



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by Kimberly A. Lightford

**SYNOPSIS AS INTRODUCED:**

730 ILCS 5/5-5-5

from Ch. 38, par. 1005-5-5

Amends the Unified Code of Corrections. Provides that after a person has satisfied his or her sentence, a certificate of relief from disabilities may also be issued for a license or certification under (1) the Home Medical Equipment and Services Provider License Act; (2) the Dietetic and Nutrition Services Practice Act; (3) the Professional Engineering Practice Act of 1989; (4) the Water Well and Pump Installation Contractor's License Act; and (5) the Electrologist Licensing Act.

LRB093 20102 RLC 45846 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-5-5 as follows:

6 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

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

17 (d) On completion of sentence of imprisonment or upon  
18 discharge from probation, conditional discharge or periodic  
19 imprisonment, or at any time thereafter, all license rights and  
20 privileges granted under the authority of this State which have  
21 been revoked or suspended because of conviction of an offense  
22 shall be restored unless the authority having jurisdiction of  
23 such license rights finds after investigation and hearing that  
24 restoration is not in the public interest. This paragraph (d)  
25 shall not apply to the suspension or revocation of a license to  
26 operate a motor vehicle under the Illinois Vehicle Code.

27 (e) Upon a person's discharge from incarceration or parole,  
28 or upon a person's discharge from probation or at any time  
29 thereafter, the committing court may enter an order certifying  
30 that the sentence has been satisfactorily completed when the  
31 court believes it would assist in the rehabilitation of the  
32 person and be consistent with the public welfare. Such order

1 may be entered upon the motion of the defendant or the State or  
2 upon the court's own motion.

3 (f) Upon entry of the order, the court shall issue to the  
4 person in whose favor the order has been entered a certificate  
5 stating that his behavior after conviction has warranted the  
6 issuance of the order.

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

10 (h) No application for any license specified in subsection  
11 (i) of this Section granted under the authority of this State  
12 shall be denied by reason of an eligible offender who has  
13 obtained a certificate of relief from disabilities, as defined  
14 in Article 5.5 of this Chapter, having been previously  
15 convicted of one or more criminal offenses, or by reason of a  
16 finding of lack of "good moral character" when the finding is  
17 based upon the fact that the applicant has previously been  
18 convicted of one or more criminal offenses, unless:

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

22 (2) the issuance of the license would involve an  
23 unreasonable risk to property or to the safety or welfare  
24 of specific individuals or the general public.

25 In making such a determination, the licensing agency shall  
26 consider the following factors:

27 (1) the public policy of this State, as expressed in  
28 Article 5.5 of this Chapter, to encourage the licensure and  
29 employment of persons previously convicted of one or more  
30 criminal offenses;

31 (2) the specific duties and responsibilities  
32 necessarily related to the license being sought;

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

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

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

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

6 (7) any information produced by the person or produced  
7 on his or her behalf in regard to his or her rehabilitation  
8 and good conduct, including a certificate of relief from  
9 disabilities issued to the applicant, which certificate  
10 shall create a presumption of rehabilitation in regard to  
11 the offense or offenses specified in the certificate; and

12 (8) the legitimate interest of the licensing agency in  
13 protecting property, and the safety and welfare of specific  
14 individuals or the general public.

15 (i) A certificate of relief from disabilities shall be  
16 issued only for a license or certification issued under the  
17 following Acts:

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

25 (2) the Illinois Athletic Trainers Practice Act;

26 (3) the Barber, Cosmetology, Esthetics, and Nail  
27 Technology Act of 1985;

28 (4) the Boiler and Pressure Vessel Repairer Regulation  
29 Act;

30 (5) the Professional Boxing Act;

31 (6) the Illinois Certified Shorthand Reporters Act of  
32 1984;

33 (7) the Illinois Farm Labor Contractor Certification  
34 Act;

35 (8) the Interior Design Title Act;

36 (9) the Illinois Professional Land Surveyor Act of

- 1 1989;
- 2 (10) the Illinois Landscape Architecture Act of 1989;
- 3 (11) the Marriage and Family Therapy Licensing Act;
- 4 (12) the Private Employment Agency Act;
- 5 (13) the Professional Counselor and Clinical
- 6 Professional Counselor Licensing Act;
- 7 (14) the Real Estate License Act of 2000; ~~and~~
- 8 (15) the Illinois Roofing Industry Licensing Act; ~~and~~
- 9 (16) the Home Medical Equipment and Services Provider
- 10 License Act;
- 11 (17) the Dietetic and Nutrition Services Practice Act;
- 12 (18) the Professional Engineering Practice Act of
- 13 1989;
- 14 (19) the Water Well and Pump Installation Contractor's
- 15 License Act; and
- 16 (20) the Electrologist Licensing Act.

17 (Source: P.A. 93-207, eff. 1-1-04.)