



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3462

Introduced 2/18/2025, by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-131
20 ILCS 2105/2105-135
225 ILCS 410/1-7

from Ch. 111, par. 1701-7

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. In provisions concerning applicants with criminal convictions, requires the Department of Financial and Professional Regulation to consider various factors when considering whether a prior conviction is directly related to the ability of an applicant to safely perform the duties, functions, and responsibilities of the position (instead of whether a prior conviction will impair the ability of the applicant to engage in the practice). Removes the requirement that a person who is licensed or registered to engage in any of the professions licensed or registered by the Department be of good moral character. Prohibits the Department from using a vague term in its consideration of a criminal record and decision regarding whether a criminal record is disqualifying for licensure, certification, or registration, including, but not limited to, "good moral character", "moral turpitude", or "character and fitness". Makes other changes. Amends the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Provides that no application shall be automatically placed on hold, delayed, denied, or otherwise not processed by the Department because it was submitted by a person who is incarcerated. Provides that when determining the qualifications for a license, the Department shall include practice that is supervised by a licensee while a person is incarcerated.

LRB104 10840 AAS 20921 b

1 AN ACT concerning State government.

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
5 of the Civil Administrative Code of Illinois is amended by
6 changing Sections 2105-131 and 2105-135 as follows:

7 (20 ILCS 2105/2105-131)

8 Sec. 2105-131. Applicants with criminal convictions;
9 notice of denial.

10 (a) For the purposes of this Section: 7

11 "Directly related" means that the employment position
12 offers the opportunity for the same offense or a similar
13 offense to occur and the circumstances leading to the conduct
14 for which the person was convicted are likely to recur.

15 "Mitigating ~~mitigating~~ factors" means any information,
16 evidence, conduct, or circumstances before, during, or after
17 the offense or offenses reviewed by the Department that may
18 reflect on an applicant's request for licensure, registration,
19 or certification through the Department, such as 3 years
20 having passed since release from confinement. Mitigating
21 factors are not a bar to licensure, instead they provide
22 guidance for the Department when considering licensure,
23 registration, or certification for an applicant with criminal

1 history.

2 Except as provided in Section 2105-165 of this Act
3 regarding licensing restrictions based on enumerated offenses
4 for health care workers as defined in the Health Care Worker
5 Self-Referral Act and except as provided in any licensing Act
6 administered by the Department in which convictions of certain
7 enumerated offenses are a bar to licensure, the Department,
8 upon a finding that an applicant for a license, certificate,
9 or registration was previously convicted of a felony or
10 misdemeanor that may be grounds for refusing to issue a
11 license or certificate or to grant a registration, shall
12 consider any mitigating factors and evidence of rehabilitation
13 contained in the applicant's record, including the
14 circumstances surrounding the offense or offenses and any of
15 the following, to determine whether a prior conviction is
16 directly related to ~~will impair~~ the ability of the applicant
17 to safely perform the duties, functions, and responsibilities
18 of the position ~~engage in the practice~~ for which a license,
19 certificate, or registration is sought:

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

24 (2) any mitigating factors from the point of arrest or
25 indictment when determined to be appropriate, unless
26 otherwise specified and including, but not limited to,

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

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

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

10 (4.5) if, due to the applicant's criminal conviction
11 history, the applicant would be explicitly prohibited by
12 federal rules or regulations from working in the position
13 for which a license is sought;

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, including the applicant's
21 employment history;

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 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
4 the person's potential and current ability to perform the
5 job duties.

6 (a-5) When evaluating whether a prior conviction is
7 directly related to the ability of an applicant to safely
8 perform the duties, functions, and responsibilities of the
9 position, the Department shall consider the following factors:

10 (1) the length of time since the prior conviction;

11 (2) the number of prior convictions that appear on the
12 conviction record;

13 (3) the nature and severity of the prior conviction
14 and its relationship to the safety and security of others;

15 (4) the facts and circumstances surrounding the prior
16 conviction;

17 (5) the age of the applicant at the time of the prior
18 conviction; and

19 (6) any evidence of rehabilitative efforts.

20 (b) If the Department refuses to issue a license or
21 certificate or grant registration to an applicant based upon a
22 conviction or convictions, in whole or in part, the Department
23 shall notify the applicant of the denial in writing with the
24 following included in the notice of denial:

25 (1) a statement about the decision to refuse to grant
26 a license, certificate, or registration, including an

1 explanation of how the conviction directly relates to and
2 would prevent the person from effectively engaging in the
3 position for which a license, registration, or certificate
4 is sought;

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

9 (3) a list of convictions that formed the sole or
10 partial basis for the refusal to issue a license or
11 certificate or grant registration; and

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

15 (d) ~~(e)~~ The Department shall post on its website a list of
16 all State licensing restrictions that would prohibit an
17 applicant from working in a position for which a license is
18 sought.

19 (Source: P.A. 101-388, eff. 1-1-20; 102-105, eff. 1-1-22.)

20 (20 ILCS 2105/2105-135)

21 Sec. 2105-135. Qualification for licensure or
22 registration; good moral character; applicant conviction
23 records.

24 (a) The practice of professions licensed or registered by
25 the Department is hereby declared to affect the public health,

1 safety, and welfare and to be subject to regulation and
2 control in the public interest. ~~It is further declared to be a~~
3 ~~matter of public interest and concern that persons who are~~
4 ~~licensed or registered to engage in any of the professions~~
5 ~~licensed or registered by the Department are of good moral~~
6 ~~character, which shall be a continuing requirement of~~
7 ~~licensure or registration so as to merit and receive the~~
8 ~~confidence and trust of the public.~~ Upon a finding by the
9 Department that a person has committed a violation of the
10 disciplinary grounds of any licensing Act administered by the
11 Department with regard to licenses, certificates, or
12 authorities of persons exercising the respective professions,
13 trades, or occupations, the Department is authorized to
14 revoke, suspend, refuse to renew, place on probationary
15 status, fine, or take any other disciplinary action it deems
16 warranted against any licensee or registrant as authorized by
17 law ~~whose conduct violates the continuing requirement of good~~
18 ~~moral character.~~

19 (b) The Department shall not use a vague term in its
20 consideration of a criminal record and decision regarding
21 whether a criminal record is disqualifying for licensure,
22 certification, or registration, including, but not limited to,
23 "good moral character", "moral turpitude", or "character and
24 fitness". ~~No application for licensure or registration shall~~
25 ~~be denied by reason of a finding of lack of good moral~~
26 ~~character when the finding is based solely upon the fact that~~

1 ~~the applicant has previously been convicted of one or more~~
2 ~~criminal offenses. When reviewing a prior conviction of an~~
3 ~~initial applicant for the purpose of determining good moral~~
4 ~~character, the Department shall consider evidence of~~
5 ~~rehabilitation and mitigating factors in the applicant's~~
6 ~~record, including those set forth in subsection (a) of Section~~
7 ~~2105-131 of this Act.~~

8 (c) The Department 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 licensure, ~~or~~ registration, or certification:

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 that Act;

16 (2) law enforcement records, court records, and
17 conviction records of an individual who was 17 years old
18 at the time of the offense and before January 1, 2014,
19 unless the nature of the offense required the individual
20 to be tried as an adult;

21 (3) records of arrest not followed by a charge or
22 conviction;

23 (4) records of arrest where the charges were dismissed
24 unless the charges were directly related to the practice
25 of the profession; however, applicants shall not be asked
26 to report any arrests, and an arrest not followed by a

1 conviction shall not be the basis of a denial ~~and may be~~
2 ~~used only to assess an applicant's rehabilitation;~~

3 (5) records of a nonviolent misdemeanor;

4 (6) a conviction older than 3 years for which the
5 applicant was not incarcerated or a conviction for which
6 the applicant's incarceration ended more than 3 years
7 before the date of the Department's evaluation of the
8 applicant's application, except for a felony conviction
9 related to a criminal sexual act; criminal fraud or
10 embezzlement; aggravated assault; aggravated robbery;
11 aggravated abuse, neglect, or endangerment of a child or
12 vulnerable adult; arson; carjacking; kidnapping; or
13 manslaughter, homicide, or murder;

14 (7) ~~(5)~~ convictions overturned by a higher court; or

15 (8) ~~(6)~~ convictions or arrests that have been sealed
16 or expunged.

17 (Source: P.A. 100-286, eff. 1-1-18.)

18 Section 10. The Barber, Cosmetology, Esthetics, Hair
19 Braiding, and Nail Technology Act of 1985 is amended by
20 changing Section 1-7 as follows:

21 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

22 (Section scheduled to be repealed on January 1, 2026)

23 Sec. 1-7. Licensure required; renewal; restoration.

24 (a) It is unlawful for any person to practice, or to hold

1 himself or herself out to be a cosmetologist, esthetician,
2 nail technician, hair braider, or barber without a license as
3 a cosmetologist, esthetician, nail technician, hair braider or
4 barber issued by the Department pursuant to the provisions of
5 this Act and of the Civil Administrative Code of Illinois. It
6 is also unlawful for any person, firm, partnership, limited
7 liability company, or corporation to own, operate, or conduct
8 a cosmetology, esthetics, nail technology, hair braiding, or
9 barber school without a license issued by the Department or to
10 own or operate a cosmetology, esthetics, nail technology, or
11 hair braiding salon, barber shop, or other business subject to
12 the registration requirements of this Act without a
13 certificate of registration issued by the Department. It is
14 further unlawful for any person to teach in any cosmetology,
15 esthetics, nail technology, hair braiding, or barber college
16 or school approved by the Department or hold himself or
17 herself out as a cosmetology, esthetics, hair braiding, nail
18 technology, or barber teacher without a license as a teacher,
19 issued by the Department or as a cosmetology clinic teacher
20 without a license as a cosmetology clinic teacher issued by
21 the Department.

22 (b) Notwithstanding any other provision of this Act, a
23 person licensed as a cosmetologist may hold himself or herself
24 out as an esthetician and may engage in the practice of
25 esthetics, as defined in this Act, without being licensed as
26 an esthetician. A person licensed as a cosmetology teacher may

1 teach esthetics or hold himself or herself out as an esthetics
2 teacher without being licensed as an esthetics teacher. A
3 person licensed as a cosmetologist may hold himself or herself
4 out as a nail technician and may engage in the practice of nail
5 technology, as defined in this Act, without being licensed as
6 a nail technician. A person licensed as a cosmetology teacher
7 may teach nail technology and hold himself or herself out as a
8 nail technology teacher without being licensed as a nail
9 technology teacher. A person licensed as a cosmetologist may
10 hold himself or herself out as a hair braider and may engage in
11 the practice of hair braiding, as defined in this Act, without
12 being licensed as a hair braider. A person licensed as a
13 cosmetology teacher may teach hair braiding and hold himself
14 or herself out as a hair braiding teacher without being
15 licensed as a hair braiding teacher.

16 (c) A person licensed as a barber teacher may hold himself
17 or herself out as a barber and may practice barbering without a
18 license as a barber. A person licensed as a cosmetology
19 teacher may hold himself or herself out as a cosmetologist,
20 esthetician, hair braider, and nail technologist and may
21 practice cosmetology, esthetics, hair braiding, and nail
22 technology without a license as a cosmetologist, esthetician,
23 hair braider, or nail technologist. A person licensed as an
24 esthetics teacher may hold himself or herself out as an
25 esthetician without being licensed as an esthetician and may
26 practice esthetics. A person licensed as a nail technician

1 teacher may practice nail technology and may hold himself or
2 herself out as a nail technologist without being licensed as a
3 nail technologist. A person licensed as a hair braiding
4 teacher may practice hair braiding and may hold himself or
5 herself out as a hair braider without being licensed as a hair
6 braider.

7 (d) The holder of a license issued under this Act may renew
8 that license during the month preceding the expiration date of
9 the license by paying the required fee.

10 (e) The expiration date, renewal period, and conditions
11 for renewal and restoration of each license shall be
12 established by rule.

13 (f) A license issued under the provisions of this Act as a
14 barber, barber teacher, cosmetologist, cosmetology teacher,
15 cosmetology clinic teacher, esthetician, esthetics teacher,
16 nail technician, nail technician teacher, hair braider, or
17 hair braiding teacher that has expired while the holder of the
18 license was engaged (1) in federal service on active duty with
19 the Army, Navy, Marine Corps, Air Force, Space Force, or Coast
20 Guard of the United States of America, or any Women's
21 Auxiliary thereof, or the State Militia called into the
22 service or training of the United States of America or (2) in
23 training or education under the supervision of the United
24 States preliminary to induction into the military service, may
25 be reinstated or restored without payment of any lapsed
26 renewal fees, reinstatement fee, or restoration fee if within

1 2 years after the termination of such service, training, or
2 education other than by dishonorable discharge, the holder
3 furnishes the Department with an affidavit to the effect that
4 he or she has been so engaged and that his or her service,
5 training, or education has been so terminated.

6 (g) For the purposes of this subsection, "person who is
7 incarcerated" means a person who is committed to the
8 Department of Corrections, a Federal Bureau of Prisons
9 facility located in Illinois, a county jail, or a county
10 department of corrections.

11 An application shall not be automatically placed on hold,
12 delayed, denied, or otherwise not processed by the Department
13 because it was submitted by a person who is incarcerated. The
14 Department shall process applications for the licensure or
15 restoration of a license submitted by a person who is
16 incarcerated without any additional requirements or delays,
17 and the Department shall issue licenses to and restore the
18 licenses of persons who are incarcerated who have submitted
19 their application and who otherwise qualify for licensure. The
20 Department may waive the 3-year time limitations under
21 subsections (c) and (d) of Section 4-5 for a person who was
22 incarcerated at the time of the application.

23 When determining the qualifications for a license, the
24 Department shall include practice that is supervised by a
25 licensee while a person is incarcerated.

26 (Source: P.A. 103-746, eff. 1-1-25.)