) the number of applicants for a new or renewal  
12 license under this Act within the previous calendar year  
13 who were denied a license;

14 (6) the number of applicants for a new or renewal  
15 license with a criminal conviction who were denied a  
16 license under this Act in the previous calendar year in  
17 whole or in part because of a prior conviction;

18 (7) the number of probationary licenses without  
19 monitoring issued under this Act in the previous calendar  
20 year to applicants with a criminal conviction; and

21 (8) the number of probationary licenses with  
22 monitoring issued under this Act in the previous calendar  
23 year to applicants with a criminal conviction.

24 Section 30. The Clinical Social Work and Social Work  
25 Practice Act is amended by changing Section 19 and by adding

1 Section 9A.1 as follows:

2 (225 ILCS 20/9A.1 new)

3 Sec. 9A.1. Applicant convictions.

4 (a) The Department and the Board shall not require  
5 applicants to report information about the following and shall  
6 not consider the following criminal history records in  
7 connection with an application for licensure:

8 (1) Juvenile adjudications of delinquent minors as  
9 defined in Section 5-105 of the Juvenile Court Act of 1987,  
10 subject to the restrictions set forth in Section 5-130 of  
11 the Juvenile Court Act of 1987.

12 (2) Law enforcement records, court records, and  
13 conviction records of an individual who was 17 years old at  
14 the time of the offense and before January 1, 2014, unless  
15 the nature of the offense required the individual to be  
16 tried as an adult.

17 (3) Records of arrest not followed by a conviction  
18 unless related to the practice of the profession. However,  
19 applicants shall not be asked to report any arrests, and,  
20 an arrest not followed by a conviction shall not be the  
21 basis of a denial and may be used only to assess an  
22 applicant's rehabilitation.

23 (4) Convictions overturned by a higher court.

24 (5) Convictions or arrests that have been sealed or  
25 expunged.

1       (b) Except as provided in Section 2105-165 of the  
2 Department of Professional Regulation Law, when determining  
3 whether to grant a license to an applicant with a prior  
4 conviction of a felony or of a misdemeanor directly related to  
5 the practice of the profession, the Department shall consider  
6 any evidence of rehabilitation and mitigating factors  
7 contained in the applicant's record, including any of the  
8 following:

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

13           (2) whether 5 years since a felony conviction or 3  
14 years since release from confinement for the conviction,  
15 whichever is later, have passed without a subsequent  
16 conviction;

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

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

23           (5) successful completion of sentence and, for  
24 applicants serving a term of parole or probation, a  
25 progress report provided by the applicant's probation or  
26 parole officer that documents the applicant's compliance

1 with conditions of supervision;

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

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

11 (8) any other mitigating factors that contribute to the  
12 person's potential and current ability to perform the  
13 duties and responsibilities of the position for which a  
14 license or employment is sought.

15 (c) It is the affirmative obligation of the Department to  
16 demonstrate that a prior conviction would impair the ability of  
17 the applicant to engage in the practice requiring a license. If  
18 the Department refuses to grant a license to an applicant, then  
19 the Department shall notify the applicant of the denial in  
20 writing with the following included in the notice of denial:

21 (1) a statement about the decision to refuse to issue a  
22 license;

23 (2) a list of the convictions that formed the sole or  
24 partial basis for the refusal to issue a license;

25 (3) a list of the mitigating evidence presented by the  
26 applicant;

1           (4) reasons for refusing to issue a license specific to  
2           the evidence presented in mitigation of conviction items  
3           that formed the partial or sole basis for the Department's  
4           decision; and

5           (5) a summary of the appeal process or the earliest the  
6           applicant may reapply for a license, whichever is  
7           applicable.

8           (d) No later than May 1 of each year, the Department must  
9           prepare, publicly announce, and publish a report of summary  
10           statistical information relating to new and renewal license  
11           applications during the preceding calendar year. Each report  
12           shall show, at a minimum:

13           (1) the number of applicants for a new or renewal  
14           license under this Act within the previous calendar year;

15           (2) the number of applicants for a new or renewal  
16           license under this Act within the previous calendar year  
17           who had any criminal conviction;

18           (3) the number of applicants for a new or renewal  
19           license under this Act in the previous calendar year who  
20           were granted a license;

21           (4) the number of applicants for a new or renewal  
22           license with a criminal conviction who were granted a  
23           license under this Act within the previous calendar year;

24           (5) the number of applicants for a new or renewal  
25           license under this Act within the previous calendar year  
26           who were denied a license;

1           (6) the number of applicants for a new or renewal  
2           license with a criminal conviction who were denied a  
3           license under this Act in the previous calendar year in  
4           part or in whole because of a prior conviction;

5           (7) the number of probationary licenses without  
6           monitoring issued under this Act in the previous calendar  
7           year to applicants with a criminal conviction; and

8           (8) the number of probationary licenses with  
9           monitoring issued under this Act in the previous calendar  
10           year to applicants with a criminal conviction.

11           (225 ILCS 20/19) (from Ch. 111, par. 6369)

12           (Section scheduled to be repealed on January 1, 2018)

13           Sec. 19. Grounds for disciplinary action.

14           (1) The Department may refuse to issue, refuse to renew,  
15           suspend, or revoke any license, or may place on probation,  
16           censure, reprimand, or take other disciplinary or  
17           non-disciplinary action deemed appropriate by the Department,  
18           including the imposition of fines not to exceed \$10,000 for  
19           each violation, with regard to any license issued under the  
20           provisions of this Act for any one or a combination of the  
21           following reasons:

22           (a) material misstatements of fact in furnishing  
23           information to the Department or to any other State agency  
24           or in furnishing information to any insurance company with  
25           respect to a claim on behalf of a licensee or a patient;

1 (b) violations or negligent or intentional disregard  
2 of this Act, or any of the rules promulgated hereunder;

3 (c) for licensees, conviction of or entry of a plea of  
4 guilty or nolo contendere to any crime that is a felony  
5 under the laws of the United States or any state or  
6 territory thereof or that is a misdemeanor, of which an  
7 essential element is dishonesty, or any crime that is  
8 directly related to the practice of the clinical social  
9 work or social work professions; for applicants, the  
10 provisions of Section 9A.1 apply;

11 (d) making any misrepresentation for the purpose of  
12 obtaining licenses, or violating any provision of this Act  
13 or any of the rules promulgated hereunder;

14 (e) professional incompetence;

15 (f) malpractice;

16 (g) aiding or assisting another person in violating any  
17 provision of this Act or any rules;

18 (h) failing to provide information within 30 days in  
19 response to a written request made by the Department;

20 (i) engaging in dishonorable, unethical or  
21 unprofessional conduct of a character likely to deceive,  
22 defraud or harm the public as defined by the rules of the  
23 Department, or violating the rules of professional conduct  
24 adopted by the Board and published by the Department;

25 (j) habitual or excessive use or addiction to alcohol,  
26 narcotics, stimulants, or any other chemical agent or drug



1 that results in a clinical social worker's or social  
2 worker's inability to practice with reasonable judgment,  
3 skill, or safety;

4 (k) discipline by another jurisdiction, if at least one  
5 of the grounds for the discipline is the same or  
6 substantially equivalent to those set forth in this  
7 Section;

8 (l) directly or indirectly giving to or receiving from  
9 any person, firm, corporation, partnership, or association  
10 any fee, commission, rebate or other form of compensation  
11 for any professional service not actually rendered.  
12 Nothing in this paragraph (l) affects any bona fide  
13 independent contractor or employment arrangements among  
14 health care professionals, health facilities, health care  
15 providers, or other entities, except as otherwise  
16 prohibited by law. Any employment arrangements may include  
17 provisions for compensation, health insurance, pension, or  
18 other employment benefits for the provision of services  
19 within the scope of the licensee's practice under this Act.  
20 Nothing in this paragraph (l) shall be construed to require  
21 an employment arrangement to receive professional fees for  
22 services rendered;

23 (m) a finding by the Board that the licensee, after  
24 having the license placed on probationary status, has  
25 violated the terms of probation;

26 (n) abandonment, without cause, of a client;

1           (o) wilfully filing false reports relating to a  
2           licensee's practice, including but not limited to false  
3           records filed with Federal or State agencies or  
4           departments;

5           (p) wilfully failing to report an instance of suspected  
6           child abuse or neglect as required by the Abused and  
7           Neglected Child Reporting Act;

8           (q) being named as a perpetrator in an indicated report  
9           by the Department of Children and Family Services under the  
10          Abused and Neglected Child Reporting Act, and upon proof by  
11          clear and convincing evidence that the licensee has caused  
12          a child to be or failed to take reasonable steps to prevent  
13          a child from being an abused child or neglected child as  
14          defined in the Abused and Neglected Child Reporting Act;

15          (r) physical illness, mental illness, or any other  
16          impairment or disability, including, but not limited to,  
17          deterioration through the aging process, or loss of motor  
18          skills that results in the inability to practice the  
19          profession with reasonable judgment, skill or safety;

20          (s) solicitation of professional services by using  
21          false or misleading advertising; or

22          (t) violation of the Health Care Worker Self-Referral  
23          Act.

24          (2) (Blank).

25          (3) The determination by a court that a licensee is subject  
26          to involuntary admission or judicial admission as provided in

1 the Mental Health and Developmental Disabilities Code, will  
2 result in an automatic suspension of his license. Such  
3 suspension will end upon a finding by a court that the licensee  
4 is no longer subject to involuntary admission or judicial  
5 admission and issues an order so finding and discharging the  
6 patient, and upon the recommendation of the Board to the  
7 Secretary that the licensee be allowed to resume professional  
8 practice.

9 (4) The Department may refuse to issue or renew or may  
10 suspend the license of a person who (i) fails to file a return,  
11 pay the tax, penalty, or interest shown in a filed return, or  
12 pay any final assessment of tax, penalty, or interest, as  
13 required by any tax Act administered by the Department of  
14 Revenue, until the requirements of the tax Act are satisfied or  
15 (ii) has failed to pay any court-ordered child support as  
16 determined by a court order or by referral from the Department  
17 of Healthcare and Family Services.

18 (5) In enforcing this Section, the Board upon a showing of  
19 a possible violation may compel a person licensed to practice  
20 under this Act, or who has applied for licensure or  
21 certification pursuant to this Act, to submit to a mental or  
22 physical examination, or both, as required by and at the  
23 expense of the Department. The examining physicians shall be  
24 those specifically designated by the Board. The Board or the  
25 Department may order the examining physician to present  
26 testimony concerning this mental or physical examination of the

1 licensee or applicant. No information shall be excluded by  
2 reason of any common law or statutory privilege relating to  
3 communications between the licensee or applicant and the  
4 examining physician. The person to be examined may have, at his  
5 or her own expense, another physician of his or her choice  
6 present during all aspects of the examination. Failure of any  
7 person to submit to a mental or physical examination, when  
8 directed, shall be grounds for suspension of a license until  
9 the person submits to the examination if the Board finds, after  
10 notice and hearing, that the refusal to submit to the  
11 examination was without reasonable cause.

12 If the Board finds a person unable to practice because of  
13 the reasons set forth in this Section, the Board may require  
14 that person to submit to care, counseling, or treatment by  
15 physicians approved or designated by the Board, as a condition,  
16 term, or restriction for continued, reinstated, or renewed  
17 licensure to practice; or, in lieu of care, counseling or  
18 treatment, the Board may recommend to the Department to file a  
19 complaint to immediately suspend, revoke or otherwise  
20 discipline the license of the person. Any person whose license  
21 was granted, continued, reinstated, renewed, disciplined or  
22 supervised subject to such terms, conditions or restrictions,  
23 and who fails to comply with such terms, conditions, or  
24 restrictions, shall be referred to the Secretary for a  
25 determination as to whether the person shall have his or her  
26 license suspended immediately, pending a hearing by the Board.

1           In instances in which the Secretary immediately suspends a  
2 person's license under this Section, a hearing on that person's  
3 license must be convened by the Board within 30 days after the  
4 suspension and completed without appreciable delay. The Board  
5 shall have the authority to review the subject person's record  
6 of treatment and counseling regarding the impairment, to the  
7 extent permitted by applicable federal statutes and  
8 regulations safeguarding the confidentiality of medical  
9 records.

10           A person licensed under this Act and affected under this  
11 Section shall be afforded an opportunity to demonstrate to the  
12 Board that he or she can resume practice in compliance with  
13 acceptable and prevailing standards under the provisions of his  
14 or her license.

15           (Source: P.A. 98-756, eff. 7-16-14.)

16           Section 35. The Dietitian Nutritionist Practice Act is  
17 amended by changing Section 95 and by adding Section 96 as  
18 follows:

19           (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

20           (Section scheduled to be repealed on January 1, 2023)

21           Sec. 95. Grounds for discipline.

22           (1) The Department may refuse to issue or renew, or may  
23 revoke, suspend, place on probation, reprimand, or take other  
24 disciplinary or non-disciplinary action as the Department may

1 deem appropriate, including imposing fines not to exceed  
2 \$10,000 for each violation, with regard to any license or  
3 certificate for any one or combination of the following causes:

4 (a) Material misstatement in furnishing information to  
5 the Department.

6 (b) Violations of this Act or of rules adopted under  
7 this Act.

8 (c) For licensees, conviction ~~Conviction~~ by plea of  
9 guilty or nolo contendere, finding of guilt, jury verdict,  
10 or entry of judgment or by sentencing of any crime,  
11 including, but not limited to, convictions, preceding  
12 sentences of supervision, conditional discharge, or first  
13 offender probation, under the laws of any jurisdiction of  
14 the United States (i) that is a felony or (ii) that is a  
15 misdemeanor, an essential element of which is dishonesty,  
16 or that is directly related to the practice of the  
17 profession. For applicants, the provisions of Section 96  
18 apply.

19 (d) Fraud or any misrepresentation in applying for or  
20 procuring a license under this Act or in connection with  
21 applying for renewal of a license under this Act.

22 (e) Professional incompetence or gross negligence.

23 (f) Malpractice.

24 (g) Aiding or assisting another person in violating any  
25 provision of this Act or its rules.

26 (h) Failing to provide information within 60 days in

1 response to a written request made by the Department.

2 (i) Engaging in dishonorable, unethical or  
3 unprofessional conduct of a character likely to deceive,  
4 defraud, or harm the public.

5 (j) Habitual or excessive use or abuse of drugs defined  
6 in law as controlled substances, alcohol, or any other  
7 substance that results in the inability to practice with  
8 reasonable judgment, skill, or safety.

9 (k) Discipline by another state, the District of  
10 Columbia, territory, country, or governmental agency if at  
11 least one of the grounds for the discipline is the same or  
12 substantially equivalent to those set forth in this Act.

13 (l) Charging for professional services not rendered,  
14 including filing false statements for the collection of  
15 fees for which services are not rendered. Nothing in this  
16 paragraph (1) affects any bona fide independent contractor  
17 or employment arrangements among health care  
18 professionals, health facilities, health care providers,  
19 or other entities, except as otherwise prohibited by law.  
20 Any employment arrangements may include provisions for  
21 compensation, health insurance, pension, or other  
22 employment benefits for the provision of services within  
23 the scope of the licensee's practice under this Act.  
24 Nothing in this paragraph (1) shall be construed to require  
25 an employment arrangement to receive professional fees for  
26 services rendered.

1 (m) A finding by the Department that the licensee,  
2 after having his or her license placed on probationary  
3 status, has violated the terms of probation.

4 (n) Willfully making or filing false records or reports  
5 in his or her practice, including, but not limited to,  
6 false records filed with State agencies or departments.

7 (o) Allowing one's license under this Act to be used by  
8 an unlicensed person in violation of this Act.

9 (p) Practicing under a false or, except as provided by  
10 law, an assumed name.

11 (q) Gross and willful overcharging for professional  
12 services.

13 (r) (Blank).

14 (s) Willfully failing to report an instance of  
15 suspected child abuse or neglect as required by the Abused  
16 and Neglected Child Reporting Act.

17 (t) Cheating on or attempting to subvert a licensing  
18 examination administered under this Act.

19 (u) Mental illness or disability that results in the  
20 inability to practice under this Act with reasonable  
21 judgment, skill, or safety.

22 (v) Physical illness, including, but not limited to,  
23 deterioration through the aging process or loss of motor  
24 skill that results in a licensee's inability to practice  
25 under this Act with reasonable judgment, skill, or safety.

26 (w) Advising an individual to discontinue, reduce,



1           increase, or otherwise alter the intake of a drug  
2           prescribed by a physician licensed to practice medicine in  
3           all its branches or by a prescriber as defined in Section  
4           102 of the Illinois Controlled Substances Act.

5           (2) The Department may refuse to issue or may suspend  
6           without hearing, as provided for in the Code of Civil  
7           Procedure, the license of any person who fails to file a  
8           return, or pay the tax, penalty, or interest shown in a filed  
9           return, or pay any final assessment of the tax, penalty, or  
10          interest as required by any tax Act administered by the  
11          Illinois Department of Revenue, until such time as the  
12          requirements of any such tax Act are satisfied in accordance  
13          with subsection (g) of Section 2105-15 of the Civil  
14          Administrative Code of Illinois.

15          (3) The Department shall deny a license or renewal  
16          authorized by this Act to a person who has defaulted on an  
17          educational loan or scholarship provided or guaranteed by the  
18          Illinois Student Assistance Commission or any governmental  
19          agency of this State in accordance with item (5) of subsection  
20          (a) of Section 2105-15 of the Civil Administrative Code of  
21          Illinois.

22          (4) In cases where the Department of Healthcare and Family  
23          Services has previously determined a licensee or a potential  
24          licensee is more than 30 days delinquent in the payment of  
25          child support and has subsequently certified the delinquency to  
26          the Department, the Department may refuse to issue or renew or

1 may revoke or suspend that person's license or may take other  
2 disciplinary action against that person based solely upon the  
3 certification of delinquency made by the Department of  
4 Healthcare and Family Services in accordance with item (5) of  
5 subsection (a) of Section 2105-15 of the Civil Administrative  
6 Code of Illinois.

7 (5) The determination by a circuit court that a licensee is  
8 subject to involuntary admission or judicial admission, as  
9 provided in the Mental Health and Developmental Disabilities  
10 Code, operates as an automatic suspension. The suspension shall  
11 end only upon a finding by a court that the patient is no  
12 longer subject to involuntary admission or judicial admission  
13 and the issuance of an order so finding and discharging the  
14 patient.

15 (6) In enforcing this Act, the Department, upon a showing  
16 of a possible violation, may compel an individual licensed to  
17 practice under this Act, or who has applied for licensure under  
18 this Act, to submit to a mental or physical examination, or  
19 both, as required by and at the expense of the Department. The  
20 Department may order the examining physician to present  
21 testimony concerning the mental or physical examination of the  
22 licensee or applicant. No information shall be excluded by  
23 reason of any common law or statutory privilege relating to  
24 communications between the licensee or applicant and the  
25 examining physician. The examining physicians shall be  
26 specifically designated by the Department. The individual to be

1 examined may have, at his or her own expense, another physician  
2 of his or her choice present during all aspects of this  
3 examination. The examination shall be performed by a physician  
4 licensed to practice medicine in all its branches. Failure of  
5 an individual to submit to a mental or physical examination,  
6 when directed, shall result in an automatic suspension without  
7 hearing.

8 A person holding a license under this Act or who has  
9 applied for a license under this Act who, because of a physical  
10 or mental illness or disability, including, but not limited to,  
11 deterioration through the aging process or loss of motor skill,  
12 is unable to practice the profession with reasonable judgment,  
13 skill, or safety, may be required by the Department to submit  
14 to care, counseling, or treatment by physicians approved or  
15 designated by the Department as a condition, term, or  
16 restriction for continued, reinstated, or renewed licensure to  
17 practice. Submission to care, counseling, or treatment as  
18 required by the Department shall not be considered discipline  
19 of a license. If the licensee refuses to enter into a care,  
20 counseling, or treatment agreement or fails to abide by the  
21 terms of the agreement, then the Department may file a  
22 complaint to revoke, suspend, or otherwise discipline the  
23 license of the individual. The Secretary may order the license  
24 suspended immediately, pending a hearing by the Department.  
25 Fines shall not be assessed in disciplinary actions involving  
26 physical or mental illness or impairment.

1           In instances in which the Secretary immediately suspends a  
2 person's license under this Section, a hearing on that person's  
3 license must be convened by the Department within 15 days after  
4 the suspension and completed without appreciable delay. The  
5 Department shall have the authority to review the subject  
6 individual's record of treatment and counseling regarding the  
7 impairment to the extent permitted by applicable federal  
8 statutes and regulations safeguarding the confidentiality of  
9 medical records.

10           An individual licensed under this Act and affected under  
11 this Section shall be afforded an opportunity to demonstrate to  
12 the Department that he or she can resume practice in compliance  
13 with acceptable and prevailing standards under the provisions  
14 of his or her license.

15           (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;  
16 98-756, eff. 7-16-14.)

17           (225 ILCS 30/96 new)

18           Sec. 96. Applicant convictions.

19           (a) The Department shall not require the applicant to  
20 report the following information and shall not consider the  
21 following criminal history records in connection with an  
22 application for licensure:

23           (1) Juvenile adjudications of delinquent minors as  
24 defined in Section 5-105 of the Juvenile Court Act of 1987,  
25 subject to the restrictions set forth in Section 5-130 of

1 the Juvenile Court Act of 1987.

2 (2) Law enforcement records, court records, and  
3 conviction records of an individual who was 17 years old at  
4 the time of the offense and before January 1, 2014, unless  
5 the nature of the offense required the individual to be  
6 tried as an adult.

7 (3) Records of arrest not followed by a conviction  
8 unless related to the practice of the profession. However,  
9 applicants shall not be asked to report any arrests, and,  
10 an arrest not followed by a conviction shall not be the  
11 basis of a denial and may be used only to assess an  
12 applicant's rehabilitation.

13 (4) Convictions overturned by a higher court.

14 (5) Convictions or arrests that have been sealed or  
15 expunged.

16 (b) When reviewing, for the purpose of licensure, a  
17 conviction of any felony or a misdemeanor directly related to  
18 the practice of the profession of an applicant, the Department  
19 shall consider any evidence of rehabilitation and mitigating  
20 factors contained in the applicant's record, including any of  
21 the following:

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

26 (2) whether 5 years since a felony conviction or 3

1       years since release from confinement for the conviction,  
2       whichever is later, have passed without a subsequent  
3       conviction;

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

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

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

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

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

24       (8) any other mitigating factors that contribute to the  
25       person's potential and current ability to perform the  
26       duties and responsibilities of the position for which a

1 license or employment is sought.

2 (c) It is the affirmative obligation of the Department to  
3 demonstrate that a prior conviction would impair the ability of  
4 the applicant to engage in the licensed practice. If the  
5 Department refuses to issue a license to an applicant, then the  
6 Department shall notify the applicant of the denial in writing  
7 with the following included in the notice of denial:

8 (1) a statement about the decision to refuse to issue a  
9 license;

10 (2) a list of the conviction items that formed the sole  
11 or partial basis for the refusal to issue a license;

12 (3) a list of the mitigating evidence presented by the  
13 applicant;

14 (4) reasons for refusing to issue a license specific to  
15 the evidence presented in mitigation of conviction items  
16 that formed the partial or sole basis for the Department's  
17 decision; and

18 (5) a summary of the appeal process or the earliest the  
19 applicant may reapply for a license, whichever is  
20 applicable.

21 (d) No later than May 1 of each year, the Department must  
22 prepare, publicly announce, and publish a report of summary  
23 statistical information relating to new and renewal license  
24 applications during the preceding calendar year. Each report  
25 shall show, at a minimum:

26 (1) the number of applicants for a new or renewal

1 license under this Act within the previous calendar year;

2 (2) the number of applicants for a new or renewal  
3 license under this Act within the previous calendar year  
4 who had any criminal conviction;

5 (3) the number of applicants for a new or renewal  
6 license under this Act in the previous calendar year who  
7 were granted a license;

8 (4) the number of applicants for a new or renewal  
9 license with a criminal conviction who were granted a  
10 license under this Act within the previous calendar year;

11 (5) the number of applicants for a new or renewal  
12 license under this Act within the previous calendar year  
13 who were denied a license;

14 (6) the number of applicants for a new or renewal  
15 license with a criminal conviction who were denied a  
16 license under this Act in the previous calendar year in  
17 part or in whole because of a prior conviction;

18 (7) the number of probationary licenses without  
19 monitoring issued under this Act in the previous calendar  
20 year to applicants with a criminal conviction; and

21 (8) the number of probationary licenses with  
22 monitoring issued under this Act in the previous calendar  
23 year to applicants with a criminal conviction.

24 Section 40. The Environmental Health Practitioner  
25 Licensing Act is amended by changing Section 35 and by adding



1 Section 32 as follows:

2 (225 ILCS 37/32 new)

3 Sec. 32. Applicant convictions.

4 (a) The Department shall not require the applicant to  
5 report the following information and shall not consider the  
6 following criminal history records in connection with an  
7 application for licensure:

8 (1) Juvenile adjudications of delinquent minors as  
9 defined in Section 5-105 of the Juvenile Court Act of 1987,  
10 subject to the restrictions set forth in Section 5-130 of  
11 the Juvenile Court Act of 1987.

12 (2) Law enforcement records, court records, and  
13 conviction records of an individual who was 17 years old at  
14 the time of the offense and before January 1, 2014, unless  
15 the nature of the offense required the individual to be  
16 tried as an adult.

17 (3) Records of arrest not followed by a conviction  
18 unless related to the practice of the profession. However,  
19 applicants shall not be asked to report any arrests, and,  
20 an arrest not followed by a conviction shall not be the  
21 basis of a denial and may be used only to assess an  
22 applicant's rehabilitation.

23 (4) Convictions overturned by a higher court.

24 (5) Convictions or arrests that have been sealed or  
25 expunged.

1       (b) When reviewing, for the purpose of determining whether  
2 to grant a license, a conviction of any misdemeanor directly  
3 related to the practice of the profession or of any felony of  
4 the applicant, the Department shall consider any evidence of  
5 rehabilitation and mitigating factors contained in the  
6 applicant's record, including any of the following:

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

11           (2) whether 5 years since a felony conviction or 3  
12 years since release from confinement for the conviction,  
13 whichever is later, have passed without a subsequent  
14 conviction;

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

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

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

26           (6) evidence of the applicant's present fitness and

1       professional character;

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

9           (8) any other mitigating factors that contribute to the  
10       person's potential and current ability to perform the  
11       duties and responsibilities of the position for which a  
12       license or employment is sought.

13       (c) It is the affirmative obligation of the Department to  
14       demonstrate that a prior conviction would impair the ability of  
15       the applicant to engage in the licensed practice. If the  
16       Department refuses to issue a license to an applicant, then the  
17       applicant shall be notified of the denial in writing with the  
18       following included in the notice of denial:

19           (1) a statement about the decision to refuse to issue a  
20       license;

21           (2) a list of the convictions that formed the sole or  
22       partial basis for the refusal to issue a license;

23           (3) a list of the mitigating evidence presented by the  
24       applicant;

25           (4) reasons for refusing to issue a license specific to  
26       the evidence presented in mitigation of conviction items

1 that formed the partial or sole basis for the Department's  
2 decision; and

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

6 (d) No later than May 1 of each year, the Department must  
7 prepare, publicly announce, and publish a report of summary  
8 statistical information relating to new and renewal license  
9 applications during the preceding calendar year. Each report  
10 shall show, at a minimum:

11 (1) the number of applicants for a new or renewal  
12 license under this Act within the previous calendar year;

13 (2) the number of applicants for a new or renewal  
14 license under this Act within the previous calendar year  
15 who had any criminal conviction;

16 (3) the number of applicants for a new or renewal  
17 license under this Act in the previous calendar year who  
18 were granted a license;

19 (4) the number of applicants for a new or renewal  
20 license with a criminal conviction who were granted a  
21 license under this Act within the previous calendar year;

22 (5) the number of applicants for a new or renewal  
23 license under this Act within the previous calendar year  
24 who were denied a license;

25 (6) the number of applicants for a new or renewal  
26 license with a criminal conviction who were denied a

1 license under this Act in the previous calendar year in  
2 part or in whole because of a prior conviction;

3 (7) the number of probationary licenses without  
4 monitoring issued under this Act in the previous calendar  
5 year to applicants with a criminal conviction; and

6 (8) the number of probationary licenses with  
7 monitoring issued under this Act in the previous calendar  
8 year to applicants with a criminal conviction.

9 (225 ILCS 37/35)

10 (Section scheduled to be repealed on January 1, 2019)

11 Sec. 35. Grounds for discipline.

12 (a) The Department may refuse to issue or renew, or may  
13 revoke, suspend, place on probation, reprimand, or take other  
14 disciplinary action with regard to any license issued under  
15 this Act as the Department may consider proper, including the  
16 imposition of fines not to exceed \$5,000 for each violation,  
17 for any one or combination of the following causes:

18 (1) Material misstatement in furnishing information to  
19 the Department.

20 (2) Violations of this Act or its rules.

21 (3) For licensees, conviction ~~Conviction~~ of any felony  
22 under the laws of any U.S. jurisdiction, any misdemeanor an  
23 essential element of which is dishonesty, or any crime that  
24 is directly related to the practice of the profession; for  
25 applicants only, the provisions of Section 32 apply.

1           (4) Making any misrepresentation for the purpose of  
2 obtaining a certificate of registration.

3           (5) Professional incompetence.

4           (6) Aiding or assisting another person in violating any  
5 provision of this Act or its rules.

6           (7) Failing to provide information within 60 days in  
7 response to a written request made by the Department.

8           (8) Engaging in dishonorable, unethical, or  
9 unprofessional conduct of a character likely to deceive,  
10 defraud, or harm the public as defined by rules of the  
11 Department.

12           (9) Habitual or excessive use or addiction to alcohol,  
13 narcotics, stimulants, or any other chemical agent or drug  
14 that results in an environmental health practitioner's  
15 inability to practice with reasonable judgment, skill, or  
16 safety.

17           (10) Discipline by another U.S. jurisdiction or  
18 foreign nation, if at least one of the grounds for a  
19 discipline is the same or substantially equivalent to those  
20 set forth in this Act.

21           (11) A finding by the Department that the registrant,  
22 after having his or her license placed on probationary  
23 status, has violated the terms of probation.

24           (12) Willfully making or filing false records or  
25 reports in his or her practice, including, but not limited  
26 to, false records filed with State agencies or departments.

1           (13) Physical illness, including, but not limited to,  
2 deterioration through the aging process or loss of motor  
3 skills that result in the inability to practice the  
4 profession with reasonable judgment, skill, or safety.

5           (14) Failure to comply with rules promulgated by the  
6 Illinois Department of Public Health or other State  
7 agencies related to the practice of environmental health.

8           (15) The Department shall deny any application for a  
9 license or renewal of a license under this Act, without  
10 hearing, to a person who has defaulted on an educational  
11 loan guaranteed by the Illinois Student Assistance  
12 Commission; however, the Department may issue a license or  
13 renewal of a license if the person in default has  
14 established a satisfactory repayment record as determined  
15 by the Illinois Student Assistance Commission.

16           (16) Solicitation of professional services by using  
17 false or misleading advertising.

18           (17) A finding that the license has been applied for or  
19 obtained by fraudulent means.

20           (18) Practicing or attempting to practice under a name  
21 other than the full name as shown on the license or any  
22 other legally authorized name.

23           (19) Gross overcharging for professional services  
24 including filing statements for collection of fees or  
25 moneys for which services are not rendered.

26           (b) The Department may refuse to issue or may suspend the

1 license of any person who fails to (i) file a return, (ii) pay  
2 the tax, penalty, or interest shown in a filed return; or (iii)  
3 pay any final assessment of the tax, penalty, or interest as  
4 required by any tax Act administered by the Illinois Department  
5 of Revenue until the requirements of the tax Act are satisfied.

6 (c) The determination by a circuit court that a licensee is  
7 subject to involuntary admission or judicial admission to a  
8 mental health facility as provided in the Mental Health and  
9 Developmental Disabilities Code operates as an automatic  
10 suspension. The suspension may end only upon a finding by a  
11 court that the licensee is no longer subject to involuntary  
12 admission or judicial admission, the issuance of an order so  
13 finding and discharging the patient, and the recommendation of  
14 the Board to the Director that the licensee be allowed to  
15 resume practice.

16 (d) In enforcing this Section, the Department, upon a  
17 showing of a possible violation, may compel any person licensed  
18 to practice under this Act or who has applied for licensure or  
19 certification pursuant to this Act to submit to a mental or  
20 physical examination, or both, as required by and at the  
21 expense of the Department. The examining physicians shall be  
22 those specifically designated by the Department. The  
23 Department may order the examining physician to present  
24 testimony concerning this mental or physical examination of the  
25 licensee or applicant. No information shall be excluded by  
26 reason of any common law or statutory privilege relating to



1 communications between the licensee or applicant and the  
2 examining physician. The person to be examined may have, at his  
3 or her own expense, another physician of his or her choice  
4 present during all aspects of the examination. Failure of any  
5 person to submit to a mental or physical examination, when  
6 directed, shall be grounds for suspension of a license until  
7 the person submits to the examination if the Department finds,  
8 after notice and hearing, that the refusal to submit to the  
9 examination was without reasonable cause.

10 If the Department finds an individual unable to practice  
11 because of the reasons set forth in this Section, the  
12 Department may require that individual to submit to care,  
13 counseling, or treatment by physicians approved or designated  
14 by the Department, as a condition, term, or restriction for  
15 continued, reinstated, or renewed licensure to practice or, in  
16 lieu of care, counseling, or treatment, the Department may file  
17 a complaint to immediately suspend, revoke, or otherwise  
18 discipline the license of the individual.

19 Any person whose license was granted, continued,  
20 reinstated, renewed, disciplined, or supervised subject to  
21 such terms, conditions, or restrictions and who fails to comply  
22 with such terms, conditions, or restrictions shall be referred  
23 to the Director for a determination as to whether the person  
24 shall have his or her license suspended immediately, pending a  
25 hearing by the Department.

26 In instances in which the Director immediately suspends a

1 person's license under this Section, a hearing on that person's  
2 license must be convened by the Department within 15 days after  
3 the suspension and completed without appreciable delay. The  
4 Department shall have the authority to review the subject  
5 person's record of treatment and counseling regarding the  
6 impairment, to the extent permitted by applicable federal  
7 statutes and regulations safeguarding the confidentiality of  
8 medical records.

9 A person licensed under this Act and affected under this  
10 Section shall be afforded an opportunity to demonstrate to the  
11 Department that he or she can resume practice in compliance  
12 with acceptable and prevailing standards under the provisions  
13 of his or her license.

14 (Source: P.A. 92-837, eff. 8-22-02.)

15 Section 45. The Massage Licensing Act is amended by  
16 changing Sections 15 and 45 and by adding Section 15.1 as  
17 follows:

18 (225 ILCS 57/15)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 15. Licensure requirements.

21 (a) Persons engaged in massage for compensation must be  
22 licensed by the Department. The Department shall issue a  
23 license to an individual who meets all of the following  
24 requirements:

1           (1) The applicant has applied in writing on the  
2           prescribed forms and has paid the required fees.

3           (2) The applicant is at least 18 years of age and of  
4           good moral character. In determining good moral character,  
5           the Department may take into consideration conviction of  
6           any crime under the laws of the United States or any state  
7           or territory thereof that is a felony or is a misdemeanor  
8           ~~or any crime that is~~ directly related to the practice of  
9           the profession and evidence of rehabilitation and  
10          mitigating factors set forth in Section 15.1 of this Act.

11          Such a conviction shall not operate automatically as a  
12          complete bar to a license, except in the case of any  
13          conviction for prostitution, rape, or sexual misconduct,  
14          or where the applicant is a registered sex offender.

15          (3) The applicant has met one of the following  
16          requirements:

17                (A) has successfully completed a massage therapy  
18                program approved by the Department that requires a  
19                minimum of 500 hours, except applicants applying on or  
20                after January 1, 2014 shall meet a minimum requirement  
21                of 600 hours, and has passed a competency examination  
22                approved by the Department;

23                (B) holds a current license from another  
24                jurisdiction having licensure requirements that  
25                include the completion of a massage therapy program of  
26                at least 500 hours; or

1 (C) (blank).

2 (b) Each applicant for licensure as a massage therapist  
3 shall have his or her fingerprints submitted to the Department  
4 of State Police in an electronic format that complies with the  
5 form and manner for requesting and furnishing criminal history  
6 record information as prescribed by the Department of State  
7 Police. These fingerprints shall be checked against the  
8 Department of State Police and Federal Bureau of Investigation  
9 criminal history record databases now and hereafter filed. The  
10 Department of State Police shall charge applicants a fee for  
11 conducting the criminal history records check, which shall be  
12 deposited into the State Police Services Fund and shall not  
13 exceed the actual cost of the records check. The Department of  
14 State Police shall furnish, pursuant to positive  
15 identification, records of Illinois convictions to the  
16 Department. The Department may require applicants to pay a  
17 separate fingerprinting fee, either to the Department or to a  
18 vendor. The Department, in its discretion, may allow an  
19 applicant who does not have reasonable access to a designated  
20 vendor to provide his or her fingerprints in an alternative  
21 manner. The Department may adopt any rules necessary to  
22 implement this Section.

23 (Source: P.A. 97-514, eff. 8-23-11.)

24 (225 ILCS 57/15.1 new)

25 Sec. 15.1. Applicant convictions.

1       (a) The Department shall not require the applicant to  
2 report the following information and shall not consider the  
3 following criminal history records in connection with an  
4 application for licensure:

5           (1) Juvenile adjudications of delinquent minors as  
6 defined in Section 5-105 of the Juvenile Court Act of 1987,  
7 subject to the restrictions set forth in Section 5-130 of  
8 the Juvenile Court Act of 1987.

9           (2) Law enforcement records, court records, and  
10 conviction records of an individual who was 17 years old at  
11 the time of the offense and before January 1, 2014, unless  
12 the nature of the offense required the individual to be  
13 tried as an adult.

14           (3) Records of arrest not followed by a conviction  
15 unless related to the practice of the profession. However,  
16 applicants shall not be asked to report any arrests, and,  
17 an arrest not followed by a conviction shall not be the  
18 basis of a denial and may be used only to assess an  
19 applicant's rehabilitation.

20           (4) Convictions overturned by a higher court.

21           (5) Convictions or arrests that have been sealed or  
22 expunged.

23       (b) No application for any license under this Act shall be  
24 denied by reason of a finding of lack of "good moral character"  
25 when the finding is based upon the fact that the applicant has  
26 previously been convicted of one or more criminal offenses.

1 When reviewing, for the purpose of determining moral character  
2 or licensure, a conviction of any felony or a misdemeanor  
3 directly related to the practice of the profession, except of  
4 an offense related to prostitution, rape, or sexual misconduct,  
5 or where the applicant is a registered sex offender, by plea of  
6 guilty or nolo contendere, finding of guilt, jury verdict, or  
7 entry of judgment or by sentencing of an applicant, the  
8 Department shall consider any evidence of rehabilitation and  
9 mitigating factors contained in the applicant's record,  
10 including any of the following:

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

15 (2) whether 5 years since a felony conviction not  
16 involving prostitution, rape, or sexual misconduct, or  
17 requiring registration as a sex offender, or 3 years since  
18 release from confinement for the conviction, whichever is  
19 later, have passed without a subsequent conviction;

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

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

26 (5) successful completion of sentence and, for

1 applicants serving a term of parole or probation, a  
2 progress report provided by the applicant's probation or  
3 parole officer that documents the applicant's compliance  
4 with conditions of supervision;

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

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

14 (8) any other mitigating factors that contribute to the  
15 person's potential and current ability to perform the  
16 duties and responsibilities of the position for which a  
17 license or employment is sought.

18 (c) It is the affirmative obligation of the Department to  
19 demonstrate that a prior conviction would impair the ability of  
20 the applicant to engage in the licensed practice. If the  
21 Department refuses to issue a license to an applicant, then the  
22 Department shall notify the applicant of the denial in writing  
23 with the following included in the notice of denial:

24 (1) a statement about the decision to refuse to issue a  
25 license;

26 (2) a list of the conviction items that formed the sole

1 or partial basis for the refusal to issue a license;

2 (3) a list of the mitigating evidence presented by the  
3 applicant;

4 (4) reasons for refusing to issue a license specific to  
5 the evidence presented in mitigation of conviction items  
6 that formed the partial or sole basis for the Department's  
7 decision; and

8 (5) a summary of the appeal process or the earliest the  
9 applicant may reapply for a license, whichever is  
10 applicable.

11 (d) No later than May 1 of each year, the Department must  
12 prepare, publicly announce, and publish a report of summary  
13 statistical information relating to new and renewal license  
14 applications during the preceding calendar year. Each report  
15 shall show, at a minimum:

16 (1) the number of applicants for a new or renewal  
17 license under this Act within the previous calendar year;

18 (2) the number of applicants for a new or renewal  
19 license under this Act within the previous calendar year  
20 who had any criminal conviction;

21 (3) the number of applicants for a new or renewal  
22 license under this Act in the previous calendar year who  
23 were granted a license;

24 (4) the number of applicants for a new or renewal  
25 license with a criminal conviction who were granted a  
26 license under this Act within the previous calendar year;



1           (5) the number of applicants for a new or renewal  
2           license under this Act within the previous calendar year  
3           who were denied a license;

4           (6) the number of applicants for a new or renewal  
5           license with a criminal conviction who were denied a  
6           license under this Act in the previous calendar year in  
7           part or in whole because of a prior conviction;

8           (7) the number of probationary licenses without  
9           monitoring issued under this Act in the previous calendar  
10           year to applicants with a criminal conviction; and

11           (8) the number of probationary licenses with  
12           monitoring issued under this Act in the previous calendar  
13           year to applicants with a criminal conviction.

14           (225 ILCS 57/45)

15           (Section scheduled to be repealed on January 1, 2022)

16           Sec. 45. Grounds for discipline.

17           (a) The Department may refuse to issue or renew, or may  
18           revoke, suspend, place on probation, reprimand, or take other  
19           disciplinary or non-disciplinary action, as the Department  
20           considers appropriate, including the imposition of fines not to  
21           exceed \$10,000 for each violation, with regard to any license  
22           or licensee for any one or more of the following:

23                   (1) violations of this Act or of the rules adopted  
24                   under this Act;

25                   (2) for licensees, conviction by plea of guilty or nolo

1           contendere, finding of guilt, jury verdict, or entry of  
2           judgment or by sentencing of any crime, including, but not  
3           limited to, convictions, preceding sentences of  
4           supervision, conditional discharge, or first offender  
5           probation, under the laws of any jurisdiction of the United  
6           States: (i) that is a felony; or (ii) that is a  
7           misdemeanor, an essential element of which is dishonesty,  
8           or that is directly related to the practice of the  
9           profession; for applicants, the provisions of Section 15.1  
10          apply;

11           (3) professional incompetence;

12           (4) advertising in a false, deceptive, or misleading  
13          manner;

14           (5) aiding, abetting, assisting, procuring, advising,  
15          employing, or contracting with any unlicensed person to  
16          practice massage contrary to any rules or provisions of  
17          this Act;

18           (6) engaging in immoral conduct in the commission of  
19          any act, such as sexual abuse, sexual misconduct, or sexual  
20          exploitation, related to the licensee's practice;

21           (7) engaging in dishonorable, unethical, or  
22          unprofessional conduct of a character likely to deceive,  
23          defraud, or harm the public;

24           (8) practicing or offering to practice beyond the scope  
25          permitted by law or accepting and performing professional  
26          responsibilities which the licensee knows or has reason to

1 know that he or she is not competent to perform;

2 (9) knowingly delegating professional responsibilities  
3 to a person unqualified by training, experience, or  
4 licensure to perform;

5 (10) failing to provide information in response to a  
6 written request made by the Department within 60 days;

7 (11) having a habitual or excessive use of or addiction  
8 to alcohol, narcotics, stimulants, or any other chemical  
9 agent or drug which results in the inability to practice  
10 with reasonable judgment, skill, or safety;

11 (12) having a pattern of practice or other behavior  
12 that demonstrates incapacity or incompetence to practice  
13 under this Act;

14 (13) discipline by another state, District of  
15 Columbia, territory, or foreign nation, if at least one of  
16 the grounds for the discipline is the same or substantially  
17 equivalent to those set forth in this Section;

18 (14) a finding by the Department that the licensee,  
19 after having his or her license placed on probationary  
20 status, has violated the terms of probation;

21 (15) willfully making or filing false records or  
22 reports in his or her practice, including, but not limited  
23 to, false records filed with State agencies or departments;

24 (16) making a material misstatement in furnishing  
25 information to the Department or otherwise making  
26 misleading, deceptive, untrue, or fraudulent

1 representations in violation of this Act or otherwise in  
2 the practice of the profession;

3 (17) fraud or misrepresentation in applying for or  
4 procuring a license under this Act or in connection with  
5 applying for renewal of a license under this Act;

6 (18) inability to practice the profession with  
7 reasonable judgment, skill, or safety as a result of  
8 physical illness, including, but not limited to,  
9 deterioration through the aging process, loss of motor  
10 skill, or a mental illness or disability;

11 (19) charging for professional services not rendered,  
12 including filing false statements for the collection of  
13 fees for which services are not rendered;

14 (20) practicing under a false or, except as provided by  
15 law, an assumed name; or

16 (21) cheating on or attempting to subvert the licensing  
17 examination administered under this Act.

18 All fines shall be paid within 60 days of the effective  
19 date of the order imposing the fine.

20 (b) A person not licensed under this Act and engaged in the  
21 business of offering massage therapy services through others,  
22 shall not aid, abet, assist, procure, advise, employ, or  
23 contract with any unlicensed person to practice massage therapy  
24 contrary to any rules or provisions of this Act. A person  
25 violating this subsection (b) shall be treated as a licensee  
26 for the purposes of disciplinary action under this Section and

1 shall be subject to cease and desist orders as provided in  
2 Section 90 of this Act.

3 (c) The Department shall revoke any license issued under  
4 this Act of any person who is convicted of prostitution, rape,  
5 sexual misconduct, or any crime that subjects the licensee to  
6 compliance with the requirements of the Sex Offender  
7 Registration Act and any such conviction shall operate as a  
8 permanent bar in the State of Illinois to practice as a massage  
9 therapist.

10 (d) The Department may refuse to issue or may suspend the  
11 license of any person who fails to file a tax return, to pay  
12 the tax, penalty, or interest shown in a filed tax return, or  
13 to pay any final assessment of tax, penalty, or interest, as  
14 required by any tax Act administered by the Illinois Department  
15 of Revenue, until such time as the requirements of the tax Act  
16 are satisfied in accordance with subsection (g) of Section  
17 2105-15 of the Civil Administrative Code of Illinois.

18 (e) The Department shall deny a license or renewal  
19 authorized by this Act to a person who has defaulted on an  
20 educational loan or scholarship provided or guaranteed by the  
21 Illinois Student Assistance Commission or any governmental  
22 agency of this State in accordance with item (5) of subsection  
23 (a) of Section 2105-15 of the Civil Administrative Code of  
24 Illinois.

25 (f) In cases where the Department of Healthcare and Family  
26 Services has previously determined that a licensee or a

1 potential licensee is more than 30 days delinquent in the  
2 payment of child support and has subsequently certified the  
3 delinquency to the Department, the Department may refuse to  
4 issue or renew or may revoke or suspend that person's license  
5 or may take other disciplinary action against that person based  
6 solely upon the certification of delinquency made by the  
7 Department of Healthcare and Family Services in accordance with  
8 item (5) of subsection (a) of Section 2105-15 of the Civil  
9 Administrative Code of Illinois.

10 (g) The determination by a circuit court that a licensee is  
11 subject to involuntary admission or judicial admission, as  
12 provided in the Mental Health and Developmental Disabilities  
13 Code, operates as an automatic suspension. The suspension will  
14 end only upon a finding by a court that the patient is no  
15 longer subject to involuntary admission or judicial admission  
16 and the issuance of a court order so finding and discharging  
17 the patient.

18 (h) In enforcing this Act, the Department or Board, upon a  
19 showing of a possible violation, may compel an individual  
20 licensed to practice under this Act, or who has applied for  
21 licensure under this Act, to submit to a mental or physical  
22 examination, or both, as required by and at the expense of the  
23 Department. The Department or Board may order the examining  
24 physician to present testimony concerning the mental or  
25 physical examination of the licensee or applicant. No  
26 information shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the  
2 licensee or applicant and the examining physician. The  
3 examining physicians shall be specifically designated by the  
4 Board or Department. The individual to be examined may have, at  
5 his or her own expense, another physician of his or her choice  
6 present during all aspects of this examination. The examination  
7 shall be performed by a physician licensed to practice medicine  
8 in all its branches. Failure of an individual to submit to a  
9 mental or physical examination, when directed, shall result in  
10 an automatic suspension without hearing.

11 A person holding a license under this Act or who has  
12 applied for a license under this Act who, because of a physical  
13 or mental illness or disability, including, but not limited to,  
14 deterioration through the aging process or loss of motor skill,  
15 is unable to practice the profession with reasonable judgment,  
16 skill, or safety, may be required by the Department to submit  
17 to care, counseling, or treatment by physicians approved or  
18 designated by the Department as a condition, term, or  
19 restriction for continued, reinstated, or renewed licensure to  
20 practice. Submission to care, counseling, or treatment as  
21 required by the Department shall not be considered discipline  
22 of a license. If the licensee refuses to enter into a care,  
23 counseling, or treatment agreement or fails to abide by the  
24 terms of the agreement, the Department may file a complaint to  
25 revoke, suspend, or otherwise discipline the license of the  
26 individual. The Secretary may order the license suspended

1 immediately, pending a hearing by the Department. Fines shall  
2 not be assessed in disciplinary actions involving physical or  
3 mental illness or impairment.

4 In instances in which the Secretary immediately suspends a  
5 person's license under this Section, a hearing on that person's  
6 license must be convened by the Department within 15 days after  
7 the suspension and completed without appreciable delay. The  
8 Department and Board shall have the authority to review the  
9 subject individual's record of treatment and counseling  
10 regarding the impairment to the extent permitted by applicable  
11 federal statutes and regulations safeguarding the  
12 confidentiality of medical records.

13 An individual licensed under this Act and affected under  
14 this Section shall be afforded an opportunity to demonstrate to  
15 the Department or Board that he or she can resume practice in  
16 compliance with acceptable and prevailing standards under the  
17 provisions of his or her license.

18 (Source: P.A. 97-514, eff. 8-23-11; 98-756, eff. 7-16-14.)

19 Section 50. The Veterinary Medicine and Surgery Practice  
20 Act of 2004 is amended by changing Section 25 and adding  
21 Section 8.2 as follows:

22 (225 ILCS 115/8.2 new)

23 Sec. 8.2. Applicant convictions.

24 (a) The Department shall not require the applicant to



1 report information about the following and shall not consider  
2 the following criminal history records in connection with an  
3 application for a license or certification under this Act:

4 (1) Juvenile adjudications of delinquent minors as  
5 defined in Section 5-105 of the Juvenile Court Act of 1987,  
6 subject to the restrictions set forth in Section 5-130 of  
7 the Juvenile Court Act of 1987.

8 (2) Law enforcement records, court records, and  
9 conviction records of an individual who was 17 years old at  
10 the time of the offense and before January 1, 2014, unless  
11 the nature of the offense required the individual to be  
12 tried as an adult.

13 (3) Records of arrest not followed by a conviction  
14 unless related to the practice of the profession. However,  
15 applicants shall not be asked to report any arrests, and,  
16 an arrest not followed by a conviction shall not be the  
17 basis of a denial and may be used only to assess an  
18 applicant's rehabilitation.

19 (4) Convictions overturned by a higher court.

20 (5) Convictions or arrests that have been sealed or  
21 expunged.

22 (b) When determining whether to grant a license or  
23 certification to an applicant with a prior conviction of any  
24 felony or a misdemeanor directly related to the practice of the  
25 profession, the Department shall consider any evidence of  
26 rehabilitation and mitigating factors contained in the

1 applicant's record, including any of the following:

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

6 (2) whether 5 years since a felony conviction or 3  
7 years since release from confinement for the conviction,  
8 whichever is later, have passed without a subsequent  
9 conviction;

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

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

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

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

23 (7) evidence of rehabilitation or rehabilitative  
24 effort during or after incarceration, or during or after a  
25 term of supervision, including, but not limited to, a  
26 certificate of good conduct under Section 5-5.5-25 of the

1 Unified Code of Corrections or a certificate of relief from  
2 disabilities under Section 5-5.5-10 of the Unified Code of  
3 Corrections; and

4 (8) any other mitigating factors that contribute to the  
5 person's potential and current ability to perform the  
6 duties and responsibilities of the position for which a  
7 license or employment is sought.

8 (c) It is the affirmative obligation of the Department to  
9 demonstrate that a prior conviction would impair the ability of  
10 the applicant to engage in the practice requiring a license or  
11 certification. If the Department refuses to grant a license or  
12 certification to an applicant, then the Department shall notify  
13 the applicant of the denial in writing with the following  
14 included in the notice of denial:

15 (1) a statement about the decision to refuse to issue a  
16 license or certification;

17 (2) a list of the convictions that formed the sole or  
18 partial basis for the refusal to issue a license or  
19 certification;

20 (3) a list of the mitigating evidence presented by the  
21 applicant;

22 (4) reasons for refusing to issue a license or  
23 certification specific to the evidence presented in  
24 mitigation of conviction items that formed the partial or  
25 sole basis for the Department's decision; and

26 (5) a summary of the appeal process or the earliest the

1 applicant may reapply for a license or certification,  
2 whichever is applicable.

3 (d) No later than May 1 of each year, the Department  
4 must prepare, publicly announce, and publish a report of  
5 summary statistical information relating to new and  
6 renewal license applications during the preceding calendar  
7 year. Each report shall show, at a minimum:

8 (1) the number of applicants for a new or renewal  
9 license or certification under this Act within the previous  
10 calendar year;

11 (2) the number of applicants for a new or renewal  
12 license or certification under this Act within the previous  
13 calendar year who had any criminal conviction;

14 (3) the number of applicants for a new or renewal  
15 license or certification under this Act in the previous  
16 calendar year who were granted a license or certification;

17 (4) the number of applicants for a new or renewal  
18 license or certification with a criminal conviction who  
19 were granted a license or certification under this Act  
20 within the previous calendar year;

21 (5) the number of applicants for a new or renewal  
22 license or certification under this Act within the previous  
23 calendar year who were denied a license or certification;

24 (6) the number of applicants for a new or renewal  
25 license or certification with a criminal conviction who  
26 were denied a license or certification under this Act in

1       the previous calendar year in part or in whole because of a  
2       prior conviction;

3       (7) the number of probationary licenses or  
4       certification without monitoring issued under this Act in  
5       the previous calendar year to applicants with a criminal  
6       conviction; and

7       (8) the number of probationary licenses or  
8       certification with monitoring issued under this Act in the  
9       previous calendar year to applicants with a criminal  
10       conviction.

11       (225 ILCS 115/25) (from Ch. 111, par. 7025)

12       (Section scheduled to be repealed on January 1, 2024)

13       Sec. 25. Disciplinary actions.

14       1. The Department may refuse to issue or renew, or may  
15       revoke, suspend, place on probation, reprimand, or take other  
16       disciplinary or non-disciplinary action as the Department may  
17       deem appropriate, including imposing fines not to exceed  
18       \$10,000 for each violation and the assessment of costs as  
19       provided for in Section 25.3 of this Act, with regard to any  
20       license or certificate for any one or combination of the  
21       following:

22             A. Material misstatement in furnishing information to  
23       the Department.

24             B. Violations of this Act, or of the rules adopted  
25       pursuant to this Act.

1           C. For licensees, conviction ~~Conviction~~ by plea of  
2 guilty or nolo contendere, finding of guilt, jury verdict,  
3 or entry of judgment or by sentencing of any crime,  
4 including, but not limited to, convictions, preceding  
5 sentences of supervision, conditional discharge, or first  
6 offender probation, under the laws of any jurisdiction of  
7 the United States that is (i) a felony or (ii) a  
8 misdemeanor, an essential element of which is dishonesty,  
9 or that is directly related to the practice of the  
10 profession; for applicants, the provisions of Section 8.2  
11 apply.

12           D. Fraud or any misrepresentation in applying for or  
13 procuring a license under this Act or in connection with  
14 applying for renewal of a license under this Act.

15           E. Professional incompetence.

16           F. Malpractice.

17           G. Aiding or assisting another person in violating any  
18 provision of this Act or rules.

19           H. Failing, within 60 days, to provide information in  
20 response to a written request made by the Department.

21           I. Engaging in dishonorable, unethical, or  
22 unprofessional conduct of a character likely to deceive,  
23 defraud, or harm the public.

24           J. Habitual or excessive use or abuse of drugs defined  
25 in law as controlled substances, alcohol, or any other  
26 substance that results in the inability to practice with

1 reasonable judgment, skill, or safety.

2 K. Discipline by another state, unit of government,  
3 government agency, District of Columbia, territory, or  
4 foreign nation, if at least one of the grounds for the  
5 discipline is the same or substantially equivalent to those  
6 set forth herein.

7 L. Charging for professional services not rendered,  
8 including filing false statements for the collection of  
9 fees for which services are not rendered.

10 M. A finding by the Board that the licensee or  
11 certificate holder, after having his license or  
12 certificate placed on probationary status, has violated  
13 the terms of probation.

14 N. Willfully making or filing false records or reports  
15 in his practice, including but not limited to false records  
16 filed with State agencies or departments.

17 O. Physical illness, including but not limited to,  
18 deterioration through the aging process, or loss of motor  
19 skill which results in the inability to practice under this  
20 Act with reasonable judgment, skill, or safety.

21 P. Solicitation of professional services other than  
22 permitted advertising.

23 Q. Allowing one's license under this Act to be used by  
24 an unlicensed person in violation of this Act.

25 R. Conviction of or cash compromise of a charge or  
26 violation of the Harrison Act or the Illinois Controlled

1 Substances Act, regulating narcotics.

2 S. Fraud or dishonesty in applying, treating, or  
3 reporting on tuberculin or other biological tests.

4 T. Failing to report, as required by law, or making  
5 false report of any contagious or infectious diseases.

6 U. Fraudulent use or misuse of any health certificate,  
7 shipping certificate, brand inspection certificate, or  
8 other blank forms used in practice that might lead to the  
9 dissemination of disease or the transportation of diseased  
10 animals dead or alive; or dilatory methods, willful  
11 neglect, or misrepresentation in the inspection of milk,  
12 meat, poultry, and the by-products thereof.

13 V. Conviction on a charge of cruelty to animals.

14 W. Failure to keep one's premises and all equipment  
15 therein in a clean and sanitary condition.

16 X. Failure to provide satisfactory proof of having  
17 participated in approved continuing education programs.

18 Y. Mental illness or disability that results in the  
19 inability to practice under this Act with reasonable  
20 judgment, skill, or safety.

21 Z. Conviction by any court of competent jurisdiction,  
22 either within or outside this State, of any violation of  
23 any law governing the practice of veterinary medicine, if  
24 the Department determines, after investigation, that the  
25 person has not been sufficiently rehabilitated to warrant  
26 the public trust.



1           AA. Promotion of the sale of drugs, devices,  
2           appliances, or goods provided for a patient in any manner  
3           to exploit the client for financial gain of the  
4           veterinarian.

5           BB. Gross, willful, or continued overcharging for  
6           professional services.

7           CC. Practicing under a false or, except as provided by  
8           law, an assumed name.

9           DD. Violating state or federal laws or regulations  
10          relating to controlled substances or legend drugs.

11          EE. Cheating on or attempting to subvert the licensing  
12          examination administered under this Act.

13          FF. Using, prescribing, or selling a prescription drug  
14          or the extra-label use of a prescription drug by any means  
15          in the absence of a valid veterinarian-client-patient  
16          relationship.

17          GG. Failing to report a case of suspected aggravated  
18          cruelty, torture, or animal fighting pursuant to Section  
19          3.07 or 4.01 of the Humane Care for Animals Act or Section  
20          26-5 or 48-1 of the Criminal Code of 1961 or the Criminal  
21          Code of 2012.

22          All fines imposed under this Section shall be paid within  
23          60 days after the effective date of the order imposing the fine  
24          or in accordance with the terms set forth in the order imposing  
25          the fine.

26          2. The determination by a circuit court that a licensee or

1 certificate holder is subject to involuntary admission or  
2 judicial admission as provided in the Mental Health and  
3 Developmental Disabilities Code operates as an automatic  
4 suspension. The suspension will end only upon a finding by a  
5 court that the patient is no longer subject to involuntary  
6 admission or judicial admission and issues an order so finding  
7 and discharging the patient. In any case where a license is  
8 suspended under this provision, the licensee shall file a  
9 petition for restoration and shall include evidence acceptable  
10 to the Department that the licensee can resume practice in  
11 compliance with acceptable and prevailing standards of his or  
12 her profession.

13 3. All proceedings to suspend, revoke, place on  
14 probationary status, or take any other disciplinary action as  
15 the Department may deem proper, with regard to a license or  
16 certificate on any of the foregoing grounds, must be commenced  
17 within 5 years after receipt by the Department of a complaint  
18 alleging the commission of or notice of the conviction order  
19 for any of the acts described in this Section. Except for  
20 proceedings brought for violations of items (CC), (DD), or  
21 (EE), no action shall be commenced more than 5 years after the  
22 date of the incident or act alleged to have violated this  
23 Section. In the event of the settlement of any claim or cause  
24 of action in favor of the claimant or the reduction to final  
25 judgment of any civil action in favor of the plaintiff, the  
26 claim, cause of action, or civil action being grounded on the

1 allegation that a person licensed or certified under this Act  
2 was negligent in providing care, the Department shall have an  
3 additional period of one year from the date of the settlement  
4 or final judgment in which to investigate and begin formal  
5 disciplinary proceedings under Section 25.2 of this Act, except  
6 as otherwise provided by law. The time during which the holder  
7 of the license or certificate was outside the State of Illinois  
8 shall not be included within any period of time limiting the  
9 commencement of disciplinary action by the Department.

10 4. The Department may refuse to issue or may suspend  
11 without hearing, as provided for in the Illinois Code of Civil  
12 Procedure, the license of any person who fails to file a  
13 return, to pay the tax, penalty, or interest shown in a filed  
14 return, or to pay any final assessment of tax, penalty, or  
15 interest as required by any tax Act administered by the  
16 Illinois Department of Revenue, until such time as the  
17 requirements of any such tax Act are satisfied in accordance  
18 with subsection (g) of Section 2105-15 of the Civil  
19 Administrative Code of Illinois.

20 5. In enforcing this Section, the Department, upon a  
21 showing of a possible violation, may compel any individual who  
22 is registered under this Act or any individual who has applied  
23 for registration to submit to a mental or physical examination  
24 or evaluation, or both, which may include a substance abuse or  
25 sexual offender evaluation, at the expense of the Department.  
26 The Department shall specifically designate the examining

1 physician licensed to practice medicine in all of its branches  
2 or, if applicable, the multidisciplinary team involved in  
3 providing the mental or physical examination and evaluation.  
4 The multidisciplinary team shall be led by a physician licensed  
5 to practice medicine in all of its branches and may consist of  
6 one or more or a combination of physicians licensed to practice  
7 medicine in all of its branches, licensed chiropractic  
8 physicians, licensed clinical psychologists, licensed clinical  
9 social workers, licensed clinical professional counselors, and  
10 other professional and administrative staff. Any examining  
11 physician or member of the multidisciplinary team may require  
12 any person ordered to submit to an examination and evaluation  
13 pursuant to this Section to submit to any additional  
14 supplemental testing deemed necessary to complete any  
15 examination or evaluation process, including, but not limited  
16 to, blood testing, urinalysis, psychological testing, or  
17 neuropsychological testing.

18 The Department may order the examining physician or any  
19 member of the multidisciplinary team to provide to the  
20 Department any and all records, including business records,  
21 that relate to the examination and evaluation, including any  
22 supplemental testing performed. The Department may order the  
23 examining physician or any member of the multidisciplinary team  
24 to present testimony concerning this examination and  
25 evaluation of the registrant or applicant, including testimony  
26 concerning any supplemental testing or documents relating to

1 the examination and evaluation. No information, report,  
2 record, or other documents in any way related to the  
3 examination and evaluation shall be excluded by reason of any  
4 common law or statutory privilege relating to communication  
5 between the licensee or applicant and the examining physician  
6 or any member of the multidisciplinary team. No authorization  
7 is necessary from the registrant or applicant ordered to  
8 undergo an evaluation and examination for the examining  
9 physician or any member of the multidisciplinary team to  
10 provide information, reports, records, or other documents or to  
11 provide any testimony regarding the examination and  
12 evaluation. The individual to be examined may have, at his or  
13 her own expense, another physician of his or her choice present  
14 during all aspects of the examination.

15 Failure of any individual to submit to mental or physical  
16 examination or evaluation, or both, when directed, shall result  
17 in an automatic suspension without hearing, until such time as  
18 the individual submits to the examination. If the Department  
19 finds a registrant unable to practice because of the reasons  
20 set forth in this Section, the Department shall require such  
21 registrant to submit to care, counseling, or treatment by  
22 physicians approved or designated by the Department as a  
23 condition for continued, reinstated, or renewed registration.

24 In instances in which the Secretary immediately suspends a  
25 registration under this Section, a hearing upon such person's  
26 registration must be convened by the Department within 15 days

1 after such suspension and completed without appreciable delay.  
2 The Department shall have the authority to review the  
3 registrant's record of treatment and counseling regarding the  
4 impairment to the extent permitted by applicable federal  
5 statutes and regulations safeguarding the confidentiality of  
6 medical records.

7 Individuals registered under this Act who are affected  
8 under this Section, shall be afforded an opportunity to  
9 demonstrate to the Department that they can resume practice in  
10 compliance with acceptable and prevailing standards under the  
11 provisions of their registration.

12 6. The Department shall deny a license or renewal  
13 authorized by this Act to a person who has defaulted on an  
14 educational loan or scholarship provided or guaranteed by the  
15 Illinois Student Assistance Commission or any governmental  
16 agency of this State in accordance with paragraph (5) of  
17 subsection (a) of Section 2105-15 of the Civil Administrative  
18 Code of Illinois.

19 7. In cases where the Department of Healthcare and Family  
20 Services has previously determined a licensee or a potential  
21 licensee is more than 30 days delinquent in the payment of  
22 child support and has subsequently certified the delinquency to  
23 the Department, the Department may refuse to issue or renew or  
24 may revoke or suspend that person's license or may take other  
25 disciplinary action against that person based solely upon the  
26 certification of delinquency made by the Department of

1 Healthcare and Family Services in accordance with paragraph (5)  
2 of subsection (a) of Section 2105-15 of the Civil  
3 Administrative Code of Illinois.

4 (Source: P.A. 98-339, eff. 12-31-13; 99-78, eff. 7-20-15.)

5 Section 55. The Pyrotechnic Distributor and Operator  
6 Licensing Act is amended by changing Section 35 and by adding  
7 Section 36 as follows:

8 (225 ILCS 227/35)

9 Sec. 35. Licensure requirements and fees.

10 (a) Each application for a license to practice under this  
11 Act shall be in writing and signed by the applicant on forms  
12 provided by the Office.

13 (b) After January 1, 2006, all pyrotechnic displays and  
14 pyrotechnic services, both indoor and outdoor, must comply with  
15 the requirements set forth in this Act.

16 (c) After January 1, 2006, no person may engage in  
17 pyrotechnic distribution without first applying for and  
18 obtaining a license from the Office. Applicants for a license  
19 must submit to the Office the following:

20 (1) A current BATFE license for the type of pyrotechnic  
21 service or pyrotechnic display provided.

22 (2) Proof of \$1,000,000 in product liability  
23 insurance.

24 (3) Proof of \$1,000,000 in general liability insurance

1 that covers the pyrotechnic display or pyrotechnic service  
2 provided.

3 (4) Proof of Illinois Workers' Compensation Insurance.

4 (5) A license fee set by the Office.

5 (6) Proof of a current United States Department of  
6 Transportation (DOT) Identification Number.

7 (7) Proof of a current USDOT Hazardous Materials  
8 Registration Number.

9 (8) Proof of having the requisite knowledge, either  
10 through training, examination, or continuing education, as  
11 established by Office rule.

12 (c-3) After January 1, 2010, no production company may  
13 provide pyrotechnic displays or pyrotechnic services as part of  
14 any production without either (i) obtaining a production  
15 company license from the Office under which all pyrotechnic  
16 displays and pyrotechnic services are performed by a licensed  
17 lead pyrotechnic operator or (ii) hiring a pyrotechnic  
18 distributor licensed in accordance with this Act to perform the  
19 pyrotechnic displays or pyrotechnic services. Applicants for a  
20 production company license must submit to the Office the  
21 following:

22 (1) Proof of \$2,000,000 in commercial general  
23 liability insurance that covers any damage or injury  
24 resulting from the pyrotechnic displays or pyrotechnic  
25 services provided.

26 (2) Proof of Illinois Worker's Compensation insurance.



1 (3) A license fee set by the Office.

2 (4) Proof of a current USDOT Identification Number,  
3 unless:

4 (A) proof of such is provided by the lead  
5 pyrotechnic operator employed by the production  
6 company or insured as an additional named insured on  
7 the production company's general liability insurance,  
8 as required under paragraph (1) of this subsection; or

9 (B) the production company certifies under penalty  
10 of perjury that it engages only in flame effects or  
11 never transports materials in quantities that require  
12 registration with USDOT, or both.

13 (5) Proof of a current USDOT Hazardous Materials  
14 Registration Number, unless:

15 (A) proof of such is provided by the lead  
16 pyrotechnic operator employed by the production  
17 company or insured as an additional named insured on  
18 the production company's general liability insurance,  
19 as required under paragraph (1) of this subsection; or

20 (B) the production company certifies under penalty  
21 of perjury that it engages only in flame effects or  
22 never transports materials in quantities that require  
23 registration with USDOT, or both.

24 (6) Identification of the licensed lead pyrotechnic  
25 operator employed by the production company or insured as  
26 an additional named insured on the production company's

1           general liability insurance, as required under paragraph  
2           (1) of this subsection.

3           The insurer shall not cancel the insured's coverage or  
4           remove any additional named insured or additional insured from  
5           the policy coverage without notifying the Office in writing at  
6           least 15 days before cancellation.

7           (c-5) After January 1, 2006, no individual may act as a  
8           lead operator in a pyrotechnic display without first applying  
9           for and obtaining a lead pyrotechnic operator's license from  
10          the Office. The Office shall establish separate licenses for  
11          lead pyrotechnic operators for indoor and outdoor pyrotechnic  
12          displays. Applicants for a license must:

13                 (1) Pay the fees set by the Office.

14                 (2) Have the requisite training or continuing  
15                 education as established in the Office's rules.

16                 (3) (Blank).

17           (d) A person is qualified to receive a license under this  
18           Act if the person meets all of the following minimum  
19           requirements:

20                 (1) Is at least 21 years of age.

21                 (2) Has not willfully violated any provisions of this  
22           Act.

23                 (3) Has not made any material misstatement or knowingly  
24                 withheld information in connection with any original or  
25                 renewal application.

26                 (4) Has not been declared incompetent by any competent

1 court by reasons of mental or physical defect or disease  
2 unless a court has since declared the person competent.

3 (5) Does not have an addiction to or dependency on  
4 alcohol or drugs that is likely to endanger the public at a  
5 pyrotechnic display.

6 (6) If convicted ~~Has not been convicted~~ in any  
7 jurisdiction of any felony within the prior 5 years, has  
8 been sufficiently rehabilitated following the conviction.

9 (7) Is not a fugitive from justice.

10 (8) Has, or has applied for, a BATFE explosives license  
11 or a Letter of Clearance from the BATFE.

12 (9) If a lead pyrotechnic operator is employed by a  
13 political subdivision of the State or by a licensed  
14 production company or is insured as an additional named  
15 insured on the production company's general liability  
16 insurance, as required under paragraph (1) of subsection  
17 (c-3) of this Section, he or she shall have a BATFE license  
18 for the pyrotechnic services or pyrotechnic display  
19 provided.

20 (10) If a production company has not provided proof of  
21 a current USDOT Identification Number and a current USDOT  
22 Hazardous Materials Registration Number, as required by  
23 paragraphs (5) and (6) of subsection (c-3) of this Section,  
24 then the lead pyrotechnic operator employed by the  
25 production company or insured as an additional named  
26 insured on the production company's general liability

1 insurance, as required under paragraph (1) of subsection  
2 (c-3) of this Section, shall provide such proof to the  
3 Office.

4 (e) A person is qualified to assist a lead pyrotechnic  
5 operator if the person meets all of the following minimum  
6 requirements:

7 (1) Is at least 18 years of age.

8 (2) Has not willfully violated any provision of this  
9 Act.

10 (3) Has not been declared incompetent by any competent  
11 court by reasons of mental or physical defect or disease  
12 unless a court has since declared the person competent.

13 (4) Does not have an addiction to or dependency on  
14 alcohol or drugs that is likely to endanger the public at a  
15 pyrotechnic display.

16 (5) If convicted ~~Has not been convicted~~ in any  
17 jurisdiction of any felony within the prior 5 years, has  
18 been sufficiently rehabilitated following the conviction.

19 (6) Is not a fugitive from justice.

20 (7) Is employed as an employee of the licensed  
21 pyrotechnic distributor or the licensed production  
22 company, or insured as an additional named insured on the  
23 pyrotechnic distributor's product liability and general  
24 liability insurance, as required under paragraphs (2) and  
25 (3) of subsection (c) of this Section, or insured as an  
26 additional named insured on the production company's

1 general liability insurance, as required under paragraph  
2 (1) of subsection (c-3) of this Section.

3 (8) Has been registered with the Office by the licensed  
4 distributor or the licensed production company on a form  
5 provided by the Office prior to the time when the assistant  
6 begins work on the pyrotechnic display or pyrotechnic  
7 service.

8 (Source: P.A. 96-708, eff. 8-25-09; 97-164, eff. 1-1-12.)

9 (225 ILCS 227/36 new)

10 Sec. 36. Applicant convictions.

11 (a) The Office shall not require the applicant to report  
12 the following information and shall not consider the following  
13 criminal history records in connection with an application for  
14 a license under this Act:

15 (1) Juvenile adjudications of delinquent minors as  
16 defined in Section 5-105 of the Juvenile Court Act of 1987,  
17 subject to the restrictions set forth in Section 5-130 of  
18 the Juvenile Court Act of 1987.

19 (2) Law enforcement records, court records, and  
20 conviction records of an individual who was 17 years old at  
21 the time of the offense and before January 1, 2014, unless  
22 the nature of the offense required the individual to be  
23 tried as an adult.

24 (3) Records of arrest not followed by a conviction.

25 (4) Convictions overturned by a higher court.

1           (5) Convictions or arrests that have been sealed or  
2           expunged.

3           (b) When reviewing, for the purpose of licensure, a  
4           conviction of any felony within the previous 5 years, the  
5           Office shall consider any evidence of rehabilitation and  
6           mitigating factors contained in the applicant's record,  
7           including any of the following:

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

12           (2) the amount of time that has elapsed since the  
13           offense occurred;

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

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

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

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

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

8           (8) any other mitigating factors that contribute to the  
9           person's potential and current ability to perform the  
10           duties and responsibilities of the specific licensed  
11           practice or employment position.

12           (c) It is the affirmative obligation of the Office to  
13           demonstrate that a prior conviction would impair the ability of  
14           the applicant to engage in the licensed practice. If the Office  
15           refuses to issue a license to an applicant, then the applicant  
16           shall be notified of the denial in writing with the following  
17           included in the notice of denial:

18           (1) a statement about the decision to refuse to issue a  
19           license;

20           (2) a list of the convictions that formed the sole or  
21           partial basis for the refusal to issue a license;

22           (3) a list of the mitigating evidence presented by the  
23           applicant;

24           (4) reasons for refusing to issue a license specific to  
25           the evidence presented in mitigation of conviction items  
26           that formed the partial or sole basis for the Office's

1 decision; and

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

5 (d) No later than May 1 of each year, the Office must  
6 prepare, publicly announce, and publish a report of summary  
7 statistical information relating to new and renewal license  
8 applications during the preceding calendar year. Each report  
9 shall show, at a minimum:

10 (1) the number of applicants for a new or renewal  
11 license under this Act within the previous calendar year;

12 (2) the number of applicants for a new or renewal  
13 license under this Act within the previous calendar year  
14 who had any criminal conviction;

15 (3) the number of applicants for a new or renewal  
16 license under this Act in the previous calendar year who  
17 were granted a license;

18 (4) the number of applicants for a new or renewal  
19 license with a criminal conviction who were granted a  
20 license under this Act within the previous calendar year;

21 (5) the number of applicants for a new or renewal  
22 license under this Act within the previous calendar year  
23 who were denied a license;

24 (6) the number of applicants for a new or renewal  
25 license with a criminal conviction who were denied a  
26 license under this Act in the previous calendar year in



1       whole or in part because of a prior conviction;

2           (7) the number of probationary licenses without  
3       monitoring issued under this Act in the previous calendar  
4       year to applicants with a criminal conviction; and

5           (8) the number of probationary licenses with  
6       monitoring issued under this Act in the previous calendar  
7       year to applicants with a criminal conviction.

8       Section 60. The Solid Waste Site Operator Certification Law  
9       is amended by changing Section 1005 and by adding Section  
10      1005-1 as follows:

11           (225 ILCS 230/1005) (from Ch. 111, par. 7855)

12           Sec. 1005. Agency authority. The Agency is authorized to  
13       exercise the following functions, powers and duties with  
14       respect to solid waste site operator certification:

15           (a) To conduct examinations to ascertain the  
16       qualifications of applicants for certificates of competency as  
17       solid waste site operators;

18           (b) To conduct courses of training on the practical aspects  
19       of the design, operation and maintenance of sanitary landfills;

20           (c) To issue a certificate to any applicant who has  
21       satisfactorily met all the requirements pertaining to a  
22       certificate of competency as a solid waste site operator;

23           (d) To suspend, revoke or refuse to issue any certificate  
24       for any one or any combination of the following causes:

1           (1) The practice of any fraud or deceit in obtaining or  
2 attempting to obtain a certificate of competency;

3           (2) Negligence or misconduct in the operation of a  
4 sanitary landfill;

5           (3) Repeated failure to comply with any of the  
6 requirements applicable to the operation of a sanitary  
7 landfill, except for Board requirements applicable to the  
8 collection of litter;

9           (4) Repeated violations of federal, State or local  
10 laws, regulations, standards, or ordinances regarding the  
11 operation of refuse disposal facilities or sites;

12           (5) For the certified, conviction ~~Conviction~~ in this or  
13 another State of any crime which is a felony under the laws  
14 of this State or conviction of a felony in a federal court;  
15 for applicants, the provisions of Section 1005-1 apply;

16           (6) Proof of gross carelessness or incompetence in  
17 handling, storing, processing, transporting, or disposing  
18 of any hazardous waste; or

19           (7) Being declared to be a person under a legal  
20 disability by a court of competent jurisdiction and not  
21 thereafter having been lawfully declared to be a person not  
22 under legal disability or to have recovered.

23           (e) To adopt rules necessary to perform its functions,  
24 powers, and duties with respect to solid waste site operator  
25 certifications.

26           (Source: P.A. 86-1363.)

1 (225 ILCS 230/1005-1 new)

2 Sec. 1005-1. Applicant convictions.

3 (a) The Agency shall not require applicants to report the  
4 following information and shall not consider the following  
5 criminal history records in connection with an application for  
6 certification under this Act:

7 (1) Juvenile adjudications of delinquent minors as  
8 defined in Section 5-105 of the Juvenile Court Act of 1987,  
9 subject to the restrictions set forth in Section 5-130 of  
10 the Juvenile Court Act of 1987.

11 (2) Law enforcement records, court records, and  
12 conviction records of an individual who was 17 years old at  
13 the time of the offense and before January 1, 2014, unless  
14 the nature of the offense required the individual to be  
15 tried as an adult.

16 (3) Records of arrest not followed by a conviction.

17 (4) Convictions overturned by a higher court.

18 (5) Convictions or arrests that have been sealed or  
19 expunged.

20 (b) When reviewing, for the purpose of determining whether  
21 to grant a certificate, a conviction of any felony of an  
22 applicant, the Agency shall consider any evidence of  
23 rehabilitation and mitigating factors contained in the  
24 applicant's record, including any of the following:

25 (1) the lack of direct relation of the offense for

1       which the applicant was previously convicted to the duties,  
2       functions, and responsibilities of the position for which  
3       certification is sought;

4       (2) whether 5 years since a felony conviction or 3  
5       years since release from confinement for the conviction,  
6       whichever is later, have passed without a subsequent  
7       conviction;

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

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

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

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

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

1       Corrections; and

2           (8) any other mitigating factors that contribute to the  
3       person's potential and current ability to perform the  
4       duties and responsibilities of the position for which a  
5       certificate or employment is sought.

6       (c) It is the affirmative obligation of the Agency to  
7       demonstrate that a prior conviction would impair the ability of  
8       the applicant to engage in the certified practice. If the  
9       Agency refuses to issue a certificate to an applicant, then the  
10       Agency shall notify the applicant of the denial in writing with  
11       the following included in the notice of denial:

12           (1) a statement about the decision to refuse to grant  
13       certification;

14           (2) a list of the conviction items that formed the sole  
15       or partial basis for the refusal to issue a certificate;

16           (3) a list of the mitigating evidence presented by the  
17       applicant;

18           (4) reasons for refusing to issue a certificate  
19       specific to the evidence presented in mitigation of  
20       conviction items that formed the partial or sole basis for  
21       the Agency's decision; and

22           (5) a summary of the appeal process or the earliest the  
23       applicant may reapply for a certificate, whichever is  
24       applicable.

25       (d) No later than May 1 of each year, the Agency must  
26       prepare, publicly announce, and publish a report of summary

1 statistical information relating to new and renewal  
2 certification applications during the preceding calendar year.

3 Each report shall show, at a minimum:

4 (1) the number of applicants for a new or renewal  
5 certification under this Act within the previous calendar  
6 year;

7 (2) the number of applicants for a new or renewal  
8 certification under this Act within the previous calendar  
9 year who had any criminal conviction;

10 (3) the number of applicants for a new or renewal  
11 certification under this Act in the previous calendar year  
12 who were granted a license;

13 (4) the number of applicants for a new or renewal  
14 certification with a criminal conviction who were granted  
15 certification under this Act within the previous calendar  
16 year;

17 (5) the number of applicants for a new or renewal  
18 certification under this Act within the previous calendar  
19 year who were denied certification;

20 (6) the number of applicants for a new or renewal  
21 certification with a criminal conviction who were denied  
22 certification under this Act in the previous calendar year  
23 in whole or in part because of a prior conviction;

24 (7) the number of probationary certifications without  
25 monitoring issued under this Act in the previous calendar  
26 year to applicants with a criminal conviction; and

1           (8) the number of probationary certifications with  
2           monitoring issued under this Act in the previous calendar  
3           year to applicants with a criminal conviction.

4           Section 65. The Interior Design Title Act is amended by  
5           changing Section 13 and by adding Section 13.5 as follows:

6           (225 ILCS 310/13) (from Ch. 111, par. 8213)

7           (Section scheduled to be repealed on January 1, 2022)

8           Sec. 13. Refusal, revocation or suspension of  
9           registration. The Department may refuse to issue, renew, or  
10          restore or may revoke, suspend, place on probation, reprimand  
11          or take other disciplinary action as the Department may deem  
12          proper, including fines not to exceed \$5,000 for each  
13          violation, with regard to any registration for any one or  
14          combination of the following causes:

15               (a) Fraud in procuring the certificate of  
16               registration.

17               (b) Habitual intoxication or addiction to the use of  
18               drugs.

19               (c) Making any misrepresentations or false promises,  
20               directly or indirectly, to influence, persuade, or induce  
21               patronage.

22               (d) Professional connection or association with, or  
23               lending his or her name, to another for illegal use of the  
24               title "registered interior designer", or professional

1 connection or association with any person, firm, or  
2 corporation holding itself out in any manner contrary to  
3 this Act.

4 (e) Obtaining or seeking to obtain checks, money, or  
5 any other items of value by false or fraudulent  
6 representations.

7 (f) Use of the title under a name other than his or her  
8 own.

9 (g) Improper, unprofessional, or dishonorable conduct  
10 of a character likely to deceive, defraud, or harm the  
11 public.

12 (h) For licensees, conviction ~~Conviction~~ in this or  
13 another state, or federal court, of any crime which is a  
14 felony, if the Department determines, after investigation,  
15 that such person has not been sufficiently rehabilitated to  
16 warrant the public trust. For applicants, the provisions of  
17 Section 13.5 apply.

18 (i) A violation of any provision of this Act or its  
19 rules.

20 (j) Revocation by another state, the District of  
21 Columbia, territory, or foreign nation of an interior  
22 design or residential interior design registration if at  
23 least one of the grounds for that revocation is the same as  
24 or the equivalent of one of the grounds for revocation set  
25 forth in this Act.

26 (k) Mental incompetence as declared by a court of



1 competent jurisdiction.

2 (1) Being named as a perpetrator in an indicated report  
3 by the Department of Children and Family Services pursuant  
4 to the Abused and Neglected Child Reporting Act, and upon  
5 proof by clear and convincing evidence that the registrant  
6 has caused a child to be an abused child or neglected child  
7 as defined in the Abused and Neglected Child Reporting Act.

8 The Department shall deny a registration or renewal  
9 authorized by this Act to any person who has defaulted on an  
10 educational loan guaranteed by the Illinois Student Assistance  
11 Commission; however, the Department may issue a certificate of  
12 registration or renewal if such person has established a  
13 satisfactory repayment record as determined by the Illinois  
14 Student Assistance Commission.

15 The Department may refuse to issue or may suspend the  
16 registration of any person who fails to file a return, or to  
17 pay the tax, penalty, or interest showing in a filed return, or  
18 to pay any final assessment of tax, penalty, or interest, as  
19 required by any tax Act administered by the Illinois Department  
20 of Revenue, until such time as the requirements of any such tax  
21 Act are satisfied.

22 The entry of a decree by any circuit court establishing  
23 that any person holding a certificate of registration under  
24 this Act is a person subject to involuntary admission under the  
25 Mental Health and Developmental Disabilities Code shall  
26 operate as a suspension of that registration. That person may

1 resume using the title "registered interior designer" only upon  
2 a finding by the Board that he or she has been determined to be  
3 no longer subject to involuntary admission by the court and  
4 upon the Board's recommendation to the Director that he or she  
5 be permitted to resume using the title "registered interior  
6 designer".

7 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

8 (225 ILCS 310/13.5 new)

9 Sec. 13.5. Applicant convictions.

10 (a) The Department shall not require the applicant to  
11 report the following information and shall not consider the  
12 following criminal history records in connection with an  
13 application for licensure:

14 (1) Juvenile adjudications of delinquent minors as  
15 defined in Section 5-105 of the Juvenile Court Act of 1987,  
16 subject to the restrictions set forth in Section 5-130 of  
17 the Juvenile Court Act of 1987.

18 (2) Law enforcement records, court records, and  
19 conviction records of an individual who was 17 years old at  
20 the time of the offense and before January 1, 2014, unless  
21 the nature of the offense required the individual to be  
22 tried as an adult.

23 (3) Records of arrest not followed by a conviction  
24 unless related to the practice of the profession. However,  
25 applicants shall not be asked to report any arrests, and,

1 an arrest not followed by a conviction shall not be the  
2 basis of a denial and may be used only to assess an  
3 applicant's rehabilitation.

4 (4) Convictions overturned by a higher court.

5 (5) Convictions or arrests that have been sealed or  
6 expunged.

7 (b) When reviewing, for the purpose determining whether to  
8 grant a license, a conviction of any felony by plea of guilty  
9 or nolo contendere, finding of guilt, jury verdict, or entry of  
10 judgment or by sentencing of an applicant, the Department shall  
11 consider any evidence of rehabilitation and mitigating factors  
12 contained in the applicant's record, including any of the  
13 following:

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

18 (2) whether 5 years since a felony conviction or 3  
19 years since release from confinement for the conviction,  
20 whichever is later, have passed without a subsequent  
21 conviction;

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

26 (4) the age of the person at the time of the criminal

1 offense;

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

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

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

16 (8) any other mitigating factors that contribute to the  
17 person's potential and current ability to perform the  
18 duties and responsibilities of the position for which a  
19 license or employment is sought.

20 (c) It is the affirmative obligation of the Department to  
21 demonstrate that a prior conviction would impair the ability of  
22 the applicant to engage in the licensed practice. If the  
23 Department refuses to issue a license to an applicant, then the  
24 Department shall notify the applicant of the denial in writing  
25 with the following included in the notice of denial:

26 (1) a statement about the decision to refuse to issue a

1       license;

2           (2) a list of the conviction items that formed the sole  
3       or partial basis for the refusal to issue a license;

4           (3) a list of the mitigating evidence presented by the  
5       applicant;

6           (4) reasons for refusing to issue a license specific to  
7       the evidence presented in mitigation of conviction items  
8       that formed the partial or sole basis for the Department's  
9       decision; and

10          (5) a summary of the appeal process or the earliest the  
11       applicant may reapply for a license, whichever is  
12       applicable.

13          (d) No later than May 1 of each year, the Department must  
14       prepare, publicly announce, and publish a report of summary  
15       statistical information relating to new and renewal license  
16       applications during the preceding calendar year. Each report  
17       shall show, at a minimum:

18           (1) the number of applicants for a new or renewal  
19       license under this Act within the previous calendar year;

20           (2) the number of applicants for a new or renewal  
21       license under this Act within the previous calendar year  
22       who had any criminal conviction;

23           (3) the number of applicants for a new or renewal  
24       license under this Act in the previous calendar year who  
25       were granted a license;

26           (4) the number of applicants for a new or renewal

1 license with a criminal conviction who were granted a  
2 license under this Act within the previous calendar year;

3 (5) the number of applicants for a new or renewal  
4 license under this Act within the previous calendar year  
5 who were denied a license;

6 (6) the number of applicants for a new or renewal  
7 license with a criminal conviction who were denied a  
8 license under this Act in the previous calendar year in  
9 part or in full because of a prior conviction;

10 (7) the number of probationary licenses without  
11 monitoring issued under this Act in the previous calendar  
12 year to applicants with a criminal conviction; and

13 (8) the number of probationary licenses with  
14 monitoring issued under this Act in the previous calendar  
15 year to applicants with a criminal conviction.

16 Section 70. The Illinois Professional Land Surveyor Act of  
17 1989 is amended by changing Section 27 and by adding Section  
18 12.5 as follows:

19 (225 ILCS 330/12.5 new)

20 Sec. 12.5. Applicant convictions.

21 (a) The Department shall not require the applicant to  
22 report the following information and shall not consider the  
23 following criminal history records in connection with an  
24 application for a license under this Act:

1           (1) Juvenile adjudications of delinquent minors as  
2           defined in Section 5-105 of the Juvenile Court Act of 1987,  
3           subject to the restrictions set forth in Section 5-130 of  
4           the Juvenile Court Act of 1987.

5           (2) Law enforcement records, court records, and  
6           conviction records of an individual who was 17 years old at  
7           the time of the offense and before January 1, 2014, unless  
8           the nature of the offense required the individual to be  
9           tried as an adult.

10           (3) Records of arrest not followed by a conviction  
11           unless related to the practice of the profession. However,  
12           applicants shall not be asked to report any arrests, and,  
13           an arrest not followed by a conviction shall not be the  
14           basis of a denial and may be used only to assess an  
15           applicant's rehabilitation.

16           (4) Convictions overturned by a higher court.

17           (5) Convictions or arrests that have been sealed or  
18           expunged.

19           (b) No applicant for license under this Act shall be denied  
20           a license based on a finding of a lack of "good moral  
21           character" when a finding is based on the fact that an  
22           applicant was previously convicted of a criminal offense or  
23           offenses. When reviewing, for the purpose of determining moral  
24           character or whether to grant a license, a conviction of any  
25           felony or a misdemeanor directly related to the practice of the  
26           profession, the Department shall consider any evidence of

1 rehabilitation and mitigating factors contained in the  
2 applicant's record, including any of the following:

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

7 (2) whether 5 years since a felony conviction or 3  
8 years since release from confinement for the conviction,  
9 whichever is later, have passed without a subsequent  
10 conviction;

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

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

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

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

24 (7) evidence of rehabilitation or rehabilitative  
25 effort during or after incarceration, or during or after a  
26 term of supervision, including, but not limited to, a



1 certificate of good conduct under Section 5-5.5-25 of the  
2 Unified Code of Corrections or a certificate of relief from  
3 disabilities under Section 5-5.5-10 of the Unified Code of  
4 Corrections; and

5 (8) any other mitigating factors that contribute to the  
6 person's potential and current ability to perform the  
7 duties and responsibilities of the position for which a  
8 license or employment is sought.

9 (c) It is the affirmative obligation of the Department to  
10 demonstrate that a prior conviction would impair the ability of  
11 the applicant to engage in the licensed practice. If the  
12 Department refuses to issue a license to an applicant, then the  
13 Department shall notify the applicant of the denial in writing  
14 with the following included in the notice of denial:

15 (1) a statement about the decision to refuse to issue a  
16 license;

17 (2) a list of the conviction items that formed the sole  
18 or partial basis for the refusal to issue a license;

19 (3) a list of the mitigating evidence presented by the  
20 applicant;

21 (4) reasons for refusing to issue a license specific to  
22 the evidence presented in mitigation of conviction items  
23 that formed the partial or sole basis for the Department's  
24 decision; and

25 (5) a summary of the appeal process or the earliest the  
26 applicant may reapply for a license, whichever is

1       applicable.

2       (d) No later than May 1 of each year, the Department must  
3 prepare, publicly announce, and publish a report of summary  
4 statistical information relating to new and renewal license  
5 applications during the preceding calendar year. Each report  
6 shall show, at a minimum:

7           (1) the number of applicants for a new or renewal  
8 license under this Act within the previous calendar year;

9           (2) the number of applicants for a new or renewal  
10 license under this Act within the previous calendar year  
11 who had any criminal conviction;

12           (3) the number of applicants for a new or renewal  
13 license under this Act in the previous calendar year who  
14 were granted a license;

15           (4) the number of applicants for a new or renewal  
16 license with a criminal conviction who were granted a  
17 license under this Act within the previous calendar year;

18           (5) the number of applicants for a new or renewal  
19 license under this Act within the previous calendar year  
20 who were denied a license;

21           (6) the number of applicants for a new or renewal  
22 license with a criminal conviction who were denied a  
23 license under this Act in the previous calendar year in  
24 part or in whole because of a prior conviction;

25           (7) the number of probationary licenses without  
26 monitoring issued under this Act in the previous calendar

1 year to applicants with a criminal conviction; and

2 (8) the number of probationary licenses with  
3 monitoring issued under this Act in the previous calendar  
4 year to applicants with a criminal conviction.

5 (225 ILCS 330/27) (from Ch. 111, par. 3277)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 27. Grounds for disciplinary action.

8 (a) The Department may refuse to issue or renew a license,  
9 or may place on probation or administrative supervision,  
10 suspend, or revoke any license, or may reprimand or take any  
11 disciplinary or non-disciplinary action as the Department may  
12 deem proper, including the imposition of fines not to exceed  
13 \$10,000 per violation, upon any person, corporation,  
14 partnership, or professional land surveying firm licensed or  
15 registered under this Act for any of the following reasons:

16 (1) material misstatement in furnishing information to  
17 the Department;

18 (2) violation, including, but not limited to, neglect  
19 or intentional disregard, of this Act, or its rules;

20 (3) for licensees, conviction of, or entry of a plea of  
21 guilty or nolo contendere to, any crime that is a felony  
22 under the laws of the United States or any state or  
23 territory thereof or that is a misdemeanor of which an  
24 essential element is dishonesty, or any crime that is  
25 directly related to the practice of the profession; for

1 applicants, the provisions of Section 12.5 apply;

2 (4) making any misrepresentation for the purpose of  
3 obtaining a license, or in applying for restoration or  
4 renewal, or the practice of any fraud or deceit in taking  
5 any examination to qualify for licensure under this Act;

6 (5) purposefully making false statements or signing  
7 false statements, certificates, or affidavits to induce  
8 payment;

9 (6) proof of carelessness, incompetence, negligence,  
10 or misconduct in practicing land surveying;

11 (7) aiding or assisting another person in violating any  
12 provision of this Act or its rules;

13 (8) failing to provide information in response to a  
14 written request made by the Department within 30 days after  
15 receipt of such written request;

16 (9) engaging in dishonorable, unethical, or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud, or harm the public;

19 (10) inability to practice with reasonable judgment,  
20 skill, or safety as a result of habitual or excessive use  
21 of, or addiction to, alcohol, narcotics, stimulants or any  
22 other chemical agent or drug;

23 (11) discipline by the United States government,  
24 another state, District of Columbia, territory, foreign  
25 nation or government agency if at least one of the grounds  
26 for the discipline is the same or substantially equivalent

1 to those set forth in this Act;

2 (12) directly or indirectly giving to or receiving from  
3 any person, firm, corporation, partnership, or association  
4 any fee, commission, rebate, or other form of compensation  
5 for any professional services not actually or personally  
6 rendered;

7 (12.5) issuing a map or plat of survey where the fee  
8 for professional services is contingent on a real estate  
9 transaction closing;

10 (13) a finding by the Department that an applicant or  
11 licensee has failed to pay a fine imposed by the Department  
12 or a licensee whose license has been placed on probationary  
13 status has violated the terms of probation;

14 (14) practicing on an expired, inactive, suspended, or  
15 revoked license;

16 (15) signing, affixing the Professional Land  
17 Surveyor's seal or permitting the Professional Land  
18 Surveyor's seal to be affixed to any map or plat of survey  
19 not prepared by the Professional Land Surveyor or under the  
20 Professional Land Surveyor's direct supervision and  
21 control;

22 (16) inability to practice the profession with  
23 reasonable judgment, skill, or safety as a result of  
24 physical illness, including, but not limited to,  
25 deterioration through the aging process or loss of motor  
26 skill or a mental illness or disability;

1 (17) (blank); or

2 (18) failure to adequately supervise or control land  
3 surveying operations being performed by subordinates.

4 (a-5) In enforcing this Section, the Department or Board,  
5 upon a showing of a possible violation, may compel a person  
6 licensed to practice under this Act, or who has applied for  
7 licensure or certification pursuant to this Act, to submit to a  
8 mental or physical examination, or both, as required by and at  
9 the expense of the Department. The Department or Board may  
10 order the examining physician to present testimony concerning  
11 the mental or physical examination of the licensee or  
12 applicant. No information shall be excluded by reason of any  
13 common law or statutory privilege relating to communications  
14 between the licensee or applicant and the examining physician.  
15 The examining physicians shall be specifically designated by  
16 the Board or Department. The individual to be examined may  
17 have, at his or her own expense, another physician of his or  
18 her choice present during all aspects of the examination.  
19 Failure of an individual to submit to a mental or physical  
20 examination when directed shall be grounds for the immediate  
21 suspension of his or her license until the individual submits  
22 to the examination if the Department finds that the refusal to  
23 submit to the examination was without reasonable cause as  
24 defined by rule.

25 If the Secretary immediately suspends the license of a  
26 licensee for his or her failure to submit to a mental or

1 physical examination when directed, a hearing must be convened  
2 by the Department within 15 days after the suspension and  
3 completed without appreciable delay.

4 If the Secretary otherwise suspends a person's license  
5 pursuant to the results of a compelled mental or physical  
6 examination, a hearing on that person's license must be  
7 convened by the Department within 15 days after the suspension  
8 and completed without appreciable delay. The Department and  
9 Board shall have the authority to review the subject  
10 individual's record of treatment and counseling regarding  
11 impairment to the extent permitted by applicable federal  
12 statutes and regulations safeguarding the confidentiality of  
13 medical records.

14 Any licensee suspended under this subsection (a-5) shall be  
15 afforded an opportunity to demonstrate to the Department or  
16 Board that he or she can resume practice in compliance with the  
17 acceptable and prevailing standards under the provisions of his  
18 or her license.

19 (b) The determination by a circuit court that a licensee is  
20 subject to involuntary admission or judicial admission as  
21 provided in the Mental Health and Developmental Disabilities  
22 Code, as now or hereafter amended, operates as an automatic  
23 license suspension. Such suspension will end only upon a  
24 finding by a court that the patient is no longer subject to  
25 involuntary admission or judicial admission and the issuance of  
26 an order so finding and discharging the patient and upon the

1 recommendation of the Board to the Director that the licensee  
2 be allowed to resume his or her practice.

3 (c) The Department shall deny a license or renewal  
4 authorized by this Act to a person who has defaulted on an  
5 educational loan or scholarship provided or guaranteed by the  
6 Illinois Student Assistance Commission or any governmental  
7 agency of this State in accordance with subdivision (a)(5) of  
8 Section 2105-15 of the Department of Professional Regulation  
9 Law of the Civil Administrative Code of Illinois (20 ILCS  
10 2105/2105-15).

11 (d) In cases where the Department of Healthcare and Family  
12 Services (formerly the Department of Public Aid) has previously  
13 determined that a licensee or a potential licensee is more than  
14 30 days delinquent in the payment of child support and has  
15 subsequently certified the delinquency to the Department, the  
16 Department shall refuse to issue or renew or shall revoke or  
17 suspend that person's license or shall take other disciplinary  
18 action against that person based solely upon the certification  
19 of delinquency made by the Department of Healthcare and Family  
20 Services in accordance with subdivision (a)(5) of Section  
21 2105-15 of the Department of Professional Regulation Law of the  
22 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

23 (e) The Department shall refuse to issue or renew or shall  
24 revoke or suspend a person's license or shall take other  
25 disciplinary action against that person for his or her failure  
26 to file a return, to pay the tax, penalty, or interest shown in



1 a filed return, or to pay any final assessment of tax, penalty,  
2 or interest as required by any tax Act administered by the  
3 Department of Revenue, until such time as the requirements of  
4 the tax Act are satisfied in accordance with subsection (g) of  
5 Section 2105-15 of the Department of Professional Regulation  
6 Law of the Civil Administrative Code of Illinois (20 ILCS  
7 2105/2105-15).

8 (Source: P.A. 98-756, eff. 7-16-14.)

9 Section 75. The Water Well and Pump Installation  
10 Contractor's License Act is amended by changing Section 15 and  
11 by adding Section 15.1 as follows:

12 (225 ILCS 345/15) (from Ch. 111, par. 7116)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 15. The Department may refuse to issue or renew, may  
15 suspend or may revoke a license on any one or more of the  
16 following grounds:

17 (1) Material misstatement in the application for license;

18 (2) Failure to have or retain the qualifications required  
19 by Section 9 of this Act;

20 (3) Wilful disregard or violation of this Act or of any  
21 rule or regulation promulgated by the Department pursuant  
22 thereto; or disregard or violation of any law of the state of  
23 Illinois or of any rule or regulation promulgated pursuant  
24 thereto relating to water well drilling or the installation of

1 water pumps and equipment or any rule or regulation adopted  
2 pursuant thereto;

3 (4) Wilfully aiding or abetting another in the violation of  
4 this Act or any rule or regulation promulgated by the  
5 Department pursuant thereto;

6 (5) Incompetence in the performance of the work of a water  
7 well contractor or of a water well pump installation  
8 contractor;

9 (6) Allowing the use of a license by someone other than the  
10 person in whose name it was issued;

11 (7) For licensees, conviction ~~Conviction~~ of any crime an  
12 essential element of which is misstatement, fraud or  
13 dishonesty, conviction in this or another State of any crime  
14 which is a felony under the laws of this State or the  
15 conviction in a federal court of any felony; for applicants,  
16 the provisions of Section 15.1 apply;

17 (8) Making substantial misrepresentations or false  
18 promises of a character likely to influence, persuade or induce  
19 in connection with the occupation of a water well contractor or  
20 a water well pump installation contractor.

21 (Source: P.A. 77-1626.)

22 (225 ILCS 345/15.1 new)

23 Sec. 15.1. Applicant convictions.

24 (a) The Department shall not require an applicant to  
25 provide the following information and shall not consider the

1 following criminal history records in connection with an  
2 application for licensure:

3 (1) Juvenile adjudications of delinquent minors as  
4 defined in Section 5-105 of the Juvenile Court Act of 1987,  
5 subject to the exclusions set forth in Section 5-130 of the  
6 Juvenile Court Act of 1987.

7 (2) Law enforcement records, court records, and  
8 conviction records of an individual who was 17 years old at  
9 the time of the offense and before January 1, 2014, unless  
10 the nature of the offense required the individual to be  
11 tried as an adult.

12 (3) Records of arrest of an offense unrelated to the  
13 practice of the profession and not followed by a  
14 conviction. However, applicants shall not be asked to  
15 report any arrests, and, any arrest not followed by a  
16 conviction shall not be the basis of a denial and may be  
17 used only to assess the applicant's rehabilitation.

18 (4) Convictions overturned by a higher court.

19 (5) Convictions or arrests that have been sealed or  
20 expunged.

21 (b) When reviewing, for the purpose of determining whether  
22 to grant a license, a conviction of any felony of an applicant,  
23 the Department shall consider evidence of rehabilitation and  
24 mitigating factors contained in the applicant's record,  
25 including the following:

26 (1) the lack of direct relation of the offense for

1 which the applicant was previously convicted to the duties,  
2 functions, and responsibilities of the position for which a  
3 license is sought;

4 (2) whether 5 years since a felony conviction or 3  
5 years since release from confinement for the conviction,  
6 whichever is later, have passed without a subsequent  
7 conviction;

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

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

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

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

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

1       Corrections; and

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

5       (c) It is the affirmative obligation of the Department to  
6       demonstrate that a prior conviction would impair the ability of  
7       the applicant to engage in the licensed practice. If the  
8       Department refuses to issue a license to an applicant, then the  
9       Department shall notify the applicant of the denial in writing  
10       with the following included in the notice of denial:

11           (1) a statement about the decision to refuse to issue a  
12       license;

13           (2) a list of the convictions that formed the sole or  
14       partial basis for the refusal to issue a license;

15           (3) a list of the mitigating evidence presented by the  
16       applicant;

17           (4) reasons for refusing to issue a license specific to  
18       the evidence presented in mitigation of conviction items  
19       that formed the partial or sole basis for the Department's  
20       decision; and

21           (5) a summary of the appeal process or the earliest the  
22       applicant may reapply for a license, whichever is  
23       applicable.

24       (d) No later than May 1 of each year, the Department must  
25       prepare, publicly announce, and publish a report of summary  
26       statistical information relating to new and renewal license

1 applications during the preceding calendar year. Each report  
2 shall show, at a minimum:

3 (1) the number of applicants for a new or renewal  
4 license under this Act within the previous calendar year;

5 (2) the number of applicants for a new or renewal  
6 license under this Act within the previous calendar year  
7 who had any criminal conviction;

8 (3) the number of applicants for a new or renewal  
9 license under this Act in the previous calendar year who  
10 were granted a license;

11 (4) the number of applicants for a new or renewal  
12 license with a criminal conviction who were granted a  
13 license under this Act within the previous calendar year;

14 (5) the number of applicants for a new or renewal  
15 license under this Act within the previous calendar year  
16 who were denied a license;

17 (6) the number of applicants for a new or renewal  
18 license with a criminal conviction who were denied a  
19 license under this Act in the previous calendar year in  
20 part or in full because of a prior conviction;

21 (7) the number of probationary licenses without  
22 monitoring issued under this Act in the previous calendar  
23 year to applicants with a criminal conviction; and

24 (8) the number of probationary licenses with  
25 monitoring issued under this Act in the previous calendar  
26 year to applicants with a criminal conviction.

1 Section 80. The Illinois Athlete Agents Act is amended by  
2 changing Section 75 and by adding Section 74 as follows:

3 (225 ILCS 401/74 new)

4 Sec. 74. Applicant convictions.

5 (a) The Department shall not require the applicant to  
6 report the following information and shall not consider the  
7 following criminal history records in connection with an  
8 application for licensure:

9 (1) Juvenile adjudications of delinquent minors as  
10 defined in Section 5-105 of the Juvenile Court Act of 1987,  
11 subject to the restrictions set forth in Section 5-130 of  
12 the Juvenile Court Act of 1987.

13 (2) Law enforcement records, court records, and  
14 conviction records of an individual who was 17 years old at  
15 the time of the offense and before January 1, 2014, unless  
16 the nature of the offense required the individual to be  
17 tried as an adult.

18 (3) Records of arrest not followed by a conviction  
19 unless related to the practice of the profession. However,  
20 applicants shall not be asked to report any arrests, and,  
21 an arrest not followed by a conviction shall not be the  
22 basis of a denial and may be used only to assess an  
23 applicant's rehabilitation.

24 (4) Convictions overturned by a higher court.

1           (5) Convictions or arrests that have been sealed or  
2           expunged.

3           (b) When reviewing, for the purpose of licensure, a  
4           conviction of any misdemeanor directly related to the practice  
5           of the profession or of any felony of the applicant, the  
6           Department shall consider any evidence of rehabilitation and  
7           mitigating factors contained in the applicant's record,  
8           including any of the following:

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

13           (2) whether 5 years since a felony conviction or 3  
14           years since release from confinement for the conviction,  
15           whichever is later, have passed without a subsequent  
16           conviction;

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

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

23           (5) successful completion of sentence and, for  
24           applicants serving a term of parole or probation, a  
25           progress report provided by the applicant's probation or  
26           parole officer that documents the applicant's compliance



1 with conditions of supervision;

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

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

11 (8) any other mitigating factors that contribute to the  
12 person's potential and current ability to perform the  
13 duties and responsibilities of the position for which a  
14 license or employment is sought.

15 (c) It is the affirmative obligation of the Department to  
16 demonstrate that a prior conviction would impair the ability of  
17 the applicant to engage in the licensed practice. If the  
18 Department refuses to issue a license to an applicant, then the  
19 Department shall notify the applicant of the denial in writing  
20 with the following included in the notice of denial:

21 (1) a statement about the decision to refuse to issue a  
22 license;

23 (2) a list of the conviction items that formed the sole  
24 or partial basis for the refusal to issue a license;

25 (3) a list of the mitigating evidence presented by the  
26 applicant;

1           (4) reasons for refusing to issue a license specific to  
2           the evidence presented in mitigation of conviction items  
3           that formed the partial or sole basis for the Department's  
4           decision; and

5           (5) a summary of the appeal process or the earliest the  
6           applicant may reapply for a license, whichever is  
7           applicable.

8           (d) No later than May 1 of each year, the Department must  
9           prepare, publicly announce, and publish a report of summary  
10           statistical information relating to new and renewal license  
11           applications during the preceding calendar year. Each report  
12           shall show, at a minimum:

13           (1) the number of applicants for a new or renewal  
14           license under this Act within the previous calendar year;

15           (2) the number of applicants for a new or renewal  
16           license under this Act within the previous calendar year  
17           who had any criminal conviction;

18           (3) the number of applicants for a new or renewal  
19           license under this Act in the previous calendar year who  
20           were granted a license;

21           (4) the number of applicants for a new or renewal  
22           license with a criminal conviction who were granted a  
23           license under this Act within the previous calendar year;

24           (5) the number of applicants for a new or renewal  
25           license under this Act within the previous calendar year  
26           who were denied a license;

1           (6) the number of applicants for a new or renewal  
2           license with a criminal conviction who were denied a  
3           license under this Act in the previous calendar year in  
4           part or in whole because of a prior conviction;

5           (7) the number of probationary licenses without  
6           monitoring issued under this Act in the previous calendar  
7           year to applicants with a criminal conviction; and

8           (8) the number of probationary licenses with  
9           monitoring issued under this Act in the previous calendar  
10           year to applicants with a criminal conviction.

11           (225 ILCS 401/75)

12           Sec. 75. Grounds for disciplinary action.

13           (a) The Department may refuse to issue or renew, or may  
14           revoke, suspend, place on probation, reprimand, or take other  
15           disciplinary or non-disciplinary action as the Department may  
16           deem appropriate, including imposing fines not to exceed  
17           \$10,000 for each violation, with regard to any license for any  
18           one or combination of the following:

19           (1) Making a material misstatement in furnishing  
20           information to the Department.

21           (2) Violating this Act, or the rules adopted pursuant  
22           to this Act.

23           (3) For licensees, conviction ~~Conviction~~ of or entry of  
24           a plea of guilty or nolo contendere, finding of guilt, jury  
25           verdict, or entry of judgment or by sentencing of any

1 crime, including but not limited to convictions, preceding  
2 sentences of supervision, conditional discharge or first  
3 offender probation, to any crime that is a felony under the  
4 laws of the United States or any state or territory thereof  
5 or that is a misdemeanor of which as essential element is  
6 dishonesty, or any crime that is directly related to the  
7 practice of the profession. For applicants, the provisions  
8 of Section 74 of this Act apply.

9 (4) Making any misrepresentation for the purpose of  
10 obtaining licensure or violating any provision of this Act  
11 or the rules adopted under this Act pertaining to  
12 advertising.

13 (5) Professional incompetence.

14 (6) Gross malpractice.

15 (7) Aiding or assisting another person in violating any  
16 provision of this Act or rules adopted under this Act.

17 (8) Failing, within 60 days, to provide information in  
18 response to a written request made by the Department.

19 (9) Engaging in dishonorable, unethical, or  
20 unprofessional conduct of a character likely to deceive,  
21 defraud, or harm the public.

22 (10) Inability to practice with reasonable judgment,  
23 skill or safety as a result of habitual or excessive use or  
24 addiction to alcohol, narcotics, stimulants or any other  
25 chemical agent or drug.

26 (11) Denial of any application as an athlete agent or

1 discipline by another state, District of Columbia,  
2 territory, or foreign nation, if at least one of the  
3 grounds for the discipline is the same or substantially  
4 equivalent to those set forth in this Section.

5 (12) A finding by the Department that the licensee,  
6 after having his or her license placed on probationary  
7 status, has violated the terms of probation.

8 (13) Willfully making or filing false records or  
9 reports in his or her practice, including but not limited  
10 to, false records filed with State agencies or departments.

11 (14) Inability to practice the profession with  
12 reasonable judgment, skill, or safety as a result of a  
13 physical illness, including but not limited to  
14 deterioration through the aging process or loss of motor  
15 skill, or a mental illness or disability.

16 (15) Solicitation of professional services other than  
17 permitted advertising.

18 (16) Conviction of or cash compromise of a charge or  
19 violation of the Illinois Controlled Substances Act  
20 regulating narcotics.

21 (17) Gross, willful, or continued overcharging for  
22 professional services, including filing false statements  
23 for collection of fees for which services are not rendered.

24 (18) Practicing under a false or, except as provided by  
25 law, an assumed name.

26 (19) Fraud or misrepresentation in applying for, or

1           procuring, a license under this Act or in connection with  
2           applying for renewal of a license under this Act.

3           (20) Any instance in which the conduct of the applicant  
4           or any person named pursuant to item (5) of subsection (a)  
5           of Section 45 resulted in the imposition of a sanction,  
6           suspension, or declaration of ineligibility to participate  
7           in an interscholastic or intercollegiate athletic event on  
8           a student-athlete or educational institution.

9           (21) Any instance in which the conduct of any person  
10          named pursuant to item (5) of subsection (a) of Section 45  
11          resulted in the denial of an application as an athlete  
12          agent or discipline of a license as an athlete agent by  
13          another state, District of Columbia, territory, or foreign  
14          nation, if at least one of the grounds for the discipline  
15          is the same or substantially equivalent to those set forth  
16          in this Section.

17          (22) Committing any of the activities set forth in  
18          subsection (b) of Section 175 of this Act.

19          (b) A person holding a license under this Act or has  
20          applied for licensure under this Act who, because of a physical  
21          or mental illness or disability, including but not limited to  
22          deterioration through the aging process or loss of motor skill,  
23          is unable to practice the profession with reasonable judgment,  
24          skill, or safety may be required by the Department to submit to  
25          care, counseling or treatment by physicians approved or  
26          designated by the Department as a condition, term or

1 restriction for continued, reinstated or renewed licensure to  
2 practice. Submission to care, counseling or treatment as  
3 required by the Department shall not be considered discipline  
4 of the license. If the licensee refuses to enter into a care,  
5 counseling, or treatment agreement or fails to abide by the  
6 terms of the agreement, then the Department may file a  
7 complaint to suspend, revoke, or otherwise discipline the  
8 license of the individual. The Secretary may order the license  
9 suspended immediately, pending a hearing by the Department.  
10 Fines shall not be assessed in disciplinary actions involving  
11 physical or mental illness or impairment.

12 (c) The determination by a circuit court that a licensee is  
13 subject to involuntary admission or judicial admission as  
14 provided in the Mental Health and Developmental Disabilities  
15 Code, as amended, operates as an automatic suspension. The  
16 suspension will end only upon a finding by a court that the  
17 licensee is no longer subject to the involuntary admission or  
18 judicial admission and issues an order so finding and  
19 discharging the licensee; and upon review of the order by the  
20 Secretary or his or her designee, the licensee may be allowed  
21 to resume his or her practice.

22 (d) The Department may refuse to issue or may suspend  
23 without hearing as provided for in the Code of Civil Procedure  
24 the license of any person who fails to file a return, or to pay  
25 the tax, penalty or interest shown in a filed return, or to pay  
26 any final assessment of the tax, penalty, or interest as

1 required by any tax Act administered by the Illinois Department  
2 of Revenue, until such time as the requirements of any such tax  
3 Act are satisfied.

4 (e) In enforcing this Section, the Department upon a  
5 showing of a possible violation may compel an individual  
6 licensed to practice under this Act, or who has applied for  
7 licensure under this Act, to submit to a mental or physical  
8 examination, or both, as required by and at the expense of the  
9 Department. The Department may order the examining physician to  
10 present testimony concerning the mental or physical  
11 examination of the licensee or applicant. No information shall  
12 be excluded by reason of any common law or statutory privilege  
13 relating to communications between the licensee or applicant  
14 and the examining physician. The examining physicians shall be  
15 specifically designated by the Department. The individual to be  
16 examined may have, at his or her own expense, another physician  
17 of his or her choice present during all aspects of this  
18 examination. Failure of an individual to submit to a mental or  
19 physical examination, when directed, shall be grounds for the  
20 immediate suspension of his or her license until the individual  
21 submits to the examination if the Department finds that the  
22 refusal to submit to the examination was without reasonable  
23 cause as defined by rule.

24 In instances in which the Secretary immediately suspends a  
25 person's license for his or her failure to submit to a mental  
26 or physical examination, when directed, a hearing on that



1 person's license must be convened by the Department within 15  
2 days after the suspension and completed without appreciable  
3 delay.

4 In instances in which the Secretary otherwise suspends a  
5 person's license pursuant to the results of a compelled mental  
6 or physical examination a hearing on that person's license must  
7 be convened by the Department within 15 days after the  
8 suspension and completed without appreciable delay. The  
9 Department shall have the authority to review the subject  
10 individual's record of treatment and counseling regarding the  
11 impairment to the extent permitted by applicable federal  
12 statutes and regulations safeguarding the confidentiality of  
13 medical records.

14 An individual licensed under this Act and affected under  
15 this Section shall be afforded an opportunity to demonstrate to  
16 the Department that he or she can resume practice in compliance  
17 with acceptable and prevailing standards under the provisions  
18 of his or her license.

19 (Source: P.A. 96-1030, eff. 1-1-11.)

20 Section 85. The Auction License Act is amended by changing  
21 Section 20-15 and by adding Section 20-11 as follows:

22 (225 ILCS 407/20-11 new)

23 Sec. 20-11. Applicant convictions.

24 (a) The Department shall not require the applicant to

1 report information about the following, and shall not consider  
2 the following criminal history records in connection with an  
3 application for a license under this Act:

4 (1) Juvenile adjudications of delinquent minors as  
5 defined in Section 5-105 of the Juvenile Court Act of 1987,  
6 subject to the restrictions set forth in Section 5-130 of  
7 the Juvenile Court Act of 1987.

8 (2) Law enforcement records, court records, and  
9 conviction records of an individual who was 17 years old at  
10 the time of the offense and before January 1, 2014, unless  
11 the nature of the offense required the individual to be  
12 tried as an adult.

13 (3) Records of arrest not followed by a conviction  
14 unless related to the practice of the profession. However,  
15 applicants shall not be asked to report any arrests, and,  
16 an arrest not followed by a conviction shall not be the  
17 basis of a denial and may be used only to assess an  
18 applicant's rehabilitation.

19 (4) Convictions overturned by a higher court.

20 (5) Convictions or arrests that have been sealed or  
21 expunged.

22 (b) When reviewing, for the purpose of licensure, an  
23 applicant's conviction of any felony or a misdemeanor that is  
24 directly related to the practice of the profession, the  
25 Department shall consider any evidence of rehabilitation and  
26 mitigating factors contained in the applicant's record,

1 including any of the following:

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

6 (2) whether 5 years since a felony conviction or 3  
7 years since release from confinement for the conviction,  
8 whichever is later, have passed without a subsequent  
9 conviction;

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

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

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

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

23 (7) evidence of rehabilitation or rehabilitative  
24 effort during or after incarceration, or during or after a  
25 term of supervision, including, but not limited to, a  
26 certificate of good conduct under Section 5-5.5-25 of the

1 Unified Code of Corrections or a certificate of relief from  
2 disabilities under Section 5-5.5-10 of the Unified Code of  
3 Corrections; and

4 (8) any other mitigating factors that contribute to the  
5 person's potential and current ability to perform the  
6 duties and responsibilities of the position for which a  
7 license or employment is sought.

8 (c) It is the affirmative obligation of the Department to  
9 demonstrate that a prior conviction would impair the ability of  
10 the applicant to engage in the licensed practice. If the  
11 Department refuses to issue a license to an applicant, then the  
12 Department shall notify the applicant of the denial in writing  
13 with the following included in the notice of denial:

14 (1) a statement about the decision to refuse to issue a  
15 license;

16 (2) a list of the conviction items that formed the sole  
17 or partial basis for the refusal to issue a license;

18 (3) a list of the mitigating evidence presented by the  
19 applicant;

20 (4) reasons for refusing to issue a license specific to  
21 the evidence presented in mitigation of conviction items  
22 that formed the partial or sole basis for the Department's  
23 decision; and

24 (5) a summary of the appeal process or the earliest the  
25 applicant may reapply for a license, whichever is  
26 applicable.

1       (d) No later than May 1 of each year, the Department must  
2 prepare, publicly announce, and publish a report of summary  
3 statistical information relating to new and renewal license  
4 applications during the preceding calendar year. Each report  
5 shall show, at a minimum:

6           (1) the number of applicants for a new or renewal  
7 license under this Act within the previous calendar year;

8           (2) the number of applicants for a new or renewal  
9 license under this Act within the previous calendar year  
10 who had any criminal conviction;

11           (3) the number of applicants for a new or renewal  
12 license under this Act in the previous calendar year who  
13 were granted a license;

14           (4) the number of applicants for a new or renewal  
15 license with a criminal conviction who were granted a  
16 license under this Act within the previous calendar year;

17           (5) the number of applicants for a new or renewal  
18 license under this Act within the previous calendar year  
19 who were denied a license;

20           (6) the number of applicants for a new or renewal  
21 license with a criminal conviction who were denied a  
22 license under this Act in the previous calendar year in  
23 part or in whole because of a prior conviction;

24           (7) the number of probationary licenses without  
25 monitoring issued under this Act in the previous calendar  
26 year to applicants with a criminal conviction; and

1           (8) the number of probationary licenses with  
2           monitoring issued under this Act in the previous calendar  
3           year to applicants with a criminal conviction.

4           (225 ILCS 407/20-15)

5           (Section scheduled to be repealed on January 1, 2020)

6           Sec. 20-15. Disciplinary actions; grounds. The Department  
7           may refuse to issue or renew a license, may place on probation  
8           or administrative supervision, suspend, or revoke any license  
9           or may reprimand or take other disciplinary or non-disciplinary  
10          action as the Department may deem proper, including the  
11          imposition of fines not to exceed \$10,000 for each violation  
12          upon anyone licensed under this Act for any of the following  
13          reasons:

14               (1) False or fraudulent representation or material  
15               misstatement in furnishing information to the Department  
16               in obtaining or seeking to obtain a license.

17               (2) Violation of any provision of this Act or the rules  
18               promulgated pursuant to this Act.

19               (3) For licensees, conviction ~~Conviction~~ of or entry of  
20               a plea of guilty or nolo contendere to any crime that is a  
21               felony under the laws of the United States or any state or  
22               territory thereof, or that is a misdemeanor, an essential  
23               element of which is dishonesty, or any crime that is  
24               directly related to the practice of the profession. For  
25               applicants, the provisions of Section 20-11 apply.

1           (4) Being adjudged to be a person under legal  
2           disability or subject to involuntary admission or to meet  
3           the standard for judicial admission as provided in the  
4           Mental Health and Developmental Disabilities Code.

5           (5) Discipline of a licensee by another state, the  
6           District of Columbia, a territory of the United States, a  
7           foreign nation, a governmental agency, or any other entity  
8           authorized to impose discipline if at least one of the  
9           grounds for that discipline is the same as or the  
10          equivalent to one of the grounds for discipline set forth  
11          in this Act or for failing to report to the Department,  
12          within 30 days, any adverse final action taken against the  
13          licensee by any other licensing jurisdiction, government  
14          agency, law enforcement agency, or court, or liability for  
15          conduct that would constitute grounds for action as set  
16          forth in this Act.

17          (6) Engaging in the practice of auctioneering,  
18          conducting an auction, or providing an auction service  
19          without a license or after the license was expired,  
20          revoked, suspended, or terminated or while the license was  
21          inoperative.

22          (7) Attempting to subvert or cheat on the auctioneer  
23          exam or any continuing education exam, or aiding or  
24          abetting another to do the same.

25          (8) Directly or indirectly giving to or receiving from  
26          a person, firm, corporation, partnership, or association a

1 fee, commission, rebate, or other form of compensation for  
2 professional service not actually or personally rendered,  
3 except that an auctioneer licensed under this Act may  
4 receive a fee from another licensed auctioneer from this  
5 State or jurisdiction for the referring of a client or  
6 prospect for auction services to the licensed auctioneer.

7 (9) Making any substantial misrepresentation or  
8 untruthful advertising.

9 (10) Making any false promises of a character likely to  
10 influence, persuade, or induce.

11 (11) Pursuing a continued and flagrant course of  
12 misrepresentation or the making of false promises through a  
13 licensee, agent, employee, advertising, or otherwise.

14 (12) Any misleading or untruthful advertising, or  
15 using any trade name or insignia of membership in any  
16 auctioneer association or organization of which the  
17 licensee is not a member.

18 (13) Commingling funds of others with his or her own  
19 funds or failing to keep the funds of others in an escrow  
20 or trustee account.

21 (14) Failure to account for, remit, or return any  
22 moneys, property, or documents coming into his or her  
23 possession that belong to others, acquired through the  
24 practice of auctioneering, conducting an auction, or  
25 providing an auction service within 30 days of the written  
26 request from the owner of said moneys, property, or



1 documents.

2 (15) Failure to maintain and deposit into a special  
3 account, separate and apart from any personal or other  
4 business accounts, all moneys belonging to others  
5 entrusted to a licensee while acting as an auctioneer,  
6 associate auctioneer, auction firm, or as a temporary  
7 custodian of the funds of others.

8 (16) Failure to make available to Department personnel  
9 during normal business hours all escrow and trustee records  
10 and related documents maintained in connection with the  
11 practice of auctioneering, conducting an auction, or  
12 providing an auction service within 24 hours after a  
13 request from Department personnel.

14 (17) Making or filing false records or reports in his  
15 or her practice, including but not limited to false records  
16 or reports filed with State agencies.

17 (18) Failing to voluntarily furnish copies of all  
18 written instruments prepared by the auctioneer and signed  
19 by all parties to all parties at the time of execution.

20 (19) Failing to provide information within 30 days in  
21 response to a written request made by the Department.

22 (20) Engaging in any act that constitutes a violation  
23 of Section 2-102, 3-103, or 3-105 of the Illinois Human  
24 Rights Act.

25 (21) (Blank).

26 (22) Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,  
2 defraud, or harm the public.

3 (23) Offering or advertising real estate for sale or  
4 lease at auction without a valid broker or managing  
5 broker's license under the Real Estate License Act of 1983,  
6 or any successor Act, unless exempt from licensure under  
7 the terms of the Real Estate License Act of 2000, or any  
8 successor Act, except as provided for in Section 5-32 of  
9 the Real Estate License Act of 2000.

10 (24) Inability to practice the profession with  
11 reasonable judgment, skill, or safety as a result of a  
12 physical illness, including, but not limited to,  
13 deterioration through the aging process or loss of motor  
14 skill, or a mental illness or disability.

15 (25) A pattern of practice or other behavior that  
16 demonstrates incapacity or incompetence to practice under  
17 this Act.

18 (26) Being named as a perpetrator in an indicated  
19 report by the Department of Children and Family Services  
20 under the Abused and Neglected Child Reporting Act and upon  
21 proof by clear and convincing evidence that the licensee  
22 has caused a child to be an abused child or a neglected  
23 child as defined in the Abused and Neglected Child  
24 Reporting Act.

25 (27) Inability to practice with reasonable judgment,  
26 skill, or safety as a result of habitual or excessive use

1 or addiction to alcohol, narcotics, stimulants, or any  
2 other chemical agent or drug.

3 (28) Wilfully failing to report an instance of  
4 suspected child abuse or neglect as required by the Abused  
5 and Neglected Child Reporting Act.

6 The entry of an order by a circuit court establishing that  
7 any person holding a license under this Act is subject to  
8 involuntary admission or judicial admission, as provided for in  
9 the Mental Health and Developmental Disabilities Code,  
10 operates as an automatic suspension of that license. That  
11 person may have his or her license restored only upon the  
12 determination by a circuit court that the patient is no longer  
13 subject to involuntary admission or judicial admission and the  
14 issuance of an order so finding and discharging the patient and  
15 upon the Board's recommendation to the Department that the  
16 license be restored. Where circumstances so indicate, the Board  
17 may recommend to the Department that it require an examination  
18 prior to restoring a suspended license.

19 If the Department or Board finds an individual unable to  
20 practice because of the reasons set forth in this Section, the  
21 Department or Board may require that individual to submit to  
22 care, counseling, or treatment by physicians approved or  
23 designated by the Department or Board, as a condition, term, or  
24 restriction for continued, reinstated, or renewed licensure to  
25 practice; or, in lieu of care, counseling, or treatment, the  
26 Department may file, or the Board may recommend to the

1 Department to file, a complaint to immediately suspend, revoke,  
2 or otherwise discipline the license of the individual. An  
3 individual whose license was granted, continued, reinstated,  
4 renewed, disciplined or supervised subject to such terms,  
5 conditions, or restrictions, and who fails to comply with such  
6 terms, conditions, or restrictions, shall be referred to the  
7 Secretary for a determination as to whether the individual  
8 shall have his or her license suspended immediately, pending a  
9 hearing by the Department. In instances in which the Secretary  
10 immediately suspends a person's license under this Section, a  
11 hearing on that person's license must be convened by the  
12 Department within 21 days after the suspension and completed  
13 without appreciable delay. The Department and Board shall have  
14 the authority to review the subject individual's record of  
15 treatment and counseling regarding the impairment to the extent  
16 permitted by applicable federal statutes and regulations  
17 safeguarding the confidentiality of medical records.

18 An individual licensed under this Act and affected under  
19 this Section shall be afforded an opportunity to demonstrate to  
20 the Department or Board that he or she can resume practice in  
21 compliance with acceptable and prevailing standards under the  
22 provisions of his or her license.

23 In enforcing this Section, the Department or Board, upon a  
24 showing of a possible violation, may compel an individual  
25 licensed to practice under this Act, or who has applied for  
26 licensure under this Act, to submit to a mental or physical

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

17 (Source: P.A. 98-553, eff. 1-1-14.)

18 Section 90. The Electrologist Licensing Act is amended by  
19 changing Section 75 and by adding Section 76 as follows:

20 (225 ILCS 412/75)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 75. Grounds for discipline.

23 (a) The Department may refuse to issue or renew and may  
24 revoke or suspend a license under this Act, and may place on

1 probation, reprimand, or take other disciplinary or  
2 non-disciplinary action with regard to any licensee under this  
3 Act, as the Department may consider appropriate, including  
4 imposing fines not to exceed \$10,000 for each violation and  
5 assess costs as provided for under Section 95 of this Act, for  
6 one or any combination of the following causes:

7 (1) Material misstatement in furnishing information to  
8 the Department.

9 (2) Violation of this Act or rules adopted under this  
10 Act.

11 (3) For licensees, conviction ~~Conviction~~ by plea of  
12 guilty or nolo contendere, finding of guilt, jury verdict,  
13 or entry of judgment or sentencing, including, but not  
14 limited to, convictions, preceding sentences of  
15 supervision, conditional discharge, or first offender  
16 probation, under the laws of any jurisdiction of the United  
17 States that is (i) a felony or (ii) a misdemeanor, an  
18 essential element of which is dishonesty, or that is  
19 directly related to the practice of electrology. For  
20 applicants, the provisions of Section 76 of this Act apply.

21 (4) Fraud or misrepresentation in applying for or  
22 procuring a license under this Act, or in connection with  
23 applying for renewal of a license under this Act.

24 (5) Aiding or assisting another person in violating any  
25 provision of this Act or its rules.

26 (6) Failing to provide information within 60 days in

1 response to a written request made by the Department.

2 (7) Engaging in dishonorable, unethical, or  
3 unprofessional conduct of a character likely to deceive,  
4 defraud, or harm the public.

5 (8) Habitual or excessive use or abuse of drugs defined  
6 in law as controlled substances, alcohol, or any other  
7 substance that results in an electrologist's inability to  
8 practice with reasonable judgment, skill, or safety.

9 (9) Discipline by another governmental agency, unit of  
10 government, U.S. jurisdiction, or foreign nation if at  
11 least one of the grounds for discipline is the same as or  
12 substantially equivalent to any of those set forth in this  
13 Act.

14 (10) Directly or indirectly giving to or receiving from  
15 any person, firm, corporation, partnership, or association  
16 any fee, commission, rebate, or other form of compensation  
17 for any professional services not actually or personally  
18 rendered. Nothing in this paragraph (10) affects any bona  
19 fide independent contractor or employment arrangements  
20 among health care professionals, health facilities, health  
21 care providers, or other entities, except as otherwise  
22 prohibited by law. Any employment arrangements with health  
23 care providers may include provisions for compensation,  
24 health insurance, pension, or other employment benefits  
25 for the provision of services within the scope of the  
26 licensee's practice under this Act. Nothing in this

1 paragraph (10) shall be construed to require an employment  
2 arrangement to receive professional fees for services  
3 rendered.

4 (11) A finding by the Department that the licensee,  
5 after having his or her license placed on probationary  
6 status, has violated the terms of probation.

7 (12) Abandonment of a patient.

8 (13) Willfully making or filing false records or  
9 reports in the licensee's practice, including, but not  
10 limited to, false records filed with State agencies or  
11 departments.

12 (14) Mental or physical illness or disability,  
13 including, but not limited to, deterioration through the  
14 aging process or loss of motor skill that results in the  
15 inability to practice the profession with reasonable  
16 judgment, skill, or safety.

17 (15) Negligence in his or her practice under this Act.

18 (16) Use of fraud, deception, or any unlawful means in  
19 applying for and securing a license as an electrologist.

20 (17) Immoral conduct in the commission of any act, such  
21 as sexual abuse, sexual misconduct, or sexual  
22 exploitation, related to the licensee's practice.

23 (18) Failure to comply with standards of sterilization  
24 and sanitation as defined in the rules of the Department.

25 (19) Charging for professional services not rendered,  
26 including filing false statements for the collection of



1 fees for which services are not rendered.

2 (20) Allowing one's license under this Act to be used  
3 by an unlicensed person in violation of this Act.

4 (b) The Department may refuse to issue or renew or may  
5 suspend without hearing the license of any person who fails to  
6 file a return, to pay the tax, penalty or interest shown in a  
7 filed return, or to pay any final assessment of the tax,  
8 penalty, or interest as required by any tax Act administered by  
9 the Illinois Department of Revenue until the requirements of  
10 the tax Act are satisfied in accordance with subsection (g) of  
11 Section 2105-15 of the Department of Professional Regulation  
12 Law of the Civil Administrative Code of Illinois.

13 (c) The determination by a circuit court that a licensee is  
14 subject to involuntary admission or judicial admission as  
15 provided in the Mental Health and Developmental Disabilities  
16 Code operates as an automatic suspension. The suspension will  
17 end only upon a finding by a court that the patient is no  
18 longer subject to involuntary admission or judicial admission,  
19 the issuance of an order so finding and discharging the  
20 patient, and the filing of a petition for restoration  
21 demonstrating fitness to practice.

22 (d) In enforcing this Section, the Department, upon a  
23 showing of a possible violation, may compel any individual who  
24 is licensed to practice under this Act or any individual who  
25 has applied for licensure to submit to a mental or physical  
26 examination and evaluation, or both, that may include a

1 substance abuse or sexual offender evaluation, at the expense  
2 of the Department. The Department shall specifically designate  
3 the examining physician licensed to practice medicine in all of  
4 its branches or, if applicable, the multidisciplinary team  
5 involved in providing the mental or physical examination and  
6 evaluation, or both. The multidisciplinary team shall be led by  
7 a physician licensed to practice medicine in all of its  
8 branches and may consist of one or more or a combination of  
9 physicians licensed to practice medicine in all of its  
10 branches, licensed chiropractic physicians, licensed clinical  
11 psychologists, licensed clinical social workers, licensed  
12 clinical professional counselors, and other professional and  
13 administrative staff. Any examining physician or member of the  
14 multidisciplinary team may require any person ordered to submit  
15 to an examination and evaluation pursuant to this Section to  
16 submit to any additional supplemental testing deemed necessary  
17 to complete any examination or evaluation process, including,  
18 but not limited to, blood testing, urinalysis, psychological  
19 testing, or neuropsychological testing.

20 The Department may order the examining physician or any  
21 member of the multidisciplinary team to provide to the  
22 Department any and all records, including business records,  
23 that relate to the examination and evaluation, including any  
24 supplemental testing performed. The Department may order the  
25 examining physician or any member of the multidisciplinary team  
26 to present testimony concerning this examination and

1 evaluation of the licensee, permit holder, or applicant,  
2 including testimony concerning any supplemental testing or  
3 documents relating to the examination and evaluation. No  
4 information, report, record, or other documents in any way  
5 related to the examination and evaluation shall be excluded by  
6 reason of any common law or statutory privilege relating to  
7 communication between the licensee or applicant and the  
8 examining physician or any member of the multidisciplinary  
9 team. No authorization is necessary from the licensee or  
10 applicant ordered to undergo an evaluation and examination for  
11 the examining physician or any member of the multidisciplinary  
12 team to provide information, reports, records, or other  
13 documents or to provide any testimony regarding the examination  
14 and evaluation. The individual to be examined may have, at his  
15 or her own expense, another physician of his or her choice  
16 present during all aspects of the examination.

17 Failure of any individual to submit to mental or physical  
18 examination and evaluation, or both, when directed, shall  
19 result in an automatic suspension without hearing, until such  
20 time as the individual submits to the examination. If the  
21 Department finds a licensee unable to practice because of the  
22 reasons set forth in this Section, the Department shall require  
23 the licensee to submit to care, counseling, or treatment by  
24 physicians approved or designated by the Department as a  
25 condition for continued, reinstated, or renewed licensure to  
26 practice.

1           When the Secretary immediately suspends a license under  
2 this Section, a hearing upon the person's license must be  
3 convened by the Department within 15 days after the suspension  
4 and completed without appreciable delay. The Department shall  
5 have the authority to review the licensee's record of treatment  
6 and counseling regarding the impairment to the extent permitted  
7 by applicable federal statutes and regulations safeguarding  
8 the confidentiality of medical records.

9           Individuals licensed under this Act affected under this  
10 Section shall be afforded an opportunity to demonstrate to the  
11 Department that they can resume practice in compliance with  
12 acceptable and prevailing standards under the provisions of  
13 their license.

14           (e) The Department shall deny a license or renewal  
15 authorized by this Act to a person who has defaulted on an  
16 educational loan or scholarship provided or guaranteed by the  
17 Illinois Student Assistance Commission or any governmental  
18 agency of this State in accordance with item (5) of subsection  
19 (a) of Section 2105-15 of the Department of Professional  
20 Regulation Law of the Civil Administrative Code of Illinois.

21           (f) In cases where the Department of Healthcare and Family  
22 Services has previously determined a licensee or a potential  
23 licensee is more than 30 days delinquent in the payment of  
24 child support and has subsequently certified the delinquency to  
25 the Department, the Department may refuse to issue or renew or  
26 may revoke or suspend that person's license or may take other

1 disciplinary action against that person based solely upon the  
2 certification of delinquency made by the Department of  
3 Healthcare and Family Services in accordance with item (5) of  
4 subsection (a) of Section 2105-15 of the Department of  
5 Professional Regulation Law of the Civil Administrative Code of  
6 Illinois.

7 (g) All fines or costs imposed under this Section shall be  
8 paid within 60 days after the effective date of the order  
9 imposing the fine or costs or in accordance with the terms set  
10 forth in the order imposing the fine.

11 (Source: P.A. 98-363, eff. 8-16-13.)

12 (225 ILCS 412/76 new)

13 Sec. 76. Applicant convictions.

14 (a) The Department shall not require the applicant to  
15 report the following information and shall not consider the  
16 following criminal history records in connection with an  
17 application for licensure:

18 (1) Juvenile adjudications of delinquent minors as  
19 defined in Section 5-105 of the Juvenile Court Act of 1987,  
20 subject to the restrictions set forth in Section 5-130 of  
21 the Juvenile Court Act of 1987.

22 (2) Law enforcement records, court records, and  
23 conviction records of an individual who was 17 years old at  
24 the time of the offense and before January 1, 2014, unless  
25 the nature of the offense required the individual to be

1 tried as an adult.

2 (3) Records of arrest not followed by a conviction  
3 unless related to the practice of the profession. However,  
4 applicants shall not be asked to report any arrests, and,  
5 an arrest not followed by a conviction shall not be the  
6 basis of a denial and may be used only to assess an  
7 applicant's rehabilitation.

8 (4) Convictions overturned by a higher court.

9 (5) Convictions or arrests that have been sealed or  
10 expunged.

11 (b) When reviewing, for the purpose of determining whether  
12 to grant a license, a conviction of any felony by plea of  
13 guilty or nolo contendere, finding of guilt, jury verdict, or  
14 entry of judgment or by sentencing of an applicant, the  
15 Department shall consider any evidence of rehabilitation and  
16 mitigating factors contained in the applicant's record,  
17 including any of the following:

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

22 (2) whether 5 years since a felony conviction or 3  
23 years since release from confinement for the conviction,  
24 whichever is later, have passed without a subsequent  
25 conviction;

26 (3) if the applicant was previously licensed or

1 employed in this State or other state or jurisdictions,  
2 then the lack of prior misconduct arising from or related  
3 to the licensed position or position of employment;

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

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

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

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

20 (8) any other mitigating factors that contribute to the  
21 person's potential and current ability to perform the  
22 duties and responsibilities of the position for which a  
23 license or employment is sought.

24 (c) It is the affirmative obligation of the Department to  
25 demonstrate that a prior conviction would impair the ability of  
26 the applicant to engage in the licensed practice. If the

1 Department refuses to issue a license to an applicant, then the  
2 Department shall notify the applicant of the denial in writing  
3 with the following included in the notice of denial:

4 (1) a statement about the decision to refuse to issue a  
5 license;

6 (2) a list of the conviction items that formed the sole  
7 or partial basis for the refusal to issue a license;

8 (3) a list of the mitigating evidence presented by the  
9 applicant;

10 (4) reasons for refusing to issue a license specific to  
11 the evidence presented in mitigation of conviction items  
12 that formed the partial or sole basis for the Department's  
13 decision; and

14 (5) a summary of the appeal process or the earliest the  
15 applicant may reapply for a license, whichever is  
16 applicable.

17 (d) No later than May 1 of each year, the Department must  
18 prepare, publicly announce, and publish a report of summary  
19 statistical information relating to new and renewal license  
20 applications during the preceding calendar year. Each report  
21 shall show, at a minimum:

22 (1) the number of applicants for a new or renewal  
23 license under this Act within the previous calendar year;

24 (2) the number of applicants for a new or renewal  
25 license under this Act within the previous calendar year  
26 who had any criminal conviction;



1           (3) the number of applicants for a new or renewal  
2           license under this Act in the previous calendar year who  
3           were granted a license;

4           (4) the number of applicants for a new or renewal  
5           license with a criminal conviction who were granted a  
6           license under this Act within the previous calendar year;

7           (5) the number of applicants for a new or renewal  
8           license under this Act within the previous calendar year  
9           who were denied a license;

10           (6) the number of applicants for a new or renewal  
11           license with a criminal conviction who were denied a  
12           license under this Act in the previous calendar year in  
13           part or in whole because of a prior conviction;

14           (7) the number of probationary licenses without  
15           monitoring issued under this Act in the previous calendar  
16           year to applicants with a criminal conviction; and

17           (8) the number of probationary licenses with  
18           monitoring issued under this Act in the previous calendar  
19           year to applicants with a criminal conviction.

20           Section 95. The Illinois Certified Shorthand Reporters Act  
21           of 1984 is amended by changing Sections 11 and 23 and by adding  
22           Section 11.1 as follows:

23           (225 ILCS 415/11) (from Ch. 111, par. 6211)

24           (Section scheduled to be repealed on January 1, 2024)

1           Sec. 11. Qualifications; application. A person shall be  
2 qualified for certification as a certified shorthand reporter  
3 if:

4           A. That person has applied in writing in form and substance  
5 to the Department; and

6                 (1) (Blank);

7                 (2) Is of good moral character, the determination of  
8 which, when based on a prior felony conviction, shall be  
9 made in accordance with Section 11.1 of this Act ~~shall take~~  
10 ~~into account but not be totally based upon any felony~~  
11 ~~conviction of the applicant; and~~

12                 (3) Has graduated from a high school or secondary  
13 school or its equivalent; and

14           B. That person has successfully completed the examination  
15 authorized by the Department.

16 (Source: P.A. 98-445, eff. 12-31-13.)

17 (225 ILCS 415/11.1 new)

18 Sec. 11.1. Applicant convictions.

19 (a) The Department shall not require the applicant to  
20 report the following information and shall not consider the  
21 following criminal history records in connection with an  
22 application for a license under this Act:

23 (1) Juvenile adjudications of delinquent minors as  
24 defined in Section 5-105 of the Juvenile Court Act of 1987,  
25 subject to the restrictions set forth in Section 5-130 of

1 the Juvenile Court Act of 1987.

2 (2) Law enforcement records, court records, and  
3 conviction records of an individual who was 17 years old at  
4 the time of the offense and before January 1, 2014, unless  
5 the nature of the offense required the individual to be  
6 tried as an adult.

7 (3) Records of arrest not followed by a conviction  
8 unless related to the practice of the profession. However,  
9 applicants shall not be asked to report any arrests, and,  
10 an arrest not followed by a conviction shall not be the  
11 basis of a denial and may be used only to assess an  
12 applicant's rehabilitation.

13 (4) Convictions overturned by a higher court.

14 (5) Convictions or arrests that have been sealed or  
15 expunged.

16 (b) No applicant for license under this Act shall be denied  
17 a license based on a finding of a lack of "good moral  
18 character" when a finding is based on the fact that an  
19 applicant was previously convicted of a criminal offense or  
20 offenses. When reviewing, for the purpose of determining moral  
21 character or whether to grant a license, a conviction of any  
22 felony or a misdemeanor directly related to the practice of the  
23 profession of an applicant, the Department shall consider any  
24 evidence of rehabilitation or mitigating factors contained in  
25 the applicant's record, including any of the following:

26 (1) the lack of direct relation of the offense for

1       which the applicant was previously convicted to the duties,  
2       functions, and responsibilities of the position for which a  
3       license is sought;

4       (2) whether 5 years since a felony conviction or 3  
5       years since release from confinement for the conviction,  
6       whichever is later, have passed without a subsequent  
7       conviction;

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

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

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

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

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

1       Corrections; and

2           (8) any other mitigating factors that contribute to the  
3       person's potential and current ability to perform the  
4       duties and responsibilities of the position for which a  
5       license or employment is sought.

6       (c) It is the affirmative obligation of the Department to  
7       demonstrate that a prior conviction would impair the ability of  
8       the applicant to engage in the licensed practice. If the  
9       Department refuses to issue a license to an applicant, then the  
10       Department shall notify the applicant of the denial in writing  
11       with the following included in the notice of denial:

12           (1) a statement about the decision to refuse to issue a  
13       license;

14           (2) a list of the conviction items that formed the sole  
15       or partial basis for the refusal to issue a license;

16           (3) a list of the mitigating evidence presented by the  
17       applicant;

18           (4) reasons for refusing to issue a license specific to  
19       the evidence presented in mitigation of conviction items  
20       that formed the partial or sole basis for the Department's  
21       decision; and

22           (5) a summary of the appeal process or the earliest the  
23       applicant may reapply for a license, whichever is  
24       applicable.

25       (d) No later than May 1 of each year, the Department must  
26       prepare, publicly announce, and publish a report of summary

1 statistical information relating to new and renewal license  
2 applications during the preceding calendar year. Each report  
3 shall show, at a minimum:

4 (1) the number of applicants for a new or renewal  
5 license under this Act within the previous calendar year;

6 (2) the number of applicants for a new or renewal  
7 license under this Act within the previous calendar year  
8 who had any criminal conviction;

9 (3) the number of applicants for a new or renewal  
10 license under this Act in the previous calendar year who  
11 were granted a license;

12 (4) the number of applicants for a new or renewal  
13 license with a criminal conviction who were granted a  
14 license under this Act within the previous calendar year;

15 (5) the number of applicants for a new or renewal  
16 license under this Act within the previous calendar year  
17 who were denied a license;

18 (6) the number of applicants for a new or renewal  
19 license with a criminal conviction who were denied a  
20 license under this Act in the previous calendar year in  
21 part or in whole because of a prior conviction;

22 (7) the number of probationary licenses without  
23 monitoring issued under this Act in the previous calendar  
24 year to applicants with a criminal conviction; and

25 (8) the number of probationary licenses with  
26 monitoring issued under this Act in the previous calendar

1       year to applicants with a criminal conviction.

2       (225 ILCS 415/23) (from Ch. 111, par. 6223)

3       (Section scheduled to be repealed on January 1, 2024)

4       Sec. 23. Grounds for disciplinary action.

5       (a) The Department may refuse to issue or renew, or may  
6       revoke, suspend, place on probation, reprimand or take other  
7       disciplinary or non-disciplinary action as the Department may  
8       deem appropriate, including imposing fines not to exceed  
9       \$10,000 for each violation and the assessment of costs as  
10      provided for in Section 23.3 of this Act, with regard to any  
11      license for any one or combination of the following:

12           (1) Material misstatement in furnishing information to  
13      the Department;

14           (2) Violations of this Act, or of the rules promulgated  
15      thereunder;

16           (3) For licensees, conviction ~~Conviction~~ by plea of  
17      guilty or nolo contendere, finding of guilt, jury verdict,  
18      or entry of judgment or by sentencing of any crime,  
19      including, but not limited to, convictions, preceding  
20      sentences of supervision, conditional discharge, or first  
21      offender probation under the laws of any jurisdiction of  
22      the United States: (i) that is a felony or (ii) that is a  
23      misdemeanor, an essential element of which is dishonesty,  
24      or that is directly related to the practice of the  
25      profession; for applicants, the provisions of Section 11.1

1       apply;

2           (4) Fraud or any misrepresentation in applying for or  
3       procuring a license under this Act or in connection with  
4       applying for renewal of a license under this Act;

5           (5) Professional incompetence;

6           (6) Aiding or assisting another person, firm,  
7       partnership or corporation in violating any provision of  
8       this Act or rules;

9           (7) Failing, within 60 days, to provide information in  
10       response to a written request made by the Department;

11          (8) Engaging in dishonorable, unethical or  
12       unprofessional conduct of a character likely to deceive,  
13       defraud or harm the public;

14          (9) Habitual or excessive use or abuse of drugs defined  
15       in law as controlled substances, alcohol, or any other  
16       substances that results in the inability to practice with  
17       reasonable judgment, skill, or safety;

18          (10) Discipline by another state, unit of government,  
19       government agency, the District of Columbia, a territory,  
20       or foreign nation, if at least one of the grounds for the  
21       discipline is the same or substantially equivalent to those  
22       set forth herein;

23          (11) Charging for professional services not rendered,  
24       including filing false statements for the collection of  
25       fees for which services were not rendered, or giving,  
26       directly or indirectly, any gift or anything of value to



1 attorneys or their staff or any other persons or entities  
2 associated with any litigation, that exceeds \$100 total per  
3 year; for the purposes of this Section, pro bono services,  
4 as defined by State law, are permissible in any amount;

5 (12) A finding by the Board that the certificate  
6 holder, after having his certificate placed on  
7 probationary status, has violated the terms of probation;

8 (13) Willfully making or filing false records or  
9 reports in the practice of shorthand reporting, including  
10 but not limited to false records filed with State agencies  
11 or departments;

12 (14) Physical illness, including but not limited to,  
13 deterioration through the aging process, or loss of motor  
14 skill which results in the inability to practice under this  
15 Act with reasonable judgment, skill or safety;

16 (15) Solicitation of professional services other than  
17 by permitted advertising;

18 (16) Willful failure to take full and accurate  
19 stenographic notes of any proceeding;

20 (17) Willful alteration of any stenographic notes  
21 taken at any proceeding;

22 (18) Willful failure to accurately transcribe verbatim  
23 any stenographic notes taken at any proceeding;

24 (19) Willful alteration of a transcript of  
25 stenographic notes taken at any proceeding;

26 (20) Affixing one's signature to any transcript of his

1 stenographic notes or certifying to its correctness unless  
2 the transcript has been prepared by him or under his  
3 immediate supervision;

4 (21) Willful failure to systematically retain  
5 stenographic notes or transcripts on paper or any  
6 electronic media for 10 years from the date that the notes  
7 or transcripts were taken;

8 (22) Failure to deliver transcripts in a timely manner  
9 or in accordance with contractual agreements;

10 (23) Establishing contingent fees as a basis of  
11 compensation;

12 (24) Mental illness or disability that results in the  
13 inability to practice under this Act with reasonable  
14 judgment, skill, or safety;

15 (25) Practicing under a false or assumed name, except  
16 as provided by law;

17 (26) Cheating on or attempting to subvert the licensing  
18 examination administered under this Act;

19 (27) Allowing one's license under this Act to be used  
20 by an unlicensed person in violation of this Act.

21 All fines imposed under this Section shall be paid within  
22 60 days after the effective date of the order imposing the fine  
23 or in accordance with the terms set forth in the order imposing  
24 the fine.

25 (b) The determination by a circuit court that a certificate  
26 holder is subject to involuntary admission or judicial

1 admission as provided in the Mental Health and Developmental  
2 Disabilities Code, operates as an automatic suspension. Such  
3 suspension will end only upon a finding by a court that the  
4 patient is no longer subject to involuntary admission or  
5 judicial admission, an order by the court so finding and  
6 discharging the patient. In any case where a license is  
7 suspended under this Section, the licensee may file a petition  
8 for restoration and shall include evidence acceptable to the  
9 Department that the licensee can resume practice in compliance  
10 with acceptable and prevailing standards of the profession.

11 (c) In cases where the Department of Healthcare and Family  
12 Services has previously determined a licensee or a potential  
13 licensee is more than 30 days delinquent in the payment of  
14 child support and has subsequently certified the delinquency to  
15 the Department, the Department may refuse to issue or renew or  
16 may revoke or suspend that person's license or may take other  
17 disciplinary action against that person based solely upon the  
18 certification of delinquency made by the Department of  
19 Healthcare and Family Services in accordance with item (5) of  
20 subsection (a) of Section 2105-15 of the Civil Administrative  
21 Code of Illinois.

22 (d) In enforcing this Section, the Department, upon a  
23 showing of a possible violation, may compel any individual who  
24 is certified under this Act or any individual who has applied  
25 for certification under this Act to submit to a mental or  
26 physical examination and evaluation, or both, which may include

1 a substance abuse or sexual offender evaluation, at the expense  
2 of the Department. The Department shall specifically designate  
3 the examining physician licensed to practice medicine in all of  
4 its branches or, if applicable, the multidisciplinary team  
5 involved in providing the mental or physical examination and  
6 evaluation, or both. The multidisciplinary team shall be led by  
7 a physician licensed to practice medicine in all of its  
8 branches and may consist of one or more or a combination of  
9 physicians licensed to practice medicine in all of its  
10 branches, licensed chiropractic physicians, licensed clinical  
11 psychologists, licensed clinical social workers, licensed  
12 clinical professional counselors, and other professional and  
13 administrative staff. Any examining physician or member of the  
14 multidisciplinary team may require any person ordered to submit  
15 to an examination and evaluation pursuant to this Section to  
16 submit to any additional supplemental testing deemed necessary  
17 to complete any examination or evaluation process, including,  
18 but not limited to, blood testing, urinalysis, psychological  
19 testing, or neuropsychological testing.

20 The Department may order the examining physician or any  
21 member of the multidisciplinary team to provide to the  
22 Department any and all records, including business records,  
23 that relate to the examination and evaluation, including any  
24 supplemental testing performed. The Department may order the  
25 examining physician or any member of the multidisciplinary team  
26 to present testimony concerning this examination and

1 evaluation of the certified shorthand reporter or applicant,  
2 including testimony concerning any supplemental testing or  
3 documents relating to the examination and evaluation. No  
4 information, report, record, or other documents in any way  
5 related to the examination and evaluation shall be excluded by  
6 reason of any common law or statutory privilege relating to  
7 communication between the licensee or applicant and the  
8 examining physician or any member of the multidisciplinary  
9 team. No authorization is necessary from the certified  
10 shorthand reporter or applicant ordered to undergo an  
11 evaluation and examination for the examining physician or any  
12 member of the multidisciplinary team to provide information,  
13 reports, records, or other documents or to provide any  
14 testimony regarding the examination and evaluation. The  
15 individual to be examined may have, at his or her own expense,  
16 another physician of his or her choice present during all  
17 aspects of the examination.

18 Failure of any individual to submit to mental or physical  
19 examination and evaluation, or both, when directed, shall  
20 result in an automatic suspension, without hearing, until such  
21 time as the individual submits to the examination. If the  
22 Department finds a certified shorthand reporter unable to  
23 practice because of the reasons set forth in this Section, the  
24 Department shall require the certified shorthand reporter to  
25 submit to care, counseling, or treatment by physicians approved  
26 or designated by the Department, as a condition for continued,

1 reinstated, or renewed certification.

2 When the Secretary immediately suspends a certificate  
3 under this Section, a hearing upon the person's certificate  
4 must be convened by the Department within 15 days after the  
5 suspension and completed without appreciable delay. The  
6 Department shall have the authority to review the certified  
7 shorthand reporter's record of treatment and counseling  
8 regarding the impairment, to the extent permitted by applicable  
9 federal statutes and regulations safeguarding the  
10 confidentiality of medical records.

11 Individuals certified under this Act, affected under this  
12 Section, shall be afforded an opportunity to demonstrate to the  
13 Department that they can resume practice in compliance with  
14 acceptable and prevailing standards under the provisions of  
15 their certification.

16 (e) The Department shall deny a license or renewal  
17 authorized by this Act to a person who has defaulted on an  
18 educational loan or scholarship provided or guaranteed by the  
19 Illinois Student Assistance Commission or any governmental  
20 agency of this State in accordance with item (5) of subsection  
21 (a) of Section 2105-15 of the Civil Administrative Code of  
22 Illinois.

23 (f) The Department may refuse to issue or may suspend  
24 without hearing, as provided for in the Code of Civil  
25 Procedure, the license of any person who fails to file a  
26 return, to pay the tax, penalty, or interest shown in a filed

1 return, or to pay any final assessment of tax, penalty, or  
2 interest as required by any tax Act administered by the  
3 Illinois Department of Revenue, until such time as the  
4 requirements of any such tax Act are satisfied in accordance  
5 with subsection (g) of Section 2105-15 of the Civil  
6 Administrative Code of Illinois.

7 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

8 Section 100. The Collateral Recovery Act is amended by  
9 changing Sections 40, 45, 80, and 85 as follows:

10 (225 ILCS 422/40)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 40. Qualifications for recovery manager;  
13 identification card.

14 (a) An applicant is qualified for licensure as a recovery  
15 manager if that person meets all of the following requirements:

16 (1) Is 21 years of age or older.

17 (2) If convicted of any felony, has been sufficiently  
18 rehabilitated following the conviction ~~Has not been~~  
19 ~~convicted in any jurisdiction of any felony or 7 at least~~  
20 ~~10~~ years has passed from the time of discharge from any  
21 sentence imposed for a felony.

22 (3) Has completed no less than 2,500 hours of actual  
23 compensated collateral recovery work as an employee of a  
24 repossession agency, a financial institution, or a vehicle

1 dealer within the 5 years immediately preceding the filing  
2 of an application, acceptable proof of which must be  
3 submitted to the Commission.

4 (4) Has submitted to the Commission 2 sets of  
5 fingerprints, which shall be checked against the  
6 fingerprint records on file with the Illinois State Police  
7 and the Federal Bureau of Investigation in the manner set  
8 forth in Section 60 of this Act.

9 (5) Has successfully completed a certification program  
10 approved by the Commission.

11 (6) Has paid the required application fees.

12 (b) Upon the issuance of a recovery manager license, the  
13 Commission shall issue the license holder a suitable pocket  
14 identification card that shall include a photograph of the  
15 license holder. The identification card must contain the name  
16 of the license holder and any other information required by the  
17 Commission. An applicant who is 21 years of age or older  
18 seeking a religious exemption to the photograph requirement of  
19 this subsection shall furnish with his or her application an  
20 approved copy of United States Department of the Treasury  
21 Internal Revenue Service Form 4029.

22 (c) A recovery manager license is not transferable.

23 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

24 (225 ILCS 422/45)

25 (Section scheduled to be repealed on January 1, 2022)



1           Sec. 45. Repossession agency employee requirements.

2           (a) All employees of a licensed repossession agency whose  
3 duties include the actual repossession of collateral must apply  
4 for a recovery permit. The holder of a repossession agency  
5 license issued under this Act, known in this Section as the  
6 "employer", may employ in the conduct of the business under the  
7 following provisions:

8           (1) No person may be issued a recovery permit who meets  
9 any of the following criteria:

10           (A) Is younger than 21 years of age.

11           (B) Has been determined by the Commission to be  
12 unfit by reason of a lack of rehabilitation following a  
13 conviction of an offense in this or another state,  
14 other than a minor traffic offense. The Commission  
15 shall adopt rules for making those determinations.

16           (C) Has had a license or recovery permit denied,  
17 suspended, or revoked under this Act.

18           (D) Has not successfully completed a certification  
19 program approved by the Commission.

20           (2) No person may be employed by a repossession agency  
21 under this Section until he or she has executed and  
22 furnished to the Commission, on forms furnished by the  
23 Commission, a verified statement to be known as an  
24 "Employee's Statement" setting forth all of the following:

25           (A) The person's full name, age, and residence  
26 address.

1           (B) The business or occupation engaged in for the 5  
2 years immediately before the date of the execution of  
3 the statement, the place where the business or  
4 occupation was engaged in, and the names of the  
5 employers, if any.

6           (C) That the person has not had a license or  
7 recovery permit denied, revoked, or suspended under  
8 this Act.

9           (D) Any conviction of a felony, except as provided  
10 for in Section 85.

11           (E) Any other information as may be required by any  
12 rule of the Commission to show the good character,  
13 competency, and integrity of the person executing the  
14 statement.

15           (b) Each applicant for a recovery permit shall have his or  
16 her fingerprints submitted to the Commission by a Live Scan  
17 fingerprint vendor certified by the Illinois State Police under  
18 the Private Detective, Private Alarm, Private Security,  
19 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic  
20 format that complies with the form and manner for requesting  
21 and furnishing criminal history record information as  
22 prescribed by the Illinois State Police. These fingerprints  
23 shall be checked against the Illinois State Police and Federal  
24 Bureau of Investigation criminal history record databases now  
25 and hereafter filed. The Commission shall charge applicants a  
26 fee for conducting the criminal history records check, which

1 shall not exceed the actual cost of the records check. The  
2 Illinois Commerce Commission Police shall furnish, pursuant to  
3 positive identification, records of Illinois convictions to  
4 the Commission. The Commission, in its discretion, may allow an  
5 applicant who does not have reasonable access to a designated  
6 vendor to provide his or her fingerprints in an alternative  
7 manner. The Commission, in its discretion, may also use other  
8 procedures in performing or obtaining criminal history records  
9 checks of applicants. Instead of submitting his or her  
10 fingerprints, an individual may submit proof that is  
11 satisfactory to the Commission that an equivalent security  
12 clearance has been conducted.

13 (c) Qualified applicants shall purchase a recovery permit  
14 from the Commission and in a form that the Commission  
15 prescribes. The Commission shall notify the submitting person  
16 within 10 days after receipt of the application of its intent  
17 to issue or deny the recovery permit. The holder of a recovery  
18 permit shall carry the recovery permit at all times while  
19 actually engaged in the performance of the duties of his or her  
20 employment. No recovery permit shall be effective unless  
21 accompanied by a license issued by the Commission. Expiration  
22 and requirements for renewal of recovery permits shall be  
23 established by rule of the Commission. Possession of a recovery  
24 permit does not in any way imply that the holder of the  
25 recovery permit is employed by any agency unless the recovery  
26 permit is accompanied by the employee identification card

1 required by subsection (e) of this Section.

2 (d) Each employer shall maintain a record of each employee  
3 that is accessible to the duly authorized representatives of  
4 the Commission. The record shall contain all of the following  
5 information:

6 (1) A photograph taken within 10 days after the date  
7 that the employee begins employment with the employer. The  
8 photograph shall be replaced with a current photograph  
9 every 3 calendar years.

10 (2) The Employee's Statement specified in paragraph  
11 (2) of subsection (a) of this Section.

12 (3) All correspondence or documents relating to the  
13 character and integrity of the employee received by the  
14 employer from any official source or law enforcement  
15 agency.

16 (4) In the case of former employees, the employee  
17 identification card of that person issued under subsection  
18 (e) of this Section.

19 (e) Every employer shall furnish an employee  
20 identification card to each of his or her employees. This  
21 subsection (e) shall not apply to office or clerical personnel.  
22 This employee identification card shall contain a recent  
23 photograph of the employee, the employee's name, the name and  
24 agency license number of the employer, the employee's personal  
25 description, the signature of the employer, the signature of  
26 that employee, the date of issuance, and an employee

1 identification card number.

2 (f) No employer may issue an employee identification card  
3 to any person who is not employed by the employer in accordance  
4 with this Section or falsely state or represent that a person  
5 is or has been in his or her employ. It is unlawful for an  
6 applicant for registration to file with the Commission the  
7 fingerprints of a person other than himself or herself or to  
8 fail to exercise due diligence in resubmitting replacement  
9 fingerprints for those employees who have had original  
10 fingerprint submissions returned as unclassifiable. An agency  
11 shall inform the Commission within 15 days after contracting or  
12 employing a licensed repossession agency employee. The  
13 Commission shall develop a registration process by rule.

14 (g) Every employer shall obtain the identification card of  
15 every employee who terminates employment with the employer. An  
16 employer shall immediately report an identification card that  
17 is lost or stolen to the local police department having  
18 jurisdiction over the repossession agency location.

19 (h) No agency may employ any person to perform any activity  
20 under this Act unless the person possesses a valid license or  
21 recovery permit under this Act.

22 (i) If information is discovered affecting the  
23 registration of a person whose fingerprints were submitted  
24 under this Section, then the Commission shall so notify the  
25 agency that submitted the fingerprints on behalf of that  
26 person.

1 (j) A person employed under this Section shall have 15  
2 business days within which to notify the Commission of any  
3 change in employer, but may continue working under any other  
4 recovery permits granted as an employee or independent  
5 contractor.

6 (k) This Section applies only to those employees of  
7 licensed repossession agencies whose duties include actual  
8 repossession of collateral.

9 (l) An applicant who is 21 years of age or older seeking a  
10 religious exemption to the photograph requirement of this  
11 Section shall furnish with his or her application an approved  
12 copy of United States Department of the Treasury Internal  
13 Revenue Service Form 4029. Regardless of age, an applicant  
14 seeking a religious exemption to this photograph requirement  
15 shall submit fingerprints in a form and manner prescribed by  
16 the Commission with his or her application in lieu of a  
17 photograph.

18 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

19 (225 ILCS 422/80)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 80. Refusal, revocation, or suspension.

22 (a) The Commission may refuse to issue or renew or may  
23 revoke any license or recovery permit or may suspend, place on  
24 probation, fine, or take any disciplinary action that the  
25 Commission may deem proper, including fines not to exceed

1 \$2,500 for each violation, with regard to any license holder or  
2 recovery permit holder for one or any combination of the  
3 following causes:

4 (1) Knowingly making any misrepresentation for the  
5 purpose of obtaining a license or recovery permit.

6 (2) Violations of this Act or its rules.

7 (3) For licensees or permit holders, conviction  
8 ~~Conviction~~ of any crime under the laws of the United States  
9 or any state or territory thereof that is (i) a felony,  
10 (ii) a misdemeanor, an essential element of which is  
11 dishonesty, or (iii) a crime that is related to the  
12 practice of the profession. For license or permit  
13 applicants, the provisions of Section 85 of this Act apply.

14 (4) Aiding or abetting another in violating any  
15 provision of this Act or its rules.

16 (5) Engaging in dishonorable, unethical, or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud, or harm the public as defined by rule.

19 (6) Violation of any court order from any State or  
20 public agency engaged in the enforcement of payment of  
21 child support arrearages or for noncompliance with certain  
22 processes relating to paternity or support proceeding.

23 (7) Solicitation of professional services by using  
24 false or misleading advertising.

25 (8) A finding that the license or recovery permit was  
26 obtained by fraudulent means.

1           (9) Practicing or attempting to practice under a name  
2           other than the full name shown on the license or recovery  
3           permit or any other legally authorized name.

4           (b) The Commission may refuse to issue or may suspend the  
5           license or recovery permit of any person or entity who fails to  
6           file a return, pay the tax, penalty, or interest shown in a  
7           filed return, or pay any final assessment of tax, penalty, or  
8           interest, as required by any tax Act administered by the  
9           Department of Revenue, until the time the requirements of the  
10          tax Act are satisfied. The Commission may take into  
11          consideration any pending tax disputes properly filed with the  
12          Department of Revenue.

13          (Source: P.A. 97-576, eff. 7-1-12.)

14          (225 ILCS 422/85)

15          (Section scheduled to be repealed on January 1, 2022)

16          Sec. 85. Consideration of past crimes.

17          (a) The Commission shall not require the applicant to  
18          report the following information and shall not consider the  
19          following criminal history records in connection with an  
20          application for a license or permit under this Act:

21                 (1) Juvenile adjudications of delinquent minors as  
22                 defined in Section 5-105 of the Juvenile Court Act of 1987,  
23                 subject to the restrictions set forth in Section 5-130 of  
24                 the Juvenile Court Act of 1987.

25                 (2) Law enforcement records, court records, and



1 conviction records of an individual who was 17 years old at  
2 the time of the offense and before January 1, 2014, unless  
3 the nature of the offense required the individual to be  
4 tried as an adult.

5 (3) Records of arrest not followed by a conviction.

6 (4) Convictions overturned by a higher court.

7 (5) Convictions or arrests that have been sealed or  
8 expunged.

9 (b) When ~~(a) Notwithstanding the prohibitions set forth in~~  
10 ~~Sections 40 and 45 of this Act, when~~ considering the denial of  
11 a license or recovery permit on the grounds of conviction of a  
12 crime, the Commission, in evaluating the rehabilitation of the  
13 applicant and the applicant's present eligibility for a license  
14 or recovery permit, shall consider each of the following  
15 criteria:

16 (1) The lack of direct relation of the offense for  
17 which the applicant was previously convicted to the duties,  
18 functions, and responsibilities of the position for which a  
19 license is sought. ~~The nature and severity of the act or~~  
20 ~~crime under consideration as grounds for denial.~~

21 (2) Circumstances relative to the offense, including  
22 the applicant's age at the time that the offense was  
23 committed.

24 (3) ~~(2)~~ Evidence of any act committed subsequent to the  
25 act or crime under consideration as grounds for denial,  
26 which also could be considered as grounds for disciplinary

1 action under this Act.

2 (4) ~~(3)~~ The amount of time that has lapsed since the  
3 commission of the act or crime ~~referred to in item (1) or~~  
4 ~~(2) of this subsection (a).~~

5 (5) Successful completion of sentence or for  
6 applicants serving a term of parole or probation, a  
7 progress report provided by the applicant's probation or  
8 parole officer that documents the applicant's compliance  
9 with conditions of supervision. ~~(4) The extent to which the~~  
10 ~~applicant has complied with any terms of parole, probation,~~  
11 ~~restitution, or any other sanctions lawfully imposed~~  
12 ~~against the applicant.~~

13 (6) If the applicant was previously licensed or  
14 employed in this State or other state or jurisdictions,  
15 then the lack of prior misconduct arising from or related  
16 to the licensed position or position of employment. ~~(5)~~  
17 ~~Evidence, if any, of rehabilitation submitted by the~~  
18 ~~applicant.~~

19 (7) Evidence of rehabilitation or rehabilitative  
20 effort during or after incarceration, or during or after a  
21 term of supervision, including, but not limited to, a  
22 certificate of good conduct under Section 5-5.5-25 of the  
23 Unified Code of Corrections or a certificate of relief from  
24 disabilities under Section 5-5.5-10 of the Unified Code of  
25 Corrections.

26 (8) Any other mitigating factors that contribute to the

1       person's potential and current ability to perform the  
2       duties and responsibilities of practices licensed or  
3       registered under this Act.

4       (c) ~~(b)~~ When considering the suspension or revocation of a  
5 license or recovery permit on the grounds of conviction of a  
6 crime, the Commission, in evaluating the rehabilitation of the  
7 applicant and the applicant's present eligibility for a license  
8 or recovery permit, shall consider each of the following  
9 criteria:

10           (1) The nature and severity of the act or offense.

11           (2) The license holder's or recovery permit holder's  
12 criminal record in its entirety.

13           (3) The amount of time that has lapsed since the  
14 commission of the act or offense.

15           (4) Whether the license holder or recovery permit  
16 holder has complied with any terms of parole, probation,  
17 restitution, or any other sanctions lawfully imposed  
18 against him or her.

19           (5) If applicable, evidence of expungement  
20 proceedings.

21           (6) Evidence, if any, of rehabilitation submitted by  
22 the license holder or recovery permit holder.

23       (d) It is the affirmative obligation of the Commission to  
24 demonstrate that a prior conviction would impair the ability of  
25 the applicant to engage in the licensed or registered practice.  
26 If the Commission refuses to grant a license or permit to an

1 applicant, then the Commission shall notify the applicant of  
2 the denial in writing with the following included in the notice  
3 of denial:

4 (1) a statement about the decision to refuse to grant a  
5 license or permit;

6 (2) a list of the conviction items that formed the sole  
7 or partial basis for the refusal to grant a license or  
8 permit;

9 (3) a list of the mitigating evidence presented by the  
10 applicant;

11 (4) reasons for refusing to grant a license or permit  
12 specific to the evidence presented in mitigation of  
13 conviction items that formed the partial or sole basis for  
14 the Commission's decision; and

15 (5) a summary of the appeal process or the earliest the  
16 applicant may reapply for a license or permit, whichever is  
17 applicable.

18 (e) No later than May 1 of each year, the Commission must  
19 prepare, publicly announce, and publish a report of summary  
20 statistical information relating to new and renewal license or  
21 permit applications during the preceding calendar year. Each  
22 report shall show, at a minimum:

23 (1) the number of applicants for a new or renewal  
24 license or permit under this Act within the previous  
25 calendar year;

26 (2) the number of applicants for a new or renewal

1 license or permit under this Act within the previous  
2 calendar year who had any criminal conviction;

3 (3) the number of applicants for a new or renewal  
4 license or permit under this Act in the previous calendar  
5 year who were granted a license or permit;

6 (4) the number of applicants for a new or renewal  
7 license or permit with a criminal conviction who were  
8 granted a license or permit under this Act within the  
9 previous calendar year;

10 (5) the number of applicants for a new or renewal  
11 license or permit under this Act within the previous  
12 calendar year who were denied a license or permit;

13 (6) the number of applicants for a new or renewal  
14 license or permit with a criminal conviction who were  
15 denied a license or permit under this Act in the previous  
16 calendar year in whole or in part because of a prior  
17 conviction;

18 (7) the number of probationary licenses without  
19 monitoring issued under this Act in the previous calendar  
20 year to applicants with a criminal conviction; and

21 (8) the number of probationary licenses with  
22 monitoring issued under this Act in the previous calendar  
23 year to applicants with a criminal conviction.

24 (Source: P.A. 97-576, eff. 7-1-12.)

25 Section 105. The Community Association Manager Licensing

1 and Disciplinary Act is amended by changing Section 85 and by  
2 adding Section 43 as follows:

3 (225 ILCS 427/43 new)

4 Sec. 43. Applicant convictions.

5 (a) The Department shall not require the applicant to  
6 report the following information and shall not consider the  
7 following criminal history records in connection with an  
8 application for a license under this Act:

9 (1) Juvenile adjudications of delinquent minors as  
10 defined in Section 5-105 of the Juvenile Court Act of 1987,  
11 subject to the restrictions set forth in Section 5-130 of  
12 the Juvenile Court Act of 1987.

13 (2) Law enforcement records, court records, and  
14 conviction records of an individual who was 17 years old at  
15 the time of the offense and before January 1, 2014, unless  
16 the nature of the offense required the individual to be  
17 tried as an adult.

18 (3) Records of arrest not followed by a conviction  
19 unless related to the practice of the profession. However,  
20 applicants shall not be asked to report any arrests, and,  
21 an arrest not followed by a conviction shall not be the  
22 basis of a denial and may be used only to assess an  
23 applicant's rehabilitation.

24 (4) Convictions overturned by a higher court.

25 (5) Convictions or arrests that have been sealed or

1       expunged.

2       (b) When determining whether to grant a license to an  
3 applicant with a prior conviction of a felony or of a  
4 misdemeanor directly related to the practice of the profession,  
5 the Department shall consider any evidence of rehabilitation  
6 and mitigating factors contained in the applicant's record,  
7 including any of the following:

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

12           (2) whether 5 years since a felony conviction or 3  
13 years since release from confinement for the conviction,  
14 whichever is later, have passed without a subsequent  
15 conviction;

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

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

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

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

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

10           (8) any other mitigating factors that contribute to the  
11           person's potential and current ability to perform the  
12           duties and responsibilities of the position for which a  
13           license or employment is sought.

14           (c) It is the affirmative obligation of the Department to  
15           demonstrate that a prior conviction would impair the ability of  
16           the applicant to engage in the practice requiring a license. If  
17           the Department refuses to grant a license to an applicant, then  
18           the Department shall notify the applicant of the denial in  
19           writing with the following included in the notice of denial:

20           (1) a statement about the decision to refuse to issue a  
21           license;

22           (2) a list of the convictions that formed the sole or  
23           partial basis for the refusal to issue a license;

24           (3) a list of the mitigating evidence presented by the  
25           applicant;

26           (4) reasons for refusing to issue a license specific to



1 the evidence presented in mitigation of conviction items  
2 that formed the partial or sole basis for the Department's  
3 decision; and

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

7 (d) No later than May 1 of each year, the Department must  
8 prepare, publicly announce, and publish a report of summary  
9 statistical information relating to new and renewal license  
10 applications during the preceding calendar year. Each report  
11 shall show, at a minimum:

12 (1) the number of applicants for a new or renewal  
13 license under this Act within the previous calendar year;

14 (2) the number of applicants for a new or renewal  
15 license under this Act within the previous calendar year  
16 who had any criminal conviction;

17 (3) the number of applicants for a new or renewal  
18 license under this Act in the previous calendar year who  
19 were granted a license;

20 (4) the number of applicants for a new or renewal  
21 license with a criminal conviction who were granted a  
22 license under this Act within the previous calendar year;

23 (5) the number of applicants for a new or renewal  
24 license under this Act within the previous calendar year  
25 who were denied a license;

26 (6) the number of applicants for a new or renewal

1 license with a criminal conviction who were denied a  
2 license under this Act in the previous calendar year in  
3 part or in whole because of a prior conviction;

4 (7) the number of probationary licenses without  
5 monitoring issued under this Act in the previous calendar  
6 year to applicants with a criminal conviction; and

7 (8) the number of probationary licenses with  
8 monitoring issued under this Act in the previous calendar  
9 year to applicants with a criminal conviction.

10 (225 ILCS 427/85)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 85. Grounds for discipline; refusal, revocation, or  
13 suspension.

14 (a) The Department may refuse to issue or renew a license,  
15 or may place on probation, reprimand, suspend, or revoke any  
16 license, or take any other disciplinary or non-disciplinary  
17 action as the Department may deem proper and impose a fine not  
18 to exceed \$10,000 for each violation upon any licensee or  
19 applicant under this Act or any person or entity who holds  
20 himself, herself, or itself out as an applicant or licensee for  
21 any one or combination of the following causes:

22 (1) Material misstatement in furnishing information to  
23 the Department.

24 (2) Violations of this Act or its rules.

25 (3) For licensees, conviction ~~Conviction~~ of or entry of

1 a plea of guilty or plea of nolo contendere to a felony or  
2 a misdemeanor under the laws of the United States, any  
3 state, or any other jurisdiction or entry of an  
4 administrative sanction by a government agency in this  
5 State or any other jurisdiction. Action taken under this  
6 paragraph (3) for a misdemeanor or an administrative  
7 sanction is limited to a misdemeanor or administrative  
8 sanction that has as an essential element dishonesty or  
9 fraud, that involves larceny, embezzlement, or obtaining  
10 money, property, or credit by false pretenses or by means  
11 of a confidence game, or that is directly related to the  
12 practice of the profession; for applicants, the provisions  
13 of Section 43 apply.

14 (4) Making any misrepresentation for the purpose of  
15 obtaining a license or violating any provision of this Act  
16 or its rules.

17 (5) Professional incompetence.

18 (6) Gross negligence.

19 (7) Aiding or assisting another person in violating any  
20 provision of this Act or its rules.

21 (8) Failing, within 30 days, to provide information in  
22 response to a request made by the Department.

23 (9) Engaging in dishonorable, unethical, or  
24 unprofessional conduct of a character likely to deceive,  
25 defraud or harm the public as defined by the rules of the  
26 Department, or violating the rules of professional conduct

1           adopted by the Department.

2           (10) Habitual or excessive use or addiction to alcohol,  
3           narcotics, stimulants, or any other chemical agent or drug  
4           that results in the inability to practice with reasonable  
5           judgment, skill, or safety.

6           (11) Having been disciplined by another state, the  
7           District of Columbia, a territory, a foreign nation, or a  
8           governmental agency authorized to impose discipline if at  
9           least one of the grounds for the discipline is the same or  
10          substantially equivalent of one of the grounds for which a  
11          licensee may be disciplined under this Act. A certified  
12          copy of the record of the action by the other state or  
13          jurisdiction shall be prima facie evidence thereof.

14          (12) Directly or indirectly giving to or receiving from  
15          any person, firm, corporation, partnership or association  
16          any fee, commission, rebate, or other form of compensation  
17          for any professional services not actually or personally  
18          rendered.

19          (13) A finding by the Department that the licensee,  
20          after having his, her, or its license placed on  
21          probationary status, has violated the terms of probation.

22          (14) Willfully making or filing false records or  
23          reports relating to a licensee's practice, including but  
24          not limited to false records filed with any State or  
25          federal agencies or departments.

26          (15) Being named as a perpetrator in an indicated

1 report by the Department of Children and Family Services  
2 under the Abused and Neglected Child Reporting Act and upon  
3 proof by clear and convincing evidence that the licensee  
4 has caused a child to be an abused child or neglected child  
5 as defined in the Abused and Neglected Child Reporting Act.

6 (16) Physical illness or mental illness or impairment,  
7 including, but not limited to, deterioration through the  
8 aging process or loss of motor skill that results in the  
9 inability to practice the profession with reasonable  
10 judgment, skill, or safety.

11 (17) Solicitation of professional services by using  
12 false or misleading advertising.

13 (18) A finding that licensure has been applied for or  
14 obtained by fraudulent means.

15 (19) Practicing or attempting to practice under a name  
16 other than the full name as shown on the license or any  
17 other legally authorized name.

18 (20) Gross overcharging for professional services  
19 including, but not limited to, (i) collection of fees or  
20 moneys for services that are not rendered; and (ii)  
21 charging for services that are not in accordance with the  
22 contract between the licensee and the community  
23 association.

24 (21) Improper commingling of personal and client funds  
25 in violation of this Act or any rules promulgated thereto.

26 (22) Failing to account for or remit any moneys or

1 documents coming into the licensee's possession that  
2 belong to another person or entity.

3 (23) Giving differential treatment to a person that is  
4 to that person's detriment because of race, color, creed,  
5 sex, religion, or national origin.

6 (24) Performing and charging for services without  
7 reasonable authorization to do so from the person or entity  
8 for whom service is being provided.

9 (25) Failing to make available to the Department, upon  
10 request, any books, records, or forms required by this Act.

11 (26) Purporting to be a supervising community  
12 association manager of a firm without active participation  
13 in the firm.

14 (27) Failing to make available to the Department at the  
15 time of the request any indicia of licensure or  
16 registration issued under this Act.

17 (28) Failing to maintain and deposit funds belonging to  
18 a community association in accordance with subsection (b)  
19 of Section 55 of this Act.

20 (29) Violating the terms of a disciplinary order issued  
21 by the Department.

22 (b) In accordance with subdivision (a)(5) of Section  
23 2105-15 of the Department of Professional Regulation Law of the  
24 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15),  
25 the Department shall deny a license or renewal authorized by  
26 this Act to a person who has defaulted on an educational loan

1 or scholarship provided or guaranteed by the Illinois Student  
2 Assistance Commission or any governmental agency of this State.

3 (c) The determination by a circuit court that a licensee is  
4 subject to involuntary admission or judicial admission, as  
5 provided in the Mental Health and Developmental Disabilities  
6 Code, operates as an automatic suspension. The suspension will  
7 terminate only upon a finding by a court that the patient is no  
8 longer subject to involuntary admission or judicial admission  
9 and the issuance of an order so finding and discharging the  
10 patient, and upon the recommendation of the Board to the  
11 Secretary that the licensee be allowed to resume his or her  
12 practice as a licensed community association manager.

13 (d) In accordance with subsection (g) of Section 2105-15 of  
14 the Department of Professional Regulation Law of the Civil  
15 Administrative Code of Illinois (20 ILCS 2105/2105-15), the  
16 Department may refuse to issue or renew or may suspend the  
17 license of any person who fails to file a return, to pay the  
18 tax, penalty, or interest shown in a filed return, or to pay  
19 any final assessment of tax, penalty, or interest, as required  
20 by any tax Act administered by the Department of Revenue, until  
21 such time as the requirements of that tax Act are satisfied.

22 (e) In accordance with subdivision (a)(5) of Section  
23 2105-15 of the Department of Professional Regulation Law of the  
24 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)  
25 and in cases where the Department of Healthcare and Family  
26 Services (formerly Department of Public Aid) has previously

1 determined that a licensee or a potential licensee is more than  
2 30 days delinquent in the payment of child support and has  
3 subsequently certified the delinquency to the Department may  
4 refuse to issue or renew or may revoke or suspend that person's  
5 license or may take other disciplinary action against that  
6 person based solely upon the certification of delinquency made  
7 by the Department of Healthcare and Family Services.

8 (f) In enforcing this Section, the Department or Board upon  
9 a showing of a possible violation may compel a licensee or an  
10 individual licensed to practice under this Act, or who has  
11 applied for licensure under this Act, to submit to a mental or  
12 physical examination, or both, as required by and at the  
13 expense of the Department. The Department or Board may order  
14 the examining physician to present testimony concerning the  
15 mental or physical examination of the licensee or applicant. No  
16 information shall be excluded by reason of any common law or  
17 statutory privilege relating to communications between the  
18 licensee or applicant and the examining physician. The  
19 examining physicians shall be specifically designated by the  
20 Board or Department. The individual to be examined may have, at  
21 his or her own expense, another physician of his or her choice  
22 present during all aspects of this examination. Failure of an  
23 individual to submit to a mental or physical examination, when  
24 directed, shall be grounds for suspension of his or her license  
25 or denial of his or her application or renewal until the  
26 individual submits to the examination if the Department finds,



1 after notice and hearing, that the refusal to submit to the  
2 examination was without reasonable cause.

3 If the Department or Board finds an individual unable to  
4 practice because of the reasons set forth in this Section, the  
5 Department or Board may require that individual to submit to  
6 care, counseling, or treatment by physicians approved or  
7 designated by the Department or Board, as a condition, term, or  
8 restriction for continued, reinstated, or renewed licensure to  
9 practice; or, in lieu of care, counseling, or treatment, the  
10 Department may file, or the Board may recommend to the  
11 Department to file, a complaint to immediately suspend, revoke,  
12 deny, or otherwise discipline the license of the individual. An  
13 individual whose license was granted, continued, reinstated,  
14 renewed, disciplined or supervised subject to such terms,  
15 conditions, or restrictions, and who fails to comply with such  
16 terms, conditions, or restrictions, shall be referred to the  
17 Secretary for a determination as to whether the individual  
18 shall have his or her license suspended immediately, pending a  
19 hearing by the Department.

20 In instances in which the Secretary immediately suspends a  
21 person's license under this Section, a hearing on that person's  
22 license must be convened by the Department within 30 days after  
23 the suspension and completed without appreciable delay. The  
24 Department and Board shall have the authority to review the  
25 subject individual's record of treatment and counseling  
26 regarding the impairment to the extent permitted by applicable

1 federal statutes and regulations safeguarding the  
2 confidentiality of medical records.

3 An individual licensed under this Act and affected under  
4 this Section shall be afforded an opportunity to demonstrate to  
5 the Department or Board that he or she can resume practice in  
6 compliance with acceptable and prevailing standards under the  
7 provisions of his or her license.

8 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;  
9 98-756, eff. 7-16-14.)

10 Section 110. The Interpreter for the Deaf Licensure Act of  
11 2007 is amended by changing Sections 45 and 115 and by adding  
12 Section 47 as follows:

13 (225 ILCS 443/45)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 45. Qualifications for licensure. A person shall be  
16 qualified to be licensed as an interpreter for the deaf and the  
17 Commission shall issue a license to an applicant who:

18 (1) has applied in writing on the prescribed forms and  
19 paid the required fees;

20 (2) is of good moral character; in determining good  
21 moral character, the Commission shall take into  
22 consideration whether the applicant has engaged in conduct  
23 or activities that would constitute grounds for discipline  
24 under Section 115 of this Act, except consideration of

1 prior convictions shall be in accordance with Section 47 of  
2 this Act;

3 (3) is an accepted certificate holder;

4 (4) has a high school diploma or equivalent; and

5 (5) has met any other requirements established by the  
6 Commission by rule.

7 (Source: P.A. 95-617, eff. 9-12-07.)

8 (225 ILCS 443/47 new)

9 Sec. 47. Applicant convictions.

10 (a) The Commission shall not require applicants to report  
11 the following information and shall not consider the following  
12 criminal history records in connection with an application for  
13 a license under this Act:

14 (1) Juvenile adjudications of delinquent minors as  
15 defined in Section 5-105 of the Juvenile Court Act of 1987,  
16 subject to the restrictions set forth in Section 5-130 of  
17 the Juvenile Court Act of 1987.

18 (2) Law enforcement records, court records, and  
19 conviction records of an individual who was 17 years old at  
20 the time of the offense and before January 1, 2014, unless  
21 the nature of the offense required the individual to be  
22 tried as an adult.

23 (3) Records of arrest not followed by a conviction.

24 (4) Convictions overturned by a higher court.

25 (5) Convictions or arrests that have been sealed or

1       expunged.

2       (b) No application for any license under this Act shall be  
3 denied by reason of a finding of lack of "good moral character"  
4 when the finding is based upon the fact that the applicant has  
5 previously been convicted of one or more criminal offenses.  
6 When reviewing, for the purpose of determining moral character  
7 or whether to grant a license, a conviction of a felony or a  
8 misdemeanor, an essential element of which is dishonesty, or  
9 that is directly related to the practice of interpreting, of an  
10 applicant, the Commission shall consider any evidence of  
11 rehabilitation and mitigating factors contained in the  
12 applicant's record, including any of the following:

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

17           (2) whether 5 years since a felony conviction or 3  
18 years since release from confinement for the conviction,  
19 whichever is later, have passed without a subsequent  
20 conviction;

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

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

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

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

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

15           (8) any other mitigating factors that contribute to the  
16           person's potential and current ability to perform the  
17           duties and responsibilities of the position for which a  
18           license or employment is sought.

19           (c) It is the affirmative obligation of the Commission to  
20           demonstrate that a prior conviction would impair the ability of  
21           the applicant to engage in the licensed practice. If the  
22           Commission refuses to issue a license to an applicant, then the  
23           Commission shall notify the applicant of the denial in writing  
24           with the following included in the notice of denial:

25           (1) a statement about the decision to refuse to issue a  
26           license;

1           (2) a list of the conviction items that formed the sole  
2           or partial basis for the refusal to issue a license;

3           (3) a list of the mitigating evidence presented by the  
4           applicant;

5           (4) reasons for refusing to issue a license specific to  
6           the evidence presented in mitigation of conviction items  
7           that formed the partial or sole basis for the Commission's  
8           decision; and

9           (5) a summary of the appeal process or the earliest the  
10          applicant may reapply for a license, whichever is  
11          applicable.

12          (d) No later than May 1 of each year, the Commission must  
13          prepare, publicly announce, and publish a report of summary  
14          statistical information relating to new and renewal license  
15          applications during the preceding calendar year. Each report  
16          shall show, at a minimum:

17               (1) the number of applicants for a new or renewal  
18               license under this Act within the previous calendar year;

19               (2) the number of applicants for a new or renewal  
20               license under this Act within the previous calendar year  
21               who had any criminal conviction;

22               (3) the number of applicants for a new or renewal  
23               license under this Act in the previous calendar year who  
24               were granted a license;

25               (4) the number of applicants for a new or renewal  
26               license with a criminal conviction who were granted a

1 license under this Act within the previous calendar year;

2 (5) the number of applicants for a new or renewal  
3 license under this Act within the previous calendar year  
4 who were denied a license;

5 (6) the number of applicants for a new or renewal  
6 license with a criminal conviction who were denied a  
7 license under this Act in the previous calendar year in  
8 whole or in part because of a prior conviction;

9 (7) the number of probationary licenses without  
10 monitoring issued under this Act in the previous calendar  
11 year to applicants with a criminal conviction; and

12 (8) the number of probationary licenses with  
13 monitoring issued under this Act in the previous calendar  
14 year to applicants with a criminal conviction.

15 (225 ILCS 443/115)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 115. Grounds for disciplinary action.

18 (a) The Commission may refuse to issue or renew any license  
19 and the Department may suspend or revoke any license or may  
20 place on probation, censure, reprimand, or take other  
21 disciplinary action deemed appropriate by the Department,  
22 including the imposition of fines not to exceed \$2,500 for each  
23 violation, with regard to any license issued under this Act for  
24 any one or more of the following reasons:

25 (1) Material deception in furnishing information to

1 the Commission or the Department.

2 (2) Violations or negligent or intentional disregard  
3 of any provision of this Act or its rules.

4 (3) For licensees, conviction ~~Conviction~~ of any crime  
5 under the laws of any jurisdiction of the United States  
6 that is a felony or a misdemeanor, an essential element of  
7 which is dishonesty, or that is directly related to the  
8 practice of interpreting. For applicants, the provisions  
9 of Section 47 apply.

10 (4) A pattern of practice or other behavior that  
11 demonstrates incapacity or incompetence to practice under  
12 this Act.

13 (5) Knowingly aiding or assisting another person in  
14 violating any provision of this Act or rules adopted  
15 thereunder.

16 (6) Failing, within 60 days, to provide a response to a  
17 request for information in response to a written request  
18 made by the Commission or the Department by certified mail.

19 (7) Engaging in dishonorable, unethical, or  
20 unprofessional conduct of a character likely to deceive,  
21 defraud, or harm the public.

22 (8) Habitual use of or addiction to alcohol, narcotics,  
23 stimulants, or any other chemical agent or drug that  
24 results in a licensee's inability to practice with  
25 reasonable judgment, skill, or safety.

26 (9) Discipline by another jurisdiction or foreign



1 nation, if at least one of the grounds for the discipline  
2 is the same or substantially equivalent to those set forth  
3 in this Section.

4 (10) A finding that the licensee, after having his or  
5 her license placed on probationary status, has violated the  
6 terms of probation.

7 (11) Being named as a perpetrator in an indicated  
8 report by the Department of Children and Family Services  
9 under the Abused and Neglected Child Reporting Act and upon  
10 proof by clear and convincing evidence that the licensee  
11 has caused a child to be an abused child or a neglected  
12 child, as defined in the Abused and Neglected Child  
13 Reporting Act.

14 (12) Gross negligence in the practice of interpreting.

15 (13) Holding oneself out to be a practicing interpreter  
16 for the deaf under any name other than one's own.

17 (14) Knowingly allowing another person or organization  
18 to use the licensee's license to deceive the public.

19 (15) Attempting to subvert or cheat on an  
20 interpreter-related examination or evaluation.

21 (16) Immoral conduct in the commission of an act, such  
22 as sexual abuse, sexual misconduct, or sexual  
23 exploitation, related to the licensee's practice.

24 (17) Willfully violating State or federal  
25 confidentiality laws or the confidentiality between an  
26 interpreter and client, except as required by State or

1 federal law.

2 (18) Practicing or attempting to practice interpreting  
3 under a name other than one's own.

4 (19) The use of any false, fraudulent, or deceptive  
5 statement in any document connected with the licensee's  
6 practice.

7 (20) Failure of a licensee to report to the Commission  
8 any adverse final action taken against him or her by  
9 another licensing jurisdiction, any peer review body, any  
10 professional deaf or hard of hearing interpreting  
11 association, any governmental Commission, by law  
12 enforcement Commission, or any court for a deaf or hard of  
13 hearing interpreting liability claim related to acts or  
14 conduct similar to acts or conduct that would constitute  
15 grounds for action as provided in this Section.

16 (21) Failure of a licensee to report to the Commission  
17 surrender by the licensee of his or her license or  
18 authorization to practice interpreting in another state or  
19 jurisdiction or current surrender by the licensee of  
20 membership in any deaf or hard of hearing interpreting  
21 association or society while under disciplinary  
22 investigation by any of those authorities or bodies for  
23 acts or conduct similar to acts or conduct that would  
24 constitute grounds for action as provided by this Section.

25 (22) Physical illness or injury including, but not  
26 limited to, deterioration through the aging process or loss

1 of motor skill, mental illness, or disability that results  
2 in the inability to practice the profession with reasonable  
3 judgment, skill, or safety.

4 (23) Gross and willful overcharging for interpreter  
5 services, including filing false statements for collection  
6 of fees for which services have not been rendered.

7 (b) The Commission may refuse to issue or the Department  
8 may suspend the license of any person who fails to file a  
9 return, to pay the tax, penalty, or interest shown in a filed  
10 return, or to pay any final assessment of the tax, penalty, or  
11 interest as required by any tax Act administered by the  
12 Illinois Department of Revenue, until such time as the  
13 requirements of any such tax Act are satisfied.

14 (c) In enforcing this Section, the Commission, upon a  
15 showing of a possible violation, may compel an individual  
16 licensed under this Act, or who has applied for licensure under  
17 this Act, to submit to a mental or physical examination, or  
18 both, as required by and at the expense of the Commission. The  
19 Commission may order the examining physician to present  
20 testimony concerning the mental or physical examination of the  
21 licensee or applicant. No information shall be excluded by  
22 reason of any common law or statutory privilege relating to  
23 communications between the licensee or applicant and the  
24 examining physician. The Commission shall specifically  
25 designate the examining physicians. The individual to be  
26 examined may have, at his or her own expense, another physician

1 of his or her choice present during all aspects of this  
2 examination. Failure of an individual to submit to a mental or  
3 physical examination, when directed, shall be grounds for  
4 suspension of his or her license until the individual submits  
5 to the examination if the Commission finds, after notice and  
6 hearing, that the refusal to submit to the examination was  
7 without reasonable cause.

8 If the Commission finds an individual unable to practice  
9 because of the reasons set forth in this subsection (c), the  
10 Commission may require that individual to submit to care,  
11 counseling, or treatment by physicians approved or designated  
12 by the Commission as a condition, term, or restriction for  
13 continued, reinstated, or renewed licensure to practice or, in  
14 lieu of care, counseling, or treatment, the Commission may file  
15 a complaint to immediately suspend, revoke, or otherwise  
16 discipline the license of the individual. An individual whose  
17 license was granted, continued, reinstated, renewed,  
18 disciplined, or supervised subject to such terms, conditions,  
19 or restrictions and who fails to comply with such terms,  
20 conditions, or restrictions, shall be referred to the Director  
21 for a determination as to whether the individual shall have his  
22 or her license suspended immediately, pending a hearing by the  
23 Department.

24 In instances in which the Director immediately suspends a  
25 person's license under this subsection (c), a hearing on that  
26 person's license must be convened by the Department within 15

1 days after the suspension and completed without appreciable  
2 delay. The Commission or the Department shall have the  
3 authority to review the subject individual's record of  
4 treatment and counseling regarding the impairment to the extent  
5 permitted by applicable State and federal statutes and  
6 regulations safeguarding the confidentiality of medical  
7 records.

8 An individual licensed under this Act and affected under  
9 this subsection (c) shall be afforded an opportunity to  
10 demonstrate to the Commission that he or she can resume  
11 practice in compliance with acceptable and prevailing  
12 standards under the provisions of his or her license.

13 (Source: P.A. 95-617, eff. 9-12-07.)

14 Section 120. The Animal Welfare Act is amended by changing  
15 Section 10 and by adding Section 4 as follows:

16 (225 ILCS 605/4 new)

17 Sec. 4. Applicant convictions.

18 (a) The Department shall not require applicants to report  
19 the following information and shall not consider the following  
20 in connection with an application for a license under this Act:

21 (1) Juvenile adjudications of delinquent minors as  
22 defined in Section 5-105 of the Juvenile Court Act of 1987,  
23 subject to the restrictions set forth in Section 5-130 of  
24 the Juvenile Court Act of 1987.

1           (2) Law enforcement records, court records, and  
2           conviction records of an individual who was 17 years old at  
3           the time of the offense and before January 1, 2014, unless  
4           the nature of the offense required the individual to be  
5           tried as an adult.

6           (3) Records of arrest not followed by a conviction.

7           (4) Convictions overturned by a higher court.

8           (5) Convictions or arrests that have been sealed or  
9           expunged.

10          (b) When determining whether to grant a license to an  
11          applicant with a prior conviction of a felony or of a  
12          misdemeanor directly related to the practice of the profession,  
13          the Department shall consider any evidence of rehabilitation  
14          and mitigating factors contained in the applicant's record,  
15          including any of the following:

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

20               (2) whether 5 years since a felony conviction or 3  
21               years since release from confinement for the conviction,  
22               whichever is later, have passed without a subsequent  
23               conviction;

24               (3) if the applicant was previously licensed or  
25               employed in this State or other state or jurisdictions,  
26               then the lack of prior misconduct arising from or related

1 to the licensed position or position of employment;

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

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

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

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

18 (8) any other mitigating factors that contribute to the  
19 person's potential and current ability to perform the  
20 duties and responsibilities of the position for which a  
21 license or employment is sought.

22 (c) It is the affirmative obligation of the Department to  
23 demonstrate that a prior conviction would impair the ability of  
24 the applicant to engage in the practice requiring a license. If  
25 the Department refuses to grant a license to an applicant, then  
26 the Department shall notify the applicant of the denial in

1 writing with the following included in the notice of denial:

2 (1) a statement about the decision to refuse to issue a  
3 license;

4 (2) a list of the convictions that formed the sole or  
5 partial basis for the refusal to issue a license;

6 (3) a list of the mitigating evidence presented by the  
7 applicant;

8 (4) reasons for refusing to issue a license specific to  
9 the evidence presented in mitigation of conviction items  
10 that formed the partial or sole basis for the Department's  
11 decision; and

12 (5) a summary of the appeal process or the earliest the  
13 applicant may reapply for a license, whichever is  
14 applicable.

15 (d) No later than May 1 of each year, the Department must  
16 prepare, publicly announce, and publish a report of summary  
17 statistical information relating to new and renewal license  
18 applications during the preceding calendar year. Each report  
19 shall show, at a minimum:

20 (1) the number of applicants for a new or renewal  
21 license under this Act within the previous calendar year;

22 (2) the number of applicants for a new or renewal  
23 license under this Act within the previous calendar year  
24 who had any criminal conviction;

25 (3) the number of applicants for a new or renewal  
26 license under this Act in the previous calendar year who



1 were granted a license;

2 (4) the number of applicants for a new or renewal  
3 license with a criminal conviction who were granted a  
4 license under this Act within the previous calendar year;

5 (5) the number of applicants for a new or renewal  
6 license under this Act within the previous calendar year  
7 who were denied a license;

8 (6) the number of applicants for a new or renewal  
9 license with a criminal conviction who were denied a  
10 license under this Act in the previous calendar year in  
11 whole or in part because of a prior conviction;

12 (7) the number of probationary licenses without  
13 monitoring issued under this Act in the previous calendar  
14 year to applicants with convictions; and

15 (8) the number of probationary licenses with  
16 monitoring issued under this Act in the previous calendar  
17 year to applicants with convictions.

18 (225 ILCS 605/10) (from Ch. 8, par. 310)

19 Sec. 10. Grounds for discipline. The Department may refuse  
20 to issue or renew or may suspend or revoke a license on any one  
21 or more of the following grounds:

22 a. Material misstatement in the application for  
23 original license or in the application for any renewal  
24 license under this Act;

25 b. A violation of this Act or of any regulations or

1 rules issued pursuant thereto;

2 c. Aiding or abetting another in the violation of this  
3 Act or of any regulation or rule issued pursuant thereto;

4 d. Allowing one's license under this Act to be used by  
5 an unlicensed person;

6 e. For licensees, conviction ~~Conviction~~ of any crime an  
7 essential element of which is misstatement, fraud or  
8 dishonesty or conviction of any felony, if the Department  
9 determines, after investigation, that such person has not  
10 been sufficiently rehabilitated to warrant the public  
11 trust; for applicants, the provisions of Section 4 of this  
12 Act apply;

13 f. Conviction of a violation of any law of Illinois  
14 except minor violations such as traffic violations and  
15 violations not related to the disposition of dogs, cats and  
16 other animals or any rule or regulation of the Department  
17 relating to dogs or cats and sale thereof;

18 g. Making substantial misrepresentations or false  
19 promises of a character likely to influence, persuade or  
20 induce in connection with the business of a licensee under  
21 this Act;

22 h. Pursuing a continued course of misrepresentation of  
23 or making false promises through advertising, salesman,  
24 agents or otherwise in connection with the business of a  
25 licensee under this Act;

26 i. Failure to possess the necessary qualifications or

1 to meet the requirements of the Act for the issuance or  
2 holding a license; or

3 j. Proof that the licensee is guilty of gross  
4 negligence, incompetency, or cruelty with regard to  
5 animals.

6 The Department may refuse to issue or may suspend the  
7 license of any person who fails to file a return, or to pay the  
8 tax, penalty or interest shown in a filed return, or to pay any  
9 final assessment of tax, penalty or interest, as required by  
10 any tax Act administered by the Illinois Department of Revenue,  
11 until such time as the requirements of any such tax Act are  
12 satisfied.

13 The Department may order any licensee to cease operation  
14 for a period not to exceed 72 hours to correct deficiencies in  
15 order to meet licensing requirements.

16 If the Department revokes a license under this Act at an  
17 administrative hearing, the licensee and any individuals  
18 associated with that license shall be prohibited from applying  
19 for or obtaining a license under this Act for a minimum of 3  
20 years.

21 (Source: P.A. 99-310, eff. 1-1-16.)

22 Section 125. The Illinois Feeder Swine Dealer Licensing Act  
23 is amended by changing Section 9 and by adding Section 9.3 as  
24 follows:

1 (225 ILCS 620/9) (from Ch. 111, par. 209)

2 Sec. 9. Grounds for refusal to issue or renew license and  
3 for license suspension and revocation. The Department may  
4 refuse to issue or renew or may suspend or revoke a license on  
5 any one or more of the following grounds:

6 a. Material misstatement in the application for original  
7 license or in the application for any renewal license under  
8 this Act;

9 b. Disregard or violation of this Act, any other Act  
10 relative to the purchase and sale of livestock or any  
11 regulation or rule issued pursuant thereto;

12 c. Aiding or abetting another in the violation of this Act  
13 or of any regulation or rule issued pursuant thereto;

14 d. Allowing one's license under this Act to be used by an  
15 unlicensed person;

16 e. For licensees, conviction ~~Conviction~~ of any crime an  
17 essential element of which is misstatement, fraud or dishonesty  
18 or conviction of any felony, if the Department determines,  
19 after investigation, that such person has not been sufficiently  
20 rehabilitated to warrant the public trust; for applicants, the  
21 provisions of Section 9.3 apply;

22 f. Conviction of a violation of any law of Illinois or any  
23 rule or regulation of the Department relating to feeder swine;

24 g. Making substantial misrepresentations or false promises  
25 of a character likely to influence, persuade or induce in  
26 connection with the livestock industry;

1 h. Pursuing a continued course of misrepresentation of or  
2 making false promises through advertising, salesmen, agents or  
3 otherwise in connection with the livestock industry;

4 i. Failure to possess the necessary qualifications or to  
5 meet the requirements of this Act for the issuance or holding  
6 of a license;

7 j. Operating without the bond or trust fund agreement  
8 required by this Act; or

9 k. Failing to file a return, or to pay the tax, penalty or  
10 interest shown in a filed return, or to pay any final  
11 assessment of tax, penalty or interest, as required by any tax  
12 Act administered by the Illinois Department of Revenue.

13 (Source: P.A. 89-154, eff. 7-19-95.)

14 (225 ILCS 620/9.3 new)

15 Sec. 9.3. Applicant convictions.

16 (a) The Department shall not require applicants to report  
17 the following information and shall not consider the following  
18 criminal history records in connection with an application for  
19 a license under this Act:

20 (1) Juvenile adjudications of delinquent minors as  
21 defined in Section 5-105 of the Juvenile Court Act of 1987,  
22 subject to the restrictions set forth in Section 5-130 of  
23 the Juvenile Court Act of 1987.

24 (2) Law enforcement records, court records, and  
25 conviction records of an individual who was 17 years old at

1 the time of the offense and before January 1, 2014, unless  
2 the nature of the offense required the individual to be  
3 tried as an adult.

4 (3) Records of arrest not followed by a conviction.

5 (4) Convictions overturned by a higher court.

6 (5) Convictions or arrests that have been sealed or  
7 expunged.

8 (b) When reviewing, for the purpose of licensure, a  
9 conviction of any misdemeanor directly related to the practice  
10 of the profession or of any felony of the applicant, the  
11 Department shall consider any evidence of rehabilitation and  
12 mitigating factors contained in the applicant's record,  
13 including any of the following:

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

18 (2) whether 5 years since a felony conviction or 3  
19 years since release from confinement for the conviction,  
20 whichever is later, have passed without a subsequent  
21 conviction;

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

26 (4) the age of the person at the time of the criminal

1 offense;

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

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

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

16 (8) any other mitigating factors that contribute to the  
17 person's potential and current ability to perform the  
18 duties and responsibilities of the position for which a  
19 license or employment is sought.

20 (c) It is the affirmative obligation of the Department to  
21 demonstrate that a prior conviction would impair the ability of  
22 the applicant to engage in the licensed practice. If the  
23 Department refuses to issue a license to an applicant, then the  
24 applicant shall be notified of the denial in writing with the  
25 following included in the notice of denial:

26 (1) a statement about the decision to refuse to issue a

1 license;

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

4 (3) a list of the mitigating evidence presented by the  
5 applicant;

6 (4) reasons for refusing to issue a license specific to  
7 the evidence presented in mitigation of conviction items  
8 that formed the partial or sole basis for the Department's  
9 decision; and

10 (5) a summary of the appeal process or the earliest the  
11 applicant may reapply for a license, whichever is  
12 applicable.

13 (d) No later than May 1 of each year, the Department must  
14 prepare, publicly announce, and publish a report of summary  
15 statistical information relating to new and renewal license  
16 applications during the preceding calendar year. Each report  
17 shall show, at a minimum:

18 (1) the number of applicants for a new or renewal  
19 license under this Act within the previous calendar year;

20 (2) the number of applicants for a new or renewal  
21 license under this Act within the previous calendar year  
22 who had any criminal conviction;

23 (3) the number of applicants for a new or renewal  
24 license under this Act in the previous calendar year who  
25 were granted a license;

26 (4) the number of applicants for a new or renewal



1 license with a criminal conviction who were granted a  
2 license under this Act within the previous calendar year;

3 (5) the number of applicants for a new or renewal  
4 license under this Act within the previous calendar year  
5 who were denied a license;

6 (6) the number of applicants for a new or renewal  
7 license with a criminal conviction who were denied a  
8 license under this Act in the previous calendar year in  
9 whole or in part because of a prior conviction;

10 (7) the number of probationary licenses without  
11 monitoring issued under this Act in the previous calendar  
12 year to applicants with convictions; and

13 (8) the number of probationary licenses with  
14 monitoring issued under this Act in the previous calendar  
15 year to applicants with convictions.

16 Section 130. The Illinois Horse Meat Act is amended by  
17 changing Section 3.2 and by adding Section 3.3 as follows:

18 (225 ILCS 635/3.2) (from Ch. 56 1/2, par. 242.2)

19 Sec. 3.2. The following persons are ineligible for  
20 licenses:

21 a. A person who is not a resident of the city, village or  
22 county in which the premises covered by the license are  
23 located; except in case of railroad or boat licenses.

24 b. A person who is not of good character and reputation in

1 the community in which he resides.

2 c. A person who is not a citizen of the United States.

3 d. A person with a prior conviction ~~who has been convicted~~  
4 of a felony or a misdemeanor that is directly related to the  
5 practice of the profession who has not been sufficiently  
6 rehabilitated following the conviction to receive a license.

7 e. (Blank). ~~A person who has been convicted of a crime or~~  
8 ~~misdemeanor opposed to decency and morality.~~

9 f. A person whose license issued under this Act has been  
10 revoked for cause.

11 g. A person who at the time of application for renewal of  
12 any license issued hereunder would not be eligible for such  
13 license upon a first application.

14 h. A co-partnership, unless all of the members of such  
15 co-partnership shall be qualified to obtain a license.

16 i. A corporation, if any officer, manager or director  
17 thereof or any stockholder or stockholders owning in the  
18 aggregate more than five percent (5%) of the stock of such  
19 corporation, would not be eligible to receive a license  
20 hereunder for any reason other than citizenship and residence  
21 within the political subdivision.

22 j. A person whose place of business is conducted by a  
23 manager or agent unless said manager or agent possesses the  
24 same qualifications required of the licensee.

25 (Source: Laws 1955, p. 388.)

1 (225 ILCS 635/3.3 new)

2 Sec. 3.3. Applicant convictions.

3 (a) The Department shall not require applicants to report  
4 the following information and shall not consider the following  
5 criminal history records in connection with an application for  
6 a license under this Act:

7 (1) Juvenile adjudications of delinquent minors as  
8 defined in Section 5-105 of the Juvenile Court Act of 1987,  
9 subject to the restrictions set forth in Section 5-130 of  
10 the Juvenile Court Act of 1987.

11 (2) Law enforcement records, court records, and  
12 conviction records of an individual who was 17 years old at  
13 the time of the offense and before January 1, 2014, unless  
14 the nature of the offense required the individual to be  
15 tried as an adult.

16 (3) Records of arrest not followed by a conviction.

17 (4) Convictions overturned by a higher court.

18 (5) Convictions or arrests that have been sealed or  
19 expunged.

20 (b) No application for any license under this Act shall be  
21 denied by reason of a finding of lack of moral character when  
22 the finding is based upon the fact that the applicant has  
23 previously been convicted of one or more criminal offenses.

24 (c) When determining whether to grant a license to an  
25 applicant with a prior conviction of a felony or of a  
26 misdemeanor directly related to the practice of the profession,

1 the Department shall consider any evidence of rehabilitation  
2 and mitigating factors contained in the applicant's record  
3 including any of the following:

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

8 (2) whether 5 years since a felony conviction or 3  
9 years since release from confinement for the conviction,  
10 whichever is later, have passed without a subsequent  
11 conviction;

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

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

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

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

25 (7) evidence of rehabilitation or rehabilitative  
26 effort during or after incarceration, or during or after a

1 term of supervision, including, but not limited to, a  
2 certificate of good conduct under Section 5-5.5-25 of the  
3 Unified Code of Corrections or a certificate of relief from  
4 disabilities under Section 5-5.5-10 of the Unified Code of  
5 Corrections; and

6 (8) any other mitigating factors that contribute to the  
7 person's potential and current ability to perform the  
8 duties and responsibilities of the position for which a  
9 license or employment is sought.

10 (d) It is the affirmative obligation of the Department and  
11 Director to demonstrate that a prior conviction would impair  
12 the ability of the applicant to engage in the licensed  
13 practice. If the Department refuses to issue a license to an  
14 applicant, then the applicant shall be notified of the denial  
15 in writing with the following included in the notice of denial:

16 (1) a statement about the decision to refuse to issue a  
17 license;

18 (2) a list of the convictions that formed the sole or  
19 partial basis for the refusal to issue a license;

20 (3) a list of the mitigating evidence presented by the  
21 applicant;

22 (4) reasons for refusing to issue a license specific to  
23 the evidence presented in mitigation of conviction items  
24 that formed the partial or sole basis for the Department's  
25 decision; and

26 (5) a summary of the appeal process or the earliest the

1 applicant may reapply for a license, whichever is  
2 applicable.

3 (e) No later than May 1 of each year, the Department must  
4 prepare, publicly announce, and publish a report of summary  
5 statistical information relating to new and renewal license  
6 applications during the preceding calendar year. Each report  
7 shall show, at a minimum:

8 (1) the number of applicants for a new or renewal  
9 license under this Act within the previous calendar year;

10 (2) the number of applicants for a new or renewal  
11 license under this Act within the previous calendar year  
12 who had any criminal conviction;

13 (3) the number of applicants for a new or renewal  
14 license under this Act in the previous calendar year who  
15 were granted a license;

16 (4) the number of applicants for a new or renewal  
17 license with a criminal conviction who were granted a  
18 license under this Act within the previous calendar year;

19 (5) the number of applicants for a new or renewal  
20 license under this Act within the previous calendar year  
21 who were denied a license;

22 (6) the number of applicants for a new or renewal  
23 license with a criminal conviction who were denied a  
24 license under this Act in the previous calendar year in  
25 whole or in part because of a prior conviction;

26 (7) the number of probationary licenses without

1 monitoring issued under this Act in the previous calendar  
2 year to applicants with a criminal conviction; and

3 (8) the number of probationary licenses with  
4 monitoring issued under this Act in the previous calendar  
5 year to applicants with a criminal conviction.

6 Section 135. The Illinois Livestock Dealer Licensing Act is  
7 amended by changing Section 9 and by adding Section 9.4 as  
8 follows:

9 (225 ILCS 645/9) (from Ch. 111, par. 409)

10 Sec. 9. The Department may refuse to issue or renew or may  
11 suspend or revoke a license on any of the following grounds:

12 a. Material misstatement in the application for  
13 original license or in the application for any renewal  
14 license under this Act;

15 b. Wilful disregard or violation of this Act, or of any  
16 other Act relative to the purchase and sale of livestock,  
17 feeder swine or horses, or of any regulation or rule issued  
18 pursuant thereto;

19 c. Wilfully aiding or abetting another in the violation  
20 of this Act or of any regulation or rule issued pursuant  
21 thereto;

22 d. Allowing one's license under this Act to be used by  
23 an unlicensed person;

24 e. For licensees, conviction ~~Conviction~~ of any felony,

1 if the Department determines, after investigation, that  
2 such person has not been sufficiently rehabilitated to  
3 warrant the public trust; for applicants, the provisions of  
4 Section 9.4 apply;

5 f. For licensees, conviction ~~Conviction~~ of any crime an  
6 essential element of which is misstatement, fraud or  
7 dishonesty; for applicants, the provisions of Section 9.4  
8 apply;

9 g. Conviction of a violation of any law in Illinois or  
10 any Departmental rule or regulation relating to livestock;

11 h. Making substantial misrepresentations or false  
12 promises of a character likely to influence, persuade or  
13 induce in connection with the livestock industry;

14 i. Pursuing a continued course of misrepresentation of  
15 or making false promises through advertising, salesmen,  
16 agents or otherwise in connection with the livestock  
17 industry;

18 j. Failure to possess the necessary qualifications or  
19 to meet the requirements of this Act for the issuance or  
20 holding a license;

21 k. Failure to pay for livestock after purchase;

22 l. Issuance of checks for payment of livestock when  
23 funds are insufficient;

24 m. Determination by a Department audit that the  
25 licensee or applicant is insolvent;

26 n. Operating without adequate bond coverage or its



1 equivalent required for licensees;

2 o. Failing to remit the assessment required in Section  
3 9 of the Beef Market Development Act upon written complaint  
4 of the Checkoff Division of the Illinois Beef Association  
5 Board of Governors.

6 The Department may refuse to issue or may suspend the  
7 license of any person who fails to file a return, or to pay the  
8 tax, penalty or interest shown in a filed return, or to pay any  
9 final assessment of tax, penalty or interest, as required by  
10 any tax Act administered by the Illinois Department of Revenue,  
11 until such time as the requirements of any such tax Act are  
12 satisfied.

13 (Source: P.A. 99-389, eff. 8-18-15; 99-642, eff. 7-28-16.)

14 (225 ILCS 645/9.4 new)

15 Sec. 9.4. Applicant convictions.

16 (a) The Department shall not require applicants to report  
17 the following information and shall not consider the following  
18 criminal history records in connection with an application for  
19 a license under this Act:

20 (1) Juvenile adjudications of delinquent minors as  
21 defined in Section 5-105 of the Juvenile Court Act of 1987,  
22 subject to the restrictions set forth in Section 5-130 of  
23 the Juvenile Court Act of 1987.

24 (2) Law enforcement records, court records, and  
25 conviction records of an individual who was 17 years old at

1 the time of the offense and before January 1, 2014, unless  
2 the nature of the offense required the individual to be  
3 tried as an adult.

4 (3) Records of arrest not followed by a conviction.

5 (4) Convictions overturned by a higher court.

6 (5) Convictions or arrests that have been sealed or  
7 expunged.

8 (b) When reviewing, for the purpose of licensure, a  
9 conviction of any misdemeanor directly related to the practice  
10 of the profession or of any felony of the applicant, the  
11 Department shall consider any evidence of rehabilitation and  
12 mitigating factors contained in the applicant's record,  
13 including any of the following:

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

18 (2) whether 5 years since a felony conviction or 3  
19 years since release from confinement for the conviction,  
20 whichever is later, have passed without a subsequent  
21 conviction;

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

26 (4) the age of the person at the time of the criminal

1 offense;

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

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

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

16 (8) any other mitigating factors that contribute to the  
17 person's potential and current ability to perform the  
18 duties and responsibilities of the position for which a  
19 license or employment is sought.

20 (c) It is the affirmative obligation of the Department to  
21 demonstrate that a prior conviction would impair the ability of  
22 the applicant to engage in the licensed practice. If the  
23 Department refuses to issue a license to an applicant, then the  
24 applicant shall be notified of the denial in writing with the  
25 following included in the notice of denial:

26 (1) a statement about the decision to refuse to issue a

1 license;

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

4 (3) a list of the mitigating evidence presented by the  
5 applicant;

6 (4) reasons for refusing to issue a license specific to  
7 the evidence presented in mitigation of conviction items  
8 that formed the partial or sole basis for the Department's  
9 decision; and

10 (5) a summary of the appeal process or the earliest the  
11 applicant may reapply for a license, whichever is  
12 applicable.

13 (d) No later than May 1 of each year, the Department must  
14 prepare, publicly announce, and publish a report of summary  
15 statistical information relating to new and renewal license  
16 applications during the preceding calendar year. Each report  
17 shall show, at a minimum:

18 (1) the number of applicants for a new or renewal  
19 license under this Act within the previous calendar year;

20 (2) the number of applicants for a new or renewal  
21 license under this Act within the previous calendar year  
22 who had any criminal conviction;

23 (3) the number of applicants for a new or renewal  
24 license under this Act in the previous calendar year who  
25 were granted a license;

26 (4) the number of applicants for a new or renewal

1 license with a criminal conviction who were granted a  
2 license under this Act within the previous calendar year;

3 (5) the number of applicants for a new or renewal  
4 license under this Act within the previous calendar year  
5 who were denied a license;

6 (6) the number of applicants for a new or renewal  
7 license with a criminal conviction who were denied a  
8 license under this Act in the previous calendar year in  
9 whole or in part because of a prior conviction;

10 (7) the number of probationary licenses without  
11 monitoring issued under this Act in the previous calendar  
12 year to applicants with a criminal conviction; and

13 (8) the number of probationary licenses with  
14 monitoring issued under this Act in the previous calendar  
15 year to applicants with a criminal conviction.

16 Section 140. The Slaughter Livestock Buyers Act is amended  
17 by changing Section 7 and by adding Section 7.1 as follows:

18 (225 ILCS 655/7) (from Ch. 111, par. 508)

19 Sec. 7. The Department may refuse to issue or may suspend  
20 or revoke a certificate of registration on any of the following  
21 grounds:

22 a. Material misstatement in the application for original  
23 registration;

24 b. Wilful disregard or violation of this Act or of any

1 regulation or rule issued pursuant thereto;

2 c. Wilfully aiding or abetting another in the violation of  
3 this Act or of any regulation or rule issued pursuant thereto;

4 d. For the certified, conviction ~~Conviction~~ of any felony,  
5 if the Department determines, after investigation, that such  
6 person has not been sufficiently rehabilitated to warrant the  
7 public trust; for applicants for a certificate of registration  
8 or license, the provisions of Section 7.1 apply;

9 e. For the certified, conviction ~~Conviction~~ of any crime an  
10 essential element of which is misstatement, fraud or  
11 dishonesty; for applicants for a certificate of registration or  
12 license, the provisions of Section 7.1 apply;

13 f. Conviction of a violation of any law of Illinois  
14 relating to the purchase of livestock or any Departmental rule  
15 or regulation pertaining thereto;

16 g. Making substantial misrepresentations or false promises  
17 of a character likely to influence, persuade or induce in  
18 connection with the business conducted under this Act;

19 h. Pursuing a continued course of misrepresentation of or  
20 making false promises through advertising, salesman, agent or  
21 otherwise in connection with the business conducted under this  
22 Act;

23 i. Failure to possess the necessary qualifications or to  
24 meet the requirements of this Act;

25 j. Failure to pay for livestock within 24 hours after  
26 purchase, except as otherwise provided in Section 16;

1 k. If Department audit determines the registrant to be  
2 insolvent; or

3 l. Issuance of checks for payment of livestock when funds  
4 are insufficient.

5 (Source: P.A. 80-915.)

6 (225 ILCS 655/7.1 new)

7 Sec. 7.1. Applicant convictions.

8 (a) The Department shall not require applicants to report  
9 the following information and shall not consider the following  
10 criminal history records in connection with an application for  
11 a certificate of registration or license under this Act:

12 (1) Juvenile adjudications of delinquent minors as  
13 defined in Section 5-105 of the Juvenile Court Act of 1987,  
14 subject to the restrictions set forth in Section 5-130 of  
15 the Juvenile Court Act of 1987.

16 (2) Law enforcement records, court records, and  
17 conviction records of an individual who was 17 years old at  
18 the time of the offense and before January 1, 2014, unless  
19 the nature of the offense required the individual to be  
20 tried as an adult.

21 (3) Records of arrest not followed by a conviction.

22 (4) Convictions overturned by a higher court.

23 (5) Convictions or arrests that have been sealed or  
24 expunged.

25 (b) When reviewing, for the purpose of licensure or

1 granting a certificate of registration, a conviction of any  
2 misdemeanor directly related to the practice of the profession  
3 or of any felony of the applicant, the Department shall  
4 consider any evidence of rehabilitation and mitigating factors  
5 contained in the applicant's record, including any of the  
6 following:

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

11 (2) whether 5 years since a felony conviction or 3  
12 years since release from confinement for the conviction,  
13 whichever is later, have passed without a subsequent  
14 conviction;

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

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

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

26 (6) evidence of the applicant's present fitness and



1 professional character;

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

9 (8) any other mitigating factors that contribute to the  
10 person's potential and current ability to perform the  
11 duties and responsibilities of the position for which a  
12 license or employment is sought.

13 (c) It is the affirmative obligation of the Department to  
14 demonstrate that a prior conviction would impair the ability of  
15 the applicant to engage in the licensed or registered practice.  
16 If the Department refuses to issue a certificate of  
17 registration or license to an applicant, then the applicant  
18 shall be notified of the denial in writing with the following  
19 included in the notice of denial:

20 (1) a statement about the decision to refuse to issue a  
21 certificate of registration or a license;

22 (2) a list of the convictions that formed the sole or  
23 partial basis for the refusal to issue a certificate of  
24 registration or a license;

25 (3) a list of the mitigating evidence presented by the  
26 applicant;

1           (4) reasons for refusing to issue a license or  
2           certificate of registration specific to the evidence  
3           presented in mitigation of conviction items that formed the  
4           partial or sole basis for the Department's decision; and

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

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

13           (1) the number of applicants for a new or renewal  
14           license or certificate of registration under this Act  
15           within the previous calendar year;

16           (2) the number of applicants for a new or renewal  
17           license or certificate of registration under this Act  
18           within the previous calendar year who had any criminal  
19           conviction;

20           (3) the number of applicants for a new or renewal  
21           license or certificate of registration under this Act in  
22           the previous calendar year who were granted a license;

23           (4) the number of applicants for a new or renewal  
24           license with a criminal conviction who were granted a  
25           license or certificate of registration under this Act  
26           within the previous calendar year;

1           (5) the number of applicants for a new or renewal  
2           license under this Act within the previous calendar year  
3           who were denied a license or a certificate of registration;

4           (6) the number of applicants for a new or renewal  
5           license with a criminal conviction who were denied a  
6           license or certificate of registration under this Act in  
7           the previous calendar year in whole or in part because of a  
8           prior conviction;

9           (7) the number of probationary licenses or  
10           certificates of registration without monitoring issued  
11           under this Act in the previous calendar year to applicants  
12           with a criminal conviction; and

13           (8) the number of probationary licenses or  
14           certificates of registration with monitoring issued under  
15           this Act in the previous calendar year to applicants with a  
16           criminal conviction.

17           Section 145. The Professional Geologist Licensing Act is  
18           amended by changing Section 80 and adding Section 77 as  
19           follows:

20           (225 ILCS 745/77 new)

21           Sec. 77. Applicant convictions.

22           (a) The Department shall not require the applicant to  
23           report information about the following, and shall not consider  
24           the following criminal history records in connection with an

1 application for a license under this Act:

2 (1) Juvenile adjudications of delinquent minors as  
3 defined in Section 5-105 of the Juvenile Court Act of 1987,  
4 subject to the restrictions set forth in Section 5-130 of  
5 the Juvenile Court Act of 1987.

6 (2) Law enforcement records, court records, and  
7 conviction records of an individual who was 17 years old at  
8 the time of the offense and before January 1, 2014, unless  
9 the nature of the offense required the individual to be  
10 tried as an adult.

11 (3) Records of arrest not followed by a conviction  
12 unless related to the practice of the profession. However,  
13 applicants shall not be asked to report any arrests, and,  
14 an arrest not followed by a conviction shall not be the  
15 basis of a denial and may be used only to assess an  
16 applicant's rehabilitation.

17 (4) Convictions overturned by a higher court.

18 (5) Convictions or arrests that have been sealed or  
19 expunged.

20 (b) When reviewing, for the purpose of determining whether  
21 to grant a license, a conviction of any felony or a misdemeanor  
22 directly related to the practice of the profession by plea of  
23 guilty or nolo contendere, finding of guilt, jury verdict, or  
24 entry of judgment or by sentencing of an initial applicant, the  
25 Department shall consider any evidence of rehabilitation and  
26 mitigating factors contained in the applicant's record,

1 including any of the following:

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

6 (2) whether 5 years since a felony conviction or 3  
7 years since release from confinement for the conviction,  
8 whichever is later, have passed without a subsequent  
9 conviction;

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

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

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

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

23 (7) evidence of rehabilitation or rehabilitative  
24 effort during or after incarceration, or during or after a  
25 term of supervision, including, but not limited to, a  
26 certificate of good conduct under Section 5-5.5-25 of the

1 Unified Code of Corrections or a certificate of relief from  
2 disabilities under Section 5-5.5-10 of the Unified Code of  
3 Corrections; and

4 (8) any other mitigating factors that contribute to the  
5 person's potential and current ability to perform the  
6 duties and responsibilities of the position for which a  
7 license or employment is sought.

8 (c) It is the affirmative obligation of the Department to  
9 demonstrate that a prior conviction would impair the ability of  
10 the applicant to engage in the licensed practice. If the  
11 Department refuses to issue a license to an applicant, then the  
12 Department shall notify the applicant of the denial in writing  
13 with the following included in the notice of denial:

14 (1) a statement about the decision to refuse to issue a  
15 license;

16 (2) a list of the conviction items that formed the sole  
17 or partial basis for the refusal to issue a license;

18 (3) a list of the mitigating evidence presented by the  
19 applicant;

20 (4) reasons for refusing to issue a license specific to  
21 the evidence presented in mitigation of conviction items  
22 that formed the partial or sole basis for the Department's  
23 decision; and

24 (5) a summary of the appeal process or the earliest the  
25 applicant may reapply for a license, whichever is  
26 applicable.

1       (d) No later than May 1 of each year, the Department must  
2 prepare, publicly announce, and publish a report of summary  
3 statistical information relating to new and renewal license  
4 applications during the preceding calendar year. Each report  
5 shall show, at a minimum:

6           (1) the number of applicants for a new or renewal  
7 license under this Act within the previous calendar year;

8           (2) the number of applicants for a new or renewal  
9 license under this Act within the previous calendar year  
10 who had any criminal conviction;

11           (3) the number of applicants for a new or renewal  
12 license under this Act in the previous calendar year who  
13 were granted a license;

14           (4) the number of applicants for a new or renewal  
15 license with a criminal conviction who were granted a  
16 license under this Act within the previous calendar year;

17           (5) the number of applicants for a new or renewal  
18 license under this Act within the previous calendar year  
19 who were denied a license;

20           (6) the number of applicants for a new or renewal  
21 license with a criminal conviction who were denied a  
22 license under this Act in the previous calendar year in  
23 part or in whole because of a prior conviction;

24           (7) the number of probationary licenses without  
25 monitoring issued under this Act in the previous calendar  
26 year to applicants with a criminal conviction; and

1           (8) the number of probationary licenses with  
2           monitoring issued under this Act in the previous calendar  
3           year to applicants with a criminal conviction.

4           (225 ILCS 745/80)

5           (Section scheduled to be repealed on January 1, 2026)

6           Sec. 80. Disciplinary actions.

7           (a) The Department may refuse to issue or renew, or may  
8           revoke, suspend, place on probation, reprimand, or take other  
9           disciplinary or non-disciplinary action as the Department may  
10          deem appropriate, including fines not to exceed \$10,000 for  
11          each violation, with regard to any license for any one or  
12          combination of the following:

13           (1) Material misstatement in furnishing information to  
14          the Department.

15           (2) Violations of this Act, or of the rules promulgated  
16          under this Act.

17           (3) For licensees, conviction ~~Conviction~~ by plea of  
18          guilty or nolo contendere, finding of guilt, jury verdict,  
19          or entry of judgment or by sentencing of any crime,  
20          including, but not limited to, convictions, preceding  
21          sentences of supervision, conditional discharge, or first  
22          offender probation, under the laws of any jurisdiction of  
23          the United States: (i) that is a felony or (ii) that is a  
24          misdemeanor, an essential element of which is dishonesty,  
25          or that is directly related to the practice of the



1 profession. For applicants, the provisions of Section 77  
2 apply.

3 (4) Making any misrepresentation for the purpose of  
4 obtaining licensure or violating any provision of this Act  
5 or the rules promulgated under this Act pertaining to  
6 advertising.

7 (5) Professional incompetence.

8 (6) Malpractice.

9 (7) Aiding or assisting another person in violating any  
10 provision of this Act or rules promulgated under this Act.

11 (8) Failing, within 60 days, to provide information in  
12 response to a written request made by the Department.

13 (9) Engaging in dishonorable, unethical, or  
14 unprofessional conduct of a character likely to deceive,  
15 defraud, or harm the public.

16 (10) Habitual or excessive use or addiction to alcohol,  
17 narcotics, stimulants, or any other chemical agent or drug  
18 that results in the inability to practice with reasonable  
19 judgment, skill, or safety.

20 (11) Discipline by another state, the District of  
21 Columbia, a territory of the United States, or a foreign  
22 nation, if at least one of the grounds for the discipline  
23 is the same or substantially equivalent to those set forth  
24 in this Section.

25 (12) Directly or indirectly giving to or receiving from  
26 any person, firm, corporation, partnership, or association

1 any fee, commission, rebate or other form of compensation  
2 for professional services not actually or personally  
3 rendered.

4 (13) A finding by the Department that the licensee,  
5 after having his or her license placed on probationary  
6 status, has violated the terms of probation.

7 (14) Willfully making or filing false records or  
8 reports in his or her practice, including but not limited  
9 to, false records filed with State agencies or departments.

10 (15) Physical illness, including but not limited to,  
11 deterioration through the aging process, or loss of motor  
12 skill that results in the inability to practice the  
13 profession with reasonable judgment, skill, or safety.

14 (16) Solicitation of professional services other than  
15 permitted advertising.

16 (17) Conviction of or cash compromise of a charge or  
17 violation of the Illinois Controlled Substances Act  
18 regulating narcotics.

19 (18) Failure to (i) file a tax return, (ii) pay the  
20 tax, penalty, or interest shown in a filed return, or (iii)  
21 pay any final assessment of tax, penalty, or interest, as  
22 required by any tax Act administered by the Illinois  
23 Department of Revenue, until the requirements of that tax  
24 Act are satisfied.

25 (19) Conviction by any court of competent  
26 jurisdiction, either within or outside this State, of any

1 violation of any law governing the practice of professional  
2 geology, if the Department determines, after  
3 investigation, that the person has not been sufficiently  
4 rehabilitated to warrant the public trust.

5 (20) Gross, willful, or continued overcharging for  
6 professional services, including filing false statements  
7 for collection of fees for which services are not rendered.

8 (21) Practicing under a false or, except as provided by  
9 law, an assumed name.

10 (22) Fraud or misrepresentation in applying for, or  
11 procuring, a license to practice as a Licensed Professional  
12 Geologist under this Act or in connection with applying for  
13 renewal of a license under this Act.

14 (23) Cheating on or attempting to subvert the licensing  
15 examination administered under this Act.

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

26 All fines imposed under this Section shall be paid within

1 60 days after the effective date of the order imposing the fine  
2 or in accordance with the terms set forth in the order imposing  
3 the fine.

4 (Source: P.A. 99-26, eff. 7-10-15.)

5 Section 150. The Raffles and Poker Runs Act is amended by  
6 changing Section 3 and by adding Section 3.1 as follows:

7 (230 ILCS 15/3) (from Ch. 85, par. 2303)

8 Sec. 3. License - Application - Issuance - Restrictions -  
9 Persons ineligible. Licenses issued by the governing body of  
10 any county or municipality are subject to the following  
11 restrictions:

12 (1) No person, firm or corporation shall conduct  
13 raffles or chances or poker runs without having first  
14 obtained a license therefor pursuant to this Act.

15 (2) The license and application for license must  
16 specify the area or areas within the licensing authority in  
17 which raffle chances will be sold or issued or a poker run  
18 will be conducted, the time period during which raffle  
19 chances will be sold or issued or a poker run will be  
20 conducted, the time of determination of winning chances and  
21 the location or locations at which winning chances will be  
22 determined.

23 (3) The license application must contain a sworn  
24 statement attesting to the not-for-profit character of the

1 prospective licensee organization, signed by the presiding  
2 officer and the secretary of that organization.

3 (4) The application for license shall be prepared in  
4 accordance with the ordinance of the local governmental  
5 unit.

6 (5) A license authorizes the licensee to conduct  
7 raffles or poker runs as defined in this Act.

8 The following are ineligible for any license under this  
9 Act:

10 (a) any person who has not sufficiently rehabilitated  
11 following a felony conviction ~~has been convicted of a~~  
12 ~~felony~~;

13 (b) any person who is or has been a professional  
14 gambler or gambling promoter;

15 (c) any person who is not of good moral character;

16 (d) any firm or corporation in which a person defined  
17 in (a), (b) or (c) has a proprietary, equitable or credit  
18 interest, or in which such a person is active or employed;

19 (e) any organization in which a person defined in (a),  
20 (b) or (c) is an officer, director, or employee, whether  
21 compensated or not;

22 (f) any organization in which a person defined in (a),  
23 (b) or (c) is to participate in the management or operation  
24 of a raffle as defined in this Act.

25 (Source: P.A. 98-644, eff. 6-10-14.)

1 (230 ILCS 15/3.1 new)

2 Sec. 3.1. Applicant convictions.

3 (a) The licensing authority shall not require applicants to  
4 report the following information and shall not consider the  
5 following criminal history records in connection with an  
6 application for licensure:

7 (1) Juvenile adjudications of delinquent minors as  
8 defined in Section 5-105 of the Juvenile Court Act of 1987,  
9 subject to the restrictions set forth in Section 5-130 of  
10 the Juvenile Court Act of 1987.

11 (2) Law enforcement records, court records, and  
12 conviction records of an individual who was 17 years old at  
13 the time of the offense and before January 1, 2014, unless  
14 the nature of the offense required the individual to be  
15 tried as an adult.

16 (3) Records of arrest not followed by a conviction.

17 (4) Convictions overturned by a higher court.

18 (5) Convictions or arrests that have been sealed or  
19 expunged.

20 (b) When reviewing, for the purpose of licensure or  
21 determining moral character, a conviction of a felony of an  
22 applicant, the licensing authority shall consider any evidence  
23 of rehabilitation and mitigating factors contained in the  
24 applicant's record, including any of the following:

25 (1) the lack of direct relation of the offense for  
26 which the applicant was previously convicted to the duties,

1 functions, and responsibilities of the position for which a  
2 license is sought;

3 (2) whether 5 years since a felony conviction or 3  
4 years since release from confinement for the conviction,  
5 whichever is later, have passed without a subsequent  
6 conviction;

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

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

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

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

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

1           (8) any other mitigating factors that contribute to the  
2           person's potential and current ability to perform the  
3           duties and responsibilities of the position for which a  
4           license or employment is sought.

5           (c) It is the affirmative obligation of the licensing  
6           authority to demonstrate that a prior conviction would impair  
7           the ability of the applicant to engage in the licensed  
8           practice. If the licensing authority refuses to issue a license  
9           to an applicant, then the applicant shall be notified of the  
10           denial in writing with the following included in the notice of  
11           denial:

12           (1) a statement about the decision to refuse to issue a  
13           license;

14           (2) a list of the convictions that formed the sole or  
15           partial basis for the refusal to issue a license;

16           (3) a list of the mitigating evidence presented by the  
17           applicant;

18           (4) reasons for refusing to issue a license specific to  
19           the evidence presented in mitigation of conviction items  
20           that formed the partial or sole basis for the licensing  
21           authority's decision; and

22           (5) a summary of the appeal process or the earliest the  
23           applicant may reapply for a license, whichever is  
24           applicable.

25           (d) No later than May 1 of each year, the licensing  
26           authority must prepare, publicly announce, and publish a report



1 of summary statistical information relating to new and renewal  
2 license applications during the preceding calendar year. Each  
3 report shall show, at a minimum:

4 (1) the number of applicants for a new or renewal  
5 license under this Act within the previous calendar year;

6 (2) the number of applicants for a new or renewal  
7 license under this Act within the previous calendar year  
8 who had any criminal conviction;

9 (3) the number of applicants for a new or renewal  
10 license under this Act in the previous calendar year who  
11 were granted a license;

12 (4) the number of applicants for a new or renewal  
13 license with a criminal conviction who were granted a  
14 license under this Act within the previous calendar year;

15 (5) the number of applicants for a new or renewal  
16 license under this Act within the previous calendar year  
17 who were denied a license;

18 (6) the number of applicants for a new or renewal  
19 license with a criminal conviction who were denied a  
20 license under this Act in the previous calendar year in  
21 whole or in part because of a prior conviction;

22 (7) the number of probationary licenses without  
23 monitoring issued under this Act in the previous calendar  
24 year to applicants with a criminal conviction; and

25 (8) the number of probationary licenses with  
26 monitoring issued under this Act in the previous calendar

1       year to applicants with a criminal conviction.

2       Section 155. The Illinois Pull Tabs and Jar Games Act is  
3 amended by changing Section 2.1 and by adding Section 2.2 as  
4 follows:

5       (230 ILCS 20/2.1)

6       Sec. 2.1. Ineligibility for a license. The following are  
7 ineligible for any license under this Act:

8           (1) Any person convicted of any felony within the last  
9 5 years who has not been sufficiently rehabilitated  
10 following the conviction. ~~Any person who has been convicted~~  
11 ~~of a felony within the last 10 years prior to the date of~~  
12 ~~the application.~~

13           (2) Any person ~~who has been~~ convicted of a violation of  
14 Article 28 of the Criminal Code of 1961 or the Criminal  
15 Code of 2012 who has not been sufficiently rehabilitated  
16 following the conviction.

17           (3) Any person who has had a bingo, pull tabs and jar  
18 games, or charitable games license revoked by the  
19 Department.

20           (4) Any person who is or has been a professional  
21 gambler.

22           (5) Any person found gambling in a manner not  
23 authorized by the Illinois Pull Tabs and Jar Games Act, the  
24 Bingo License and Tax Act, or the Charitable Games Act,

1 participating in such gambling, or knowingly permitting  
2 such gambling on premises where pull tabs and jar games are  
3 authorized to be conducted.

4 (6) Any firm or corporation in which a person defined  
5 in (1), (2), (3), (4), or (5) has any proprietary,  
6 equitable, or credit interest or in which such person is  
7 active or employed.

8 (7) Any organization in which a person defined in (1),  
9 (2), (3), (4), or (5) is an officer, director, or employee,  
10 whether compensated or not.

11 (8) Any organization in which a person defined in (1),  
12 (2), (3), (4), or (5) is to participate in the management  
13 or operation of pull tabs and jar games.

14 The Department of State Police shall provide the criminal  
15 background of any supplier as requested by the Department of  
16 Revenue.

17 (Source: P.A. 97-1150, eff. 1-25-13.)

18 (230 ILCS 20/2.2 new)

19 Sec. 2.2. Applicant convictions.

20 (a) The Department shall not require applicants to report  
21 the following information and shall not consider the following  
22 criminal history records in connection with an application for  
23 licensure:

24 (1) Juvenile adjudications of delinquent minors as  
25 defined in Section 5-105 of the Juvenile Court Act of 1987,

1 subject to the restrictions set forth in Section 5-130 of  
2 the Juvenile Court Act of 1987.

3 (2) Law enforcement records, court records, and  
4 conviction records of an individual who was 17 years old at  
5 the time of the offense and before January 1, 2014, unless  
6 the nature of the offense required the individual to be  
7 tried as an adult.

8 (3) Records of arrest not followed by a conviction.

9 (4) Convictions overturned by a higher court.

10 (5) Convictions or arrests that have been sealed or  
11 expunged.

12 (b) When reviewing, for the purpose of licensure, a  
13 conviction of any felony or of a violation of Article 28 of the  
14 Criminal Code of 1961 or Criminal Code of 2012, the Department  
15 shall consider any evidence of rehabilitation and mitigating  
16 factors contained in the applicant's record, including any of  
17 the following:

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

22 (2) the amount of time that has elapsed since the  
23 offense occurred;

24 (3) if the applicant was previously licensed or  
25 employed in this State or other state or jurisdictions,  
26 then the lack of prior misconduct arising from or related

1 to the licensed position or position of employment;

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

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

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

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

18 (8) any other mitigating factors that contribute to the  
19 person's potential and current ability to perform the  
20 duties and responsibilities of the position for which a  
21 license or employment is sought.

22 (c) It is the affirmative obligation of the Department to  
23 demonstrate that a prior conviction would impair the ability of  
24 the applicant to engage in the licensed practice. If the  
25 Department refuses to issue a license to an applicant, then the  
26 applicant shall be notified of the denial in writing with the

1 following included in the notice of denial:

2 (1) a statement about the decision to refuse to issue a  
3 license;

4 (2) a list of the convictions that formed the sole or  
5 partial basis for the refusal to issue a license;

6 (3) a list of the mitigating evidence presented by the  
7 applicant;

8 (4) reasons for refusing to issue a license specific to  
9 the evidence presented in mitigation of conviction items  
10 that formed the partial or sole basis for the Department's  
11 decision; and

12 (5) a summary of the appeal process or the earliest the  
13 applicant may reapply for a license, whichever is  
14 applicable.

15 (d) No later than May 1 of each year, the Department must  
16 prepare, publicly announce, and publish a report of summary  
17 statistical information relating to new and renewal license  
18 applications during the preceding calendar year. Each report  
19 shall show, at a minimum:

20 (1) the number of applicants for a new or renewal  
21 license under this Act within the previous calendar year;

22 (2) the number of applicants for a new or renewal  
23 license under this Act within the previous calendar year  
24 who had any criminal conviction;

25 (3) the number of applicants for a new or renewal  
26 license under this Act in the previous calendar year who

1 were granted a license;

2 (4) the number of applicants for a new or renewal  
3 license with a criminal conviction who were granted a  
4 license under this Act within the previous calendar year;

5 (5) the number of applicants for a new or renewal  
6 license under this Act within the previous calendar year  
7 who were denied a license;

8 (6) the number of applicants for a new or renewal  
9 license with a criminal conviction who were denied a  
10 license under this Act in the previous calendar year in  
11 whole or in part because of a prior conviction;

12 (7) the number of probationary licenses without  
13 monitoring issued under this Act in the previous calendar  
14 year to applicants with a criminal conviction; and

15 (8) the number of probationary licenses with  
16 monitoring issued under this Act in the previous calendar  
17 year to applicants with a criminal conviction.

18 Section 160. The Bingo License and Tax Act is amended by  
19 changing Section 1.2 and by adding Section 1.2a as follows:

20 (230 ILCS 25/1.2)

21 Sec. 1.2. Ineligibility for licensure. The following are  
22 ineligible for any license under this Act:

23 (1) Any person convicted of any felony within the last  
24 5 years who has not been sufficiently rehabilitated

1       following the conviction. ~~Any person who has been convicted~~  
2       ~~of a felony within the last 10 years prior to the date of~~  
3       ~~application.~~

4           (2) Any person ~~who has been~~ convicted of a violation of  
5       Article 28 of the Criminal Code of 1961 or the Criminal  
6       Code of 2012 who has not been sufficiently rehabilitated  
7       following the conviction.

8           (3) Any person who has had a bingo, pull tabs and jar  
9       games, or charitable games license revoked by the  
10       Department.

11          (4) Any person who is or has been a professional  
12       gambler.

13          (5) Any person found gambling in a manner not  
14       authorized by the Illinois Pull Tabs and Jar Games Act,  
15       Bingo License and Tax Act, or the Charitable Games Act,  
16       participating in such gambling, or knowingly permitting  
17       such gambling on premises where a bingo event is authorized  
18       to be conducted or has been conducted.

19          (6) Any organization in which a person defined in (1),  
20       (2), (3), (4), or (5) has a proprietary, equitable, or  
21       credit interest, or in which such person is active or  
22       employed.

23          (7) Any organization in which a person defined in (1),  
24       (2), (3), (4), or (5) is an officer, director, or employee,  
25       whether compensated or not.

26          (8) Any organization in which a person defined in (1),



1 (2), (3), (4), or (5) is to participate in the management  
2 or operation of a bingo game.

3 The Department of State Police shall provide the criminal  
4 background of any person requested by the Department of  
5 Revenue.

6 (Source: P.A. 97-1150, eff. 1-25-13.)

7 (230 ILCS 25/1.2a new)

8 Sec. 1.2a. Applicant convictions.

9 (a) When reviewing, for the purpose of licensure, a  
10 conviction of any felony or of a violation of Article 28 of the  
11 Criminal Code of 1961 or Criminal Code of 2012, the Department  
12 shall consider any evidence of rehabilitation and mitigating  
13 factors contained in the applicant's record, including any of  
14 the following that the applicant has been sufficiently  
15 rehabilitated:

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

20 (2) the amount of time that has elapsed since the  
21 offense occurred;

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

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

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

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

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

17           (8) any other mitigating factors that contribute to the  
18           person's potential and current ability to perform the  
19           duties and responsibilities of the position for which a  
20           license or employment is sought.

21           (b) It is the affirmative obligation of the Department to  
22           demonstrate that a prior conviction would impair the ability of  
23           the applicant to engage in the licensed practice. If the  
24           Department refuses to issue a license to an applicant, then the  
25           Department shall notify the applicant of the denial in writing  
26           with the following included in the notice of denial:

1           (1) a statement about the decision to refuse to issue a  
2           license;

3           (2) a list of the convictions that formed the sole or  
4           partial basis for the refusal to issue a license;

5           (3) a list of the mitigating evidence presented by the  
6           applicant;

7           (4) reasons for refusing to issue a license specific to  
8           the evidence presented in mitigation of conviction items  
9           that formed the partial or sole basis for the Department's  
10           decision; and

11           (5) a summary of the appeal process or the earliest the  
12           applicant may reapply for a license, whichever is  
13           applicable.

14           (c) No later than May 1 of each year, the Department must  
15           prepare, publicly announce, and publish a report of summary  
16           statistical information relating to new and renewal license  
17           applications during the preceding calendar year. Each report  
18           shall show, at a minimum:

19           (1) the number of applicants for a new or renewal  
20           license under this Act within the previous calendar year;

21           (2) the number of applicants for a new or renewal  
22           license under this Act within the previous calendar year  
23           who had any criminal conviction;

24           (3) the number of applicants for a new or renewal  
25           license under this Act in the previous calendar year who  
26           were granted a license;

1           (4) the number of applicants for a new or renewal  
2           license with a criminal conviction who were granted a  
3           license under this Act within the previous calendar year;

4           (5) the number of applicants for a new or renewal  
5           license under this Act within the previous calendar year  
6           who were denied a license;

7           (6) the number of applicants for a new or renewal  
8           license with a criminal conviction who were denied a  
9           license under this Act in the previous calendar year in  
10          whole or in part because of a prior conviction;

11          (7) the number of probationary licenses without  
12          monitoring issued under this Act in the previous calendar  
13          year to applicants with a criminal conviction; and

14          (8) the number of probationary licenses with  
15          monitoring issued under this Act in the previous calendar  
16          year to applicants with a criminal conviction.

17          (d) The Department shall not require applicants to report  
18          the following information and shall not consider the following  
19          criminal history records in connection with an application for  
20          licensure:

21               (1) Juvenile adjudications of delinquent minors as  
22               defined in Section 5-105 of the Juvenile Court Act of 1987,  
23               subject to the exclusions set forth in Section 5-130 of the  
24               Juvenile Court Act of 1987.

25               (2) Law enforcement records, court records, and  
26               conviction records of an individual who was 17 years old at

1       the time of the offense and before January 1, 2014, unless  
2       the nature of the offense required the individual to be  
3       tried as an adult.

4           (3) Records of arrest not followed by a conviction.

5           (4) Convictions overturned by a higher court.

6           (5) Convictions or arrests that have been sealed or  
7       expunged.

8           Section 165. The Charitable Games Act is amended by  
9       changing Section 7 and by adding Section 7.1 as follows:

10           (230 ILCS 30/7) (from Ch. 120, par. 1127)

11           Sec. 7. Ineligible Persons. The following are ineligible  
12       for any license under this Act:

13           (a) any person convicted of any felony within the last  
14       5 years who has not been sufficiently rehabilitated  
15       following the conviction ~~any person who has been convicted~~  
16       ~~of a felony within the last 10 years before the date of the~~  
17       ~~application;~~

18           (b) any person ~~who has been~~ convicted of a violation of  
19       Article 28 of the Criminal Code of 1961 or the Criminal  
20       Code of 2012 who has not been sufficiently rehabilitated  
21       following the conviction;

22           (c) any person who has had a bingo, pull tabs and jar  
23       games, or charitable games license revoked by the  
24       Department;

1 (d) any person who is or has been a professional  
2 gambler;

3 (d-1) any person found gambling in a manner not  
4 authorized by this Act, the Illinois Pull Tabs and Jar  
5 Games Act, or the Bingo License and Tax Act participating  
6 in such gambling, or knowingly permitting such gambling on  
7 premises where an authorized charitable games event is  
8 authorized to be conducted or has been conducted;

9 (e) any organization in which a person defined in (a),  
10 (b), (c), (d), or (d-1) has a proprietary, equitable, or  
11 credit interest, or in which the person is active or  
12 employed;

13 (f) any organization in which a person defined in (a),  
14 (b), (c), (d), or (d-1) is an officer, director, or  
15 employee, whether compensated or not;

16 (g) any organization in which a person defined in (a),  
17 (b), (c), (d), or (d-1) is to participate in the management  
18 or operation of charitable games.

19 The Department of State Police shall provide the criminal  
20 background of any person requested by the Department of  
21 Revenue.

22 (Source: P.A. 97-1150, eff. 1-25-13.)

23 (230 ILCS 30/7.1 new)

24 Sec. 7.1. Applicant convictions.

25 (a) When reviewing, for the purpose of licensure, a

1 conviction of any felony or of a violation of Article 28 of the  
2 Criminal Code of 1961 or Criminal Code of 2012, the Department  
3 shall consider any evidence of rehabilitation and mitigating  
4 factors contained in the applicant's record, including any of  
5 the following that the applicant has been sufficiently  
6 rehabilitated:

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

11 (2) the amount of time that has elapsed since the  
12 offense occurred;

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

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

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

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

26 (7) evidence of rehabilitation or rehabilitative

1 effort during or after incarceration, or during or after a  
2 term of supervision, including, but not limited to, a  
3 certificate of good conduct under Section 5-5.5-25 of the  
4 Unified Code of Corrections or a certificate of relief from  
5 disabilities under Section 5-5.5-10 of the Unified Code of  
6 Corrections; and

7 (8) any other mitigating factors that contribute to the  
8 person's potential and current ability to perform the  
9 duties and responsibilities of the position for which a  
10 license or employment is sought.

11 (b) It is the affirmative obligation of the Department to  
12 demonstrate that a prior conviction would impair the ability of  
13 the applicant to engage in the licensed practice. If the  
14 Department refuses to grant a license to an applicant, then the  
15 Department shall notify the applicant of the denial in writing  
16 with the following included in the notice of denial:

17 (1) a statement about the decision to refuse to issue a  
18 license;

19 (2) a list of the convictions that formed the sole or  
20 partial basis for the refusal to issue a license;

21 (3) a list of the mitigating evidence presented by the  
22 applicant;

23 (4) reasons for refusing to issue a license specific to  
24 the evidence presented in mitigation of conviction items  
25 that formed the partial or sole basis for the Department's  
26 decision; and



1           (5) a summary of the appeal process or the earliest the  
2           applicant may reapply for a license, whichever is  
3           applicable.

4           (c) No later than May 1 of each year, the Department must  
5           prepare, publicly announce, and publish a report of summary  
6           statistical information relating to new and renewal license  
7           applications during the preceding calendar year. Each report  
8           shall show, at a minimum:

9           (1) the number of applicants for a new or renewal  
10           license under this Act within the previous calendar year;

11           (2) the number of applicants for a new or renewal  
12           license under this Act within the previous calendar year  
13           who had any criminal conviction;

14           (3) the number of applicants for a new or renewal  
15           license under this Act in the previous calendar year who  
16           were granted a license;

17           (4) the number of applicants for a new or renewal  
18           license with a criminal conviction who were granted a  
19           license under this Act within the previous calendar year;

20           (5) the number of applicants for a new or renewal  
21           license under this Act within the previous calendar year  
22           who were denied a license;

23           (6) the number of applicants for a new or renewal  
24           license with a criminal conviction who were denied a  
25           license under this Act in the previous calendar year in  
26           whole or in part because of a prior conviction;

1           (7) the number of probationary licenses without  
2           monitoring issued under this Act in the previous calendar  
3           year to applicants with a criminal conviction; and

4           (8) the number of probationary licenses with  
5           monitoring issued under this Act in the previous calendar  
6           year to applicants with a criminal conviction.

7           (d) Applicants shall not be required to report the  
8           following information and the following shall not be considered  
9           in connection with an application for licensure or  
10          registration:

11          (1) Juvenile adjudications of delinquent minors as  
12          defined in Section 5-105 of the Juvenile Court Act of 1987,  
13          subject to the restrictions set forth in Section 5-130 of  
14          the Juvenile Court Act of 1987.

15          (2) Law enforcement, court records, and conviction  
16          records of an individual who was 17 years old at the time  
17          of the offense and before January 1, 2014, unless the  
18          nature of the offense required the individual to be tried  
19          as an adult.

20          (3) Records of arrest not followed by a conviction.

21          (4) Convictions overturned by a higher court.

22          (5) Convictions or arrests that have been sealed or  
23          expunged.

24                Section 170. The Liquor Control Act of 1934 is amended by  
25                changing Sections 6-2 and 7-1 and by adding Section 6-2.5 as

1 follows:

2 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

3 Sec. 6-2. Issuance of licenses to certain persons  
4 prohibited.

5 (a) Except as otherwise provided in subsection (b) of this  
6 Section and in paragraph (1) of subsection (a) of Section 3-12,  
7 no license of any kind issued by the State Commission or any  
8 local commission shall be issued to:

9 (1) A person who is not a resident of any city, village  
10 or county in which the premises covered by the license are  
11 located; except in case of railroad or boat licenses.

12 (2) A person who is not of good character and  
13 reputation in the community in which he resides.

14 (3) A person who is not a citizen of the United States.

15 (4) A person who has been convicted of a felony under  
16 any Federal or State law, unless the Commission determines  
17 that such person has been sufficiently rehabilitated to  
18 warrant the public trust after considering matters set  
19 forth in such person's application in accordance with  
20 Section 6-2.5 of this Act and the Commission's  
21 investigation. ~~The burden of proof of sufficient~~  
22 ~~rehabilitation shall be on the applicant.~~

23 (5) A person who has been convicted of keeping a place  
24 of prostitution or keeping a place of juvenile  
25 prostitution, promoting prostitution that involves keeping

1 a place of prostitution, or promoting juvenile  
2 prostitution that involves keeping a place of juvenile  
3 prostitution.

4 (6) A person who has been convicted of pandering ~~or~~  
5 ~~other crime or misdemeanor opposed to decency and morality.~~

6 (7) A person whose license issued under this Act has  
7 been revoked for cause.

8 (8) A person who at the time of application for renewal  
9 of any license issued hereunder would not be eligible for  
10 such license upon a first application.

11 (9) A copartnership, if any general partnership  
12 thereof, or any limited partnership thereof, owning more  
13 than 5% of the aggregate limited partner interest in such  
14 copartnership would not be eligible to receive a license  
15 hereunder for any reason other than residence within the  
16 political subdivision, unless residency is required by  
17 local ordinance.

18 (10) A corporation or limited liability company, if any  
19 member, officer, manager or director thereof, or any  
20 stockholder or stockholders owning in the aggregate more  
21 than 5% of the stock of such corporation, would not be  
22 eligible to receive a license hereunder for any reason  
23 other than citizenship and residence within the political  
24 subdivision.

25 (10a) A corporation or limited liability company  
26 unless it is incorporated or organized in Illinois, or

1 unless it is a foreign corporation or foreign limited  
2 liability company which is qualified under the Business  
3 Corporation Act of 1983 or the Limited Liability Company  
4 Act to transact business in Illinois. The Commission shall  
5 permit and accept from an applicant for a license under  
6 this Act proof prepared from the Secretary of State's  
7 website that the corporation or limited liability company  
8 is in good standing and is qualified under the Business  
9 Corporation Act of 1983 or the Limited Liability Company  
10 Act to transact business in Illinois.

11 (11) A person whose place of business is conducted by a  
12 manager or agent unless the manager or agent possesses the  
13 same qualifications required by the licensee.

14 (12) A person who has been convicted of a violation of  
15 any Federal or State law concerning the manufacture,  
16 possession or sale of alcoholic liquor, subsequent to the  
17 passage of this Act or has forfeited his bond to appear in  
18 court to answer charges for any such violation, unless the  
19 Commission determines, in accordance with Section 6-2.5 of  
20 this Act, that the person has been sufficiently  
21 rehabilitated to warrant public trust.

22 (13) A person who does not beneficially own the  
23 premises for which a license is sought, or does not have a  
24 lease thereon for the full period for which the license is  
25 to be issued.

26 (14) Any law enforcing public official, including

1 members of local liquor control commissions, any mayor,  
2 alderman, or member of the city council or commission, any  
3 president of the village board of trustees, any member of a  
4 village board of trustees, or any president or member of a  
5 county board; and no such official shall have a direct  
6 interest in the manufacture, sale, or distribution of  
7 alcoholic liquor, except that a license may be granted to  
8 such official in relation to premises that are not located  
9 within the territory subject to the jurisdiction of that  
10 official if the issuance of such license is approved by the  
11 State Liquor Control Commission and except that a license  
12 may be granted, in a city or village with a population of  
13 55,000 or less, to any alderman, member of a city council,  
14 or member of a village board of trustees in relation to  
15 premises that are located within the territory subject to  
16 the jurisdiction of that official if (i) the sale of  
17 alcoholic liquor pursuant to the license is incidental to  
18 the selling of food, (ii) the issuance of the license is  
19 approved by the State Commission, (iii) the issuance of the  
20 license is in accordance with all applicable local  
21 ordinances in effect where the premises are located, and  
22 (iv) the official granted a license does not vote on  
23 alcoholic liquor issues pending before the board or council  
24 to which the license holder is elected. Notwithstanding any  
25 provision of this paragraph (14) to the contrary, an  
26 alderman or member of a city council or commission, a

1 member of a village board of trustees other than the  
2 president of the village board of trustees, or a member of  
3 a county board other than the president of a county board  
4 may have a direct interest in the manufacture, sale, or  
5 distribution of alcoholic liquor as long as he or she is  
6 not a law enforcing public official, a mayor, a village  
7 board president, or president of a county board. To prevent  
8 any conflict of interest, the elected official with the  
9 direct interest in the manufacture, sale, or distribution  
10 of alcoholic liquor shall not participate in any meetings,  
11 hearings, or decisions on matters impacting the  
12 manufacture, sale, or distribution of alcoholic liquor.  
13 Furthermore, the mayor of a city with a population of  
14 55,000 or less or the president of a village with a  
15 population of 55,000 or less may have an interest in the  
16 manufacture, sale, or distribution of alcoholic liquor as  
17 long as the council or board over which he or she presides  
18 has made a local liquor control commissioner appointment  
19 that complies with the requirements of Section 4-2 of this  
20 Act.

21 (15) A person who is not a beneficial owner of the  
22 business to be operated by the licensee.

23 (16) A person who has been convicted of a gambling  
24 offense as proscribed by any of subsections (a) (3) through  
25 (a) (11) of Section 28-1 of, or as proscribed by Section  
26 28-1.1 or 28-3 of, the Criminal Code of 1961 or the

1 Criminal Code of 2012, or as proscribed by a statute  
2 replaced by any of the aforesaid statutory provisions.

3 (17) A person or entity to whom a federal wagering  
4 stamp has been issued by the federal government, unless the  
5 person or entity is eligible to be issued a license under  
6 the Raffles and Poker Runs Act or the Illinois Pull Tabs  
7 and Jar Games Act.

8 (18) A person who intends to sell alcoholic liquors for  
9 use or consumption on his or her licensed retail premises  
10 who does not have liquor liability insurance coverage for  
11 that premises in an amount that is at least equal to the  
12 maximum liability amounts set out in subsection (a) of  
13 Section 6-21.

14 (19) A person who is licensed by any licensing  
15 authority as a manufacturer of beer, or any partnership,  
16 corporation, limited liability company, or trust or any  
17 subsidiary, affiliate, or agent thereof, or any other form  
18 of business enterprise licensed as a manufacturer of beer,  
19 having any legal, equitable, or beneficial interest,  
20 directly or indirectly, in a person licensed in this State  
21 as a distributor or importing distributor. For purposes of  
22 this paragraph (19), a person who is licensed by any  
23 licensing authority as a "manufacturer of beer" shall also  
24 mean a brewer and a non-resident dealer who is also a  
25 manufacturer of beer, including a partnership,  
26 corporation, limited liability company, or trust or any



1 subsidiary, affiliate, or agent thereof, or any other form  
2 of business enterprise licensed as a manufacturer of beer.

3 (20) A person who is licensed in this State as a  
4 distributor or importing distributor, or any partnership,  
5 corporation, limited liability company, or trust or any  
6 subsidiary, affiliate, or agent thereof, or any other form  
7 of business enterprise licensed in this State as a  
8 distributor or importing distributor having any legal,  
9 equitable, or beneficial interest, directly or indirectly,  
10 in a person licensed as a manufacturer of beer by any  
11 licensing authority, or any partnership, corporation,  
12 limited liability company, or trust or any subsidiary,  
13 affiliate, or agent thereof, or any other form of business  
14 enterprise, except for a person who owns, on or after the  
15 effective date of this amendatory Act of the 98th General  
16 Assembly, no more than 5% of the outstanding shares of a  
17 manufacturer of beer whose shares are publicly traded on an  
18 exchange within the meaning of the Securities Exchange Act  
19 of 1934. For the purposes of this paragraph (20), a person  
20 who is licensed by any licensing authority as a  
21 "manufacturer of beer" shall also mean a brewer and a  
22 non-resident dealer who is also a manufacturer of beer,  
23 including a partnership, corporation, limited liability  
24 company, or trust or any subsidiary, affiliate, or agent  
25 thereof, or any other form of business enterprise licensed  
26 as a manufacturer of beer.

1 (b) A criminal conviction of a corporation is not grounds  
2 for the denial, suspension, or revocation of a license applied  
3 for or held by the corporation if the criminal conviction was  
4 not the result of a violation of any federal or State law  
5 concerning the manufacture, possession or sale of alcoholic  
6 liquor, the offense that led to the conviction did not result  
7 in any financial gain to the corporation and the corporation  
8 has terminated its relationship with each director, officer,  
9 employee, or controlling shareholder whose actions directly  
10 contributed to the conviction of the corporation. The  
11 Commission shall determine if all provisions of this subsection  
12 (b) have been met before any action on the corporation's  
13 license is initiated.

14 (Source: P.A. 97-1059, eff. 8-24-12; 97-1150, eff. 1-25-13;  
15 98-10, eff. 5-6-13; 98-21, eff. 6-13-13; 98-644, eff. 6-10-14;  
16 98-756, eff. 7-16-14.)

17 (235 ILCS 5/6-2.5 new)

18 Sec. 6-2.5. Applicant convictions.

19 (a) The Commission shall not require applicants to report  
20 the following information and shall not consider the following  
21 criminal history records in connection with an application for  
22 a license under this Act:

23 (1) Juvenile adjudications of delinquent minors as  
24 defined in Section 5-105 of the Juvenile Court Act of 1987,  
25 subject to the restrictions set forth in Section 5-130 of

1 the Juvenile Court Act of 1987.

2 (2) Law enforcement records, court records, and  
3 conviction records of an individual who was 17 years old at  
4 the time of the offense and before January 1, 2014, unless  
5 the nature of the offense required the individual to be  
6 tried as an adult.

7 (3) Records of arrest not followed by a conviction.

8 (4) Convictions overturned by a higher court.

9 (5) Convictions or arrests that have been sealed or  
10 expunged.

11 (b) When determining whether to grant a license to an  
12 applicant with a prior conviction of a felony or a violation of  
13 any federal or State law concerning the manufacture, possession  
14 or sale of alcoholic liquor, the Commission shall consider any  
15 evidence of rehabilitation and mitigating factors contained in  
16 the applicant's record, including any of the following:

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

21 (2) whether 5 years since a felony conviction or 3  
22 years since release from confinement for the conviction,  
23 whichever is later, have passed without a subsequent  
24 conviction;

25 (3) if the applicant was previously licensed or  
26 employed in this State or other state or jurisdictions,

1       then the lack of prior misconduct arising from or related  
2       to the licensed position or position of employment;

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

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

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

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

19       (8) any other mitigating factors that contribute to the  
20       person's potential and current ability to perform the  
21       duties and responsibilities of the position for which a  
22       license or employment is sought.

23       (c) It is the affirmative obligation of the Commission to  
24       demonstrate that a prior conviction would impair the ability of  
25       the applicant to engage in the practice regulated under this  
26       Act. If the Commission refuses to issue a license to an

1 applicant, then the Commission shall notify the applicant of  
2 the denial in writing with the following included in the notice  
3 of denial:

4 (1) a statement about the decision to refuse to issue a  
5 license;

6 (2) a list of the conviction items that formed the sole  
7 or partial basis for the refusal to issue a license;

8 (3) a list of the mitigating evidence presented by the  
9 applicant;

10 (4) reasons for refusing to issue a license specific to  
11 the evidence presented in mitigation of conviction items  
12 that formed the partial or sole basis for the Department's  
13 decision; and

14 (5) a summary of the appeal process or the earliest the  
15 applicant may reapply for a license, whichever is  
16 applicable.

17 (d) No later than May 1 of each year, the Commission must  
18 prepare, publicly announce, and publish a report of summary  
19 statistical information relating to new and renewal license  
20 applications during the preceding calendar year. Each report  
21 shall show, at a minimum:

22 (1) the number of applicants for a new or renewal  
23 license under this Act within the previous calendar year;

24 (2) the number of applicants for a new or renewal  
25 license under this Act within the previous calendar year  
26 who had any criminal conviction;

1           (3) the number of applicants for a new or renewal  
2           license under this Act in the previous calendar year who  
3           were granted a license;

4           (4) the number of applicants for a new or renewal  
5           license with a criminal conviction who were granted a  
6           license under this Act within the previous calendar year;

7           (5) the number of applicants for a new or renewal  
8           license under this Act within the previous calendar year  
9           who were denied a license;

10           (6) the number of applicants for a new or renewal  
11           license with a criminal conviction who were denied a  
12           license under this Act in the previous calendar year in  
13           whole or in part because of a prior conviction;

14           (7) the number of probationary licenses without  
15           monitoring issued under this Act in the previous calendar  
16           year to applicants with a criminal conviction; and

17           (8) the number of probationary licenses with  
18           monitoring issued under this Act in the previous calendar  
19           year to applicants with a criminal conviction.

20           (235 ILCS 5/7-1) (from Ch. 43, par. 145)

21           Sec. 7-1. An applicant for a retail license from the State  
22           Commission shall submit to the State Commission an application  
23           in writing under oath stating:

24           (1) The applicant's name and mailing address;

25           (2) The name and address of the applicant's business;

1           (3) If applicable, the date of the filing of the  
2 "assumed name" of the business with the County Clerk;

3           (4) In case of a copartnership, the date of the  
4 formation of the partnership; in the case of an Illinois  
5 corporation, the date of its incorporation; or in the case  
6 of a foreign corporation, the State where it was  
7 incorporated and the date of its becoming qualified under  
8 the Business Corporation Act of 1983 to transact business  
9 in the State of Illinois;

10          (5) The number, the date of issuance and the date of  
11 expiration of the applicant's current local retail liquor  
12 license;

13          (6) The name of the city, village, or county that  
14 issued the local retail liquor license;

15          (7) The name and address of the landlord if the  
16 premises are leased;

17          (8) The date of the applicant's first request for a  
18 State liquor license and whether it was granted, denied or  
19 withdrawn;

20          (9) The address of the applicant when the first  
21 application for a State liquor license was made;

22          (10) The applicant's current State liquor license  
23 number;

24          (11) The date the applicant began liquor sales at his  
25 place of business;

26          (12) The address of the applicant's warehouse if he

1 warehouses liquor;

2 (13) The applicant's Retailers' Occupation Tax (ROT)  
3 Registration Number;

4 (14) The applicant's document locator number on his  
5 Federal Special Tax Stamp;

6 (15) Whether the applicant is delinquent in the payment  
7 of the Retailers' Occupation Tax (Sales Tax), and if so,  
8 the reasons therefor;

9 (16) Whether the applicant is delinquent under the cash  
10 beer law, and if so, the reasons therefor;

11 (17) In the case of a retailer, whether he is  
12 delinquent under the 30-day credit law, and if so, the  
13 reasons therefor;

14 (18) In the case of a distributor, whether he is  
15 delinquent under the 15-day credit law, and if so, the  
16 reasons therefor;

17 (19) Whether the applicant has made an application for  
18 a liquor license which has been denied, and if so, the  
19 reasons therefor;

20 (20) Whether the applicant has ever had any previous  
21 liquor license suspended or revoked, and if so, the reasons  
22 therefor;

23 (21) Whether the applicant has ever been convicted of a  
24 gambling offense or felony, and if so, the particulars  
25 thereof;

26 (22) Whether the applicant possesses a current Federal



1           Wagering Stamp, and if so, the reasons therefor;

2           (23) Whether the applicant, or any other person,  
3 directly in his place of business is a public official, and  
4 if so, the particulars thereof;

5           (24) The applicant's name, sex, date of birth, social  
6 security number, position and percentage of ownership in  
7 the business; and the name, sex, date of birth, social  
8 security number, position and percentage of ownership in  
9 the business of every sole owner, partner, corporate  
10 officer, director, manager and any person who owns 5% or  
11 more of the shares of the applicant business entity or  
12 parent corporations of the applicant business entity; and

13           (25) That he has not received or borrowed money or  
14 anything else of value, and that he will not receive or  
15 borrow money or anything else of value (other than  
16 merchandising credit in the ordinary course of business for  
17 a period not to exceed 90 days as herein expressly  
18 permitted under Section 6-5 hereof), directly or  
19 indirectly, from any manufacturer, importing distributor  
20 or distributor or from any representative of any such  
21 manufacturer, importing distributor or distributor, nor be  
22 a party in any way, directly or indirectly, to any  
23 violation by a manufacturer, distributor or importing  
24 distributor of Section 6-6 of this Act.

25           In addition to any other requirement of this Section, an  
26 applicant for a special use permit license and a special event

1 retailer's license shall also submit (A) proof satisfactory to  
2 the Commission that the applicant has a resale number issued  
3 under Section 2c of the Retailers' Occupation Tax Act or that  
4 the applicant is registered under Section 2a of the Retailers'  
5 Occupation Tax Act, (B) proof satisfactory to the Commission  
6 that the applicant has a current, valid exemption  
7 identification number issued under Section 1g of the Retailers'  
8 Occupation Tax Act and a certification to the Commission that  
9 the purchase of alcoholic liquors will be a tax-exempt  
10 purchase, or (C) a statement that the applicant is not  
11 registered under Section 2a of the Retailers' Occupation Tax  
12 Act, does not hold a resale number under Section 2c of the  
13 Retailers' Occupation Tax Act, and does not hold an exemption  
14 number under Section 1g of the Retailers' Occupation Tax Act.  
15 The applicant shall also submit proof of adequate dram shop  
16 insurance for the special event prior to being issued a  
17 license.

18 In addition to the foregoing information, such application  
19 shall contain such other and further information as the State  
20 Commission and the local commission may, by rule or regulation  
21 not inconsistent with law, prescribe.

22 If the applicant reports a felony conviction as required  
23 under paragraph (21) of this Section, such conviction may be  
24 considered by the Commission in accordance with Section 6-2.5  
25 of this Act in determining qualifications for licensing, but  
26 shall not operate as a bar to licensing.

1           If said application is made in behalf of a partnership,  
2 firm, association, club or corporation, then the same shall be  
3 signed by one member of such partnership or the president or  
4 secretary of such corporation or an authorized agent of said  
5 partnership or corporation.

6           All other applications shall be on forms prescribed by the  
7 State Commission, and which may exclude any of the above  
8 requirements which the State Commission rules to be  
9 inapplicable.

10       (Source: P.A. 98-756, eff. 7-16-14.)

11           Section 175. The Radon Industry Licensing Act is amended by  
12 changing Section 45 and by adding Section 46 as follows:

13           (420 ILCS 44/45)

14           Sec. 45. Grounds for disciplinary action. The Agency may  
15 refuse to issue or to renew, or may revoke, suspend, or take  
16 other disciplinary action as the Agency may deem proper,  
17 including fines not to exceed \$1,000 for each violation, with  
18 regard to any license for any one or combination of the  
19 following causes:

20           (a) Violation of this Act or its rules.

21           (b) For licensees, conviction ~~Conviction~~ of a crime  
22 under the laws of any United States jurisdiction that is a  
23 felony or of any crime that directly relates to the  
24 practice of detecting or reducing the presence of radon or

1 radon progeny. For applicants, the provisions of Section 46  
2 apply.

3 (c) Making a misrepresentation for the purpose of  
4 obtaining a license.

5 (d) Professional incompetence or gross negligence in  
6 the practice of detecting or reducing the presence of radon  
7 or radon progeny.

8 (e) Gross malpractice, prima facie evidence of which  
9 may be a conviction or judgment of malpractice in a court  
10 of competent jurisdiction.

11 (f) Aiding or assisting another person in violating a  
12 provision of this Act or its rules.

13 (g) Failing, within 60 days, to provide information in  
14 response to a written request made by the Agency that has  
15 been sent by mail to the licensee's last known address.

16 (h) Engaging in dishonorable, unethical, or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud, or harm the public.

19 (i) Habitual or excessive use or addiction to alcohol,  
20 narcotics, stimulants, or any other chemical agent or drug  
21 that results in the inability to practice with reasonable  
22 judgment, skill, or safety.

23 (j) Discipline by another United States jurisdiction  
24 or foreign nation, if at least one of the grounds for the  
25 discipline is the same or substantially equivalent to those  
26 set forth in this Section.

1           (k) Directly or indirectly giving to or receiving from  
2 a person any fee, commission, rebate, or other form of  
3 compensation for a professional service not actually or  
4 personally rendered.

5           (l) A finding by the Agency that the licensee has  
6 violated the terms of a license.

7           (m) Conviction by a court of competent jurisdiction,  
8 either within or outside of this State, of a violation of a  
9 law governing the practice of detecting or reducing the  
10 presence of radon or radon progeny if the Agency determines  
11 after investigation that the person has not been  
12 sufficiently rehabilitated to warrant the public trust.

13           (n) A finding by the Agency that a license has been  
14 applied for or obtained by fraudulent means.

15           (o) Practicing or attempting to practice under a name  
16 other than the full name as shown on the license or any  
17 other authorized name.

18           (p) Gross and willful overcharging for professional  
19 services, including filing false statements for collection  
20 of fees or moneys for which services are not rendered.

21           (q) Failure to file a return or to pay the tax,  
22 penalty, or interest shown in a filed return, or to pay any  
23 final assessment of tax, penalty, or interest, as required  
24 by a tax Act administered by the Department of Revenue,  
25 until such time as the requirements of any such tax Act are  
26 satisfied.

1 (r) Failure to repay educational loans guaranteed by  
2 the Illinois Student Assistance Commission, as provided in  
3 Section 80 of the Nuclear Safety Law of 2004. However, the  
4 Agency may issue an original or renewal license if the  
5 person in default has established a satisfactory repayment  
6 record as determined by the Illinois Student Assistance  
7 Commission.

8 (s) Failure to meet child support orders, as provided  
9 in Section 10-65 of the Illinois Administrative Procedure  
10 Act.

11 (t) Failure to pay a fee or civil penalty properly  
12 assessed by the Agency.

13 (Source: P.A. 94-369, eff. 7-29-05.)

14 (420 ILCS 44/46 new)

15 Sec. 46. Applicant convictions.

16 (a) The Agency shall not require applicants to report the  
17 following information and shall not consider the following  
18 criminal history records in connection with an application for  
19 a license under this Act:

20 (1) Juvenile adjudications of delinquent minors as  
21 defined in Section 5-105 of the Juvenile Court Act of 1987,  
22 subject to the restrictions set forth in Section 5-130 of  
23 the Juvenile Court Act of 1987.

24 (2) Law enforcement records, court records, and  
25 conviction records of an individual who was 17 years old at

1 the time of the offense and before January 1, 2014, unless  
2 the nature of the offense required the individual to be  
3 tried as an adult.

4 (3) Records of arrest not followed by a conviction.

5 (4) Convictions overturned by a higher court.

6 (5) Convictions or arrests that have been sealed or  
7 expunged.

8 (b) When reviewing, for the purpose of determining whether  
9 to grant a license, a conviction of any felony or a crime that  
10 relates to the practice of detecting or reducing the presence  
11 of radon or radon progeny of an applicant, the Agency shall  
12 consider any evidence of rehabilitation and mitigating factors  
13 contained in the applicant's record, including any of the  
14 following:

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

19 (2) whether 5 years since a felony conviction or 3  
20 years since release from confinement for the conviction,  
21 whichever is later, have passed without a subsequent  
22 conviction;

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

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

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

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

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

17           (8) any other mitigating factors that contribute to the  
18           person's potential and current ability to perform the  
19           duties and responsibilities of the position for which a  
20           license or employment is sought.

21           (c) It is the affirmative obligation of the Agency to  
22           demonstrate that a prior conviction would impair the ability of  
23           the applicant to engage in the licensed practice. If the Agency  
24           refuses to issue a license to an applicant, then the Agency  
25           shall notify the applicant of the denial in writing with the  
26           following included in the notice of denial:



1           (1) a statement about the decision to refuse to grant a  
2           license;

3           (2) a list of the conviction items that formed the sole  
4           or partial basis for the refusal to issue a license;

5           (3) a list of the mitigating evidence presented by the  
6           applicant;

7           (4) reasons for refusing to issue a license specific to  
8           the evidence presented in mitigation of conviction items  
9           that formed the partial or sole basis for the Agency's  
10          decision; and

11          (5) a summary of the appeal process or the earliest the  
12          applicant may reapply for a license, whichever is  
13          applicable.

14          (d) No later than May 1 of each year, the Agency must  
15          prepare, publicly announce, and publish a report of summary  
16          statistical information relating to new and renewal license  
17          applications during the preceding calendar year. Each report  
18          shall show, at a minimum:

19           (1) the number of applicants for a new or renewal  
20           license under this Act within the previous calendar year;

21           (2) the number of applicants for a new or renewal  
22           license under this Act within the previous calendar year  
23           who had any criminal conviction;

24           (3) the number of applicants for a new or renewal  
25           license under this Act in the previous calendar year who  
26           were granted a license;

1           (4) the number of applicants for a new or renewal  
2           license with a criminal conviction who were granted a  
3           license under this Act within the previous calendar year;

4           (5) the number of applicants for a new or renewal  
5           license under this Act within the previous calendar year  
6           who were denied a license;

7           (6) the number of applicants for a new or renewal  
8           license with a criminal conviction who were denied a  
9           license under this Act in the previous calendar year in  
10          whole or in part because of a prior conviction;

11          (7) the number of probationary licenses without  
12          monitoring issued under this Act in the previous calendar  
13          year to applicants with a criminal conviction; and

14          (8) the number of probationary licenses with  
15          monitoring issued under this Act in the previous calendar  
16          year to applicants with a criminal conviction.

17           Section 999. Effective date. This Act takes effect January  
18           1, 2018."