



Rep. Marcus C. Evans, Jr.

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LRB100 08546 SMS 24669 a

1 AMENDMENT TO HOUSE BILL 3822

2 AMENDMENT NO. _____. Amend House Bill 3822, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Identification Act is amended by
6 changing Section 12 as follows:

7 (20 ILCS 2630/12)

8 Sec. 12. Entry of order; effect of expungement or sealing
9 records.

10 (a) Except with respect to law enforcement agencies, the
11 Department of Corrections, State's Attorneys, or other
12 prosecutors, and as provided in Section 13 of this Act, an
13 expunged or sealed record may not be considered by any private
14 or public entity in employment matters, certification,
15 licensing, revocation of certification or licensure, or
16 registration. Applications for employment must contain

1 specific language which states that the applicant is not
2 obligated to disclose sealed or expunged records of conviction
3 or arrest. The entity authorized to grant a license,
4 certification, or registration shall include, in an
5 application for certification, registration, or licensure,
6 specific language stating that the applicant is not obligated
7 to disclose sealed or expunged records of a conviction or
8 arrest; however, if the inclusion of that language in an
9 application for certification, registration, or licensure is
10 not practical, the entity shall publish on its website
11 instructions specifying that applicants are not obligated to
12 disclose sealed or expunged records of a conviction or arrest.
13 Employers may not ask if an applicant has had records expunged
14 or sealed.

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

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

25 Section 10. The Cigarette Tax Act is amended by changing

1 Sections 4, 4b, and 4c and by adding Section 4i as follows:

2 (35 ILCS 130/4) (from Ch. 120, par. 453.4)

3 Sec. 4. Distributor's license. No person may engage in
4 business as a distributor of cigarettes in this State within
5 the meaning of the first 2 definitions of distributor in
6 Section 1 of this Act without first having obtained a license
7 therefor from the Department. Application for license shall be
8 made to the Department in form as furnished and prescribed by
9 the Department. Each applicant for a license under this Section
10 shall furnish to the Department on the form signed and verified
11 by the applicant under penalty of perjury the following
12 information:

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

14 (b) The address of the location at which the applicant
15 proposes to engage in business as a distributor of
16 cigarettes in this State;

17 (c) Such other additional information as the
18 Department may lawfully require by its rules and
19 regulations.

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

1 Every applicant who is required to procure a distributor's
2 license shall file with his application a joint and several
3 bond. Such bond shall be executed to the Department of Revenue,
4 with good and sufficient surety or sureties residing or
5 licensed to do business within the State of Illinois, in the
6 amount of \$2,500, conditioned upon the true and faithful
7 compliance by the licensee with all of the provisions of this
8 Act. Such bond, or a reissue thereof, or a substitute therefor,
9 shall be kept in effect during the entire period covered by the
10 license. A separate application for license shall be made, a
11 separate annual license fee paid, and a separate bond filed,
12 for each place of business at which a person who is required to
13 procure a distributor's license under this Section proposes to
14 engage in business as a distributor in Illinois under this Act.

15 The following are ineligible to receive a distributor's
16 license under this Act:

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
20 the conviction shall not operate as an absolute bar to
21 licensure;

22 (2) a person who has been convicted of a felony
23 under any Federal or State law, if the Department,
24 after investigation and a hearing and consideration of
25 mitigating factors and evidence of rehabilitation
26 contained in the applicant's record, including those

1 in Section 4i, if requested by the applicant,
2 determines that such person has not been sufficiently
3 rehabilitated to warrant the public trust and the
4 conviction will impair the ability of the person to
5 engage in the position for which a license is sought;

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

11 (4) a person, or any person who owns more than 15
12 percent of the ownership interests in a person or a
13 related party who:

14 (a) owes, at the time of application, any
15 delinquent cigarette taxes that have been
16 determined by law to be due and unpaid, unless the
17 license applicant has entered into an agreement
18 approved by the Department to pay the amount due;

19 (b) had a license under this Act revoked within
20 the past two years by the Department for misconduct
21 relating to stolen or contraband cigarettes or has
22 been convicted of a State or federal crime,
23 punishable by imprisonment of one year or more,
24 relating to stolen or contraband cigarettes;

25 (c) manufactures cigarettes, whether in this
26 State or out of this State, and who is neither (i)

1 a participating manufacturer as defined in
2 subsection II(jj) of the "Master Settlement
3 Agreement" as defined in Sections 10 of the Tobacco
4 Products Manufacturers' Escrow Act and the Tobacco
5 Products Manufacturers' Escrow Enforcement Act of
6 2003 (30 ILCS 168/10 and 30 ILCS 167/10); nor (ii)
7 in full compliance with Tobacco Products
8 Manufacturers' Escrow Act and the Tobacco Products
9 Manufacturers' Escrow Enforcement Act of 2003 (30
10 ILCS 168/ and 30 ILCS 167/);

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

16 (e) has been found by the Department, after
17 notice and a hearing, to have imported or caused to
18 be imported into the United States for sale or
19 distribution or manufactured for sale or
20 distribution in the United States any cigarette
21 that does not fully comply with the Federal
22 Cigarette Labeling and Advertising Act (15 U.S.C.
23 1331, et seq.); or

24 (f) has been found by the Department, after
25 notice and a hearing, to have made a material false
26 statement in the application or has failed to

1 produce records required to be maintained by this
2 Act.

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

18 A licensed distributor shall notify the Department of any
19 change in the information contained on the application form,
20 including any change in ownership and shall do so within 30
21 days after any such change.

22 Any person aggrieved by any decision of the Department
23 under this Section may, within 20 days after notice of the
24 decision, protest and request a hearing. Upon receiving a
25 request for a hearing, the Department shall give notice to the
26 person requesting the hearing of the time and place fixed for

1 the hearing and shall hold a hearing in conformity with the
2 provisions of this Act and then issue its final administrative
3 decision in the matter to that person. In the absence of a
4 protest and request for a hearing within 20 days, the
5 Department's decision shall become final without any further
6 determination being made or notice given.

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

8 (35 ILCS 130/4b) (from Ch. 120, par. 453.4b)

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

22 The following are ineligible to receive a distributor's
23 permit under this subsection:

24 (1) a person who is not of good character and
25 reputation in the community in which he resides; the

1 Department may consider past conviction of a felony but the
2 conviction shall not operate as an absolute bar to
3 receiving a permit;

4 (2) a person who has been convicted of a felony under
5 any Federal or State law, if the Department, after
6 investigation and a hearing and consideration of
7 mitigating factors and evidence of rehabilitation
8 contained in the applicant's record, including those in
9 Section 4i of this Act, ~~if requested by the applicant,~~
10 determines that such person has not been sufficiently
11 rehabilitated to warrant the public trust and the
12 conviction will impair the ability of the person to engage
13 in the position for which a permit is sought;

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

19 With respect to cigarettes which come within the scope of
20 such a permit and which any such permittee delivers or causes
21 to be delivered in Illinois to licensed distributors, such
22 permittee shall remit the tax imposed by this Act at the times
23 provided for in Section 3 of this Act. Each such remittance
24 shall be accompanied by a return filed with the Department on a
25 form to be prescribed and furnished by the Department and shall
26 disclose such information as the Department may lawfully

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

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

26 All permits issued by the Department under this Act shall

1 be valid for not to exceed one year after issuance unless
2 sooner revoked, canceled or suspended as in this Act provided.

3 (b) Out-of-state cigarette manufacturers who are not
4 required to be licensed as distributors of cigarettes in this
5 State and who do not elect to obtain approval under subsection
6 4b(a) to pay the tax imposed by this Act, but who elect to
7 qualify under this Act as distributors of cigarettes in this
8 State for purposes of shipping and delivering unstamped
9 original packages of cigarettes into this State to licensed
10 distributors, shall obtain a permit from the Department. These
11 permits shall be issued without charge in such form as the
12 Department may prescribe and shall not be transferable or
13 assignable.

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

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

21 (2) a person who has been convicted of a felony under
22 any federal or State law, if the Department, after
23 investigation and a hearing and consideration of
24 mitigating factors and evidence of rehabilitation
25 contained in the applicant's record, including those set
26 forth in Section 4i of this Act, ~~if requested by the~~

1 ~~applicant~~, determines that the person has not been
2 sufficiently rehabilitated to warrant the public trust and
3 the conviction will impair the ability of the person to
4 engage in the position for which a permit is sought; and

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 the corporation,
8 would not be eligible to receive a permit under this Act
9 for any reason.

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

1 With respect to cigarettes that the permittee delivers or
2 causes to be delivered in Illinois to Illinois licensed
3 distributors or distributed to the public for promotional
4 purposes, the permittee shall, by the 5th day of each month,
5 file with the Department, a report covering cigarettes shipped
6 or otherwise delivered in Illinois to licensed distributors or
7 distributed to the public for promotional purposes during the
8 preceding calendar month on a form to be prescribed and
9 furnished by the Department and shall disclose such other
10 information as the Department may lawfully require. The
11 Department may promulgate rules to require that the permittee's
12 report be accompanied by appropriate computer-generated
13 magnetic media supporting schedule data in the format
14 prescribed by the Department, unless, as provided by rule, the
15 Department grants an exception upon petition of the permittee.
16 Each such report shall be accompanied by a copy of each invoice
17 rendered by the permittee to any purchaser to whom the
18 permittee delivered cigarettes of the type covered by the
19 permit (or caused cigarettes of the type covered by the permit
20 to be delivered) in Illinois during the period covered by such
21 report.

22 Such permit may be suspended, canceled, or revoked whenever
23 the permittee violates any provision of this Act or any lawful
24 rule or regulation issued by the Department pursuant to this
25 Act, is determined to be ineligible for a distributor's permit
26 under this Act as provided in this Section, or notifies the

1 Department in writing of his or her desire to have the permit
2 canceled. The Department shall have the power, in its
3 discretion, to issue a new permit after such suspension,
4 cancellation, or revocation, except when the person who would
5 receive the permit is ineligible to receive a distributor's
6 permit under this Act.

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

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

12 (35 ILCS 130/4c)

13 Sec. 4c. Secondary distributor's license. No person may
14 engage in business as a secondary distributor of cigarettes in
15 this State without first having obtained a license therefor
16 from the Department. Application for license shall be made to
17 the Department on a form as furnished and prescribed by the
18 Department. Each applicant for a license under this Section
19 shall furnish the following information to the Department on a
20 form signed and verified by the applicant under penalty of
21 perjury:

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

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

1 (3) such other additional information as the
2 Department may reasonably require.

3 The annual license fee payable to the Department for each
4 secondary distributor's license shall be \$250. Each applicant
5 for a license shall pay such fee to the Department at the time
6 of submitting an application for license to the Department.

7 A separate application for license shall be made and
8 separate annual license fee paid for each place of business at
9 which a person who is required to procure a secondary
10 distributor's license under this Section proposes to engage in
11 business as a secondary distributor in Illinois under this Act.

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

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

19 (2) a person who has been convicted of a felony under
20 any federal or State law, if the Department, after
21 investigation and a hearing and consideration of the
22 mitigating factors provided in subsection (b) of Section 4i
23 of this Act, if requested by the applicant, determines that
24 such person has not been sufficiently rehabilitated to
25 warrant the public trust and the conviction will impair the
26 ability of the person to engage in the position for which a

1 license is sought;

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

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

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

11 (A) owes, at the time of application, any
12 delinquent cigarette taxes that have been determined
13 by law to be due and unpaid, unless the license
14 applicant has entered into an agreement approved by the
15 Department to pay the amount due;

16 (B) had a license under this Act revoked within the
17 past two years by the Department or has been convicted
18 of a State or federal crime, punishable by imprisonment
19 of one year or more, relating to stolen or contraband
20 cigarettes;

21 (C) has been found by the Department, after notice
22 and a hearing, to have imported or caused to be
23 imported into the United States for sale or
24 distribution any cigarette in violation of 19 U.S.C.
25 1681a;

26 (D) has been found by the Department, after notice

1 and a hearing, to have imported or caused to be
2 imported into the United States for sale or
3 distribution or manufactured for sale or distribution
4 in the United States any cigarette that does not fully
5 comply with the Federal Cigarette Labeling and
6 Advertising Act (15 U.S.C. 1331, et seq.); or

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

11 The Department, upon receipt of an application and license
12 fee from a person who is eligible to receive a secondary
13 distributor's license under this Act, shall issue to such
14 applicant a license in such form as prescribed by the
15 Department. The license shall permit the applicant to which it
16 is issued to engage in business as a secondary distributor at
17 the place shown in his application. All licenses issued by the
18 Department under this Act shall be valid for a period not to
19 exceed one year after issuance unless sooner revoked, canceled,
20 or suspended as provided in this Act. No license issued under
21 this Act is transferable or assignable. Such license shall be
22 conspicuously displayed in the place of business conducted by
23 the licensee in Illinois under such license. No secondary
24 distributor licensee acquires any vested interest or
25 compensable property right in a license issued under this Act.

26 A licensed secondary distributor shall notify the

1 Department of any change in the information contained on the
2 application form, including any change in ownership, and shall
3 do so within 30 days after any such change.

4 Any person aggrieved by any decision of the Department
5 under this Section may, within 20 days after notice of the
6 decision, protest and request a hearing. Upon receiving a
7 request for a hearing, the Department shall give notice to the
8 person requesting the hearing of the time and place fixed for
9 the hearing and shall hold a hearing in conformity with the
10 provisions of this Act and then issue its final administrative
11 decision in the matter to that person. In the absence of a
12 protest and request for a hearing within 20 days, the
13 Department's decision shall become final without any further
14 determination being made or notice given.

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

16 (35 ILCS 130/4i new)

17 Sec. 4i. Applicant convictions.

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

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

1 (2) Law enforcement, court records, and conviction
2 records of an individual who was 17 years old at the time
3 of the offense and before January 1, 2014, unless the
4 nature of the offense required the individual to be tried
5 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) The Department, upon a finding that an applicant for a
11 license or permit was previously convicted of a felony under
12 any federal or State law, shall consider any mitigating factors
13 and evidence of rehabilitation contained in such applicant's
14 record, including any of the following factors and evidence, to
15 determine if the applicant has been sufficiently rehabilitated
16 and whether a prior conviction will impair the ability of the
17 applicant to engage in the position for which a license or
18 permit is sought:

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

23 (2) whether 5 years since a felony conviction or 3
24 years since release from confinement for the conviction,
25 whichever is later, have passed without a subsequent
26 conviction;

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

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

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

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

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

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

25 (c) If the Department refuses to issue a license or permit
26 to an applicant, then the Department shall notify the applicant

1 of the denial in writing with the following included in the
2 notice of denial:

3 (1) a statement about the decision to refuse to issue a
4 license or permit;

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

8 (3) a list of convictions that formed the sole or
9 partial basis for the refusal to issue a license or permit;

10 and

11 (4) 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 Department must
15 prepare, publicly announce, and publish a report of summary
16 statistical information relating to new and renewal license or
17 permit applications during the preceding calendar year. Each
18 report shall show, at a minimum:

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

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

25 (3) the number of applicants for a new or renewal
26 license or permit under this Act in the previous calendar

1 year who were granted a license or permit;

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

6 (5) the number of applicants for a new or renewal
7 license or permit under this Act within the previous
8 calendar year who were denied a license or permit; and

9 (6) the number of applicants for a new or renewal
10 license or permit with a criminal conviction who were
11 denied a license or permit under this Act in the previous
12 calendar year in whole or in part because of a prior
13 conviction.

14 Section 15. The Counties Code is amended by changing
15 Section 5-10004 and by adding Section 5-10004a as follows:

16 (55 ILCS 5/5-10004) (from Ch. 34, par. 5-10004)

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

20 (1) Submits a written application for a license, which
21 application shall state, and the applicant shall state under
22 oath:

23 (a) The name, address, and residence of the applicant,
24 and the length of time he has lived at that residence;†

1 (b) The place of birth of the applicant, and if the
2 applicant is a naturalized citizen, the time and place of
3 such naturalization;

4 (c) Whether the applicant has a prior felony
5 conviction; and ~~That the applicant has never been convicted~~
6 ~~of a felony, or of a misdemeanor punishable under the laws~~
7 ~~of this State by a minimum imprisonment of six months or~~
8 ~~longer.~~

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

11 (2) And who establishes:

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

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

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

21 (55 ILCS 5/5-10004a new)

22 Sec. 5-10004a. Applicant convictions.

23 (a) Applicants shall not be required to report the
24 following information and the following information shall not
25 be considered in connection with an application for a license

1 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
5 Juvenile Court Act of 1987.

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

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

12 (4) Convictions overturned by a higher court.

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

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

20 (c) The county board, upon finding that an applicant for a
21 license under this Act has a prior conviction for a felony,
22 shall consider any evidence of rehabilitation and mitigating
23 factors contained in the applicant's record, including any of
24 the following factors and evidence, to determine if the
25 conviction will impair the ability of the applicant to engage
26 in the position for which a license is sought:

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

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

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

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

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

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

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

1 disabilities under Section 5-5.5-10 of the Unified Code of
2 Corrections; and

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

7 (d) If the county board refuses to issue a license to an
8 applicant, then the county board shall notify the applicant of
9 the denial in writing with the following included in the notice
10 of denial:

11 (1) a statement about the decision to refuse to issue a
12 license;

13 (2) a list of the convictions that the county board
14 determined will impair the applicant's ability to engage in
15 the position for which a license is sought;

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

18 (4) 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; and

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 Section 20. The Pyrotechnic Distributor and Operator
19 Licensing Act is amended by changing Section 35 and by adding
20 Section 36 as follows:

21 (225 ILCS 227/35)

22 Sec. 35. Licensure requirements and fees.

23 (a) Each application for a license to practice under this
24 Act shall be in writing and signed by the applicant on forms

1 provided by the Office.

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

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

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

11 (2) Proof of \$1,000,000 in product liability
12 insurance.

13 (3) Proof of \$1,000,000 in general liability insurance
14 that covers the pyrotechnic display or pyrotechnic service
15 provided.

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

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

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

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

22 (8) Proof of having the requisite knowledge, either
23 through training, examination, or continuing education, as
24 established by Office rule.

25 (c-3) After January 1, 2010, no production company may
26 provide pyrotechnic displays or pyrotechnic services as part of

1 any production without either (i) obtaining a production
2 company license from the Office under which all pyrotechnic
3 displays and pyrotechnic services are performed by a licensed
4 lead pyrotechnic operator or (ii) hiring a pyrotechnic
5 distributor licensed in accordance with this Act to perform the
6 pyrotechnic displays or pyrotechnic services. Applicants for a
7 production company license must submit to the Office the
8 following:

9 (1) Proof of \$2,000,000 in commercial general
10 liability insurance that covers any damage or injury
11 resulting from the pyrotechnic displays or pyrotechnic
12 services provided.

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

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

15 (4) Proof of a current USDOT Identification Number,
16 unless:

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

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

26 (5) Proof of a current USDOT Hazardous Materials

1 Registration Number, unless:

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

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

11 (6) Identification of the licensed lead pyrotechnic
12 operator employed by the production company or insured as
13 an additional named insured on the production company's
14 general liability insurance, as required under paragraph
15 (1) of this subsection.

16 The insurer shall not cancel the insured's coverage or
17 remove any additional named insured or additional insured from
18 the policy coverage without notifying the Office in writing at
19 least 15 days before cancellation.

20 (c-5) After January 1, 2006, no individual may act as a
21 lead operator in a pyrotechnic display without first applying
22 for and obtaining a lead pyrotechnic operator's license from
23 the Office. The Office shall establish separate licenses for
24 lead pyrotechnic operators for indoor and outdoor pyrotechnic
25 displays. Applicants for a license must:

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

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

3 (3) (Blank).

4 (d) A person is qualified to receive a license under this
5 Act if the person meets all of the following minimum
6 requirements:

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

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

10 (3) Has not made any material misstatement or knowingly
11 withheld information in connection with any original or
12 renewal application.

13 (4) Has not been declared incompetent by any competent
14 court by reasons of mental or physical defect or disease
15 unless a court has since declared the person competent.

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

19 (6) If convicted ~~Has not been convicted~~ in any
20 jurisdiction of any felony within the prior 5 years, will
21 not, by the Office's determination, be impaired by such
22 conviction in engaging in the position for which a license
23 in sought.

24 (7) Is not a fugitive from justice.

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

1 (9) If a lead pyrotechnic operator is employed by a
2 political subdivision of the State or by a licensed
3 production company or is insured as an additional named
4 insured on the production company's general liability
5 insurance, as required under paragraph (1) of subsection
6 (c-3) of this Section, he or she shall have a BATFE license
7 for the pyrotechnic services or pyrotechnic display
8 provided.

9 (10) If a production company has not provided proof of
10 a current USDOT Identification Number and a current USDOT
11 Hazardous Materials Registration Number, as required by
12 paragraphs (5) and (6) of subsection (c-3) of this Section,
13 then the lead pyrotechnic operator employed by the
14 production company or 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, shall provide such proof to the
18 Office.

19 (e) A person is qualified to assist a lead pyrotechnic
20 operator if the person meets all of the following minimum
21 requirements:

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

23 (2) Has not willfully violated any provision of this
24 Act.

25 (3) Has not been declared incompetent by any competent
26 court by reasons of mental or physical defect or disease

1 unless a court has since declared the person competent.

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

5 (5) If convicted ~~Has not been convicted~~ in any
6 jurisdiction of any felony within the prior 5 years, will
7 not, by the Office's determination, be impaired by such
8 conviction in engaging in the position for which a license
9 in sought..

10 (6) Is not a fugitive from justice.

11 (7) Is employed as an employee of the licensed
12 pyrotechnic distributor or the licensed production
13 company, or insured as an additional named insured on the
14 pyrotechnic distributor's product liability and general
15 liability insurance, as required under paragraphs (2) and
16 (3) of subsection (c) of this Section, or insured as an
17 additional named insured on the production company's
18 general liability insurance, as required under paragraph
19 (1) of subsection (c-3) of this Section.

20 (8) Has been registered with the Office by the licensed
21 distributor or the licensed production company on a form
22 provided by the Office prior to the time when the assistant
23 begins work on the pyrotechnic display or pyrotechnic
24 service.

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

1 (225 ILCS 227/36 new)

2 Sec. 36. Applicant convictions.

3 (a) The Office shall not require the applicant 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) When reviewing, for the purpose of licensure, a
21 conviction of any felony within the previous 5 years, the
22 Office shall consider any evidence of rehabilitation and
23 mitigating factors contained in the applicant's record,
24 including any of the following factors and evidence, to
25 determine if such conviction will impair the ability of the
26 applicant to engage in the position for which a license is

1 sought:

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) the amount of time that has elapsed since the
7 offense occurred;

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 specific licensed
5 practice or employment position.

6 (c) If the Office refuses to issue a license to an
7 applicant, then the applicant shall be notified of the denial
8 in writing 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 the Office
12 determined will impair the applicant's ability to engage in
13 the position for which a license is sought;

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

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

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

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

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

1 license under this Act within the previous calendar year
2 who had any criminal conviction;

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

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

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

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

16 (7) the number of licenses issued on probation without
17 monitoring under this Act in the previous calendar year to
18 applicants with a criminal conviction; and

19 (8) the number of licenses issued on probation with
20 monitoring under this Act in the previous calendar year to
21 applicants with a criminal conviction.

22 Section 25. The Solid Waste Site Operator Certification Law
23 is amended by changing Section 1005 and by adding Section
24 1005-1 as follows:

1 (225 ILCS 230/1005) (from Ch. 111, par. 7855)

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

5 (a) To conduct examinations to ascertain the
6 qualifications of applicants for certificates of competency as
7 solid waste site operators;

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

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

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

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

17 (2) Negligence or misconduct in the operation of a
18 sanitary landfill;

19 (3) Repeated failure to comply with any of the
20 requirements applicable to the operation of a sanitary
21 landfill, except for Board requirements applicable to the
22 collection of litter;

23 (4) Repeated violations of federal, State or local
24 laws, regulations, standards, or ordinances regarding the
25 operation of refuse disposal facilities or sites;

26 (5) For the certified, conviction ~~Conviction~~ in this or

1 another State of any crime which is a felony under the laws
2 of this State or conviction of a felony in a federal court;
3 for applicants, the provisions of Section 1005-1 apply;

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

7 (7) Being declared to be a person under a legal
8 disability by a court of competent jurisdiction and not
9 thereafter having been lawfully declared to be a person not
10 under legal disability or to have recovered.

11 (e) To adopt rules necessary to perform its functions,
12 powers, and duties with respect to solid waste site operator
13 certifications.

14 (Source: P.A. 86-1363.)

15 (225 ILCS 230/1005-1 new)

16 Sec. 1005-1. Applicant convictions.

17 (a) The Agency shall not require applicants to report the
18 following information and shall not consider the following
19 criminal history records in connection with an application for
20 certification 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 reviewing a conviction of any felony, the Agency
10 shall consider any evidence of rehabilitation and mitigating
11 factors contained in the applicant's record, including any of
12 the following factors and evidence, to determine if such
13 conviction will impair the ability of the applicant to engage
14 in the position for which a certificate is sought:

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
18 certification 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 certificate or employment is sought.

21 (c) If the Agency refuses to issue a certificate to an
22 applicant, then the Agency shall notify the applicant of the
23 denial in writing with the following included in the notice of
24 denial:

25 (1) a statement about the decision to refuse to grant
26 certification;

1 (2) a list of the convictions that the Agency
2 determined will impair the applicant's ability to engage in
3 the position for which a certificate is sought;

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

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

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

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

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

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

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

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

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

8 Section 30. The Water Well and Pump Installation
9 Contractor's License Act is amended by changing Section 15 and
10 by adding Section 15.1 as follows:

11 (225 ILCS 345/15) (from Ch. 111, par. 7116)

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

13 Sec. 15. The Department may refuse to issue or renew, may
14 suspend or may revoke a license on any one or more of the
15 following grounds:

16 (1) Material misstatement in the application for license;

17 (2) Failure to have or retain the qualifications required
18 by Section 9 of this Act;

19 (3) Wilful disregard or violation of this Act or of any
20 rule or regulation promulgated by the Department pursuant
21 thereto; or disregard or violation of any law of the state of
22 Illinois or of any rule or regulation promulgated pursuant
23 thereto relating to water well drilling or the installation of
24 water pumps and equipment or any rule or regulation adopted

1 pursuant thereto;

2 (4) Wilfully aiding or abetting another in the violation of
3 this Act or any rule or regulation promulgated by the
4 Department pursuant thereto;

5 (5) Incompetence in the performance of the work of a water
6 well contractor or of a water well pump installation
7 contractor;

8 (6) Allowing the use of a license by someone other than the
9 person in whose name it was issued;

10 (7) For licensees, conviction ~~Conviction~~ of any crime an
11 essential element of which is misstatement, fraud or
12 dishonesty, conviction in this or another State of any crime
13 which is a felony under the laws of this State or the
14 conviction in a federal court of any felony; for applicants,
15 the provisions of Section 15.1 apply;

16 (8) Making substantial misrepresentations or false
17 promises of a character likely to influence, persuade or induce
18 in connection with the occupation of a water well contractor or
19 a water well pump installation contractor.

20 (Source: P.A. 77-1626.)

21 (225 ILCS 345/15.1 new)

22 Sec. 15.1. Applicant convictions.

23 (a) The Department shall not require an applicant to
24 provide the following information and shall not consider the
25 following criminal history records in connection with an

1 application for licensure:

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 exclusions set forth in Section 5-130 of the
5 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 charge or
12 conviction.

13 (4) Records of arrest where charges were dismissed
14 unless related to the practice of the profession. However,
15 applicants shall not be asked to report any arrests, and
16 any 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 (5) Convictions overturned by a higher court.

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

22 (b) The Department, upon a finding that an applicant for a
23 license was previously convicted of any felony or a misdemeanor
24 directly related to the practice of the profession, shall
25 consider any evidence of rehabilitation and mitigating factors
26 contained in the applicant's record, including any of the

1 following factors and evidence, to determine if the prior
2 conviction will impair the ability of the applicant to engage
3 in the position for which a license is sought:

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 job
8 duties.

9 (c) If the Department refuses to issue a license to an
10 applicant, then the Department shall notify the applicant of
11 the denial in writing with the following included in the notice
12 of denial:

13 (1) a statement about the decision to refuse to issue a
14 license;

15 (2) a list of the convictions that the Department
16 determined will impair the applicant's ability to engage in
17 the position for which a license is sought;

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

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

23 (d) No later than May 1 of each year, the Department must
24 prepare, publicly announce, and publish a report of summary
25 statistical information relating to new and renewal license
26 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; and

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 part or in full because of a prior conviction.

20 Section 35. The Collateral Recovery Act is amended by
21 changing Sections 40, 45, 80, and 85 as follows:

22 (225 ILCS 422/40)

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

24 Sec. 40. Qualifications for recovery manager;

1 identification card.

2 (a) An applicant is qualified for licensure as a recovery
3 manager if that person meets all of the following requirements:

4 (1) Is 21 years of age or older.

5 (2) If convicted of any felony and less than 7 years
6 have passed from the time of discharge from the sentence
7 imposed, then a finding by the Commission that the
8 conviction will not impair the applicant's ability to
9 engage in the position requiring a license. ~~Has not been~~
10 ~~convicted in any jurisdiction of any felony or at least 10~~
11 ~~years has passed from the time of discharge from any~~
12 ~~sentence imposed for a felony.~~

13 (3) Has completed no less than 2,500 hours of actual
14 compensated collateral recovery work as an employee of a
15 repossession agency, a financial institution, or a vehicle
16 dealer within the 5 years immediately preceding the filing
17 of an application, acceptable proof of which must be
18 submitted to the Commission.

19 (4) Has submitted to the Commission 2 sets of
20 fingerprints, which shall be checked against the
21 fingerprint records on file with the Illinois State Police
22 and the Federal Bureau of Investigation in the manner set
23 forth in Section 60 of this Act.

24 (5) Has successfully completed a certification program
25 approved by the Commission.

26 (6) Has paid the required application fees.

1 (b) Upon the issuance of a recovery manager license, the
2 Commission shall issue the license holder a suitable pocket
3 identification card that shall include a photograph of the
4 license holder. The identification card must contain the name
5 of the license holder and any other information required by the
6 Commission. An applicant who is 21 years of age or older
7 seeking a religious exemption to the photograph requirement of
8 this subsection shall furnish with his or her application an
9 approved copy of United States Department of the Treasury
10 Internal Revenue Service Form 4029.

11 (c) A recovery manager license is not transferable.
12 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

13 (225 ILCS 422/45)

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

15 Sec. 45. Repossession agency employee requirements.

16 (a) All employees of a licensed repossession agency whose
17 duties include the actual repossession of collateral must apply
18 for a recovery permit. The holder of a repossession agency
19 license issued under this Act, known in this Section as the
20 "employer", may employ in the conduct of the business under the
21 following provisions:

22 (1) No person may be issued a recovery permit who meets
23 any of the following criteria:

24 (A) Is younger than 21 years of age.

25 (B) Has been determined by the Commission to be

1 unfit by reason of conviction of an offense in this or
2 another state, other than a minor traffic offense, that
3 the Commission determines will impair the ability of
4 the person to engage in the position for which a permit
5 is sought. The Commission shall adopt rules for making
6 those determinations.

7 (C) Has had a license or recovery permit denied,
8 suspended, or revoked under this Act.

9 (D) Has not successfully completed a certification
10 program approved by the Commission.

11 (2) No person may be employed by a repossession agency
12 under this Section until he or she has executed and
13 furnished to the Commission, on forms furnished by the
14 Commission, a verified statement to be known as an
15 "Employee's Statement" setting forth all of the following:

16 (A) The person's full name, age, and residence
17 address.

18 (B) The business or occupation engaged in for the 5
19 years immediately before the date of the execution of
20 the statement, the place where the business or
21 occupation was engaged in, and the names of the
22 employers, if any.

23 (C) That the person has not had a license or
24 recovery permit denied, revoked, or suspended under
25 this Act.

26 (D) Any conviction of a felony, except as provided

1 for in Section 85.

2 (E) Any other information as may be required by any
3 rule of the Commission to show the good character,
4 competency, and integrity of the person executing the
5 statement.

6 (b) Each applicant for a recovery permit shall have his or
7 her fingerprints submitted to the Commission by a Live Scan
8 fingerprint vendor certified by the Illinois State Police under
9 the Private Detective, Private Alarm, Private Security,
10 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic
11 format that complies with the form and manner for requesting
12 and furnishing criminal history record information as
13 prescribed by the Illinois State Police. These fingerprints
14 shall be checked against the Illinois State Police and Federal
15 Bureau of Investigation criminal history record databases now
16 and hereafter filed. The Commission shall charge applicants a
17 fee for conducting the criminal history records check, which
18 shall not exceed the actual cost of the records check. The
19 Illinois Commerce Commission Police shall furnish, pursuant to
20 positive identification, records of Illinois convictions to
21 the Commission. The Commission, in its discretion, may allow an
22 applicant who does not have reasonable access to a designated
23 vendor to provide his or her fingerprints in an alternative
24 manner. The Commission, in its discretion, may also use other
25 procedures in performing or obtaining criminal history records
26 checks of applicants. Instead of submitting his or her

1 fingerprints, an individual may submit proof that is
2 satisfactory to the Commission that an equivalent security
3 clearance has been conducted.

4 (c) Qualified applicants shall purchase a recovery permit
5 from the Commission and in a form that the Commission
6 prescribes. The Commission shall notify the submitting person
7 within 10 days after receipt of the application of its intent
8 to issue or deny the recovery permit. The holder of a recovery
9 permit shall carry the recovery permit at all times while
10 actually engaged in the performance of the duties of his or her
11 employment. No recovery permit shall be effective unless
12 accompanied by a license issued by the Commission. Expiration
13 and requirements for renewal of recovery permits shall be
14 established by rule of the Commission. Possession of a recovery
15 permit does not in any way imply that the holder of the
16 recovery permit is employed by any agency unless the recovery
17 permit is accompanied by the employee identification card
18 required by subsection (e) of this Section.

19 (d) Each employer shall maintain a record of each employee
20 that is accessible to the duly authorized representatives of
21 the Commission. The record shall contain all of the following
22 information:

23 (1) A photograph taken within 10 days after the date
24 that the employee begins employment with the employer. The
25 photograph shall be replaced with a current photograph
26 every 3 calendar years.

1 (2) The Employee's Statement specified in paragraph
2 (2) of subsection (a) of this Section.

3 (3) All correspondence or documents relating to the
4 character and integrity of the employee received by the
5 employer from any official source or law enforcement
6 agency.

7 (4) In the case of former employees, the employee
8 identification card of that person issued under subsection
9 (e) of this Section.

10 (e) Every employer shall furnish an employee
11 identification card to each of his or her employees. This
12 subsection (e) shall not apply to office or clerical personnel.
13 This employee identification card shall contain a recent
14 photograph of the employee, the employee's name, the name and
15 agency license number of the employer, the employee's personal
16 description, the signature of the employer, the signature of
17 that employee, the date of issuance, and an employee
18 identification card number.

19 (f) No employer may issue an employee identification card
20 to any person who is not employed by the employer in accordance
21 with this Section or falsely state or represent that a person
22 is or has been in his or her employ. It is unlawful for an
23 applicant for registration to file with the Commission the
24 fingerprints of a person other than himself or herself or to
25 fail to exercise due diligence in resubmitting replacement
26 fingerprints for those employees who have had original

1 fingerprint submissions returned as unclassifiable. An agency
2 shall inform the Commission within 15 days after contracting or
3 employing a licensed repossession agency employee. The
4 Commission shall develop a registration process by rule.

5 (g) Every employer shall obtain the identification card of
6 every employee who terminates employment with the employer. An
7 employer shall immediately report an identification card that
8 is lost or stolen to the local police department having
9 jurisdiction over the repossession agency location.

10 (h) No agency may employ any person to perform any activity
11 under this Act unless the person possesses a valid license or
12 recovery permit under this Act.

13 (i) If information is discovered affecting the
14 registration of a person whose fingerprints were submitted
15 under this Section, then the Commission shall so notify the
16 agency that submitted the fingerprints on behalf of that
17 person.

18 (j) A person employed under this Section shall have 15
19 business days within which to notify the Commission of any
20 change in employer, but may continue working under any other
21 recovery permits granted as an employee or independent
22 contractor.

23 (k) This Section applies only to those employees of
24 licensed repossession agencies whose duties include actual
25 repossession of collateral.

26 (l) An applicant who is 21 years of age or older seeking a

1 religious exemption to the photograph requirement of this
2 Section shall furnish with his or her application an approved
3 copy of United States Department of the Treasury Internal
4 Revenue Service Form 4029. Regardless of age, an applicant
5 seeking a religious exemption to this photograph requirement
6 shall submit fingerprints in a form and manner prescribed by
7 the Commission with his or her application in lieu of a
8 photograph.

9 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

10 (225 ILCS 422/80)

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

12 Sec. 80. Refusal, revocation, or suspension.

13 (a) The Commission may refuse to issue or renew or may
14 revoke any license or recovery permit or may suspend, place on
15 probation, fine, or take any disciplinary action that the
16 Commission may deem proper, including fines not to exceed
17 \$2,500 for each violation, with regard to any license holder or
18 recovery permit holder for one or any combination of the
19 following causes:

20 (1) Knowingly making any misrepresentation for the
21 purpose of obtaining a license or recovery permit.

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

23 (3) For licensees or permit holders, conviction
24 ~~Conviction~~ of any crime under the laws of the United States
25 or any state or territory thereof that is (i) a felony,

1 (ii) a misdemeanor, an essential element of which is
2 dishonesty, or (iii) a crime that is related to the
3 practice of the profession. For license or permit
4 applicants, the provisions of Section 85 of this Act apply.

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

7 (5) Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public as defined by rule.

10 (6) Violation of any court order from any State or
11 public agency engaged in the enforcement of payment of
12 child support arrearages or for noncompliance with certain
13 processes relating to paternity or support proceeding.

14 (7) Solicitation of professional services by using
15 false or misleading advertising.

16 (8) A finding that the license or recovery permit was
17 obtained by fraudulent means.

18 (9) Practicing or attempting to practice under a name
19 other than the full name shown on the license or recovery
20 permit or any other legally authorized name.

21 (b) The Commission may refuse to issue or may suspend the
22 license or recovery permit of any person or entity who fails to
23 file a return, pay the tax, penalty, or interest shown in a
24 filed return, or pay any final assessment of tax, penalty, or
25 interest, as required by any tax Act administered by the
26 Department of Revenue, until the time the requirements of the

1 tax Act are satisfied. The Commission may take into
2 consideration any pending tax disputes properly filed with the
3 Department of Revenue.

4 (Source: P.A. 97-576, eff. 7-1-12.)

5 (225 ILCS 422/85)

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

7 Sec. 85. Consideration of past crimes.

8 (a) The Commission shall not require the applicant to
9 report the following information and shall not consider the
10 following criminal history records in connection with an
11 application for a license or permit 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 ~~(a) Notwithstanding the prohibitions set forth in~~

1 ~~Sections 40 and 45 of this Act, when~~ considering the denial of
2 a license or recovery permit on the grounds of conviction of a
3 crime, the Commission, in evaluating the rehabilitation of the
4 applicant and the applicant's present eligibility for a license
5 or recovery permit, shall consider each of the following
6 criteria:

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. ~~The nature and severity of the act or~~
11 ~~crime under consideration as grounds for denial.~~

12 (2) Circumstances relative to the offense, including
13 the applicant's age at the time that the offense was
14 committed.

15 (3) ~~(2)~~ Evidence of any act committed subsequent to the
16 act or crime under consideration as grounds for denial,
17 which also could be considered as grounds for disciplinary
18 action under this Act.

19 (4) ~~(3)~~ The amount of time that has lapsed since the
20 commission of the act or crime ~~referred to in item (1) or~~
21 ~~(2) of this subsection (a).~~

22 (5) Successful completion of sentence or 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. ~~(4) The extent to which the~~

1 ~~applicant has complied with any terms of parole, probation,~~
2 ~~restitution, or any other sanctions lawfully imposed~~
3 ~~against the applicant.~~

4 (6) 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. ~~(5)~~
8 ~~Evidence, if any, of rehabilitation submitted by the~~
9 ~~applicant.~~

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.

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 practices licensed or
20 registered under this Act.

21 (c) ~~(b)~~ When considering the suspension or revocation of a
22 license or recovery permit on the grounds of conviction of a
23 crime, the Commission, in evaluating the rehabilitation of the
24 applicant, whether the conviction will impair the applicant's
25 ability to engage in the position for which a license or permit
26 is sought, and the applicant's present eligibility for a

1 license or recovery permit, shall consider each of the
2 following criteria:

3 (1) The nature and severity of the act or offense.

4 (2) The license holder's or recovery permit holder's
5 criminal record in its entirety.

6 (3) The amount of time that has lapsed since the
7 commission of the act or offense.

8 (4) Whether the license holder or recovery permit
9 holder has complied with any terms of parole, probation,
10 restitution, or any other sanctions lawfully imposed
11 against him or her.

12 (5) If applicable, evidence of expungement
13 proceedings.

14 (6) Evidence, if any, of rehabilitation submitted by
15 the license holder or recovery permit holder.

16 (d) If the Commission refuses to grant a license or permit
17 to an applicant, then the Commission shall notify the applicant
18 of the denial in writing with the following included in the
19 notice of denial:

20 (1) a statement about the decision to refuse to grant a
21 license or permit;

22 (2) a list of the convictions that the Commission
23 determined will impair the applicant's ability to engage in
24 the position for which a license or permit is sought;

25 (3) a list of convictions that formed the sole or
26 partial basis for the refusal to grant a license or permit;

1 and

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

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

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

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

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

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

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

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

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

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

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

11 (Source: P.A. 97-576, eff. 7-1-12.)

12 Section 40. The Interpreter for the Deaf Licensure Act of
13 2007 is amended by changing Sections 45 and 115 and by adding
14 Section 47 as follows:

15 (225 ILCS 443/45)

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

17 Sec. 45. Qualifications for licensure. A person shall be
18 qualified to be licensed as an interpreter for the deaf and the
19 Commission shall issue a license to an applicant who:

20 (1) has applied in writing on the prescribed forms and
21 paid the required fees;

22 (2) is of good moral character; in determining good
23 moral character, the Commission shall take into
24 consideration whether the applicant has engaged in conduct

1 or activities that would constitute grounds for discipline
2 under Section 115 of this Act, except consideration of
3 prior convictions shall be in accordance with Section 47 of
4 this Act;

5 (3) is an accepted certificate holder;

6 (4) has a high school diploma or equivalent; and

7 (5) has met any other requirements established by the
8 Commission by rule.

9 (Source: P.A. 95-617, eff. 9-12-07.)

10 (225 ILCS 443/47 new)

11 Sec. 47. Applicant convictions.

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

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

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

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

1 (4) Convictions overturned by a higher court.

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

4 (b) No application for any license under this Act shall be
5 denied by reason of a finding of lack of "good moral character"
6 when the finding is based upon the fact that the applicant has
7 previously been convicted of one or more criminal offenses. The
8 Commission, upon a finding that an applicant for a license was
9 previously convicted of a felony or a misdemeanor an essential
10 element of which is dishonesty or that is directly related to
11 the practice of interpreting, shall consider any evidence of
12 rehabilitation and mitigating factors contained in the
13 applicant's record, including any of the following factors and
14 evidence, to determine if the conviction will impair the
15 ability of the applicant to engage in the position for which a
16 license is sought:

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) If the Commission refuses to issue a license to an
24 applicant, then the Commission shall notify the applicant of
25 the denial in writing with the following included in the notice
26 of denial:

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

3 (2) a list of the convictions that the Commission
4 determined will impair the applicant's ability to engage in
5 the position for which a license is sought;

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

8 (4) 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 Commission 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 whole or in part because of a prior conviction;

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

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

14 (225 ILCS 443/115)

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

16 Sec. 115. Grounds for disciplinary action.

17 (a) The Commission may refuse to issue or renew any license
18 and the Department may suspend or revoke any license or may
19 place on probation, censure, reprimand, or take other
20 disciplinary action deemed appropriate by the Department,
21 including the imposition of fines not to exceed \$2,500 for each
22 violation, with regard to any license issued under this Act for
23 any one or more of the following reasons:

24 (1) Material deception in furnishing information to
25 the Commission or the Department.

1 (2) Violations or negligent or intentional disregard
2 of any provision of this Act or its rules.

3 (3) For licensees, conviction ~~Conviction~~ of any crime
4 under the laws of any jurisdiction of the United States
5 that is a felony or a misdemeanor, an essential element of
6 which is dishonesty, or that is directly related to the
7 practice of interpreting. For applicants, the provisions
8 of Section 47 apply.

9 (4) A pattern of practice or other behavior that
10 demonstrates incapacity or incompetence to practice under
11 this Act.

12 (5) Knowingly aiding or assisting another person in
13 violating any provision of this Act or rules adopted
14 thereunder.

15 (6) Failing, within 60 days, to provide a response to a
16 request for information in response to a written request
17 made by the Commission or the Department by certified mail.

18 (7) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 (8) Habitual use of or addiction to alcohol, narcotics,
22 stimulants, or any other chemical agent or drug that
23 results in a licensee's inability to practice with
24 reasonable judgment, skill, or safety.

25 (9) Discipline by another jurisdiction or foreign
26 nation, if at least one of the grounds for the discipline

1 is the same or substantially equivalent to those set forth
2 in this Section.

3 (10) A finding that the licensee, after having his or
4 her license placed on probationary status, has violated the
5 terms of probation.

6 (11) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 under the Abused and Neglected Child Reporting Act and upon
9 proof by clear and convincing evidence that the licensee
10 has caused a child to be an abused child or a neglected
11 child, as defined in the Abused and Neglected Child
12 Reporting Act.

13 (12) Gross negligence in the practice of interpreting.

14 (13) Holding oneself out to be a practicing interpreter
15 for the deaf under any name other than one's own.

16 (14) Knowingly allowing another person or organization
17 to use the licensee's license to deceive the public.

18 (15) Attempting to subvert or cheat on an
19 interpreter-related examination or evaluation.

20 (16) Immoral conduct in the commission of an act, such
21 as sexual abuse, sexual misconduct, or sexual
22 exploitation, related to the licensee's practice.

23 (17) Willfully violating State or federal
24 confidentiality laws or the confidentiality between an
25 interpreter and client, except as required by State or
26 federal law.

1 (18) Practicing or attempting to practice interpreting
2 under a name other than one's own.

3 (19) The use of any false, fraudulent, or deceptive
4 statement in any document connected with the licensee's
5 practice.

6 (20) Failure of a licensee to report to the Commission
7 any adverse final action taken against him or her by
8 another licensing jurisdiction, any peer review body, any
9 professional deaf or hard of hearing interpreting
10 association, any governmental Commission, by law
11 enforcement Commission, or any court for a deaf or hard of
12 hearing interpreting liability claim related to acts or
13 conduct similar to acts or conduct that would constitute
14 grounds for action as provided in this Section.

15 (21) Failure of a licensee to report to the Commission
16 surrender by the licensee of his or her license or
17 authorization to practice interpreting in another state or
18 jurisdiction or current surrender by the licensee of
19 membership in any deaf or hard of hearing interpreting
20 association or society while under disciplinary
21 investigation by any of those authorities or bodies for
22 acts or conduct similar to acts or conduct that would
23 constitute grounds for action as provided by this Section.

24 (22) Physical illness or injury including, but not
25 limited to, deterioration through the aging process or loss
26 of motor skill, mental illness, or disability that results

1 in the inability to practice the profession with reasonable
2 judgment, skill, or safety.

3 (23) Gross and willful overcharging for interpreter
4 services, including filing false statements for collection
5 of fees for which services have not been rendered.

6 (b) The Commission may refuse to issue or the Department
7 may suspend the license of any person who fails to file a
8 return, to pay the tax, penalty, or interest shown in a filed
9 return, or to 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.

13 (c) In enforcing this Section, the Commission, upon a
14 showing of a possible violation, may compel an individual
15 licensed under this Act, or who has applied for licensure under
16 this Act, to submit to a mental or physical examination, or
17 both, as required by and at the expense of the Commission. The
18 Commission may order the examining physician to present
19 testimony concerning the mental or physical examination of the
20 licensee or applicant. No information shall be excluded by
21 reason of any common law or statutory privilege relating to
22 communications between the licensee or applicant and the
23 examining physician. The Commission shall specifically
24 designate the examining physicians. The individual to be
25 examined may have, at his or her own expense, another physician
26 of his or her choice present during all aspects of this

1 examination. Failure of an individual to submit to a mental or
2 physical examination, when directed, shall be grounds for
3 suspension of his or her license until the individual submits
4 to the examination if the Commission finds, after notice and
5 hearing, that the refusal to submit to the examination was
6 without reasonable cause.

7 If the Commission finds an individual unable to practice
8 because of the reasons set forth in this subsection (c), the
9 Commission may require that individual to submit to care,
10 counseling, or treatment by physicians approved or designated
11 by the Commission as a condition, term, or restriction for
12 continued, reinstated, or renewed licensure to practice or, in
13 lieu of care, counseling, or treatment, the Commission may file
14 a complaint to immediately suspend, revoke, or otherwise
15 discipline the license of the individual. An individual whose
16 license was granted, continued, reinstated, renewed,
17 disciplined, or supervised subject to such terms, conditions,
18 or restrictions and who fails to comply with such terms,
19 conditions, or restrictions, shall be referred to the Director
20 for a determination as to whether the individual shall have his
21 or her license suspended immediately, pending a hearing by the
22 Department.

23 In instances in which the Director immediately suspends a
24 person's license under this subsection (c), a hearing on that
25 person's license must be convened by the Department within 15
26 days after the suspension and completed without appreciable

1 delay. The Commission or the Department shall have the
2 authority to review the subject individual's record of
3 treatment and counseling regarding the impairment to the extent
4 permitted by applicable State and federal statutes and
5 regulations safeguarding the confidentiality of medical
6 records.

7 An individual licensed under this Act and affected under
8 this subsection (c) shall be afforded an opportunity to
9 demonstrate to the Commission that he or she can resume
10 practice in compliance with acceptable and prevailing
11 standards under the provisions of his or her license.

12 (Source: P.A. 95-617, eff. 9-12-07.)

13 Section 45. The Animal Welfare Act is amended by changing
14 Section 10 and by adding Section 4 as follows:

15 (225 ILCS 605/4 new)

16 Sec. 4. Applicant convictions.

17 (a) The Department shall not require applicants to report
18 the following information and shall not consider the following
19 in connection with an application for 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

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) The Department, upon a finding that an applicant for a
10 license was previously convicted of any felony or a misdemeanor
11 directly related to the practice of the profession, shall
12 consider any evidence of rehabilitation and mitigating factors
13 contained in the applicant's record, including any of the
14 following factors and evidence, to determine if the conviction
15 will impair the ability of the applicant to engage in the
16 position for which a license is sought:

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) If the Department refuses to grant a license to an
24 applicant, then the Department shall notify the applicant of
25 the denial in writing with the following included in the notice
26 of denial:

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

3 (2) a list of the convictions that the Department
4 determined will impair the applicant's ability to engage in
5 the position for which a license is sought;

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

8 (4) 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 whole or in part because of a prior conviction;

8 (7) the number of licenses issued on probation without
9 monitoring under this Act in the previous calendar year to
10 applicants with convictions; and

11 (8) the number of licenses issued on probation with
12 monitoring under this Act in the previous calendar year to
13 applicants with convictions.

14 (225 ILCS 605/10) (from Ch. 8, par. 310)

15 Sec. 10. Grounds for discipline. The Department may refuse
16 to issue or renew or may suspend or revoke a license on any one
17 or more of the following grounds:

18 a. Material misstatement in the application for
19 original license or in the application for any renewal
20 license under this Act;

21 b. A violation of this Act or of any regulations or
22 rules issued pursuant thereto;

23 c. Aiding or abetting another in the violation of this
24 Act or of any regulation or rule issued pursuant thereto;

25 d. Allowing one's license under this Act to be used by

1 an unlicensed person;

2 e. For licensees, conviction ~~Conviction~~ of any crime an
3 essential element of which is misstatement, fraud or
4 dishonesty or conviction of any felony, if the Department
5 determines, after investigation, that such person has not
6 been sufficiently rehabilitated to warrant the public
7 trust; for applicants, the provisions of Section 4 of this
8 Act apply;

9 f. Conviction of a violation of any law of Illinois
10 except minor violations such as traffic violations and
11 violations not related to the disposition of dogs, cats and
12 other animals or any rule or regulation of the Department
13 relating to dogs or cats and sale thereof;

14 g. Making substantial misrepresentations or false
15 promises of a character likely to influence, persuade or
16 induce in connection with the business of a licensee under
17 this Act;

18 h. Pursuing a continued course of misrepresentation of
19 or making false promises through advertising, salesman,
20 agents or otherwise in connection with the business of a
21 licensee under this Act;

22 i. Failure to possess the necessary qualifications or
23 to meet the requirements of the Act for the issuance or
24 holding a license; or

25 j. Proof that the licensee is guilty of gross
26 negligence, incompetency, or cruelty with regard to

1 animals.

2 The Department may refuse to issue or may suspend the
3 license of any person who fails to file a return, or to pay the
4 tax, penalty or interest shown in a filed return, or to pay any
5 final assessment of tax, penalty or interest, as required by
6 any tax Act administered by the Illinois Department of Revenue,
7 until such time as the requirements of any such tax Act are
8 satisfied.

9 The Department may order any licensee to cease operation
10 for a period not to exceed 72 hours to correct deficiencies in
11 order to meet licensing requirements.

12 If the Department revokes a license under this Act at an
13 administrative hearing, the licensee and any individuals
14 associated with that license shall be prohibited from applying
15 for or obtaining a license under this Act for a minimum of 3
16 years.

17 (Source: P.A. 99-310, eff. 1-1-16.)

18 Section 50. The Illinois Feeder Swine Dealer Licensing Act
19 is amended by changing Section 9 and by adding Section 9.3 as
20 follows:

21 (225 ILCS 620/9) (from Ch. 111, par. 209)

22 Sec. 9. Grounds for refusal to issue or renew license and
23 for license suspension and revocation. The Department may
24 refuse to issue or renew or may suspend or revoke a license on

1 any one or more of the following grounds:

2 a. Material misstatement in the application for original
3 license or in the application for any renewal license under
4 this Act;

5 b. Disregard or violation of this Act, any other Act
6 relative to the purchase and sale of livestock or any
7 regulation or rule issued pursuant thereto;

8 c. Aiding or abetting another in the violation of this Act
9 or of any regulation or rule issued pursuant thereto;

10 d. Allowing one's license under this Act to be used by an
11 unlicensed person;

12 e. For licensees, conviction ~~Conviction~~ of any crime an
13 essential element of which is misstatement, fraud or dishonesty
14 or conviction of any felony, if the Department determines,
15 after investigation, that such person has not been sufficiently
16 rehabilitated to warrant the public trust; for applicants, the
17 provisions of Section 9.3 apply;

18 f. Conviction of a violation of any law of Illinois or any
19 rule or regulation of the Department relating to feeder swine;

20 g. Making substantial misrepresentations or false promises
21 of a character likely to influence, persuade or induce in
22 connection with the livestock industry;

23 h. Pursuing a continued course of misrepresentation of or
24 making false promises through advertising, salesmen, agents or
25 otherwise in connection with the livestock industry;

26 i. Failure to possess the necessary qualifications or to

1 meet the requirements of this Act for the issuance or holding
2 of a license;

3 j. Operating without the bond or trust fund agreement
4 required by this Act; or

5 k. Failing to file a return, or to pay the tax, penalty or
6 interest shown in a filed return, or to pay any final
7 assessment of tax, penalty or interest, as required by any tax
8 Act administered by the Illinois Department of Revenue.

9 (Source: P.A. 89-154, eff. 7-19-95.)

10 (225 ILCS 620/9.3 new)

11 Sec. 9.3. Applicant convictions.

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

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

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

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

1 (4) Convictions overturned by a higher court.

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

4 (b) The Department, upon a finding that an applicant for a
5 license was previously convicted of any felony or a misdemeanor
6 directly related to the practice of the profession, shall
7 consider any evidence of rehabilitation and mitigating factors
8 contained in the applicant's record, including any of the
9 following factors and evidence, to determine if the conviction
10 will impair the ability of the applicant to engage in the
11 position for which a license is sought:

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

16 (2) whether 5 years since a felony conviction or 3
17 years since release from confinement for the conviction,
18 whichever is later, have passed without a subsequent
19 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) If the Department refuses to issue a license to an
19 applicant, then the applicant shall be notified of the denial
20 in 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 the Department
24 determined will impair the applicant's ability to engage in
25 the position for which a license is sought;

26 (3) a list of convictions that formed the sole or

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

2 (4) 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 Department 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; and

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 Section 55. The Illinois Horse Meat Act is amended by
3 changing Section 3.2 and by adding Section 3.3 as follows:

4 (225 ILCS 635/3.2) (from Ch. 56 1/2, par. 242.2)

5 Sec. 3.2. The following persons are ineligible for
6 licenses:

7 a. A person who is not a resident of the city, village or
8 county in which the premises covered by the license are
9 located; except in case of railroad or boat licenses.

10 b. A person who is not of good character and reputation in
11 the community in which he resides.

12 c. A person who is not a citizen of the United States.

13 d. A person with a prior conviction ~~who has been convicted~~
14 of a felony or a misdemeanor that is directly related to the
15 practice of the profession where such conviction will impair
16 the person's ability to engage in the licensed position.

17 e. (Blank). ~~A person who has been convicted of a crime or~~
18 ~~misdemeanor opposed to decency and morality.~~

19 f. A person whose license issued under this Act has been
20 revoked for cause.

21 g. A person who at the time of application for renewal of
22 any license issued hereunder would not be eligible for such
23 license upon a first application.

24 h. A co-partnership, unless all of the members of such

1 co-partnership shall be qualified to obtain a license.

2 i. A corporation, if any officer, manager or director
3 thereof or any stockholder or stockholders owning in the
4 aggregate more than five percent (5%) of the stock of such
5 corporation, would not be eligible to receive a license
6 hereunder for any reason other than citizenship and residence
7 within the political subdivision.

8 j. A person whose place of business is conducted by a
9 manager or agent unless said manager or agent possesses the
10 same qualifications required of the licensee.

11 (Source: Laws 1955, p. 388.)

12 (225 ILCS 635/3.3 new)

13 Sec. 3.3. Applicant convictions.

14 (a) The Department shall not require applicants to report
15 the following information and shall not consider the following
16 criminal history records in connection with an application for
17 a license under this Act:

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 (4) Convictions overturned by a higher court.

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

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

10 (c) The Department, upon a finding that an applicant for a
11 license was previously convicted of any felony or a misdemeanor
12 directly related to the practice of the profession, shall
13 consider any evidence of rehabilitation and mitigating factors
14 contained in the applicant's record, including any of the
15 following factors and evidence, to determine if the conviction
16 will impair the ability of the applicant to engage in the
17 position for which a license is sought:

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 (d) If the Department refuses to issue a license to an
25 applicant, then the applicant shall be notified of the denial
26 in writing 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 the Department
4 determined will impair the applicant's ability to engage in
5 the position for which a license is sought;

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

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

11 (e) 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; and

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 whole or in part because of a prior conviction.

8 Section 60. The Illinois Livestock Dealer Licensing Act is
9 amended by changing Section 9 and by adding Section 9.4 as
10 follows:

11 (225 ILCS 645/9) (from Ch. 111, par. 409)

12 Sec. 9. The Department may refuse to issue or renew or may
13 suspend or revoke a license on any of the following grounds:

14 a. Material misstatement in the application for
15 original license or in the application for any renewal
16 license under this Act;

17 b. Wilful disregard or violation of this Act, or of any
18 other Act relative to the purchase and sale of livestock,
19 feeder swine or horses, or of any regulation or rule issued
20 pursuant thereto;

21 c. Wilfully aiding or abetting another in the violation
22 of this Act or of any regulation or rule issued pursuant
23 thereto;

24 d. Allowing one's license under this Act to be used by

1 an unlicensed person;

2 e. For licensees, conviction ~~Conviction~~ of any felony,
3 if the Department determines, after investigation, that
4 such person has not been sufficiently rehabilitated to
5 warrant the public trust; for applicants, the provisions of
6 Section 9.4 apply;

7 f. For licensees, conviction ~~Conviction~~ of any crime an
8 essential element of which is misstatement, fraud or
9 dishonesty; for applicants, the provisions of Section 9.4
10 apply;

11 g. Conviction of a violation of any law in Illinois or
12 any Departmental rule or regulation relating to livestock;

13 h. Making substantial misrepresentations or false
14 promises of a character likely to influence, persuade or
15 induce in connection with the livestock industry;

16 i. Pursuing a continued course of misrepresentation of
17 or making false promises through advertising, salesmen,
18 agents or otherwise in connection with the livestock
19 industry;

20 j. Failure to possess the necessary qualifications or
21 to meet the requirements of this Act for the issuance or
22 holding a license;

23 k. Failure to pay for livestock after purchase;

24 l. Issuance of checks for payment of livestock when
25 funds are insufficient;

26 m. Determination by a Department audit that the

1 licensee or applicant is insolvent;

2 n. Operating without adequate bond coverage or its
3 equivalent required for licensees;

4 o. Failing to remit the assessment required in Section
5 9 of the Beef Market Development Act upon written complaint
6 of the Checkoff Division of the Illinois Beef Association
7 Board of Governors.

8 The Department may refuse to issue or may suspend the
9 license of any person who fails to file a return, or to pay the
10 tax, penalty or interest shown in a filed return, or to pay any
11 final assessment of tax, penalty or interest, as required by
12 any tax Act administered by the Illinois Department of Revenue,
13 until such time as the requirements of any such tax Act are
14 satisfied.

15 (Source: P.A. 99-389, eff. 8-18-15; 99-642, eff. 7-28-16.)

16 (225 ILCS 645/9.4 new)

17 Sec. 9.4. Applicant convictions.

18 (a) The Department shall not require applicants to report
19 the following information and shall not consider the following
20 criminal history records in connection with an application for
21 a license under this Act:

22 (1) Juvenile adjudications of delinquent minors as
23 defined in Section 5-105 of the Juvenile Court Act of 1987,
24 subject to the restrictions set forth in Section 5-130 of
25 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) The Department, upon a finding that an applicant for a
11 license was previously convicted of any felony or a misdemeanor
12 directly related to the practice of the profession, shall
13 consider any evidence of rehabilitation and mitigating factors
14 contained in the applicant's record, including any of the
15 following factors and evidence, to determine if the conviction
16 will impair the ability of the applicant to engage in the
17 position for which a license is sought:

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) If the Department refuses to issue a license to an
25 applicant, then the applicant shall be notified of the denial
26 in writing 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 the Department
4 determined will impair the applicant's ability to engage in
5 the position for which a license is sought;

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

8 (4) 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; and

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 whole or in part because of a prior conviction.

8 Section 65. The Slaughter Livestock Buyers Act is amended
9 by changing Section 7 and by adding Section 7.1 as follows:

10 (225 ILCS 655/7) (from Ch. 111, par. 508)

11 Sec. 7. The Department may refuse to issue or may suspend
12 or revoke a certificate of registration on any of the following
13 grounds:

14 a. Material misstatement in the application for original
15 registration;

16 b. Wilful disregard or violation of this Act or of any
17 regulation or rule issued pursuant thereto;

18 c. Wilfully aiding or abetting another in the violation of
19 this Act or of any regulation or rule issued pursuant thereto;

20 d. For the certified, conviction ~~Conviction~~ of any felony,
21 if the Department determines, after investigation, that such
22 person has not been sufficiently rehabilitated to warrant the
23 public trust; for applicants for a certificate of registration
24 or license, the provisions of Section 7.1 apply;

1 e. For the certified, conviction ~~Conviction~~ of any crime an
2 essential element of which is misstatement, fraud or
3 dishonesty; for applicants for a certificate of registration or
4 license, the provisions of Section 7.1 apply;

5 f. Conviction of a violation of any law of Illinois
6 relating to the purchase of livestock or any Departmental rule
7 or regulation pertaining thereto;

8 g. Making substantial misrepresentations or false promises
9 of a character likely to influence, persuade or induce in
10 connection with the business conducted under this Act;

11 h. Pursuing a continued course of misrepresentation of or
12 making false promises through advertising, salesman, agent or
13 otherwise in connection with the business conducted under this
14 Act;

15 i. Failure to possess the necessary qualifications or to
16 meet the requirements of this Act;

17 j. Failure to pay for livestock within 24 hours after
18 purchase, except as otherwise provided in Section 16;

19 k. If Department audit determines the registrant to be
20 insolvent; or

21 l. Issuance of checks for payment of livestock when funds
22 are insufficient.

23 (Source: P.A. 80-915.)

24 (225 ILCS 655/7.1 new)

25 Sec. 7.1. Applicant convictions.

1 (a) The Department shall not require applicants to report
2 the following information and shall not consider the following
3 criminal history records in connection with an application for
4 a certificate of registration or license under this Act:

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 (4) Convictions overturned by a higher court.

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

18 (b) The Department, upon a finding that an applicant for a
19 license or certificate of registration was previously
20 convicted of any felony or a misdemeanor directly related to
21 the practice of the profession, shall consider any evidence of
22 rehabilitation and mitigating factors contained in the
23 applicant's record, including any of the following factors and
24 evidence, to determine if the conviction will impair the
25 ability of the applicant to engage in the position for which a
26 license or certificate of registration is sought:

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

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

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

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

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

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

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

1 disabilities under Section 5-5.5-10 of the Unified Code of
2 Corrections; and

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

7 (c) If the Department refuses to issue a certificate of
8 registration or license to an applicant, then the applicant
9 shall be notified of the denial in writing with the following
10 included in the notice of denial:

11 (1) a statement about the decision to refuse to issue a
12 certificate of registration or a license;

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

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

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

23 (d) No later than May 1 of each year, the Department must
24 prepare, publicly announce, and publish a report of summary
25 statistical information relating to new and renewal license or
26 certificate of registration applications during the preceding

1 calendar year. Each report shall show, at a minimum:

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

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

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

12 (4) the number of applicants for a new or renewal
13 license or certificate of registration with a criminal
14 conviction who were granted a license or certificate of
15 registration under this Act within the previous calendar
16 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 or a certificate of registration;
20 and

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

1 Section 70. The Raffles and Poker Runs Act is amended by
2 changing Section 3 and by adding Section 3.1 as follows:

3 (230 ILCS 15/3) (from Ch. 85, par. 2303)

4 Sec. 3. License - Application - Issuance - Restrictions -
5 Persons ineligible. Licenses issued by the governing body of
6 any county or municipality are subject to the following
7 restrictions:

8 (1) No person, firm or corporation shall conduct
9 raffles or chances or poker runs without having first
10 obtained a license therefor pursuant to this Act.

11 (2) The license and application for license must
12 specify the area or areas within the licensing authority in
13 which raffle chances will be sold or issued or a poker run
14 will be conducted, the time period during which raffle
15 chances will be sold or issued or a poker run will be
16 conducted, the time of determination of winning chances and
17 the location or locations at which winning chances will be
18 determined.

19 (3) The license application must contain a sworn
20 statement attesting to the not-for-profit character of the
21 prospective licensee organization, signed by the presiding
22 officer and the secretary of that organization.

23 (4) The application for license shall be prepared in
24 accordance with the ordinance of the local governmental
25 unit.

1 (5) A license authorizes the licensee to conduct
2 raffles or poker runs as defined in this Act.

3 The following are ineligible for any license under this
4 Act:

5 (a) any person whose felony conviction will impair the
6 person's ability to engage in the licensed position ~~who has~~
7 ~~been convicted of a felony;~~

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

10 (c) any person who is not of good moral character;

11 (d) any firm or corporation in which a person defined
12 in (a), (b) or (c) has a proprietary, equitable or credit
13 interest, or in which such a person is active or employed;

14 (e) any organization in which a person defined in (a),
15 (b) or (c) is an officer, director, or employee, whether
16 compensated or not;

17 (f) any organization in which a person defined in (a),
18 (b) or (c) is to participate in the management or operation
19 of a raffle as defined in this Act.

20 (Source: P.A. 98-644, eff. 6-10-14.)

21 (230 ILCS 15/3.1 new)

22 Sec. 3.1. Applicant convictions.

23 (a) The licensing authority shall not require applicants to
24 report the following information and shall not consider the
25 following criminal history records in connection with an

1 application for licensure:

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 (4) Convictions overturned by a higher court.

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

15 (b) The licensing authority, upon a finding that an
16 applicant for a license was previously convicted of a felony
17 shall consider any evidence of rehabilitation and mitigating
18 factors contained in the applicant's record, including any of
19 the following factors and evidence, to determine if the
20 conviction will impair the ability of the applicant to engage
21 in the position for which a license is sought:

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) If the licensing authority refuses to issue a license
3 to an applicant, then the applicant shall be notified of the
4 denial in writing with the following included in the notice of
5 denial:

6 (1) a statement about the decision to refuse to issue a
7 license;

8 (2) a list of the convictions that the licensing
9 authority determined will impair the applicant's ability
10 to engage in the position for which a license is sought;

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

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

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

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

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

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

1 license under this Act in the previous calendar year who
2 were granted a license;

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

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

9 (6) the number of applicants for a new or renewal
10 license with a criminal conviction who were denied a
11 license under this Act in the previous calendar year in
12 whole or in part because of a prior conviction.

13 Section 75. The Illinois Pull Tabs and Jar Games Act is
14 amended by changing Section 2.1 and by adding Section 2.2 as
15 follows:

16 (230 ILCS 20/2.1)

17 Sec. 2.1. Ineligibility for a license. The following are
18 ineligible for any license under this Act:

19 (1) Any person convicted of any felony within the last
20 5 years where such conviction will impair the person's
21 ability to engage in the position for which a license is
22 sought. ~~Any person who has been convicted of a felony~~
23 ~~within the last 10 years prior to the date of the~~
24 ~~application.~~

1 (2) Any person ~~who has been~~ convicted of a violation of
2 Article 28 of the Criminal Code of 1961 or the Criminal
3 Code of 2012 who has not been sufficiently rehabilitated
4 following the conviction.

5 (3) Any person who has had a bingo, pull tabs and jar
6 games, or charitable games license revoked by the
7 Department.

8 (4) Any person who is or has been a professional
9 gambler.

10 (5) Any person found gambling in a manner not
11 authorized by the Illinois Pull Tabs and Jar Games Act, the
12 Bingo License and Tax Act, or the Charitable Games Act,
13 participating in such gambling, or knowingly permitting
14 such gambling on premises where pull tabs and jar games are
15 authorized to be conducted.

16 (6) Any firm or corporation in which a person defined
17 in (1), (2), (3), (4), or (5) has any proprietary,
18 equitable, or credit interest or in which such person is
19 active or employed.

20 (7) Any organization in which a person defined in (1),
21 (2), (3), (4), or (5) is an officer, director, or employee,
22 whether compensated or not.

23 (8) Any organization in which a person defined in (1),
24 (2), (3), (4), or (5) is to participate in the management
25 or operation of pull tabs and jar games.

26 The Department of State Police shall provide the criminal

1 background of any supplier as requested by the Department of
2 Revenue.

3 (Source: P.A. 97-1150, eff. 1-25-13.)

4 (230 ILCS 20/2.2 new)

5 Sec. 2.2. 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 licensure:

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 records, court records, and
15 conviction records of an individual who was 17 years old at
16 the time of the offense and before January 1, 2014, unless
17 the nature of the offense required the individual to be
18 tried 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) The Department, upon a finding that an applicant for a
24 license was convicted of a felony in the previous 5 years or of
25 a violation of Article 28 of the Criminal Code of 1961 or

1 Criminal Code of 2012, shall consider any evidence of
2 rehabilitation and mitigating factors contained in the
3 applicant's record, including any of the following factors and
4 evidence, to determine if the applicant is sufficiently
5 rehabilitated or whether the conviction will impair the ability
6 of the applicant to engage in the position for which a license
7 is sought:

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 position for which a
11 license or employment is sought.

12 (c) If the Department refuses to issue a license to an
13 applicant, then the applicant shall be notified of the denial
14 in writing 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 convictions that the Department
18 determined will impair the applicant's ability to engage in
19 the position for which a license is sought;

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

22 (4) 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; and

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 Section 80. The Bingo License and Tax Act is amended by
23 changing Section 1.2 and by adding Section 1.2a as follows:

24 (230 ILCS 25/1.2)

1 Sec. 1.2. Ineligibility for licensure. The following are
2 ineligible for any license under this Act:

3 (1) Any person convicted of any felony within the last
4 5 years where such conviction will impair the person's
5 ability to engage in the position for which a license is
6 sought. Any person who has been convicted of a felony
7 within the last 10 years prior to the date of application.

8 (2) Any person ~~who has been~~ convicted of a violation of
9 Article 28 of the Criminal Code of 1961 or the Criminal
10 Code of 2012 who has not been sufficiently rehabilitated
11 following the conviction.

12 (3) Any person who has had a bingo, pull tabs and jar
13 games, or charitable games license revoked by the
14 Department.

15 (4) Any person who is or has been a professional
16 gambler.

17 (5) Any person found gambling in a manner not
18 authorized by the Illinois Pull Tabs and Jar Games Act,
19 Bingo License and Tax Act, or the Charitable Games Act,
20 participating in such gambling, or knowingly permitting
21 such gambling on premises where a bingo event is authorized
22 to be conducted or has been conducted.

23 (6) Any organization in which a person defined in (1),
24 (2), (3), (4), or (5) has a proprietary, equitable, or
25 credit interest, or in which such person is active or
26 employed.

1 (7) Any organization in which a person defined in (1),
2 (2), (3), (4), or (5) is an officer, director, or employee,
3 whether compensated or not.

4 (8) Any organization in which a person defined in (1),
5 (2), (3), (4), or (5) is to participate in the management
6 or operation of a bingo game.

7 The Department of State Police shall provide the criminal
8 background of any person requested by the Department of
9 Revenue.

10 (Source: P.A. 97-1150, eff. 1-25-13.)

11 (230 ILCS 25/1.2a new)

12 Sec. 1.2a. Applicant convictions.

13 (a) The Department, upon a finding that an applicant for a
14 license was convicted of a felony within the previous 5 years
15 or of a violation of Article 28 of the Criminal Code of 1961 or
16 Criminal Code of 2012, shall consider any evidence of
17 rehabilitation and mitigating factors contained in the
18 applicant's record, including any of the following factors and
19 evidence, to determine if the applicant is sufficiently
20 rehabilitated or whether the conviction will impair the ability
21 of the applicant to engage in the position for which a license
22 is sought:

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

1 license is sought;

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

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 (b) If the Department refuses to issue a license to an
3 applicant, then the Department shall notify the applicant of
4 the denial in writing with the following included in the notice
5 of denial:

6 (1) a statement about the decision to refuse to issue a
7 license;

8 (2) a list of the convictions that the Department
9 determined will impair the applicant's ability to engage in
10 the position for which a license is sought;

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

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

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

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

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

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

1 license under this Act in the previous calendar year who
2 were granted a license;

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

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

9 (6) the number of applicants for a new or renewal
10 license with a criminal conviction who were denied a
11 license under this Act in the previous calendar year in
12 whole or in part because of a prior conviction.

13 (d) The Department shall not require applicants to report
14 the following information and shall not consider the following
15 criminal history records in connection with an application for
16 licensure:

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

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

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

1 (4) Convictions overturned by a higher court.

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

4 Section 85. The Charitable Games Act is amended by changing
5 Section 7 and by adding Section 7.1 as follows:

6 (230 ILCS 30/7) (from Ch. 120, par. 1127)

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

9 (a) any person convicted of any felony within the last
10 5 years where such conviction will impair the person's
11 ability to engage in the position for which a license is
12 sought ~~any person who has been convicted of a felony within~~
13 ~~the last 10 years before the date of the application;~~

14 (b) any person ~~who has been~~ convicted of a violation of
15 Article 28 of the Criminal Code of 1961 or the Criminal
16 Code of 2012 who has not been sufficiently rehabilitated
17 following the conviction;

18 (c) any person who has had a bingo, pull tabs and jar
19 games, or charitable games license revoked by the
20 Department;

21 (d) any person who is or has been a professional
22 gambler;

23 (d-1) any person found gambling in a manner not
24 authorized by this Act, the Illinois Pull Tabs and Jar

1 Games Act, or the Bingo License and Tax Act participating
2 in such gambling, or knowingly permitting such gambling on
3 premises where an authorized charitable games event is
4 authorized to be conducted or has been conducted;

5 (e) any organization in which a person defined in (a),
6 (b), (c), (d), or (d-1) has a proprietary, equitable, or
7 credit interest, or in which the person is active or
8 employed;

9 (f) any organization in which a person defined in (a),
10 (b), (c), (d), or (d-1) is an officer, director, or
11 employee, whether compensated or not;

12 (g) any organization in which a person defined in (a),
13 (b), (c), (d), or (d-1) is to participate in the management
14 or operation of charitable games.

15 The Department of State Police shall provide the criminal
16 background of any person requested by the Department of
17 Revenue.

18 (Source: P.A. 97-1150, eff. 1-25-13.)

19 (230 ILCS 30/7.1 new)

20 Sec. 7.1. Applicant convictions.

21 (a) The Department, upon a finding that an applicant for a
22 license was convicted of a felony within the previous 5 years
23 or of a violation of Article 28 of the Criminal Code of 1961 or
24 Criminal Code of 2012, shall consider any evidence of
25 rehabilitation and mitigating factors contained in the

1 applicant's record, including any of the following factors and
2 evidence, to determine if the applicant is sufficiently
3 rehabilitated or whether the conviction will impair the ability
4 of the applicant to engage in the position for which a license
5 is sought:

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

10 (2) the amount of time that has elapsed since the
11 offense occurred;

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 (b) If the Department refuses to grant a license to an
11 applicant, then the Department shall notify the applicant of
12 the denial in writing with the following included in the notice
13 of denial:

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

16 (2) a list of the convictions that the Department
17 determined will impair the applicant's ability to engage in
18 the position for which a license is sought;

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

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

24 (c) 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; and

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 whole or in part because of a prior conviction.

21 (d) Applicants shall not be required to report the
22 following information and the following shall not be considered
23 in connection with an application for licensure or
24 registration:

25 (1) Juvenile adjudications of delinquent minors as
26 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, court records, and conviction
4 records of an individual who was 17 years old at the time
5 of the offense and before January 1, 2014, unless the
6 nature of the offense required the individual to be tried
7 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 Section 90. The Liquor Control Act of 1934 is amended by
13 changing Sections 6-2 and 7-1 and by adding Section 6-2.5 as
14 follows:

15 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

16 Sec. 6-2. Issuance of licenses to certain persons
17 prohibited.

18 (a) Except as otherwise provided in subsection (b) of this
19 Section and in paragraph (1) of subsection (a) of Section 3-12,
20 no license of any kind issued by the State Commission or any
21 local commission shall be issued to:

22 (1) A person who is not a resident of any city, village
23 or county in which the premises covered by the license are
24 located; except in case of railroad or boat licenses.

1 (2) A person who is not of good character and
2 reputation in the community in which he resides.

3 (3) A person who is not a citizen of the United States.

4 (4) A person who has been convicted of a felony under
5 any Federal or State law, unless the Commission determines
6 that such person will not be impaired by the conviction in
7 engaging in the licensed practice ~~has been sufficiently~~
8 ~~rehabilitated to warrant the public trust~~ after
9 considering matters set forth in such person's application
10 in accordance with Section 6-2.5 of this Act and the
11 Commission's investigation. ~~The burden of proof of~~
12 ~~sufficient rehabilitation shall be on the applicant.~~

13 (5) A person who has been convicted of keeping a place
14 of prostitution or keeping a place of juvenile
15 prostitution, promoting prostitution that involves keeping
16 a place of prostitution, or promoting juvenile
17 prostitution that involves keeping a place of juvenile
18 prostitution.

19 (6) A person who has been convicted of pandering ~~or~~
20 ~~other crime or misdemeanor opposed to decency and morality.~~

21 (7) A person whose license issued under this Act has
22 been revoked for cause.

23 (8) A person who at the time of application for renewal
24 of any license issued hereunder would not be eligible for
25 such license upon a first application.

26 (9) A copartnership, if any general partnership

1 thereof, or any limited partnership thereof, owning more
2 than 5% of the aggregate limited partner interest in such
3 copartnership would not be eligible to receive a license
4 hereunder for any reason other than residence within the
5 political subdivision, unless residency is required by
6 local ordinance.

7 (10) A corporation or limited liability company, if any
8 member, officer, manager or director thereof, or any
9 stockholder or stockholders owning in the aggregate more
10 than 5% of the stock of such corporation, would not be
11 eligible to receive a license hereunder for any reason
12 other than citizenship and residence within the political
13 subdivision.

14 (10a) A corporation or limited liability company
15 unless it is incorporated or organized in Illinois, or
16 unless it is a foreign corporation or foreign limited
17 liability company which is qualified under the Business
18 Corporation Act of 1983 or the Limited Liability Company
19 Act to transact business in Illinois. The Commission shall
20 permit and accept from an applicant for a license under
21 this Act proof prepared from the Secretary of State's
22 website that the corporation or limited liability company
23 is in good standing and is qualified under the Business
24 Corporation Act of 1983 or the Limited Liability Company
25 Act to transact business in Illinois.

26 (11) A person whose place of business is conducted by a

1 manager or agent unless the manager or agent possesses the
2 same qualifications required by the licensee.

3 (12) A person who has been convicted of a violation of
4 any Federal or State law concerning the manufacture,
5 possession or sale of alcoholic liquor, subsequent to the
6 passage of this Act or has forfeited his bond to appear in
7 court to answer charges for any such violation, unless the
8 Commission determines, in accordance with Section 6-2.5 of
9 this Act, that the person will not be impaired by the
10 conviction in engaging in the licensed practice.

11 (13) A person who does not beneficially own the
12 premises for which a license is sought, or does not have a
13 lease thereon for the full period for which the license is
14 to be issued.

15 (14) Any law enforcing public official, including
16 members of local liquor control commissions, any mayor,
17 alderman, or member of the city council or commission, any
18 president of the village board of trustees, any member of a
19 village board of trustees, or any president or member of a
20 county board; and no such official shall have a direct
21 interest in the manufacture, sale, or distribution of
22 alcoholic liquor, except that a license may be granted to
23 such official in relation to premises that are not located
24 within the territory subject to the jurisdiction of that
25 official if the issuance of such license is approved by the
26 State Liquor Control Commission and except that a license

1 may be granted, in a city or village with a population of
2 55,000 or less, to any alderman, member of a city council,
3 or member of a village board of trustees in relation to
4 premises that are located within the territory subject to
5 the jurisdiction of that official if (i) the sale of
6 alcoholic liquor pursuant to the license is incidental to
7 the selling of food, (ii) the issuance of the license is
8 approved by the State Commission, (iii) the issuance of the
9 license is in accordance with all applicable local
10 ordinances in effect where the premises are located, and
11 (iv) the official granted a license does not vote on
12 alcoholic liquor issues pending before the board or council
13 to which the license holder is elected. Notwithstanding any
14 provision of this paragraph (14) to the contrary, an
15 alderman or member of a city council or commission, a
16 member of a village board of trustees other than the
17 president of the village board of trustees, or a member of
18 a county board other than the president of a county board
19 may have a direct interest in the manufacture, sale, or
20 distribution of alcoholic liquor as long as he or she is
21 not a law enforcing public official, a mayor, a village
22 board president, or president of a county board. To prevent
23 any conflict of interest, the elected official with the
24 direct interest in the manufacture, sale, or distribution
25 of alcoholic liquor shall not participate in any meetings,
26 hearings, or decisions on matters impacting the

1 manufacture, sale, or distribution of alcoholic liquor.
2 Furthermore, the mayor of a city with a population of
3 55,000 or less or the president of a village with a
4 population of 55,000 or less may have an interest in the
5 manufacture, sale, or distribution of alcoholic liquor as
6 long as the council or board over which he or she presides
7 has made a local liquor control commissioner appointment
8 that complies with the requirements of Section 4-2 of this
9 Act.

10 (15) A person who is not a beneficial owner of the
11 business to be operated by the licensee.

12 (16) A person who has been convicted of a gambling
13 offense as proscribed by any of subsections (a) (3) through
14 (a) (11) of Section 28-1 of, or as proscribed by Section
15 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
16 Criminal Code of 2012, or as proscribed by a statute
17 replaced by any of the aforesaid statutory provisions.

18 (17) A person or entity to whom a federal wagering
19 stamp has been issued by the federal government, unless the
20 person or entity is eligible to be issued a license under
21 the Raffles and Poker Runs Act or the Illinois Pull Tabs
22 and Jar Games Act.

23 (18) A person who intends to sell alcoholic liquors for
24 use or consumption on his or her licensed retail premises
25 who does not have liquor liability insurance coverage for
26 that premises in an amount that is at least equal to the

1 maximum liability amounts set out in subsection (a) of
2 Section 6-21.

3 (19) A person who is licensed by any licensing
4 authority as a manufacturer of beer, 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 as a manufacturer of beer,
8 having any legal, equitable, or beneficial interest,
9 directly or indirectly, in a person licensed in this State
10 as a distributor or importing distributor. For purposes of
11 this paragraph (19), a person who is licensed by any
12 licensing authority as a "manufacturer of beer" shall also
13 mean a brewer and a non-resident dealer who is also a
14 manufacturer of beer, including a partnership,
15 corporation, limited liability company, or trust or any
16 subsidiary, affiliate, or agent thereof, or any other form
17 of business enterprise licensed as a manufacturer of beer.

18 (20) A person who is licensed in this State as a
19 distributor or importing distributor, or any partnership,
20 corporation, limited liability company, or trust or any
21 subsidiary, affiliate, or agent thereof, or any other form
22 of business enterprise licensed in this State as a
23 distributor or importing distributor having any legal,
24 equitable, or beneficial interest, directly or indirectly,
25 in a person licensed as a manufacturer of beer by any
26 licensing authority, or any partnership, corporation,

1 limited liability company, or trust or any subsidiary,
2 affiliate, or agent thereof, or any other form of business
3 enterprise, except for a person who owns, on or after the
4 effective date of this amendatory Act of the 98th General
5 Assembly, no more than 5% of the outstanding shares of a
6 manufacturer of beer whose shares are publicly traded on an
7 exchange within the meaning of the Securities Exchange Act
8 of 1934. For the purposes of this paragraph (20), a person
9 who is licensed by any licensing authority as a
10 "manufacturer of beer" shall also mean a brewer and a
11 non-resident dealer who is also a manufacturer of beer,
12 including a partnership, corporation, limited liability
13 company, or trust or any subsidiary, affiliate, or agent
14 thereof, or any other form of business enterprise licensed
15 as a manufacturer of beer.

16 (b) A criminal conviction of a corporation is not grounds
17 for the denial, suspension, or revocation of a license applied
18 for or held by the corporation if the criminal conviction was
19 not the result of a violation of any federal or State law
20 concerning the manufacture, possession or sale of alcoholic
21 liquor, the offense that led to the conviction did not result
22 in any financial gain to the corporation and the corporation
23 has terminated its relationship with each director, officer,
24 employee, or controlling shareholder whose actions directly
25 contributed to the conviction of the corporation. The
26 Commission shall determine if all provisions of this subsection

1 (b) have been met before any action on the corporation's
2 license is initiated.

3 (Source: P.A. 97-1059, eff. 8-24-12; 97-1150, eff. 1-25-13;
4 98-10, eff. 5-6-13; 98-21, eff. 6-13-13; 98-644, eff. 6-10-14;
5 98-756, eff. 7-16-14.)

6 (235 ILCS 5/6-2.5 new)

7 Sec. 6-2.5. Applicant convictions.

8 (a) The Commission 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 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) The Commission, upon a finding that an applicant for a

1 license was convicted of a felony or a violation of any federal
2 or State law concerning the manufacture, possession or sale of
3 alcoholic liquor, shall consider any evidence of
4 rehabilitation and mitigating factors contained in the
5 applicant's record, including any of the following factors and
6 evidence, to determine if the conviction will impair the
7 ability of the applicant to engage in the position for which a
8 license is sought:

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) If the Commission refuses to issue a license to an
16 applicant, then the Commission shall notify the applicant of
17 the denial in writing with the following included in the notice
18 of denial:

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

21 (2) a list of the convictions that the Commission
22 determined will impair the applicant's ability to engage in
23 the position for which a license is sought;

24 (3) a list of convictions that formed the sole or
25 partial basis for the refusal; and

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

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

3 (d) No later than May 1 of each year, the Commission 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; and

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.

1 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

2 Sec. 7-1. An applicant for a retail license from the State
3 Commission shall submit to the State Commission an application
4 in writing under oath stating:

5 (1) The applicant's name and mailing address;

6 (2) The name and address of the applicant's business;

7 (3) If applicable, the date of the filing of the
8 "assumed name" of the business with the County Clerk;

9 (4) In case of a copartnership, the date of the
10 formation of the partnership; in the case of an Illinois
11 corporation, the date of its incorporation; or in the case
12 of a foreign corporation, the State where it was
13 incorporated and the date of its becoming qualified under
14 the Business Corporation Act of 1983 to transact business
15 in the State of Illinois;

16 (5) The number, the date of issuance and the date of
17 expiration of the applicant's current local retail liquor
18 license;

19 (6) The name of the city, village, or county that
20 issued the local retail liquor license;

21 (7) The name and address of the landlord if the
22 premises are leased;

23 (8) The date of the applicant's first request for a
24 State liquor license and whether it was granted, denied or
25 withdrawn;

26 (9) The address of the applicant when the first

1 application for a State liquor license was made;

2 (10) The applicant's current State liquor license
3 number;

4 (11) The date the applicant began liquor sales at his
5 place of business;

6 (12) The address of the applicant's warehouse if he
7 warehouses liquor;

8 (13) The applicant's Retailers' Occupation Tax (ROT)
9 Registration Number;

10 (14) The applicant's document locator number on his
11 Federal Special Tax Stamp;

12 (15) Whether the applicant is delinquent in the payment
13 of the Retailers' Occupation Tax (Sales Tax), and if so,
14 the reasons therefor;

15 (16) Whether the applicant is delinquent under the cash
16 beer law, and if so, the reasons therefor;

17 (17) In the case of a retailer, whether he is
18 delinquent under the 30-day credit law, and if so, the
19 reasons therefor;

20 (18) In the case of a distributor, whether he is
21 delinquent under the 15-day credit law, and if so, the
22 reasons therefor;

23 (19) Whether the applicant has made an application for
24 a liquor license which has been denied, and if so, the
25 reasons therefor;

26 (20) Whether the applicant has ever had any previous

1 liquor license suspended or revoked, and if so, the reasons
2 therefor;

3 (21) Whether the applicant has ever been convicted of a
4 gambling offense or felony, and if so, the particulars
5 thereof;

6 (22) Whether the applicant possesses a current Federal
7 Wagering Stamp, and if so, the reasons therefor;

8 (23) Whether the applicant, or any other person,
9 directly in his place of business is a public official, and
10 if so, the particulars thereof;

11 (24) The applicant's name, sex, date of birth, social
12 security number, position and percentage of ownership in
13 the business; and the name, sex, date of birth, social
14 security number, position and percentage of ownership in
15 the business of every sole owner, partner, corporate
16 officer, director, manager and any person who owns 5% or
17 more of the shares of the applicant business entity or
18 parent corporations of the applicant business entity; and

19 (25) That he has not received or borrowed money or
20 anything else of value, and that he will not receive or
21 borrow money or anything else of value (other than
22 merchandising credit in the ordinary course of business for
23 a period not to exceed 90 days as herein expressly
24 permitted under Section 6-5 hereof), directly or
25 indirectly, from any manufacturer, importing distributor
26 or distributor or from any representative of any such

1 manufacturer, importing distributor or distributor, nor be
2 a party in any way, directly or indirectly, to any
3 violation by a manufacturer, distributor or importing
4 distributor of Section 6-6 of this Act.

5 In addition to any other requirement of this Section, an
6 applicant for a special use permit license and a special event
7 retailer's license shall also submit (A) proof satisfactory to
8 the Commission that the applicant has a resale number issued
9 under Section 2c of the Retailers' Occupation Tax Act or that
10 the applicant is registered under Section 2a of the Retailers'
11 Occupation Tax Act, (B) proof satisfactory to the Commission
12 that the applicant has a current, valid exemption
13 identification number issued under Section 1g of the Retailers'
14 Occupation Tax Act and a certification to the Commission that
15 the purchase of alcoholic liquors will be a tax-exempt
16 purchase, or (C) a statement that the applicant is not
17 registered under Section 2a of the Retailers' Occupation Tax
18 Act, does not hold a resale number under Section 2c of the
19 Retailers' Occupation Tax Act, and does not hold an exemption
20 number under Section 1g of the Retailers' Occupation Tax Act.
21 The applicant shall also submit proof of adequate dram shop
22 insurance for the special event prior to being issued a
23 license.

24 In addition to the foregoing information, such application
25 shall contain such other and further information as the State
26 Commission and the local commission may, by rule or regulation

1 not inconsistent with law, prescribe.

2 If the applicant reports a felony conviction as required
3 under paragraph (21) of this Section, such conviction may be
4 considered by the Commission in accordance with Section 6-2.5
5 of this Act in determining qualifications for licensing, but
6 shall not operate as a bar to licensing.

7 If said application is made in behalf of a partnership,
8 firm, association, club or corporation, then the same shall be
9 signed by one member of such partnership or the president or
10 secretary of such corporation or an authorized agent of said
11 partnership or corporation.

12 All other applications shall be on forms prescribed by the
13 State Commission, and which may exclude any of the above
14 requirements which the State Commission rules to be
15 inapplicable.

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

17 Section 95. The Radon Industry Licensing Act is amended by
18 changing Section 45 and by adding Section 46 as follows:

19 (420 ILCS 44/45)

20 Sec. 45. Grounds for disciplinary action. The Agency may
21 refuse to issue or to renew, or may revoke, suspend, or take
22 other disciplinary action as the Agency may deem proper,
23 including fines not to exceed \$1,000 for each violation, with
24 regard to any license for any one or combination of the

1 following causes:

2 (a) Violation of this Act or its rules.

3 (b) For licensees, conviction ~~Conviction~~ of a crime
4 under the laws of any United States jurisdiction that is a
5 felony or of any crime that directly relates to the
6 practice of detecting or reducing the presence of radon or
7 radon progeny. For applicants, the provisions of Section 46
8 apply.

9 (c) Making a misrepresentation for the purpose of
10 obtaining a license.

11 (d) Professional incompetence or gross negligence in
12 the practice of detecting or reducing the presence of radon
13 or radon progeny.

14 (e) Gross malpractice, prima facie evidence of which
15 may be a conviction or judgment of malpractice in a court
16 of competent jurisdiction.

17 (f) Aiding or assisting another person in violating a
18 provision of this Act or its rules.

19 (g) Failing, within 60 days, to provide information in
20 response to a written request made by the Agency that has
21 been sent by mail to the licensee's last known address.

22 (h) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public.

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

1 that results in the inability to practice with reasonable
2 judgment, skill, or safety.

3 (j) Discipline by another United States jurisdiction
4 or foreign nation, if at least one of the grounds for the
5 discipline is the same or substantially equivalent to those
6 set forth in this Section.

7 (k) Directly or indirectly giving to or receiving from
8 a person any fee, commission, rebate, or other form of
9 compensation for a professional service not actually or
10 personally rendered.

11 (l) A finding by the Agency that the licensee has
12 violated the terms of a license.

13 (m) Conviction by a court of competent jurisdiction,
14 either within or outside of this State, of a violation of a
15 law governing the practice of detecting or reducing the
16 presence of radon or radon progeny if the Agency determines
17 after investigation that the person has not been
18 sufficiently rehabilitated to warrant the public trust.

19 (n) A finding by the Agency that a license has been
20 applied for or obtained by fraudulent means.

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

24 (p) Gross and willful overcharging for professional
25 services, including filing false statements for collection
26 of fees or moneys for which services are not rendered.

1 (q) Failure to file a return or to pay the tax,
2 penalty, or interest shown in a filed return, or to pay any
3 final assessment of tax, penalty, or interest, as required
4 by a tax Act administered by the Department of Revenue,
5 until such time as the requirements of any such tax Act are
6 satisfied.

7 (r) Failure to repay educational loans guaranteed by
8 the Illinois Student Assistance Commission, as provided in
9 Section 80 of the Nuclear Safety Law of 2004. However, the
10 Agency may issue an original or renewal license if the
11 person in default has established a satisfactory repayment
12 record as determined by the Illinois Student Assistance
13 Commission.

14 (s) Failure to meet child support orders, as provided
15 in Section 10-65 of the Illinois Administrative Procedure
16 Act.

17 (t) Failure to pay a fee or civil penalty properly
18 assessed by the Agency.

19 (Source: P.A. 94-369, eff. 7-29-05.)

20 (420 ILCS 44/46 new)

21 Sec. 46. Applicant convictions.

22 (a) The Agency shall not require applicants to report the
23 following information and shall not consider the following
24 criminal history records in connection with an application for
25 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 (4) Convictions overturned by a higher court.

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

14 (b) The Agency, upon a finding that an applicant for a
15 license was convicted of a felony or a crime that relates to
16 the practice of detecting or reducing the presence of radon or
17 radon progeny, shall consider any evidence of rehabilitation
18 and mitigating factors contained in the applicant's record,
19 including any of the following factors and evidence, to
20 determine if the conviction will impair the ability of the
21 applicant to engage in the position for which a license is
22 sought:

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

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

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

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

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

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

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

25 (8) any other mitigating factors that contribute to the
26 person's potential and current ability to perform the

1 duties and responsibilities of the position for which a
2 license or employment is sought.

3 (c) If the Agency refuses to issue a license to an
4 applicant, then the Agency shall notify the applicant of the
5 denial in writing with the following included in the notice of
6 denial:

7 (1) a statement about the decision to refuse to grant a
8 license;

9 (2) a list of the convictions that the Agency
10 determined will impair the applicant's ability to engage in
11 the position for which a license is sought;

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

14 (4) 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 Agency 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; and

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 Section 999. Effective date. This Act takes effect January
15 1, 2018."