

1 AN ACT in relation to criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 31-1a as follows:

6 (720 ILCS 5/31-1a) (from Ch. 38, par. 31-1a)

7 Sec. 31-1a. Disarming a peace officer or correctional  
8 institution employee. A person who, without the consent of a  
9 peace officer or correctional institution employee as defined  
10 in subsection (b) of Section 31-1, takes or attempts to take  
11 a weapon from ~~knowingly-disarms~~ a person known to him or her  
12 to be a peace officer or correctional institution employee,  
13 while the peace officer or correctional institution employee  
14 is engaged in the performance of his or her official duties  
15 ~~by--taking--a--firearm--from--the--person--of--the--peace--offieer~~ or  
16 from an area within the peace officer's or correctional  
17 institution employee's immediate presence is ~~without-the~~  
18 ~~peace-offieer's-consent-shall-be~~ guilty of a Class 2 felony.  
19 (Source: P.A. 84-181.)

20 Section 10. The Unified Code of Corrections is amended  
21 by changing Sections 3-3-2 and 5-5-5 and adding Article 5.5  
22 to Chapter V as follows:

23 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

24 Sec. 3-3-2. Powers and Duties.

25 (a) The Parole and Pardon Board is abolished and the  
26 term "Parole and Pardon Board" as used in any law of  
27 Illinois, shall read "Prisoner Review Board." After the  
28 effective date of this amendatory Act of 1977, the Prisoner  
29 Review Board shall provide by rule for the orderly transition

1 of all files, records, and documents of the Parole and Pardon  
2 Board and for such other steps as may be necessary to effect  
3 an orderly transition and shall:

4 (1) hear by at least one member and through a panel  
5 of at least 3 members decide, cases of prisoners who were  
6 sentenced under the law in effect prior to the effective  
7 date of this amendatory Act of 1977, and who are eligible  
8 for parole;

9 (2) hear by at least one member and through a panel  
10 of at least 3 members decide, the conditions of parole  
11 and the time of discharge from parole, impose sanctions  
12 for violations of parole, and revoke parole for those  
13 sentenced under the law in effect prior to this  
14 amendatory Act of 1977; provided that the decision to  
15 parole and the conditions of parole for all prisoners who  
16 were sentenced for first degree murder or who received a  
17 minimum sentence of 20 years or more under the law in  
18 effect prior to February 1, 1978 shall be determined by a  
19 majority vote of the Prisoner Review Board;

20 (3) hear by at least one member and through a panel  
21 of at least 3 members decide, the conditions of mandatory  
22 supervised release and the time of discharge from  
23 mandatory supervised release, impose sanctions for  
24 violations of mandatory supervised release, and revoke  
25 mandatory supervised release for those sentenced under  
26 the law in effect after the effective date of this  
27 amendatory Act of 1977;

28 (4) hear by at least 1 member and through a panel  
29 of at least 3 members, decide cases brought by the  
30 Department of Corrections against a prisoner in the  
31 custody of the Department for alleged violation of  
32 Department rules with respect to good conduct credits  
33 pursuant to Section 3-6-3 of this Code in which the  
34 Department seeks to revoke good conduct credits, if the

1 amount of time at issue exceeds 30 days or when, during  
2 any 12 month period, the cumulative amount of credit  
3 revoked exceeds 30 days except where the infraction is  
4 committed or discovered within 60 days of scheduled  
5 release. In such cases, the Department of Corrections may  
6 revoke up to 30 days of good conduct credit. The Board  
7 may subsequently approve the revocation of additional  
8 good conduct credit, if the Department seeks to revoke  
9 good conduct credit in excess of thirty days. However,  
10 the Board shall not be empowered to review the  
11 Department's decision with respect to the loss of 30 days  
12 of good conduct credit for any prisoner or to increase  
13 any penalty beyond the length requested by the  
14 Department;

15 (5) hear by at least one member and through a panel  
16 of at least 3 members decide, the release dates for  
17 certain prisoners sentenced under the law in existence  
18 prior to the effective date of this amendatory Act of  
19 1977, in accordance with Section 3-3-2.1 of this Code;

20 (6) hear by at least one member and through a panel  
21 of at least 3 members decide, all requests for pardon,  
22 reprieve or commutation, and make confidential  
23 recommendations to the Governor;

24 (7) comply with the requirements of the Open Parole  
25 Hearings Act; and

26 (8) hear by at least one member and, through a  
27 panel of at least 3 members, decide cases brought by the  
28 Department of Corrections against a prisoner in the  
29 custody of the Department for court dismissal of a  
30 frivolous lawsuit pursuant to Section 3-6-3(d) of this  
31 Code in which the Department seeks to revoke up to 180  
32 days of good conduct credit, and if the prisoner has not  
33 accumulated 180 days of good conduct credit at the time  
34 of the dismissal, then all good conduct credit

1 accumulated by the prisoner shall be revoked; and-  
2 (9) hear by at least 3 members, and, through a  
3 panel of at least 3 members, decide whether to grant  
4 certificates of relief from disabilities or certificates  
5 of good conduct as provided in Article 5.5 of Chapter V.

6 (a-5) The Prisoner Review Board, with the cooperation of  
7 and in coordination with the Department of Corrections and  
8 the Department of Central Management Services, shall  
9 implement a pilot project in 3 correctional institutions  
10 providing for the conduct of hearings under paragraphs (1)  
11 and (4) of subsection (a) of this Section through interactive  
12 video conferences. The project shall be implemented within 6  
13 months after the effective date of this amendatory Act of  
14 1996. Within 6 months after the implementation of the pilot  
15 project, the Prisoner Review Board, with the cooperation of  
16 and in coordination with the Department of Corrections and  
17 the Department of Central Management Services, shall report  
18 to the Governor and the General Assembly regarding the use,  
19 costs, effectiveness, and future viability of interactive  
20 video conferences for Prisoner Review Board hearings.

21 (b) Upon recommendation of the Department the Board may  
22 restore good conduct credit previously revoked.

23 (c) The Board shall cooperate with the Department in  
24 promoting an effective system of parole and mandatory  
25 supervised release.

26 (d) The Board shall promulgate rules for the conduct of  
27 its work, and the Chairman shall file a copy of such rules  
28 and any amendments thereto with the Director and with the  
29 Secretary of State.

30 (e) The Board shall keep records of all of its official  
31 actions and shall make them accessible in accordance with law  
32 and the rules of the Board.

33 (f) The Board or one who has allegedly violated the  
34 conditions of his parole or mandatory supervised release may

1 require by subpoena the attendance and testimony of witnesses  
2 and the production of documentary evidence relating to any  
3 matter under investigation or hearing. The Chairman of the  
4 Board may sign subpoenas which shall be served by any agent  
5 or public official authorized by the Chairman of the Board,  
6 or by any person lawfully authorized to serve a subpoena  
7 under the laws of the State of Illinois. The attendance of  
8 witnesses, and the production of documentary evidence, may be  
9 required from any place in the State to a hearing location in  
10 the State before the Chairman of the Board or his designated  
11 agent or agents or any duly constituted Committee or  
12 Subcommittee of the Board. Witnesses so summoned shall be  
13 paid the same fees and mileage that are paid witnesses in the  
14 circuit courts of the State, and witnesses whose depositions  
15 are taken and the persons taking those depositions are each  
16 entitled to the same fees as are paid for like services in  
17 actions in the circuit courts of the State. Fees and mileage  
18 shall be vouchered for payment when the witness is discharged  
19 from further attendance.

20 In case of disobedience to a subpoena, the Board may  
21 petition any circuit court of the State for an order  
22 requiring the attendance and testimony of witnesses or the  
23 production of documentary evidence or both. A copy of such  
24 petition shall be served by personal service or by registered  
25 or certified mail upon the person who has failed to obey the  
26 subpoena, and such person shall be advised in writing that a  
27 hearing upon the petition will be requested in a court room  
28 to be designated in such notice before the judge hearing  
29 motions or extraordinary remedies at a specified time, on a  
30 specified date, not less than 10 nor more than 15 days after  
31 the deposit of the copy of the written notice and petition in  
32 the U.S. mails addressed to the person at his last known  
33 address or after the personal service of the copy of the  
34 notice and petition upon such person. The court upon the

1 filing of such a petition, may order the person refusing to  
2 obey the subpoena to appear at an investigation or hearing,  
3 or to there produce documentary evidence, if so ordered, or  
4 to give evidence relative to the subject matter of that  
5 investigation or hearing. Any failure to obey such order of  
6 the circuit court may be punished by that court as a contempt  
7 of court.

8 Each member of the Board and any hearing officer  
9 designated by the Board shall have the power to administer  
10 oaths and to take the testimony of persons under oath.

11 (g) Except under subsection (a) of this Section, a  
12 majority of the members then appointed to the Prisoner Review  
13 Board shall constitute a quorum for the transaction of all  
14 business of the Board.

15 (h) The Prisoner Review Board shall annually transmit to  
16 the Director a detailed report of its work for the preceding  
17 calendar year. The annual report shall also be transmitted to  
18 the Governor for submission to the Legislature.

19 (Source: P.A. 90-14, eff. 7-1-97; 91-798, eff. 7-9-00;  
20 91-946, eff. 2-9-01.)

21 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

22 Sec. 5-5-5. Loss and Restoration of Rights.

23 (a) Conviction and disposition shall not entail the loss  
24 by the defendant of any civil rights, except under this  
25 Section and Sections 29-6 and 29-10 of The Election Code, as  
26 now or hereafter amended.

27 (b) A person convicted of a felony shall be ineligible  
28 to hold an office created by the Constitution of this State  
29 until the completion of his sentence.

30 (c) A person sentenced to imprisonment shall lose his  
31 right to vote until released from imprisonment.

32 (d) On completion of sentence of imprisonment or upon  
33 discharge from probation, conditional discharge or periodic

1 imprisonment, or at any time thereafter, all license rights  
2 and privileges granted under the authority of this State  
3 which have been revoked or suspended because of conviction of  
4 an offense shall be restored unless the authority having  
5 jurisdiction of such license rights finds after investigation  
6 and hearing that restoration is not in the public interest.  
7 This paragraph (d) shall not apply to the suspension or  
8 revocation of a license to operate a motor vehicle under the  
9 Illinois Vehicle Code.

10 (e) Upon a person's discharge from incarceration or  
11 parole, or upon a person's discharge from probation or at any  
12 time thereafter, the committing court may enter an order  
13 certifying that the sentence has been satisfactorily  
14 completed when the court believes it would assist in the  
15 rehabilitation of the person and be consistent with the  
16 public welfare. Such order may be entered upon the motion of  
17 the defendant or the State or upon the court's own motion.

18 (f) Upon entry of the order, the court shall issue to  
19 the person in whose favor the order has been entered a  
20 certificate stating that his behavior after conviction has  
21 warranted the issuance of the order.

22 (g) This Section shall not affect the right of a  
23 defendant to collaterally attack his conviction or to rely on  
24 it in bar of subsequent proceedings for the same offense.

25 (h) No application for any license specified in  
26 subsection (i) of this Section granted under the authority of  
27 this State shall be denied by reason of an eligible offender  
28 who has obtained a certificate of relief from disabilities,  
29 as defined in Article 5.5 of this Chapter, having been  
30 previously convicted of one or more criminal offenses, or by  
31 reason of a finding of lack of "good moral character" when  
32 the finding is based upon the fact that the applicant has  
33 previously been convicted of one or more criminal offenses,  
34 unless:

1           (1) there is a direct relationship between one or  
2           more of the previous criminal offenses and the specific  
3           license sought; or

4           (2) the issuance of the license would involve an  
5           unreasonable risk to property or to the safety or welfare  
6           of specific individuals or the general public.

7           In making such a determination, the licensing agency  
8           shall consider the following factors:

9           (1) the public policy of this State, as expressed  
10           in Article 5.5 of this Chapter, to encourage the  
11           licensure and employment of persons previously convicted  
12           of one or more criminal offenses;

13           (2) the specific duties and responsibilities  
14           necessarily related to the license being sought;

15           (3) the bearing, if any, the criminal offenses or  
16           offenses for which the person was previously convicted  
17           will have on his or her fitness or ability to perform one  
18           or more such duties and responsibilities;

19           (4) the time which has elapsed since the occurrence  
20           of the criminal offense or offenses;

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

23           (6) the seriousness of the offense or offenses;

24           (7) any information produced by the person or  
25           produced on his or her behalf in regard to his or her  
26           rehabilitation and good conduct, including a certificate  
27           of relief from disabilities issued to the applicant,  
28           which certificate shall create a presumption of  
29           rehabilitation in regard to the offense or offenses  
30           specified in the certificate; and

31           (8) the legitimate interest of the licensing agency  
32           in protecting property, and the safety and welfare of  
33           specific individuals or the general public.

34           (i) A certificate of relief from disabilities shall be



1 issued only for a license or certification issued under the  
2 following Acts:

3 (1) the Animal Welfare Act; except that a  
4 certificate of relief from disabilities may not be  
5 granted to provide for the issuance or restoration of a  
6 license under the Animal Welfare Act for any person  
7 convicted of violating Section 3, 3.01, 3.02, 3.03,  
8 3.03-1, or 4.01 of the Humane Care for Animals Act or  
9 Section 26-5 of the Criminal Code of 1961;

10 (2) the Illinois Athletic Trainers Practice Act;

11 (3) the Barber, Cosmetology, Esthetics, and Nail  
12 Technology Act of 1985;

13 (4) the Boiler and Pressure Vessel Repairer  
14 Regulation Act;

15 (5) the Professional Boxing Act;

16 (6) the Illinois Certified Shorthand Reporters Act  
17 of 1984;

18 (7) the Illinois Farm Labor Contractor  
19 Certification Act;

20 (8) the Interior Design Title Act;

21 (9) the Illinois Professional Land Surveyor Act of  
22 1989;

23 (10) the Illinois Landscape Architecture Act of  
24 1989;

25 (11) the Marriage and Family Therapy Licensing Act;

26 (12) the Private Employment Agency Act;

27 (13) the Professional Counselor and Clinical  
28 Professional Counselor Licensing Act;

29 (14) the Real Estate License Act of 2000; and

30 (15) the Illinois Roofing Industry Licensing Act.

31 (Source: P.A. 86-558.)

32 (730 ILCS 5/Chap. V, Art. 5.5 heading new)

33 ARTICLE 5.5. DISCRETIONARY RELIEF FROM FORFEITURES AND

1 DISABILITIES AUTOMATICALLY IMPOSED BY LAW

2 (730 ILCS 5/5-5.5-5 new)

3 Sec. 5-5.5-5. Definitions and rules of construction. In  
4 this Article:

5 "Eligible offender" means a person who has been convicted  
6 of a crime or of an offense that is not a crime of violence  
7 as defined in Section 2 of the Crime Victims Compensation  
8 Act, a Class X or a nonprobationable offense, or a violation  
9 of Article 11 or Article 12 of the Criminal Code of 1961, but  
10 who has not been convicted more than once of a felony.

11 "Felony" means a conviction of a felony in this State, or  
12 of an offense in any other jurisdiction for which a sentence  
13 to a term of imprisonment in excess of one year, was  
14 authorized.

15 For the purposes of this Article the following rules of  
16 construction apply:

17 (i) two or more convictions of felonies charged in  
18 separate counts of one indictment or information shall be  
19 deemed to be one conviction;

20 (ii) two or more convictions of felonies charged in  
21 2 or more indictments or informations, filed in the same  
22 court prior to entry of judgment under any of them, shall  
23 be deemed to be one conviction; and

24 (iii) a plea or a verdict of guilty upon which a  
25 sentence of probation, conditional discharge, or  
26 supervision has been imposed shall be deemed to be a  
27 conviction.

28 (730 ILCS 5/5-5.5-10 new)

29 Sec. 5-5.5-10. Certificate of relief from disabilities.

30 (a) A certificate of relief from disabilities does not,  
31 however, in any way prevent any judicial proceeding,  
32 administrative, licensing, or other body, board, or authority

1 from relying upon the conviction specified in the certificate  
2 as the basis for the exercise of its discretionary power to  
3 suspend, revoke, or refuse to issue or refuse to renew any  
4 license, permit, or other authority or privilege.

5 (b) A certificate of relief from disabilities shall not  
6 limit or prevent the introduction of evidence of a prior  
7 conviction for purposes of impeachment of a witness in a  
8 judicial or other proceeding where otherwise authorized by  
9 the applicable rules of evidence.

10 (730 ILCS 5/5-5.5-15 new)

11 Sec. 5-5.5-15. Certificates of relief from disabilities  
12 issued by courts.

13 (a) Any circuit court of this State may, in its  
14 discretion, issue a certificate of relief from disabilities  
15 to an eligible offender for a conviction that occurred in  
16 that court if the court imposed a sentence other than one  
17 executed by commitment to an institution under the Department  
18 of Corrections. The certificate may be issued (i) at the time  
19 sentence is pronounced, in which case it may grant relief  
20 from disabilities, or (ii) at any time thereafter, in which  
21 case it shall apply only to disabilities.

22 (b) The certificate may not be issued by the court  
23 unless the court is satisfied that:

24 (1) the person to whom it is to be granted is an  
25 eligible offender, as defined in Section 5-5.5-5;

26 (2) the relief to be granted by the certificate is  
27 consistent with the rehabilitation of the eligible  
28 offender; and

29 (3) the relief to be granted by the certificate is  
30 consistent with the public interest.

31 (c) If a certificate of relief from disabilities is not  
32 issued at the time sentence is pronounced it shall only be  
33 issued thereafter upon verified application to the court. The

1 court may, for the purpose of determining whether the  
2 certificate shall be issued, request the probation or court  
3 services department to conduct an investigation of the  
4 applicant. Any probation officer requested to make an  
5 investigation under this Section shall prepare and submit to  
6 the court a written report in accordance with the request.

7 (d) Any court that has issued a certificate of relief  
8 from disabilities may at any time issue a new certificate to  
9 enlarge the relief previously granted provided that the  
10 provisions of clauses (1) through (3) of subsection (b) of  
11 this Section apply to the issuance of any such new  
12 certificate.

13 (e) Any written report submitted to the court under this  
14 Section is confidential and may not be made available to any  
15 person or public or private agency except if specifically  
16 required or permitted by statute or upon specific  
17 authorization of the court. However, it shall be made  
18 available by the court for examination by the applicant's  
19 attorney, or the applicant himself or herself, if he or she  
20 has no attorney. In its discretion, the court may except from  
21 disclosure a part or parts of the report that are not  
22 relevant to the granting of a certificate, or sources of  
23 information which have been obtained on a promise of  
24 confidentiality, or any other portion of the report,  
25 disclosure of which would not be in the interest of justice.  
26 The action of the court excepting information from disclosure  
27 shall be subject to appellate review. The court, in its  
28 discretion, may hold a conference in open court or in  
29 chambers to afford an applicant an opportunity to controvert  
30 or to comment upon any portions of the report. The court may  
31 also conduct a summary hearing at the conference on any  
32 matter relevant to the granting of the application and may  
33 take testimony under oath.

1 (730 ILCS 5/5-5.5-20 new)

2 Sec. 5-5.5-20. Certificates of relief from disabilities  
3 issued by the Prisoner Review Board.

4 (a) The Prisoner Review Board shall have the power to  
5 issue a certificate of relief from disabilities to:

6 (1) any eligible offender who has been committed  
7 to an institution under the jurisdiction of the  
8 Department of Corrections. The certificate may be issued  
9 by the Board at the time the offender is released from  
10 the institution under the conditions of parole or  
11 mandatory supervised release or at any time thereafter;  
12 or

13 (2) any eligible offender who resides within this  
14 State and whose judgment of conviction was rendered by a  
15 court in any other jurisdiction.

16 (b) If the Prisoner Review Board has issued a certificate  
17 of relief from disabilities, the Board may at any time issue  
18 a new certificate enlarging the relief previously granted.

19 (c) The Prisoner Review Board may not issue any  
20 certificate of relief from disabilities under subsections (a)  
21 or (b), unless the Board is satisfied that:

22 (1) the person to whom it is to be granted is an  
23 eligible offender, as defined in Section 5-5.5-5;

24 (2) the relief to be granted by the certificate is  
25 consistent with the rehabilitation of the eligible  
26 offender; and

27 (3) the relief to be granted by the certificate is  
28 consistent with the public interest.

29 (d) Any certificate of relief from disabilities issued  
30 by the Prisoner Review Board to an eligible offender, who at  
31 time of the issuance of the certificate is under the  
32 conditions of parole or mandatory supervised release  
33 established by the Board, shall be deemed to be a temporary  
34 certificate until such time as the eligible offender is

1 discharged from parole or mandatory supervised release, and,  
2 while temporary, the certificate may be revoked by the Board  
3 for violation of the conditions of parole or mandatory  
4 supervised release. Revocation shall be upon notice to the  
5 parolee or releasee, who shall be accorded an opportunity to  
6 explain the violation prior to a decision on the revocation  
7 of the certificate. If the certificate is not so revoked, it  
8 shall become a permanent certificate upon expiration or  
9 termination of the offender's parole or mandatory supervised  
10 release term.

11 (e) In granting or revoking a certificate of relief from  
12 disabilities, the action of the Prisoner Review Board shall  
13 be by unanimous vote of the members authorized to grant or  
14 revoke parole or mandatory supervised release.

15 (f) The certificate may be limited to one or more  
16 enumerated disabilities or bars, or may relieve the  
17 individual of all disabilities and bars.

18 (730 ILCS 5/5-5.5-25 new)

19 Sec. 5-5.5-25. Certificate of good conduct.

20 (a) A certificate of good conduct may be granted as  
21 provided in this Section to an eligible offender as defined  
22 in Section 5-5.5-5 of this Code who has demonstrated that he  
23 or she has been a law-abiding citizen and is fully  
24 rehabilitated.

25 (b) (i) A certificate of good conduct may not, however,  
26 in any way prevent any judicial proceeding,  
27 administrative, licensing, or other body, board, or  
28 authority from considering the conviction specified in  
29 the certificate.

30 (ii) A certificate of good conduct shall not limit  
31 or prevent the introduction of evidence of a prior  
32 conviction for purposes of impeachment of a witness in a  
33 judicial or other proceeding where otherwise authorized

1 by the applicable rules of evidence.

2 (730 ILCS 5/5-5.5-30 new)

3 Sec. 5-5.5-30. Issuance of certificate of good conduct.

4 (a) The Prisoner Review Board, or any 3 members of the  
5 Board by unanimous vote, shall have the power to issue a  
6 certificate of good conduct to any eligible offender  
7 previously convicted of a crime in this State, when the Board  
8 is satisfied that:

9 (1) the applicant has conducted himself or herself  
10 in a manner warranting the issuance for a minimum period  
11 in accordance with the provisions of subsection (c) of  
12 this Section;

13 (2) the relief to be granted by the certificate is  
14 consistent with the rehabilitation of the applicant; and

15 (3) the relief to be granted is consistent with the  
16 public interest.

17 (b) The Prisoner Review Board, or any 3 members of the  
18 Board by unanimous vote, shall have the power to issue a  
19 certificate of good conduct to any person previously  
20 convicted of a crime in any other jurisdiction, when the  
21 Board is satisfied that the provisions of paragraphs (1),  
22 (2), and (3) of subsection (a) of this Section have been met.

23 (c) The minimum period of good conduct by the individual  
24 referred to in paragraph (1) of subsection (a) of this  
25 Section, shall be as follows: if the most serious crime of  
26 which the individual was convicted is a misdemeanor, the  
27 minimum period of good conduct shall be one year; if the most  
28 serious crime of which the individual was convicted is a  
29 Class 1, 2, 3, or 4 felony, the minimum period of good  
30 conduct shall be 3 years. Criminal acts committed outside the  
31 State shall be classified as acts committed within the State  
32 based on the maximum sentence that could have been imposed  
33 based upon the conviction under the laws of the foreign

1 jurisdiction. The minimum period of good conduct by the  
2 individual shall be measured either from the date of the  
3 payment of any fine imposed upon him or her, or from the date  
4 of his or her release from custody by parole, mandatory  
5 supervised release or commutation or termination of his or  
6 her sentence. The Board shall have power and it shall be its  
7 duty to investigate all persons when the application is made  
8 and to grant or deny the same within a reasonable time after  
9 the making of the application.

10 (d) If the Prisoner Review Board has issued a certificate  
11 of good conduct, the Board may at any time issue a new  
12 certificate enlarging the relief previously granted.

13 (e) Any certificate of good conduct by the Prisoner  
14 Review Board to an individual who at the time of the issuance  
15 of the certificate is under the conditions of parole or  
16 mandatory supervised release imposed by the Board shall be  
17 deemed to be a temporary certificate until the time as the  
18 individual is discharged from the terms of parole or  
19 mandatory supervised release, and, while temporary, the  
20 certificate may be revoked by the Board for violation of the  
21 conditions of parole or mandatory supervised release.  
22 Revocation shall be upon notice to the parolee or releasee,  
23 who shall be accorded an opportunity to explain the violation  
24 prior to a decision on the revocation. If the certificate is  
25 not so revoked, it shall become a permanent certificate upon  
26 expiration or termination of the offender's parole or  
27 mandatory supervised release term.

28 (730 ILCS 5/5-5.5-35 new)

29 Sec. 5-5.5-35. Effect of revocation; use of revoked  
30 certificate.

31 (a) If a certificate of relief from disabilities is  
32 deemed to be temporary and the certificate is revoked,  
33 disabilities and forfeitures thereby relieved shall be



1 reinstated as of the date upon which the person to whom the  
2 certificate was issued receives written notice of the  
3 revocation. Any such person shall upon receipt of the notice  
4 surrender the certificate to the issuing court or Board.

5 (b) A person who knowingly uses or attempts to use a  
6 revoked certificate of relief from disabilities in order to  
7 obtain or to exercise any right or privilege that he or she  
8 would not be entitled to obtain or to exercise without a  
9 valid certificate is guilty of a Class A misdemeanor.

10 (730 ILCS 5/5-5.5-40 new)

11 Sec. 5-5.5-40. Forms and filing.

12 (a) All applications, certificates, and orders of  
13 revocation necessary for the purposes of this Article shall  
14 be upon forms prescribed under an agreement among the  
15 Director of Corrections and the Chairman of the Prisoner  
16 Review Board and the Chief Justice of the Supreme Court or  
17 his or her designee. The forms relating to certificates of  
18 relief from disabilities shall be distributed by the Director  
19 of the Division of Probation Services and forms relating to  
20 certificates of good conduct shall be distributed by the  
21 Chairman of the Prisoner Review Board.

22 (b) Any court or board issuing or revoking any  
23 certificate under this Article shall immediately file a copy  
24 of the certificate or of the order of revocation with the  
25 Director of State Police.

26 (730 ILCS 5/5-5.5-45 new)

27 Sec. 5-5.5-45. Certificate not to be deemed to be a  
28 pardon. Nothing contained in this Article shall be deemed to  
29 alter or limit or affect the manner of applying for pardons  
30 to the Governor, and no certificate issued under this Article  
31 shall be deemed or construed to be a pardon.

1 (730 ILCS 5/5-5.5-50 new)

2 Sec. 5-5.5-50. Report. The Department of Professional  
3 Regulation shall report to the General Assembly by November  
4 30 of each year, for each occupational licensure category,  
5 the number of licensure applicants with felony convictions,  
6 the number of applicants with certificates of relief from  
7 disabilities, the number of licenses awarded to applicants  
8 with felony convictions, the number of licenses awarded to  
9 applicants with certificates of relief from disabilities, the  
10 number of applicants with felony convictions denied licenses,  
11 and the number of applicants with certificates of relief from  
12 disabilities denied licenses.

13 Section 99. Effective date. This Act takes effect  
14 January 1, 2004.