

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 Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-15 as follows:

7 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

20 (3) To pass upon the qualifications of applicants for
21 licenses, certificates, and authorities, whether by
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for

1 the respective professions, trades, and occupations, what
2 shall constitute a school, college, or university, or
3 department of a university, or other institution,
4 reputable and in good standing, and to determine the
5 reputability and good standing of a school, college, or
6 university, or department of a university, or other
7 institution, reputable and in good standing, by reference
8 to a compliance with those rules and regulations; provided,
9 that no school, college, or university, or department of a
10 university, or other institution that refuses admittance
11 to applicants solely on account of race, color, creed, sex,
12 or national origin shall be considered reputable and in
13 good standing.

14 (5) To conduct hearings on proceedings to revoke,
15 suspend, refuse to renew, place on probationary status, or
16 take other disciplinary action as authorized in any
17 licensing Act administered by the Department with regard to
18 licenses, certificates, or authorities of persons
19 exercising the respective professions, trades, or
20 occupations and to revoke, suspend, refuse to renew, place
21 on probationary status, or take other disciplinary action
22 as authorized in any licensing Act administered by the
23 Department with regard to those licenses, certificates, or
24 authorities. The Department shall issue a monthly
25 disciplinary report. The Department shall deny any license
26 or renewal authorized by the Civil Administrative Code of

1 Illinois to any person who has defaulted on an educational
2 loan or scholarship provided by or guaranteed by the
3 Illinois Student Assistance Commission or any governmental
4 agency of this State; however, the Department may issue a
5 license or renewal if the aforementioned persons have
6 established a satisfactory repayment record as determined
7 by the Illinois Student Assistance Commission or other
8 appropriate governmental agency of this State.
9 Additionally, beginning June 1, 1996, any license issued by
10 the Department may be suspended or revoked if the
11 Department, after the opportunity for a hearing under the
12 appropriate licensing Act, finds that the licensee has
13 failed to make satisfactory repayment to the Illinois
14 Student Assistance Commission for a delinquent or
15 defaulted loan. For the purposes of this Section,
16 "satisfactory repayment record" shall be defined by rule.
17 The Department shall refuse to issue or renew a license to,
18 or shall suspend or revoke a license of, any person who,
19 after receiving notice, fails to comply with a subpoena or
20 warrant relating to a paternity or child support
21 proceeding. However, the Department may issue a license or
22 renewal upon compliance with the subpoena or warrant.

23 The Department, without further process or hearings,
24 shall revoke, suspend, or deny any license or renewal
25 authorized by the Civil Administrative Code of Illinois to
26 a person who is certified by the Department of Healthcare

1 and Family Services (formerly Illinois Department of
2 Public Aid) as being more than 30 days delinquent in
3 complying with a child support order or who is certified by
4 a court as being in violation of the Non-Support Punishment
5 Act for more than 60 days. The Department may, however,
6 issue a license or renewal if the person has established a
7 satisfactory repayment record as determined by the
8 Department of Healthcare and Family Services (formerly
9 Illinois Department of Public Aid) or if the person is
10 determined by the court to be in compliance with the
11 Non-Support Punishment Act. The Department may implement
12 this paragraph as added by Public Act 89-6 through the use
13 of emergency rules in accordance with Section 5-45 of the
14 Illinois Administrative Procedure Act. For purposes of the
15 Illinois Administrative Procedure Act, the adoption of
16 rules to implement this paragraph shall be considered an
17 emergency and necessary for the public interest, safety,
18 and welfare.

19 (6) To transfer jurisdiction of any realty under the
20 control of the Department to any other department of the
21 State Government or to acquire or accept federal lands when
22 the transfer, acquisition, or acceptance is advantageous
23 to the State and is approved in writing by the Governor.

24 (7) To formulate rules and regulations necessary for
25 the enforcement of any Act administered by the Department.

26 (8) To exchange with the Department of Healthcare and

1 Family Services information that may be necessary for the
2 enforcement of child support orders entered pursuant to the
3 Illinois Public Aid Code, the Illinois Marriage and
4 Dissolution of Marriage Act, the Non-Support of Spouse and
5 Children Act, the Non-Support Punishment Act, the Revised
6 Uniform Reciprocal Enforcement of Support Act, the Uniform
7 Interstate Family Support Act, or the Illinois Parentage
8 Act of 1984. Notwithstanding any provisions in this Code to
9 the contrary, the Department of Professional Regulation
10 shall not be liable under any federal or State law to any
11 person for any disclosure of information to the Department
12 of Healthcare and Family Services (formerly Illinois
13 Department of Public Aid) under this paragraph (8) or for
14 any other action taken in good faith to comply with the
15 requirements of this paragraph (8).

16 (9) To perform other duties prescribed by law.

17 (b) The Department may, when a fee is payable to the
18 Department for a wall certificate of registration provided by
19 the Department of Central Management Services, require that
20 portion of the payment for printing and distribution costs be
21 made directly or through the Department to the Department of
22 Central Management Services for deposit into the Paper and
23 Printing Revolving Fund. The remainder shall be deposited into
24 the General Revenue Fund.

25 (c) For the purpose of securing and preparing evidence, and
26 for the purchase of controlled substances, professional

1 services, and equipment necessary for enforcement activities,
2 recoupment of investigative costs, and other activities
3 directed at suppressing the misuse and abuse of controlled
4 substances, including those activities set forth in Sections
5 504 and 508 of the Illinois Controlled Substances Act, the
6 Director and agents appointed and authorized by the Director
7 may expend sums from the Professional Regulation Evidence Fund
8 that the Director deems necessary from the amounts appropriated
9 for that purpose. Those sums may be advanced to the agent when
10 the Director deems that procedure to be in the public interest.
11 Sums for the purchase of controlled substances, professional
12 services, and equipment necessary for enforcement activities
13 and other activities as set forth in this Section shall be
14 advanced to the agent who is to make the purchase from the
15 Professional Regulation Evidence Fund on vouchers signed by the
16 Director. The Director and those agents are authorized to
17 maintain one or more commercial checking accounts with any
18 State banking corporation or corporations organized under or
19 subject to the Illinois Banking Act for the deposit and
20 withdrawal of moneys to be used for the purposes set forth in
21 this Section; provided, that no check may be written nor any
22 withdrawal made from any such account except upon the written
23 signatures of 2 persons designated by the Director to write
24 those checks and make those withdrawals. Vouchers for those
25 expenditures must be signed by the Director. All such
26 expenditures shall be audited by the Director, and the audit

1 shall be submitted to the Department of Central Management
2 Services for approval.

3 (d) Whenever the Department is authorized or required by
4 law to consider some aspect of criminal history record
5 information for the purpose of carrying out its statutory
6 powers and responsibilities, then, upon request and payment of
7 fees in conformance with the requirements of Section 2605-400
8 of the Department of State Police Law (20 ILCS 2605/2605-400),
9 the Department of State Police is authorized to furnish,
10 pursuant to positive identification, the information contained
11 in State files that is necessary to fulfill the request.

12 (e) The provisions of this Section do not apply to private
13 business and vocational schools as defined by Section 1 of the
14 Private Business and Vocational Schools Act.

15 (f) Beginning July 1, 1995, this Section does not apply to
16 those professions, trades, and occupations licensed under the
17 Real Estate License Act of 2000, nor does it apply to any
18 permits, certificates, or other authorizations to do business
19 provided for in the Land Sales Registration Act of 1989 or the
20 Illinois Real Estate Time-Share Act.

21 (g) Notwithstanding anything that may appear in any
22 individual licensing statute or administrative rule, the
23 Department shall deny any license application or renewal
24 authorized under any licensing Act administered by the
25 Department to any person who has failed to file a return, or to
26 pay the tax, penalty, or interest shown in a filed return, or

1 to pay any final assessment of tax, penalty, or interest, as
2 required by any tax Act administered by the Illinois Department
3 of Revenue, until such time as the requirement of any such tax
4 Act are satisfied; however, the Department may issue a license
5 or renewal if the person has established a satisfactory
6 repayment record as determined by the Illinois Department of
7 Revenue. For the purpose of this Section, "satisfactory
8 repayment record" shall be defined by rule.

9 In addition, a complaint filed with the Department by the
10 Illinois Department of Revenue that includes a certification,
11 signed by its Director or designee, attesting to the amount of
12 the unpaid tax liability or the years for which a return was
13 not filed, or both, is prima facia evidence of the licensee's
14 failure to comply with the tax laws administered by the
15 Illinois Department of Revenue. Upon receipt of that
16 certification, the Department shall, without a hearing,
17 immediately suspend all licenses held by the licensee.
18 Enforcement of the Department's order shall be stayed for 60
19 days. The Department shall provide notice of the suspension to
20 the licensee by mailing a copy of the Department's order by
21 certified and regular mail to the licensee's last known address
22 as registered with the Department. The notice shall advise the
23 licensee that the suspension shall be effective 60 days after
24 the issuance of the Department's order unless the Department
25 receives, from the licensee, a request for a hearing before the
26 Department to dispute the matters contained in the order.

1 Any suspension imposed under this subsection (g) shall be
2 terminated by the Department upon notification from the
3 Illinois Department of Revenue that the licensee is in
4 compliance with all tax laws administered by the Illinois
5 Department of Revenue.

6 The Department shall promulgate rules for the
7 administration of this subsection (g).

8 (h) The Department may grant the title "Retired", to be
9 used immediately adjacent to the title of a profession
10 regulated by the Department, to eligible retirees. The use of
11 the title "Retired" shall not constitute representation of
12 current licensure, registration, or certification. Any person
13 without an active license, registration, or certificate in a
14 profession that requires licensure, registration, or
15 certification shall not be permitted to practice that
16 profession.

17 (i) Within 180 days after the effective date of this
18 amendatory Act of the 96th General Assembly, the Department
19 shall promulgate rules which permit a person with a criminal
20 record, who seeks a license or certificate in an occupation for
21 which a criminal record is not expressly a per se bar, to apply
22 to the Department for a non-binding, advisory opinion to be
23 provided by the Board or body with the authority to issue the
24 license or certificate as to whether his or her criminal record
25 would bar the individual from the licensure or certification
26 sought, should the individual meet all other licensure

1 requirements including, but not limited to, the successful
2 completion of the relevant examinations.

3 (Source: P.A. 94-452, eff. 1-1-06; 94-462, eff. 8-4-05; 95-331,
4 eff. 8-21-07.)

5 Section 10. The Unified Code of Corrections is amended by
6 changing Sections 5-5.5-5, 5-5.5-15, 5-5.5-25, 5-5.5-30,
7 5-5.5-35 and 5-5.5-40 as follows:

8 (730 ILCS 5/5-5.5-5)

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

11 "Eligible offender" means a person who has been convicted
12 of a crime that does not include any offense or attempted
13 offense that would subject a person to registration under the
14 Sex Offender Registration Act, the Arsonist Registration Act,
15 or the Child Murderer and Violent Offender Against Youth
16 Registration Act. "Eligible offender" does not include a person
17 who has been convicted of committing or attempting to commit a
18 Class X felony, aggravated driving under the influence of
19 alcohol, other drug or drugs, or intoxicating compound or
20 compounds, or any combination thereof, aggravated domestic
21 battery, or a forcible felony, but who has not been convicted
22 more than twice of a felony ~~or of an offense that is not a crime~~
23 ~~of violence as defined in Section 2 of the Crime Victims~~
24 ~~Compensation Act, a Class X or a nonprobationable offense, or a~~

1 ~~violation of Article 11 or Article 12 of the Criminal Code of~~
2 ~~1961, but who has not been convicted more than twice of a~~
3 ~~felony.~~

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

7 For the purposes of this Article the following rules of
8 construction apply:

9 (i) two or more convictions of felonies charged in
10 separate counts of one indictment or information shall be
11 deemed to be one conviction;

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

16 (iii) a plea or a verdict of guilty upon which a
17 sentence of probation, conditional discharge, or
18 supervision has been imposed shall be deemed to be a
19 conviction.

20 "Forcible felony" means first degree murder, second degree
21 murder, aggravated arson, arson, aggravated kidnapping,
22 kidnapping, aggravated battery that resulted in great bodily
23 harm or permanent disability, and any other felony which
24 involved the use of physical force or violence against any
25 individual that resulted in great bodily harm or permanent
26 disability.

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

2 (730 ILCS 5/5-5.5-15)

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

5 (a) Any circuit court of this State may, ~~in its discretion,~~
6 issue a certificate of relief from disabilities to an eligible
7 offender for a conviction that occurred in that court if the
8 court imposed the ~~a~~ sentence ~~other than one executed by~~
9 ~~commitment to an institution under the Department of~~
10 ~~Corrections~~. The certificate may be issued (i) at the time
11 sentence is pronounced, in which case it may grant relief from
12 disabilities, or (ii) at any time thereafter, in which case it
13 shall apply only to disabilities.

14 (b) The certificate may not be issued by the court unless
15 the court is satisfied, based on clear and convincing evidence,
16 that:

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

19 (2) the relief to be granted by the certificate is
20 consistent with the rehabilitation of the eligible
21 offender; and

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

24 (c) If a certificate of relief from disabilities is not
25 issued at the time sentence is pronounced it shall only be

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

8 (d) Any court that has issued a certificate of relief from
9 disabilities may at any time issue a new certificate to enlarge
10 the relief previously granted provided that the provisions of
11 clauses (1) through (3) of subsection (b) of this Section apply
12 to the issuance of any such new 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 authorization
17 of the court. However, it shall be made available by the court
18 for examination by the applicant's attorney, or the applicant
19 himself or herself, if he or she has no attorney. In its
20 discretion, the court may except from disclosure a part or
21 parts of the report that are not relevant to the granting of a
22 certificate, or sources of information which have been obtained
23 on a promise of confidentiality, or any other portion of the
24 report, disclosure of which would not be in the interest of
25 justice. The action of the court excepting information from
26 disclosure shall be subject to appellate review. The court, in

1 its discretion, may hold a conference in open court or in
2 chambers to afford an applicant an opportunity to controvert or
3 to comment upon any portions of the report. The court may also
4 conduct a summary hearing at the conference on any matter
5 relevant to the granting of the application and may take
6 testimony under oath.

7 (f) An employer is not civilly or criminally liable for an
8 act or omission by an employee who has been issued a
9 certificate of relief from disabilities, except for a willful
10 or wanton act by the employer in hiring the employee who has
11 been issued a certificate of relief from disabilities.

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

13 (730 ILCS 5/5-5.5-25)

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

15 (a) A certificate of good conduct may be granted as
16 provided in this Section to relieve an eligible offender of any
17 employment bar. The certificate may be limited to one or more
18 disabilities or bars or may relieve the individual of all
19 disabilities and bars.

20 Notwithstanding any other provision of law, a certificate
21 of good conduct does not relieve an offender of any
22 employment-related disability imposed by law by reason of his
23 or her conviction of a crime that would prevent his or her
24 employment by the Department of Corrections or the Department
25 of Juvenile Justice.

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

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

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

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

18 (c) An employer is not civilly or criminally liable for an
19 act or omission by an employee who has been issued a
20 certificate of good conduct, except for a willful or wanton act
21 by the employer in hiring the employee who has been issued a
22 certificate of good conduct.

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

24 (730 ILCS 5/5-5.5-30)

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

1 (a) After a rehabilitation review has been held, the
2 Circuit Court in which the conviction was entered ~~The Prisoner~~
3 ~~Review Board, or any 3 members of the Board by unanimous vote,~~
4 shall have the power to issue a certificate of good conduct to
5 any eligible offender previously convicted of a crime in this
6 State, and shall make a specific finding of rehabilitation with
7 the force and effect of a final judgment on the merits, when
8 the Court Board ~~Board~~ is satisfied that:

9 (1) the applicant has conducted himself or herself in a
10 manner warranting the issuance for a minimum period in
11 accordance with the provisions of subsection (c) of this
12 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 Circuit Court ~~Prisoner Review Board, or any 3~~
18 ~~members of the Board by unanimous vote,~~ shall have the power to
19 issue a certificate of good conduct to any person previously
20 convicted of a crime in any other jurisdiction, when the Court
21 ~~Board~~ is satisfied that:

22 (1) the applicant has demonstrated that there exist
23 specific facts and circumstances and specific sections of
24 Illinois State law that have an adverse impact on the
25 applicant and warrant the application for relief to be made
26 in Illinois; and

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

3 (c) The minimum period of good conduct by the individual
4 referred to in paragraph (1) of subsection (a) of this Section,
5 shall be as follows: if the most serious crime of which the
6 individual was convicted is a misdemeanor, the minimum period
7 of good conduct shall be one year; if the most serious crime of
8 which the individual was convicted is a Class 1, 2, 3, ~~or 4,~~ or
9 Class X felony, the minimum period of good conduct shall be 3
10 years. Criminal acts committed outside the State shall be
11 classified as acts committed within the State based on the
12 maximum sentence that could have been imposed based upon the
13 conviction under the laws of the foreign jurisdiction. The
14 minimum period of good conduct by the individual shall be
15 measured either from the date of the payment of any fine
16 imposed upon him or her, or from the date of his or her release
17 from custody by parole, mandatory supervised release or
18 commutation or termination of his or her sentence. The Circuit
19 Court Board shall have power and it shall be its duty to
20 investigate all persons when the application is made and to
21 grant or deny the same within a reasonable time after the
22 making of the application.

23 (d) If the Circuit Court ~~Prisoner Review Board~~ has issued a
24 certificate of good conduct, the Court Board may at any time
25 issue a new certificate enlarging the relief previously
26 granted.

1 (e) Any certificate of good conduct issued by the Court
2 ~~Prisoner Review Board~~ to an individual who at the time of the
3 issuance of the certificate is under the conditions of parole
4 or mandatory supervised release imposed by the Prisoner Review
5 Board shall be deemed to be a temporary certificate until the
6 time as the individual is discharged from the terms of parole
7 or mandatory supervised release, and, while temporary, the
8 certificate may be revoked by the Court Board for violation of
9 the conditions of parole or mandatory supervised release.
10 Revocation shall be upon notice to the parolee or releasee, who
11 shall be accorded an opportunity to explain the violation prior
12 to a decision on the revocation. If the certificate is not so
13 revoked, it shall become a permanent certificate upon
14 expiration or termination of the offender's parole or mandatory
15 supervised release term.

16 (f) The Court shall, upon notice to a certificate holder,
17 have the power to revoke a certificate of good conduct upon a
18 subsequent conviction.

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

20 (730 ILCS 5/5-5.5-35)

21 Sec. 5-5.5-35. Effect of revocation; use of revoked
22 certificate.

23 (a) If a certificate of relief from disabilities is deemed
24 to be temporary and the certificate is revoked, disabilities
25 and forfeitures thereby relieved shall be reinstated as of the

1 date upon which the person to whom the certificate was issued
2 receives written notice of the revocation. Any such person
3 shall upon receipt of the notice surrender the certificate to
4 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 valid
9 certificate is guilty of a Class A misdemeanor.

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

11 (730 ILCS 5/5-5.5-40)

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

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

24 (b) Any court or board issuing or revoking any certificate
25 under this Article shall immediately file a copy of the

1 certificate or of the order of revocation with the Director of
2 State Police.

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

4 (730 ILCS 5/5-5.5-20 rep.)

5 Section 15. The Unified Code of Corrections is amended by
6 repealing Section 5-5.5-20.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law, except that Sections 10 and 15 take effect
9 January 1, 2010.