

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 Sections 5-5.5-5, 5-5.5-15, 5-5.5-25, and 5-5.5-30 as  
6 follows:

7 (730 ILCS 5/5-5.5-5)

8 Sec. 5-5.5-5. Definitions and rules of construction. In  
9 this Article:

10 "Eligible offender" means a person who has been convicted  
11 of a crime that does not include any offense or attempted  
12 offense that would subject a person to registration under the  
13 Sex Offender Registration Act, the Arsonist Registration Act,  
14 or the Child Murderer and Violent Offender Against Youth  
15 Registration Act. "Eligible offender" does not include a person  
16 who has been convicted of committing or attempting to commit  
17 first degree murder or of an offense that is not a crime of  
18 violence as defined in Section 2 of the Crime Victims  
19 Compensation Act, a Class X or a nonprobationable offense, or a  
20 violation of Article 11 or Article 12 of the Criminal Code of  
21 1961, but who has not been convicted more than twice of a  
22 felony.

23 "Felony" means a conviction of a felony in this State, or

1 of an offense in any other jurisdiction for which a sentence to  
2 a term of imprisonment in excess of one year, was authorized.

3 Notwithstanding any other rulemaking authority that may  
4 exist, neither the Governor nor any agency or agency head under  
5 the jurisdiction of the Governor has any authority to make or  
6 promulgate rules to implement or enforce the provisions of this  
7 amendatory Act of the 95th General Assembly. If, however, the  
8 Governor believes that rules are necessary to implement or  
9 enforce the provisions of this amendatory Act of the 95th  
10 General Assembly, the Governor may suggest rules to the General  
11 Assembly by filing them with the Clerk of the House and the  
12 Secretary of the Senate and by requesting that the General  
13 Assembly authorize such rulemaking by law, enact those  
14 suggested rules into law, or take any other appropriate action  
15 in the General Assembly's discretion. Nothing contained in this  
16 amendatory Act of the 95th General Assembly shall be  
17 interpreted to grant rulemaking authority under any other  
18 Illinois statute where such authority is not otherwise  
19 explicitly given. For the purposes of this Section, "rules" is  
20 given the meaning contained in Section 1-70 of the Illinois  
21 Administrative Procedure Act, and "agency" and "agency head"  
22 are given the meanings contained in Sections 1-20 and 1-25 of  
23 the Illinois Administrative Procedure Act to the extent that  
24 such definitions apply to agencies or agency heads under the  
25 jurisdiction of the Governor.

26 ~~For the purposes of this Article the following rules of~~

1 ~~construction apply:~~

2 ~~(i) two or more convictions of felonies charged in~~  
3 ~~separate counts of one indictment or information shall be~~  
4 ~~deemed to be one conviction;~~

5 ~~(ii) two or more convictions of felonies charged in 2~~  
6 ~~or more indictments or informations, filed in the same~~  
7 ~~court prior to entry of judgment under any of them, shall~~  
8 ~~be deemed to be one conviction; and~~

9 ~~(iii) a plea or a verdict of guilty upon which a~~  
10 ~~sentence of probation, conditional discharge, or~~  
11 ~~supervision has been imposed shall be deemed to be a~~  
12 ~~conviction.~~

13 (Source: P.A. 93-207, eff. 1-1-04; 94-1067, eff. 8-1-06.)

14 (730 ILCS 5/5-5.5-15)

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

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

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

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

5 (2) the relief to be granted by the certificate is  
6 consistent with the rehabilitation of the eligible  
7 offender; and

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

10 (c) If a certificate of relief from disabilities is not  
11 issued at the time sentence is pronounced it shall only be  
12 issued thereafter upon verified application to the court. The  
13 court may, for the purpose of determining whether the  
14 certificate shall be issued, request the probation or court  
15 services department to conduct an investigation of the  
16 applicant. Any probation officer requested to make an  
17 investigation under this Section shall prepare and submit to  
18 the court a written report in accordance with the request.

19 (d) Any court that has issued a certificate of relief from  
20 disabilities may at any time issue a new certificate to enlarge  
21 the relief previously granted provided that the provisions of  
22 clauses (1) through (3) of subsection (b) of this Section apply  
23 to the issuance of any such new certificate.

24 (e) Any written report submitted to the court under this  
25 Section is confidential and may not be made available to any  
26 person or public or private agency except if specifically

1 required or permitted by statute or upon specific authorization  
2 of the court. However, it shall be made available by the court  
3 for examination by the applicant's attorney, or the applicant  
4 himself or herself, if he or she has no attorney. In its  
5 discretion, the court may except from disclosure a part or  
6 parts of the report that are not relevant to the granting of a  
7 certificate, or sources of information which have been obtained  
8 on a promise of confidentiality, or any other portion of the  
9 report, disclosure of which would not be in the interest of  
10 justice. The action of the court excepting information from  
11 disclosure shall be subject to appellate review. The court, in  
12 its discretion, may hold a conference in open court or in  
13 chambers to afford an applicant an opportunity to controvert or  
14 to comment upon any portions of the report. The court may also  
15 conduct a summary hearing at the conference on any matter  
16 relevant to the granting of the application and may take  
17 testimony under oath.

18 (f) Notwithstanding any other rulemaking authority that  
19 may exist, neither the Governor nor any agency or agency head  
20 under the jurisdiction of the Governor has any authority to  
21 make or promulgate rules to implement or enforce the provisions  
22 of this amendatory Act of the 95th General Assembly. If,  
23 however, the Governor believes that rules are necessary to  
24 implement or enforce the provisions of this amendatory Act of  
25 the 95th General Assembly, the Governor may suggest rules to  
26 the General Assembly by filing them with the Clerk of the House

1 and the Secretary of the Senate and by requesting that the  
2 General Assembly authorize such rulemaking by law, enact those  
3 suggested rules into law, or take any other appropriate action  
4 in the General Assembly's discretion. Nothing contained in this  
5 amendatory Act of the 95th General Assembly shall be  
6 interpreted to grant rulemaking authority under any other  
7 Illinois statute where such authority is not otherwise  
8 explicitly given. For the purposes of this Section, "rules" is  
9 given the meaning contained in Section 1-70 of the Illinois  
10 Administrative Procedure Act, and "agency" and "agency head"  
11 are given the meanings contained in Sections 1-20 and 1-25 of  
12 the Illinois Administrative Procedure Act to the extent that  
13 such definitions apply to agencies or agency heads under the  
14 jurisdiction of the Governor.

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

16 (730 ILCS 5/5-5.5-25)

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

18 (a) A certificate of good conduct may be granted as  
19 provided in this Section to relieve an eligible offender of any  
20 employment bar as defined in Section 5-5.5-5 of this Code. The  
21 certificate may be limited to one or more enumerated  
22 disabilities or bars or may relieve the individual of all  
23 disabilities and bars.

24 Notwithstanding any other provision of law, a certificate  
25 of good conduct does not relieve an offender of any

1 employment-related disability imposed by law by reason of his  
2 or her conviction of a crime that would prevent his or her  
3 employment by the Department of Corrections.

4 (a-6) ~~(a)~~ A certificate of good conduct may be granted as  
5 provided in this Section to an eligible offender as defined in  
6 Section 5-5.5-5 of this Code who has demonstrated that he or  
7 she has been a law-abiding citizen and is fully rehabilitated.

8 (b) (i) A certificate of good conduct may not, however, in  
9 any way prevent any judicial proceeding, administrative,  
10 licensing, or other body, board, or authority from  
11 considering the conviction specified in the certificate.

12 (ii) A certificate of good conduct shall not limit or  
13 prevent the introduction of evidence of a prior conviction  
14 for purposes of impeachment of a witness in a judicial or  
15 other proceeding where otherwise authorized by the  
16 applicable rules of evidence.

17 (iii) A certificate of good conduct does not limit the  
18 employer from accessing criminal background information;  
19 nor does it hide, alter, or expunge the record.

20 (c) Notwithstanding any other rulemaking authority that  
21 may exist, neither the Governor nor any agency or agency head  
22 under the jurisdiction of the Governor has any authority to  
23 make or promulgate rules to implement or enforce the provisions  
24 of this amendatory Act of the 95th General Assembly. If,  
25 however, the Governor believes that rules are necessary to  
26 implement or enforce the provisions of this amendatory Act of

1 the 95th General Assembly, the Governor may suggest rules to  
2 the General Assembly by filing them with the Clerk of the House  
3 and the Secretary of the Senate and by requesting that the  
4 General Assembly authorize such rulemaking by law, enact those  
5 suggested rules into law, or take any other appropriate action  
6 in the General Assembly's discretion. Nothing contained in this  
7 amendatory Act of the 95th General Assembly shall be  
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10 explicitly given. For the purposes of this Section, "rules" is  
11 given the meaning contained in Section 1-70 of the Illinois  
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13 are given the meanings contained in Sections 1-20 and 1-25 of  
14 the Illinois Administrative Procedure Act to the extent that  
15 such definitions apply to agencies or agency heads under the  
16 jurisdiction of the Governor.

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

18 (730 ILCS 5/5-5.5-30)

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

20 (a) After a rehabilitation review has been held, ~~The~~  
21 ~~Prisoner Review Board, or~~ any 3 members of the Prisoner Review  
22 Board by unanimous vote, shall have the power to issue a  
23 certificate of good conduct to any eligible offender previously  
24 convicted of a crime in this State, when the Board is satisfied  
25 that:

1           (1) the applicant has conducted himself or herself in a  
2 manner warranting the issuance for a minimum period in  
3 accordance with the provisions of subsection (c) of this  
4 Section;

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

7           (3) the relief to be granted is consistent with the  
8 public interest.

9           (b) The Prisoner Review Board, or any 3 members of the  
10 Board by unanimous vote, shall have the power to issue a  
11 certificate of good conduct to any person previously convicted  
12 of a crime in any other jurisdiction, when the Board is  
13 satisfied that:

14           (1) the applicant has demonstrated that there exist  
15 specific facts and circumstances and specific sections of  
16 Illinois State law that have an adverse impact on the  
17 applicant and warrant the application for relief to be made  
18 in Illinois; and

19           (2) the provisions of paragraphs (1), (2), and (3) of  
20 subsection (a) of this Section have been met.

21           (c) The minimum period of good conduct by the individual  
22 referred to in paragraph (1) of subsection (a) of this Section,  
23 shall be as follows: if the most serious crime of which the  
24 individual was convicted is a misdemeanor, the minimum period  
25 of good conduct shall be one year; if the most serious crime of  
26 which the individual was convicted is a Class 1, 2, 3, or 4

1 felony, the minimum period of good conduct shall be 3 years.  
2 Criminal acts committed outside the State shall be classified  
3 as acts committed within the State based on the maximum  
4 sentence that could have been imposed based upon the conviction  
5 under the laws of the foreign jurisdiction. The minimum period  
6 of good conduct by the individual shall be measured either from  
7 the date of the payment of any fine imposed upon him or her, or  
8 from the date of his or her release from custody by parole,  
9 mandatory supervised release or commutation or termination of  
10 his or her sentence. The Board shall have power and it shall be  
11 its duty to investigate all persons when the application is  
12 made and to grant or deny the same within a reasonable time  
13 after the making of the application.

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

17 (d-5) Notwithstanding any other rulemaking authority that  
18 may exist, neither the Governor nor any agency or agency head  
19 under the jurisdiction of the Governor has any authority to  
20 make or promulgate rules to implement or enforce the provisions  
21 of this amendatory Act of the 95th General Assembly. If,  
22 however, the Governor believes that rules are necessary to  
23 implement or enforce the provisions of this amendatory Act of  
24 the 95th General Assembly, the Governor may suggest rules to  
25 the General Assembly by filing them with the Clerk of the House  
26 and the Secretary of the Senate and by requesting that the

1 General Assembly authorize such rulemaking by law, enact those  
2 suggested rules into law, or take any other appropriate action  
3 in the General Assembly's discretion. Nothing contained in this  
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6 Illinois statute where such authority is not otherwise  
7 explicitly given. For the purposes of this Section, "rules" is  
8 given the meaning contained in Section 1-70 of the Illinois  
9 Administrative Procedure Act, and "agency" and "agency head"  
10 are given the meanings contained in Sections 1-20 and 1-25 of  
11 the Illinois Administrative Procedure Act to the extent that  
12 such definitions apply to agencies or agency heads under the  
13 jurisdiction of the Governor.

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

1 ~~of the offender's parole or mandatory supervised release term.~~

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

3 Section 99. Effective date. This Act takes effect June 1,  
4 2008.