

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 of
5 the Civil Administrative Code of Illinois is amended by
6 changing Sections 2105-130, 2105-135, 2105-205, and 2105-207
7 and by adding Section 2105-131 as follows:

8 (20 ILCS 2105/2105-130)

9 Sec. 2105-130. Determination of disciplinary sanctions.

10 (a) Following disciplinary proceedings as authorized in
11 any licensing Act administered by the Department, upon a
12 finding by the Department that a person has committed a
13 violation of the licensing Act with regard to licenses,
14 certificates, or authorities of persons exercising the
15 respective professions, trades, or occupations, the Department
16 may revoke, suspend, refuse to renew, place on probationary
17 status, fine, or take any other disciplinary action as
18 authorized in the licensing Act with regard to those licenses,
19 certificates, or authorities. When making a determination of
20 the appropriate disciplinary sanction to be imposed, the
21 Department shall consider only evidence contained in the
22 record. The Department shall consider any aggravating or
23 mitigating factors contained in the record when determining the

1 appropriate disciplinary sanction to be imposed.

2 (b) When making a determination of the appropriate
3 disciplinary sanction to be imposed on a licensee, the
4 Department shall consider, but is not limited to, the following
5 aggravating factors contained in the record:

6 (1) the seriousness of the offenses;

7 (2) the presence of multiple offenses;

8 (3) prior disciplinary history, including actions
9 taken by other agencies in this State, by other states or
10 jurisdictions, hospitals, health care facilities,
11 residency programs, employers, or professional liability
12 insurance companies or by any of the armed forces of the
13 United States or any state;

14 (4) the impact of the offenses on any injured party;

15 (5) the vulnerability of any injured party, including,
16 but not limited to, consideration of the injured party's
17 age, disability, or mental illness;

18 (6) the motive for the offenses;

19 (7) the lack of contrition for the offenses;

20 (8) financial gain as a result of committing the
21 offenses; and

22 (9) the lack of cooperation with the Department or
23 other investigative authorities.

24 (c) When making a determination of the appropriate
25 disciplinary sanction to be imposed on a licensee, the
26 Department shall consider, but is not limited to, the following

1 mitigating factors contained in the record:

2 (1) the lack of prior disciplinary action by the
3 Department or by other agencies in this State, by other
4 states or jurisdictions, hospitals, health care
5 facilities, residency programs, employers, insurance
6 providers, or by any of the armed forces of the United
7 States or any state;

8 (2) contrition for the offenses;

9 (3) cooperation with the Department or other
10 investigative authorities;

11 (4) restitution to injured parties;

12 (5) whether the misconduct was self-reported; and

13 (6) any voluntary remedial actions taken.

14 (Source: P.A. 98-1047, eff. 1-1-15.)

15 (20 ILCS 2105/2105-131 new)

16 Sec. 2105-131. Applicants with criminal convictions;
17 notice of denial.

18 (a) Except as provided in Section 2105-165 of this Act
19 regarding licensing restrictions based on enumerated offenses
20 for health care workers as defined in the Health Care Worker
21 Self-Referral Act and except as provided in any licensing Act
22 administered by the Department in which convictions of certain
23 enumerated offenses are a bar to licensure, the Department,
24 upon a finding that an applicant for a license, certificate, or
25 registration was previously convicted of a felony or

1 misdemeanor that may be grounds for refusing to issue a license
2 or certificate or granting registration, shall consider any
3 mitigating factors and evidence of rehabilitation contained in
4 the applicant's record, including any of the following, to
5 determine whether a prior conviction will impair the ability of
6 the applicant to engage in the practice for which a license,
7 certificate, or registration is sought:

8 (1) the lack of direct relation of the offense for
9 which the applicant was previously convicted to the duties,
10 functions, and responsibilities of the position for which a
11 license is sought;

12 (2) unless otherwise specified, whether 5 years since a
13 felony conviction or 3 years since release from confinement
14 for the conviction, whichever is later, have passed without
15 a subsequent conviction;

16 (3) if the applicant was previously licensed or
17 employed in this State or other states or jurisdictions,
18 the lack of prior misconduct arising from or related to the
19 licensed position or position of employment;

20 (4) the age of the person at the time of the criminal
21 offense;

22 (4.5) if, due to the applicant's criminal conviction
23 history, the applicant would be explicitly prohibited by
24 federal rules or regulations from working in the position
25 for which a license is sought;

26 (5) successful completion of sentence and, for

1 applicants serving a term of parole or probation, a
2 progress report provided by the applicant's probation or
3 parole officer that documents the applicant's compliance
4 with conditions of supervision;

5 (6) evidence of the applicant's present fitness and
6 professional character;

7 (7) evidence of rehabilitation or rehabilitative
8 effort during or after incarceration, or during or after a
9 term of supervision, including, but not limited to, a
10 certificate of good conduct under Section 5-5.5-25 of the
11 Unified Code of Corrections or certificate of relief from
12 disabilities under Section 5-5.5-10 of the Unified Code of
13 Corrections; and

14 (8) any other mitigating factors that contribute to the
15 person's potential and current ability to perform the job
16 duties.

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

22 (1) a statement about the decision to refuse to grant a
23 license, certificate, or registration;

24 (2) a list of convictions that the Department
25 determined will impair the applicant's ability to engage in
26 the position for which a license, registration, or

1 certificate is sought;

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

5 (4) a summary of the appeal process or the earliest the
6 applicant may reapply for a license, certificate, or
7 registration, whichever is applicable.

8 (20 ILCS 2105/2105-135)

9 Sec. 2105-135. Qualification for licensure or
10 registration; good moral character; applicant conviction
11 records.

12 (a) The practice of professions licensed or registered by
13 the Department is hereby declared to affect the public health,
14 safety, and welfare and to be subject to regulation and control
15 in the public interest. It is further declared to be a matter
16 of public interest and concern that persons who are licensed or
17 registered to engage in any of the professions licensed or
18 registered by the Department are of good moral character, which
19 shall be a continuing requirement of licensure or registration
20 so as to merit and receive the confidence and trust of the
21 public. Upon a finding by the Department that a person has
22 committed a violation of the disciplinary grounds of any
23 licensing Act administered by the Department with regard to
24 licenses, certificates, or authorities of persons exercising
25 the respective professions, trades, or occupations, the

1 Department is authorized to revoke, suspend, refuse to renew,
2 place on probationary status, fine, or take any other
3 disciplinary action it deems warranted against any licensee or
4 registrant whose conduct violates the continuing requirement
5 of good moral character.

6 (b) No application for licensure or registration shall be
7 denied by reason of a finding of lack of good moral character
8 when the finding is based solely upon the fact that the
9 applicant has previously been convicted of one or more criminal
10 offenses. When reviewing a prior conviction of an initial
11 applicant for the purpose of determining good moral character,
12 the Department shall consider evidence of rehabilitation and
13 mitigating factors in the applicant's record, including those
14 set forth in subsection (a) of Section 2105-131 of this Act.

15 (c) The Department shall not require applicants to report
16 the following information and shall not consider the following
17 criminal history records in connection with an application for
18 licensure or registration:

19 (1) juvenile adjudications of delinquent minors as
20 defined in Section 5-105 of the Juvenile Court Act of 1987
21 subject to the restrictions set forth in Section 5-130 of
22 that Act;

23 (2) law enforcement records, court records, and
24 conviction records of an individual who was 17 years old at
25 the time of the offense and before January 1, 2014, unless
26 the nature of the offense required the individual to be

1 tried as an adult;

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

4 (4) records of arrest where the charges were dismissed
5 unless related to the practice of the profession; however,
6 applicants shall not be asked to report any arrests, and an
7 arrest not followed by a conviction shall not be the basis
8 of a denial and may be used only to assess an applicant's
9 rehabilitation;

10 (5) convictions overturned by a higher court; or

11 (6) convictions or arrests that have been sealed or
12 expunged.

13 (Source: P.A. 98-1047, eff. 1-1-15.)

14 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

15 Sec. 2105-205. Publication of disciplinary actions; annual
16 report.

17 (a) The Department shall publish on its website, at least
18 monthly, final disciplinary actions taken by the Department
19 against a licensee or applicant pursuant to any licensing Act
20 administered by the Department. The specific disciplinary
21 action and the name of the applicant or licensee shall be
22 listed.

23 (b) No later than May 1 of each year, the Department must
24 prepare, publicly announce, and publish a report of summary
25 statistical information relating to new license,

1 certification, or registration applications during the
2 preceding calendar year. Each report shall show at minimum:

3 (1) the number of applicants for each new license,
4 certificate, or registration administered by the
5 Department in the previous calendar year;

6 (2) the number of applicants for a new license,
7 certificate, or registration within the previous calendar
8 year who had any criminal conviction;

9 (3) the number of applicants for a new license,
10 certificate, or registration in the previous calendar year
11 who were granted a license, registration, or certificate;

12 (4) the number of applicants for a new license,
13 certificate, or registration within the previous calendar
14 year with a criminal conviction who were granted a license,
15 certificate, or registration in the previous calendar
16 year;

17 (5) the number of applicants for a new license,
18 certificate, or registration in the previous calendar year
19 who were denied a license, registration, or certificate;

20 (6) the number of applicants for new license,
21 certificate, or registration in the previous calendar year
22 with a criminal conviction who were denied a license,
23 certificate, or registration in part or in whole because of
24 such conviction;

25 (7) the number of licenses issued on probation within
26 the previous calendar year to applicants with a criminal

1 conviction; and
2 (8) the number of licensees or certificate holders who
3 were granted expungement for a record of discipline based
4 on a conviction predating licensure, certification, or
5 registration or a criminal charge, arrest, or conviction
6 that was dismissed, sealed, or expunged or did not arise
7 from the regulated activity, as a share of the total such
8 expungement requests.

9 (Source: P.A. 99-227, eff. 8-3-15.)

10 (20 ILCS 2105/2105-207)

11 Sec. 2105-207. Records of Department actions.

12 (a) Any licensee subject to a licensing Act administered by
13 the Division of Professional Regulation and who has been
14 subject to disciplinary action by the Department may file an
15 application with the Department on forms provided by the
16 Department, along with the required fee of \$175 ~~\$200~~, to have
17 the records classified as confidential, not for public release,
18 and considered expunged for reporting purposes if:

19 (1) the application is submitted more than 3 ~~7~~ years
20 after the disciplinary offense or offenses occurred or
21 after restoration of the license, whichever is later;

22 (2) the licensee has had no incidents of discipline
23 under the licensing Act since the disciplinary offense or
24 offenses identified in the application occurred;

25 (3) the Department has no pending investigations

1 against the licensee; and

2 (4) the licensee is not currently in a disciplinary
3 status.

4 (b) An application to make disciplinary records
5 confidential shall only be considered by the Department for an
6 offense or action relating to:

7 (1) failure to pay taxes or student loans;

8 (2) continuing education;

9 (3) failure to renew a license on time;

10 (4) failure to obtain or renew a certificate of
11 registration or ancillary license;

12 (5) advertising; ~~or~~

13 (5.1) discipline based on criminal charges or
14 convictions:

15 (A) that did not arise from the licensed activity
16 and was unrelated to the licensed activity; or

17 (B) that were dismissed or for which records have
18 been sealed or expunged.

19 (5.2) past probationary status of a license issued to
20 new applicants on the sole or partial basis of prior
21 convictions; or

22 (6) any grounds for discipline removed from the
23 licensing Act.

24 (c) An application shall be submitted to and considered by
25 the Director of the Division of Professional Regulation upon
26 submission of an application and the required non-refundable

1 fee. The Department may establish additional requirements by
2 rule. The Department is not required to report the removal of
3 any disciplinary record to any national database. Nothing in
4 this Section shall prohibit the Department from using a
5 previous discipline for any regulatory purpose or from
6 releasing records of a previous discipline upon request from
7 law enforcement, or other governmental body as permitted by
8 law. Classification of records as confidential shall result in
9 removal of records of discipline from records kept pursuant to
10 Sections 2105-200 and 2105-205 of this Act.

11 (Source: P.A. 98-816, eff. 8-1-14.)

12 Section 10. The Criminal Identification Act is amended by
13 changing Section 12 as follows:

14 (20 ILCS 2630/12)

15 Sec. 12. Entry of order; effect of expungement or sealing
16 records.

17 (a) Except with respect to law enforcement agencies, the
18 Department of Corrections, State's Attorneys, or other
19 prosecutors, and as provided in Section 13 of this Act, an
20 expunged or sealed record may not be considered by any private
21 or public entity in employment matters, certification,
22 licensing, revocation of certification or licensure, or
23 registration. Applications for employment must contain
24 specific language which states that the applicant is not

1 obligated to disclose sealed or expunged records of conviction
2 or arrest. The entity authorized to grant a license,
3 certification, or registration shall include in an application
4 for licensure, certification, or registration specific
5 language stating that the applicant is not obligated to
6 disclose sealed or expunged records of a conviction or arrest;
7 however, if the inclusion of that language in an application
8 for licensure, certification, or registration is not
9 practical, the entity shall publish on its website instructions
10 specifying that applicants are not obligated to disclose sealed
11 or expunged records of a conviction or arrest. Employers may
12 not ask if an applicant has had records expunged or sealed.

13 (b) A person whose records have been sealed or expunged is
14 not entitled to remission of any fines, costs, or other money
15 paid as a consequence of the sealing or expungement. This
16 amendatory Act of the 93rd General Assembly does not affect the
17 right of the victim of a crime to prosecute or defend a civil
18 action for damages. Persons engaged in civil litigation
19 involving criminal records that have been sealed may petition
20 the court to open the records for the limited purpose of using
21 them in the course of litigation.

22 (Source: P.A. 93-211, eff. 1-1-04; 93-1084, eff. 6-1-05.)

23 Section 15. The Cigarette Tax Act is amended by changing
24 Sections 4, 4b, and 4c and by adding Section 4i as follows:

1 (35 ILCS 130/4) (from Ch. 120, par. 453.4)

2 Sec. 4. Distributor's license. No person may engage in
3 business as a distributor of cigarettes in this State within
4 the meaning of the first 2 definitions of distributor in
5 Section 1 of this Act without first having obtained a license
6 therefor from the Department. Application for license shall be
7 made to the Department in form as furnished and prescribed by
8 the Department. Each applicant for a license under this Section
9 shall furnish to the Department on the form signed and verified
10 by the applicant under penalty of perjury the following
11 information:

12 (a) The name and address of the applicant;

13 (b) The address of the location at which the applicant
14 proposes to engage in business as a distributor of
15 cigarettes in this State;

16 (c) Such other additional information as the
17 Department may lawfully require by its rules and
18 regulations.

19 The annual license fee payable to the Department for each
20 distributor's license shall be \$250. The purpose of such annual
21 license fee is to defray the cost, to the Department, of
22 serializing cigarette tax stamps. Each applicant for license
23 shall pay such fee to the Department at the time of submitting
24 his application for license to the Department.

25 Every applicant who is required to procure a distributor's
26 license shall file with his application a joint and several

1 bond. Such bond shall be executed to the Department of Revenue,
2 with good and sufficient surety or sureties residing or
3 licensed to do business within the State of Illinois, in the
4 amount of \$2,500, conditioned upon the true and faithful
5 compliance by the licensee with all of the provisions of this
6 Act. Such bond, or a reissue thereof, or a substitute therefor,
7 shall be kept in effect during the entire period covered by the
8 license. A separate application for license shall be made, a
9 separate annual license fee paid, and a separate bond filed,
10 for each place of business at which a person who is required to
11 procure a distributor's license under this Section proposes to
12 engage in business as a distributor in Illinois under this Act.

13 The following are ineligible to receive a distributor's
14 license under this Act:

15 (1) a person who is not of good character and
16 reputation in the community in which he resides; the
17 Department may consider past conviction of a felony but
18 the conviction shall not operate as an absolute bar to
19 licensure;

20 (2) a person who has been convicted of a felony
21 under any Federal or State law, if the Department,
22 after investigation and a hearing and consideration of
23 mitigating factors and evidence of rehabilitation
24 contained in the applicant's record, including those
25 in Section 4i, if requested by the applicant,
26 determines that such person has not been sufficiently

1 rehabilitated to warrant the public trust and the
2 conviction will impair the ability of the person to
3 engage in the position for which a license is sought;

4 (3) a corporation, if any officer, manager or
5 director thereof, or any stockholder or stockholders
6 owning in the aggregate more than 5% of the stock of
7 such corporation, would not be eligible to receive a
8 license under this Act for any reason;

9 (4) a person, or any person who owns more than 15
10 percent of the ownership interests in a person or a
11 related party who:

12 (a) owes, at the time of application, any
13 delinquent cigarette taxes that have been
14 determined by law to be due and unpaid, unless the
15 license applicant has entered into an agreement
16 approved by the Department to pay the amount due;

17 (b) had a license under this Act revoked within
18 the past two years by the Department for misconduct
19 relating to stolen or contraband cigarettes or has
20 been convicted of a State or federal crime,
21 punishable by imprisonment of one year or more,
22 relating to stolen or contraband cigarettes;

23 (c) manufactures cigarettes, whether in this
24 State or out of this State, and who is neither (i)
25 a participating manufacturer as defined in
26 subsection II(jj) of the "Master Settlement

1 Agreement" as defined in Sections 10 of the Tobacco
2 Products Manufacturers' Escrow Act and the Tobacco
3 Products Manufacturers' Escrow Enforcement Act of
4 2003 (30 ILCS 168/10 and 30 ILCS 167/10); nor (ii)
5 in full compliance with Tobacco Products
6 Manufacturers' Escrow Act and the Tobacco Products
7 Manufacturers' Escrow Enforcement Act of 2003 (30
8 ILCS 168/ and 30 ILCS 167/);

9 (d) has been found by the Department, after
10 notice and a hearing, to have imported or caused to
11 be imported into the United States for sale or
12 distribution any cigarette in violation of 19
13 U.S.C. 1681a;

14 (e) has been found by the Department, after
15 notice and a hearing, to have imported or caused to
16 be imported into the United States for sale or
17 distribution or manufactured for sale or
18 distribution in the United States any cigarette
19 that does not fully comply with the Federal
20 Cigarette Labeling and Advertising Act (15 U.S.C.
21 1331, et seq.); or

22 (f) has been found by the Department, after
23 notice and a hearing, to have made a material false
24 statement in the application or has failed to
25 produce records required to be maintained by this
26 Act.

1 The Department, upon receipt of an application, license fee
2 and bond in proper form, from a person who is eligible to
3 receive a distributor's license under this Act, shall issue to
4 such applicant a license in form as prescribed by the
5 Department, which license shall permit the applicant to which
6 it is issued to engage in business as a distributor at the
7 place shown in his application. All licenses issued by the
8 Department under this Act shall be valid for not to exceed one
9 year after issuance unless sooner revoked, canceled or
10 suspended as provided in this Act. No license issued under this
11 Act is transferable or assignable. Such license shall be
12 conspicuously displayed in the place of business conducted by
13 the licensee in Illinois under such license. No distributor
14 licensee acquires any vested interest or compensable property
15 right in a license issued under this Act.

16 A licensed distributor shall notify the Department of any
17 change in the information contained on the application form,
18 including any change in ownership and shall do so within 30
19 days after any such change.

20 Any person aggrieved by any decision of the Department
21 under this Section may, within 20 days after notice of the
22 decision, protest and request a hearing. Upon receiving a
23 request for a hearing, the Department shall give notice to the
24 person requesting the hearing of the time and place fixed for
25 the hearing and shall hold a hearing in conformity with the
26 provisions of this Act and then issue its final administrative

1 decision in the matter to that person. In the absence of a
2 protest and request for a hearing within 20 days, the
3 Department's decision shall become final without any further
4 determination being made or notice given.

5 (Source: P.A. 95-1053, eff. 1-1-10; 96-782, eff. 1-1-10.)

6 (35 ILCS 130/4b) (from Ch. 120, par. 453.4b)

7 Sec. 4b. (a) The Department may, in its discretion, upon
8 application, issue permits authorizing the payment of the tax
9 herein imposed by out-of-State cigarette manufacturers who are
10 not required to be licensed as distributors of cigarettes in
11 this State, but who elect to qualify under this Act as
12 distributors of cigarettes in this State, and who, to the
13 satisfaction of the Department, furnish adequate security to
14 insure payment of the tax, provided that any such permit shall
15 extend only to cigarettes which such permittee manufacturer
16 places in original packages that are contained inside a sealed
17 transparent wrapper. Such permits shall be issued without
18 charge in such form as the Department may prescribe and shall
19 not be transferable or assignable.

20 The following are ineligible to receive a distributor's
21 permit under this subsection:

22 (1) a person who is not of good character and
23 reputation in the community in which he resides; the
24 Department may consider past conviction of a felony but the
25 conviction shall not operate as an absolute bar to

1 receiving a permit;

2 (2) a person who has been convicted of a felony under
3 any Federal or State law, if the Department, after
4 investigation and a hearing and consideration of
5 mitigating factors and evidence of rehabilitation
6 contained in the applicant's record, including those in
7 Section 4i of this Act, ~~if requested by the applicant,~~
8 determines that such person has not been sufficiently
9 rehabilitated to warrant the public trust and the
10 conviction will impair the ability of the person to engage
11 in the position for which a permit is sought;

12 (3) a corporation, if any officer, manager or director
13 thereof, or any stockholder or stockholders owning in the
14 aggregate more than 5% of the stock of such corporation,
15 would not be eligible to receive a permit under this Act
16 for any reason.

17 With respect to cigarettes which come within the scope of
18 such a permit and which any such permittee delivers or causes
19 to be delivered in Illinois to licensed distributors, such
20 permittee shall remit the tax imposed by this Act at the times
21 provided for in Section 3 of this Act. Each such remittance
22 shall be accompanied by a return filed with the Department on a
23 form to be prescribed and furnished by the Department and shall
24 disclose such information as the Department may lawfully
25 require. The Department may promulgate rules to require that
26 the permittee's return be accompanied by appropriate

1 computer-generated magnetic media supporting schedule data in
2 the format prescribed by the Department, unless, as provided by
3 rule, the Department grants an exception upon petition of the
4 permittee. Each such return shall be accompanied by a copy of
5 each invoice rendered by the permittee to any licensed
6 distributor to whom the permittee delivered cigarettes of the
7 type covered by the permit (or caused cigarettes of the type
8 covered by the permit to be delivered) in Illinois during the
9 period covered by such return.

10 Such permit may be suspended, canceled or revoked when, at
11 any time, the Department considers that the security given is
12 inadequate, or that such tax can more effectively be collected
13 from distributors located in this State, or whenever the
14 permittee violates any provision of this Act or any lawful rule
15 or regulation issued by the Department pursuant to this Act or
16 is determined to be ineligible for a distributor's permit under
17 this Act as provided in this Section, whenever the permittee
18 shall notify the Department in writing of his desire to have
19 the permit canceled. The Department shall have the power, in
20 its discretion, to issue a new permit after such suspension,
21 cancellation or revocation, except when the person who would
22 receive the permit is ineligible to receive a distributor's
23 permit under this Act.

24 All permits issued by the Department under this Act shall
25 be valid for not to exceed one year after issuance unless
26 sooner revoked, canceled or suspended as in this Act provided.

1 (b) Out-of-state cigarette manufacturers who are not
2 required to be licensed as distributors of cigarettes in this
3 State and who do not elect to obtain approval under subsection
4 4b(a) to pay the tax imposed by this Act, but who elect to
5 qualify under this Act as distributors of cigarettes in this
6 State for purposes of shipping and delivering unstamped
7 original packages of cigarettes into this State to licensed
8 distributors, shall obtain a permit from the Department. These
9 permits shall be issued without charge in such form as the
10 Department may prescribe and shall not be transferable or
11 assignable.

12 The following are ineligible to receive a distributor's
13 permit under this subsection:

14 (1) a person who is not of good character and
15 reputation in the community in which he or she resides; the
16 Department may consider past conviction of a felony but the
17 conviction shall not operate as an absolute bar to
18 receiving a permit;

19 (2) a person who has been convicted of a felony under
20 any federal or State law, if the Department, after
21 investigation and a hearing and consideration of
22 mitigating factors and evidence of rehabilitation
23 contained in the applicant's record, including those set
24 forth in Section 4i of this Act, ~~if requested by the~~
25 ~~applicant,~~ determines that the person has not been
26 sufficiently rehabilitated to warrant the public trust and

1 the conviction will impair the ability of the person to
2 engage in the position for which a permit is sought; and

3 (3) a corporation, if any officer, manager, or director
4 thereof, or any stockholder or stockholders owning in the
5 aggregate more than 5% of the stock of the corporation,
6 would not be eligible to receive a permit under this Act
7 for any reason.

8 With respect to original packages of cigarettes that such
9 permittee delivers or causes to be delivered in Illinois and
10 distributes to the public for promotional purposes without
11 consideration, the permittee shall pay the tax imposed by this
12 Act by remitting the amount thereof to the Department by the
13 5th day of each month covering cigarettes shipped or otherwise
14 delivered in Illinois for those purposes during the preceding
15 calendar month. The permittee, before delivering those
16 cigarettes or causing those cigarettes to be delivered in this
17 State, shall evidence his or her obligation to remit the taxes
18 due with respect to those cigarettes by imprinting language to
19 be prescribed by the Department on each original package of
20 cigarettes, in such place thereon and in such manner also to be
21 prescribed by the Department. The imprinted language shall
22 acknowledge the permittee's payment of or liability for the tax
23 imposed by this Act with respect to the distribution of those
24 cigarettes.

25 With respect to cigarettes that the permittee delivers or
26 causes to be delivered in Illinois to Illinois licensed

1 distributors or distributed to the public for promotional
2 purposes, the permittee shall, by the 5th day of each month,
3 file with the Department, a report covering cigarettes shipped
4 or otherwise delivered in Illinois to licensed distributors or
5 distributed to the public for promotional purposes during the
6 preceding calendar month on a form to be prescribed and
7 furnished by the Department and shall disclose such other
8 information as the Department may lawfully require. The
9 Department may promulgate rules to require that the permittee's
10 report be accompanied by appropriate computer-generated
11 magnetic media supporting schedule data in the format
12 prescribed by the Department, unless, as provided by rule, the
13 Department grants an exception upon petition of the permittee.
14 Each such report shall be accompanied by a copy of each invoice
15 rendered by the permittee to any purchaser to whom the
16 permittee delivered cigarettes of the type covered by the
17 permit (or caused cigarettes of the type covered by the permit
18 to be delivered) in Illinois during the period covered by such
19 report.

20 Such permit may be suspended, canceled, or revoked whenever
21 the permittee violates any provision of this Act or any lawful
22 rule or regulation issued by the Department pursuant to this
23 Act, is determined to be ineligible for a distributor's permit
24 under this Act as provided in this Section, or notifies the
25 Department in writing of his or her desire to have the permit
26 canceled. The Department shall have the power, in its

1 discretion, to issue a new permit after such suspension,
2 cancellation, or revocation, except when the person who would
3 receive the permit is ineligible to receive a distributor's
4 permit under this Act.

5 All permits issued by the Department under this Act shall
6 be valid for a period not to exceed one year after issuance
7 unless sooner revoked, canceled, or suspended as provided in
8 this Act.

9 (Source: P.A. 96-782, eff. 1-1-10.)

10 (35 ILCS 130/4c)

11 Sec. 4c. Secondary distributor's license. No person may
12 engage in business as a secondary distributor of cigarettes in
13 this State without first having obtained a license therefor
14 from the Department. Application for license shall be made to
15 the Department on a form as furnished and prescribed by the
16 Department. Each applicant for a license under this Section
17 shall furnish the following information to the Department on a
18 form signed and verified by the applicant under penalty of
19 perjury:

20 (1) the name and address of the applicant;

21 (2) the address of the location at which the applicant
22 proposes to engage in business as a secondary distributor
23 of cigarettes in this State; and

24 (3) such other additional information as the
25 Department may reasonably require.

1 The annual license fee payable to the Department for each
2 secondary distributor's license shall be \$250. Each applicant
3 for a license shall pay such fee to the Department at the time
4 of submitting an application for license to the Department.

5 A separate application for license shall be made and
6 separate annual license fee paid for each place of business at
7 which a person who is required to procure a secondary
8 distributor's license under this Section proposes to engage in
9 business as a secondary distributor in Illinois under this Act.

10 The following are ineligible to receive a secondary
11 distributor's license under this Act:

12 (1) a person who is not of good character and
13 reputation in the community in which he resides; the
14 Department may consider past conviction of a felony but the
15 conviction shall not operate as an absolute bar to
16 receiving a license;

17 (2) a person who has been convicted of a felony under
18 any federal or State law, if the Department, after
19 investigation and a hearing and consideration of the
20 mitigating factors provided in subsection (b) of Section 4i
21 of this Act, if requested by the applicant, determines that
22 such person has not been sufficiently rehabilitated to
23 warrant the public trust and the conviction will impair the
24 ability of the person to engage in the position for which a
25 license is sought;

26 (3) a corporation, if any officer, manager, or director

1 thereof, or any stockholder or stockholders owning in the
2 aggregate more than 5% of the stock of such corporation,
3 would not be eligible to receive a license under this Act
4 for any reason;

5 (4) a person who manufactures cigarettes, whether in
6 this State or out of this State;

7 (5) a person, or any person who owns more than 15% of
8 the ownership interests in a person or a related party who:

9 (A) owes, at the time of application, any
10 delinquent cigarette taxes that have been determined
11 by law to be due and unpaid, unless the license
12 applicant has entered into an agreement approved by the
13 Department to pay the amount due;

14 (B) had a license under this Act revoked within the
15 past two years by the Department or has been convicted
16 of a State or federal crime, punishable by imprisonment
17 of one year or more, relating to stolen or contraband
18 cigarettes;

19 (C) has been found by the Department, after notice
20 and a hearing, to have imported or caused to be
21 imported into the United States for sale or
22 distribution any cigarette in violation of 19 U.S.C.
23 1681a;

24 (D) has been found by the Department, after notice
25 and a hearing, to have imported or caused to be
26 imported into the United States for sale or

1 distribution or manufactured for sale or distribution
2 in the United States any cigarette that does not fully
3 comply with the Federal Cigarette Labeling and
4 Advertising Act (15 U.S.C. 1331, et seq.); or

5 (E) has been found by the Department, after notice
6 and a hearing, to have made a material false statement
7 in the application or has failed to produce records
8 required to be maintained by this Act.

9 The Department, upon receipt of an application and license
10 fee from a person who is eligible to receive a secondary
11 distributor's license under this Act, shall issue to such
12 applicant a license in such form as prescribed by the
13 Department. The license shall permit the applicant to which it
14 is issued to engage in business as a secondary distributor at
15 the place shown in his application. All licenses issued by the
16 Department under this Act shall be valid for a period not to
17 exceed one year after issuance unless sooner revoked, canceled,
18 or suspended as provided in this Act. No license issued under
19 this Act is transferable or assignable. Such license shall be
20 conspicuously displayed in the place of business conducted by
21 the licensee in Illinois under such license. No secondary
22 distributor licensee acquires any vested interest or
23 compensable property right in a license issued under this Act.

24 A licensed secondary distributor shall notify the
25 Department of any change in the information contained on the
26 application form, including any change in ownership, and shall

1 do so within 30 days after any such change.

2 Any person aggrieved by any decision of the Department
3 under this Section may, within 20 days after notice of the
4 decision, protest and request a hearing. Upon receiving a
5 request for a hearing, the Department shall give notice to the
6 person requesting the hearing of the time and place fixed for
7 the hearing and shall hold a hearing in conformity with the
8 provisions of this Act and then issue its final administrative
9 decision in the matter to that person. In the absence of a
10 protest and request for a hearing within 20 days, the
11 Department's decision shall become final without any further
12 determination being made or notice given.

13 (Source: P.A. 96-1027, eff. 7-12-10.)

14 (35 ILCS 130/4i new)

15 Sec. 4i. Applicant convictions.

16 (a) The Department shall not require applicants to report
17 the following information and shall not consider the following
18 criminal history records in connection with an application for
19 a license or permit under this Act:

20 (1) Juvenile adjudications of delinquent minors as
21 defined in Section 5-105 of the Juvenile Court Act of 1987,
22 subject to the restrictions set forth in Section 5-130 of
23 the Juvenile Court Act of 1987.

24 (2) Law enforcement records, court records, and
25 conviction records of an individual who was 17 years old at

1 the time of the offense and before January 1, 2014, unless
2 the nature of the offense required the individual to be
3 tried as an adult.

4 (3) Records of arrest not followed by a conviction.

5 (4) Convictions overturned by a higher court.

6 (5) Convictions or arrests that have been sealed or
7 expunged.

8 (b) The Department, upon a finding that an applicant for a
9 license or permit was previously convicted of a felony under
10 any federal or State law, shall consider any mitigating factors
11 and evidence of rehabilitation contained in the applicant's
12 record, including any of the following factors and evidence, to
13 determine if the applicant has been sufficiently rehabilitated
14 and whether a prior conviction will impair the ability of the
15 applicant to engage in the position for which a license or
16 permit is sought:

17 (1) the lack of direct relation of the offense for
18 which the applicant was previously convicted to the duties,
19 functions, and responsibilities of the position for which a
20 license or permit is sought;

21 (2) whether 5 years since a felony conviction or 3
22 years since release from confinement for the conviction,
23 whichever is later, have passed without a subsequent
24 conviction;

25 (3) if the applicant was previously licensed or
26 employed in this State or other states or jurisdictions,

1 then the lack of prior misconduct arising from or related
2 to the licensed position or position of employment;

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

5 (5) successful completion of sentence and, for
6 applicants serving a term of parole or probation, a
7 progress report provided by the applicant's probation or
8 parole officer that documents the applicant's compliance
9 with conditions of supervision;

10 (6) evidence of the applicant's present fitness and
11 professional character;

12 (7) evidence of rehabilitation or rehabilitative
13 effort during or after incarceration, or during or after a
14 term of supervision, including, but not limited to, a
15 certificate of good conduct under Section 5-5.5-25 of the
16 Unified Code of Corrections or a certificate of relief from
17 disabilities under Section 5-5.5-10 of the Unified Code of
18 Corrections; and

19 (8) any other mitigating factors that contribute to the
20 person's potential and current ability to perform the
21 duties and responsibilities of the position for which a
22 license, permit or employment is sought.

23 (c) If the Department refuses to issue a license or permit
24 to an applicant, then the Department shall notify the applicant
25 of the denial in writing with the following included in the
26 notice of denial:

1 (1) a statement about the decision to refuse to issue a
2 license or permit;

3 (2) a list of the convictions that the Department
4 determined will impair the applicant's ability to engage in
5 the position for which a license or permit is sought;

6 (3) a list of convictions that formed the sole or
7 partial basis for the refusal to issue a license or permit;
8 and

9 (4) a summary of the appeal process or the earliest the
10 applicant may reapply for a license, whichever is
11 applicable.

12 (d) No later than May 1 of each year, the Department must
13 prepare, publicly announce, and publish a report of summary
14 statistical information relating to new and renewal license or
15 permit applications during the preceding calendar year. Each
16 report shall show, at a minimum:

17 (1) the number of applicants for a new or renewal
18 license or permit under this Act within the previous
19 calendar year;

20 (2) the number of applicants for a new or renewal
21 license or permit under this Act within the previous
22 calendar year who had any criminal conviction;

23 (3) the number of applicants for a new or renewal
24 license or permit under this Act in the previous calendar
25 year who were granted a license or permit;

26 (4) the number of applicants for a new or renewal

1 license or permit with a criminal conviction who were
2 granted a license or permit under this Act within the
3 previous calendar year;

4 (5) the number of applicants for a new or renewal
5 license or permit under this Act within the previous
6 calendar year who were denied a license or permit; and

7 (6) the number of applicants for a new or renewal
8 license or permit with a criminal conviction who were
9 denied a license or permit under this Act in the previous
10 calendar year in whole or in part because of a prior
11 conviction.

12 Section 20. The Counties Code is amended by changing
13 Section 5-10004 and by adding Section 5-10004a as follows:

14 (55 ILCS 5/5-10004) (from Ch. 34, par. 5-10004)

15 Sec. 5-10004. Qualifications for license. A license to
16 operate or maintain a dance hall may be issued by the county
17 board to any citizen, firm or corporation of the State, who

18 (1) Submits a written application for a license, which
19 application shall state, and the applicant shall state under
20 oath:

21 (a) The name, address, and residence of the applicant,
22 and the length of time he has lived at that residence;~~;~~+

23 (b) The place of birth of the applicant, and if the
24 applicant is a naturalized citizen, the time and place of

1 such naturalization;

2 (c) Whether the applicant has a prior felony
3 conviction; and ~~That the applicant has never been convicted~~
4 ~~of a felony, or of a misdemeanor punishable under the laws~~
5 ~~of this State by a minimum imprisonment of six months or~~
6 ~~longer.~~

7 (d) The location of the place or building where the
8 applicant intends to operate or maintain the dance hall.

9 (2) And who establishes:

10 (a) That he is a person of good moral character; and

11 (b) that the place or building where the dance hall or
12 road house is to be operated or maintained, reasonably
13 conforms to all laws, and health and fire regulations
14 applicable thereto, and is properly ventilated and
15 supplied with separate and sufficient toilet arrangements
16 for each sex, and is a safe and proper place or building
17 for a public dance hall or road house.

18 (Source: P.A. 86-962.)

19 (55 ILCS 5/5-10004a new)

20 Sec. 5-10004a. Applicant convictions.

21 (a) Applicants shall not be required to report the
22 following information and the following information shall not
23 be considered in connection with an application for a license
24 under this Act:

25 (1) Juvenile adjudications of delinquent minors, as

1 defined in Section 5-105 of the Juvenile Court Act of 1987,
2 subject to the restrictions set forth in Section 5-130 of
3 the Juvenile Court Act of 1987.

4 (2) Law enforcement records, court records, and
5 conviction records of an individual who was 17 years old at
6 the time of the offense and before January 1, 2014, unless
7 the nature of the offense required the individual to be
8 tried as an adult.

9 (3) Records of arrest not followed by a conviction.

10 (4) Convictions overturned by a higher court.

11 (5) Convictions or arrests that have been sealed or
12 expunged.

13 (b) No application for a license under this Division shall
14 be denied by reason of a finding of lack of good moral
15 character when the finding is based upon the fact that the
16 applicant has previously been convicted of one or more criminal
17 offenses.

18 (c) The county board, upon finding that an applicant for a
19 license under this Act has a prior conviction for a felony,
20 shall consider any evidence of rehabilitation and mitigating
21 factors contained in the applicant's record, including any of
22 the following factors and evidence, to determine if the
23 conviction will impair the ability of the applicant to engage
24 in the position for which a license is sought:

25 (1) the lack of direct relation of the offense for
26 which the applicant was previously convicted to the duties,

1 functions, and responsibilities of the position for which a
2 license is sought;

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

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

11 (4) the age of the person at the time of the criminal
12 offense;

13 (5) successful completion of sentence and, for
14 applicants serving a term of parole or probation, a
15 progress report provided by the applicant's probation or
16 parole officer that documents the applicant's compliance
17 with conditions of supervision;

18 (6) evidence of the applicant's present fitness and
19 professional character;

20 (7) evidence of rehabilitation or rehabilitative
21 effort during or after incarceration, or during or after a
22 term of supervision, including, but not limited to, a
23 certificate of good conduct under Section 5-5.5-25 of the
24 Unified Code of Corrections or a certificate of relief from
25 disabilities under Section 5-5.5-10 of the Unified Code of
26 Corrections; and

1 (8) any other mitigating factors that contribute to the
2 person's potential and current ability to perform the
3 duties and responsibilities of the position for which a
4 license or employment is sought.

5 (d) If the county board refuses to issue a license to an
6 applicant, then the county board shall notify the applicant of
7 the denial in writing with the following included in the notice
8 of denial:

9 (1) a statement about the decision to refuse to issue a
10 license;

11 (2) a list of the convictions that the county board
12 determined will impair the applicant's ability to engage in
13 the position for which a license is sought;

14 (3) a list of convictions that formed the sole or
15 partial basis for the refusal to issue a license; and

16 (4) a summary of the appeal process or the earliest the
17 applicant may reapply for a license, whichever is
18 applicable.

19 (e) No later than May 1 of each year, the board must
20 prepare, publicly announce, and publish a report of summary
21 statistical information relating to new and renewal license
22 applications during the preceding calendar year. Each report
23 shall show, at a minimum:

24 (1) the number of applicants for a new or renewal
25 license under this Act within the previous calendar year;

26 (2) the number of applicants for a new or renewal

1 license under this Act within the previous calendar year
2 who had any criminal conviction;

3 (3) the number of applicants for a new or renewal
4 license under this Act in the previous calendar year who
5 were granted a license;

6 (4) the number of applicants for a new or renewal
7 license with a criminal conviction who were granted a
8 license under this Act within the previous calendar year;

9 (5) the number of applicants for a new or renewal
10 license under this Act within the previous calendar year
11 who were denied a license; and

12 (6) the number of applicants for a new or renewal
13 license with a criminal conviction who were denied a
14 license under this Act in the previous calendar year in
15 whole or in part because of a prior conviction.

16 Section 25. The Illinois Insurance Code is amended by
17 changing Sections 500-30, 500-70, 1525, and 1555 and by adding
18 Sections 500-76 and 1550 as follows:

19 (215 ILCS 5/500-30)

20 (Section scheduled to be repealed on January 1, 2027)

21 Sec. 500-30. Application for license.

22 (a) An individual applying for a resident insurance
23 producer license must make application on a form specified by
24 the Director and declare under penalty of refusal, suspension,

1 or revocation of the license that the statements made in the
 2 application are true, correct, and complete to the best of the
 3 individual's knowledge and belief. Before approving the
 4 application, the Director must find that the individual:

5 (1) is at least 18 years of age;

6 (2) has not committed any act that is a ground for
 7 denial, suspension, or revocation set forth in Section
 8 500-70 or 500-76 or the individual who committed the act
 9 has been sufficiently rehabilitated;

10 (3) has completed, if required by the Director, a
 11 pre-licensing course of study before the insurance exam for
 12 the lines of authority for which the individual has applied
 13 (an individual who successfully completes the Fire and
 14 Casualty pre-licensing courses also meets the requirements
 15 for Personal Lines-Property and Casualty);

16 (4) has paid the fees set forth in Section 500-135; and

17 (5) has successfully passed the examinations for the
 18 lines of authority for which the person has applied.

19 (b) A pre-licensing course of study for each class of
 20 insurance for which an insurance producer license is requested
 21 must be established in accordance with rules prescribed by the
 22 Director and must consist of the following minimum hours:

Class of Insurance	Number of Hours
Life (Class 1 (a))	20
Accident and Health (Class 1(b) or 2(a))	20

1	Fire (Class 3)	20
2	Casualty (Class 2)	20
3	Personal Lines-Property Casualty	20
4	Motor Vehicle (Class 2(b) or 3(e))	12.5

5 7.5 hours of each pre-licensing course must be completed in
6 a classroom setting, except Motor Vehicle, which would require
7 5 hours in a classroom setting.

8 (c) A business entity acting as an insurance producer must
9 obtain an insurance producer license. Application must be made
10 using the Uniform Business Entity Application. Before
11 approving the application, the Director must find that:

12 (1) the business entity has paid the fees set forth in
13 Section 500-135; and

14 (2) the business entity has designated a licensed
15 producer responsible for the business entity's compliance
16 with the insurance laws and rules of this State.

17 (d) The Director may require any documents reasonably
18 necessary to verify the information contained in an
19 application.

20 (Source: P.A. 96-839, eff. 1-1-10.)

21 (215 ILCS 5/500-70)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 500-70. License denial, nonrenewal, or revocation.

24 (a) The Director may place on probation, suspend, revoke,
25 or refuse to issue or renew an insurance producer's license or

1 may levy a civil penalty in accordance with this Section or
2 take any combination of actions, for any one or more of the
3 following causes:

4 (1) providing incorrect, misleading, incomplete, or
5 materially untrue information in the license application;

6 (2) violating any insurance laws, or violating any
7 rule, subpoena, or order of the Director or of another
8 state's insurance commissioner;

9 (3) obtaining or attempting to obtain a license through
10 misrepresentation or fraud;

11 (4) improperly withholding, misappropriating or
12 converting any moneys or properties received in the course
13 of doing insurance business;

14 (5) intentionally misrepresenting the terms of an
15 actual or proposed insurance contract or application for
16 insurance;

17 (6) for licensees, having been convicted of a felony,
18 unless the individual demonstrates to the Director
19 sufficient rehabilitation to warrant the public trust;

20 (7) having admitted or been found to have committed any
21 insurance unfair trade practice or fraud;

22 (8) using fraudulent, coercive, or dishonest
23 practices, or demonstrating incompetence,
24 untrustworthiness or financial irresponsibility in the
25 conduct of business in this State or elsewhere;

26 (9) having an insurance producer license, or its

1 equivalent, denied, suspended, or revoked in any other
2 state, province, district or territory;

3 (10) forging a name to an application for insurance or
4 to a document related to an insurance transaction;

5 (11) improperly using notes or any other reference
6 material to complete an examination for an insurance
7 license;

8 (12) knowingly accepting insurance business from an
9 individual who is not licensed;

10 (13) failing to comply with an administrative or court
11 order imposing a child support obligation;

12 (14) failing to pay state income tax or penalty or
13 interest or comply with any administrative or court order
14 directing payment of state income tax or failed to file a
15 return or to pay any final assessment of any tax due to the
16 Department of Revenue;

17 (15) failing to make satisfactory repayment to the
18 Illinois Student Assistance Commission for a delinquent or
19 defaulted student loan; or

20 (16) failing to comply with any provision of the
21 Viatical Settlements Act of 2009.

22 (b) If the action by the Director is to nonrenew, suspend,
23 or revoke a license or to deny an application for a license,
24 the Director shall notify the applicant or licensee and advise,
25 in writing, the applicant or licensee of the reason for the
26 suspension, revocation, denial or nonrenewal of the

1 applicant's or licensee's license. The applicant or licensee
2 may make written demand upon the Director within 30 days after
3 the date of mailing for a hearing before the Director to
4 determine the reasonableness of the Director's action. The
5 hearing must be held within not fewer than 20 days nor more
6 than 30 days after the mailing of the notice of hearing and
7 shall be held pursuant to 50 Ill. Adm. Code 2402.

8 (c) The license of a business entity may be suspended,
9 revoked, or refused if the Director finds, after hearing, that
10 an individual licensee's violation was known or should have
11 been known by one or more of the partners, officers, or
12 managers acting on behalf of the partnership, corporation,
13 limited liability company, or limited liability partnership
14 and the violation was neither reported to the Director nor
15 corrective action taken.

16 (d) In addition to or instead of any applicable denial,
17 suspension, or revocation of a license, a person may, after
18 hearing, be subject to a civil penalty of up to \$10,000 for
19 each cause for denial, suspension, or revocation, however, the
20 civil penalty may total no more than \$100,000.

21 (e) The Director has the authority to enforce the
22 provisions of and impose any penalty or remedy authorized by
23 this Article against any person who is under investigation for
24 or charged with a violation of this Code or rules even if the
25 person's license or registration has been surrendered or has
26 lapsed by operation of law.

1 (f) Upon the suspension, denial, or revocation of a
2 license, the licensee or other person having possession or
3 custody of the license shall promptly deliver it to the
4 Director in person or by mail. The Director shall publish all
5 suspensions, denials, or revocations after the suspensions,
6 denials, or revocations become final in a manner designed to
7 notify interested insurance companies and other persons.

8 (g) A person whose license is revoked or whose application
9 is denied pursuant to this Section is ineligible to apply for
10 any license for 3 years after the revocation or denial. A
11 person whose license as an insurance producer has been revoked,
12 suspended, or denied may not be employed, contracted, or
13 engaged in any insurance related capacity during the time the
14 revocation, suspension, or denial is in effect.

15 (Source: P.A. 96-736, eff. 7-1-10.)

16 (215 ILCS 5/500-76 new)

17 Sec. 500-76. Applicant convictions.

18 (a) The Director and the Department shall not require
19 applicants to report the following information and shall not
20 collect and consider the following criminal history records in
21 connection with an insurance producer license application:

22 (1) Juvenile adjudications of delinquent minors as
23 defined in Section 5-105 of the Juvenile Court Act of 1987,
24 subject to the restrictions set forth in Section 5-130 of
25 that Act.

1 (2) Law enforcement records, court records, and
2 conviction records of an individual who was 17 years old at
3 the time of the offense and before January 1, 2014, unless
4 the nature of the offense required the individual to be
5 tried as an adult.

6 (3) Records of arrest not followed by a charge or
7 conviction.

8 (4) Records of arrest where charges were dismissed
9 unless related to the duties and responsibilities of an
10 insurance producer. However, applicants shall not be asked
11 to report any arrests, and any arrest not followed by a
12 conviction shall not be the basis of a denial and may be
13 used only to assess an applicant's rehabilitation.

14 (5) Convictions overturned by a higher court.

15 (6) Convictions or arrests that have been sealed or
16 expunged.

17 (b) The Director, upon a finding that an applicant for a
18 license under this Act was previously convicted of a felony,
19 shall consider any mitigating factors and evidence of
20 rehabilitation contained in the applicant's record, including
21 any of the following factors and evidence, to determine if the
22 prior conviction will impair the ability of the applicant to
23 engage in the position for which a license is sought:

24 (1) the bearing, if any, of the offense for which the
25 applicant was previously convicted on the duties and
26 functions of the position for which a license is sought;

1 (2) whether the conviction suggests a future
2 propensity to endanger the safety and property of others
3 while performing the duties and responsibilities for which
4 a license is sought;

5 (3) whether 5 years since a felony conviction or 3
6 years since release from confinement for the conviction,
7 whichever is later, have passed without a subsequent
8 conviction;

9 (4) if the applicant was previously licensed or
10 employed in this State or other states or jurisdictions,
11 then the lack of prior misconduct arising from or related
12 to the licensed position or position of employment;

13 (5) the age of the person at the time of the criminal
14 offense;

15 (6) successful completion of sentence and, for
16 applicants serving a term of parole or probation, a
17 progress report provided by the applicant's probation or
18 parole officer that documents the applicant's compliance
19 with conditions of supervision;

20 (7) evidence of the applicant's present fitness and
21 professional character;

22 (8) 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 (9) any other mitigating factors that contribute to the
4 person's potential and current ability to perform the
5 duties and responsibilities of an insurance producer.

6 (c) If a nonresident licensee meets the standards set forth
7 in items (1) through (4) of subsection (a) of Section 500-40
8 and has received consent pursuant to 18 U.S.C. 1033(e) (2) from
9 his or her home state, the Director shall grant the nonresident
10 licensee a license.

11 (d) If the Director refuses to issue a license to an
12 applicant based upon a conviction or convictions in whole or in
13 part, then the Director shall notify the applicant of the
14 denial in writing with the following included in the notice of
15 denial:

16 (1) a statement about the decision to refuse to issue a
17 license;

18 (2) a list of convictions that the Director determined
19 will impair the applicant's ability to engage in the
20 position for which a license is sought;

21 (3) a list of the convictions that were the sole or
22 partial basis for the refusal to issue a license; and

23 (4) a summary of the appeal process or the earliest the
24 applicant may reapply for a license, whichever is
25 applicable.

1 (215 ILCS 5/1525)

2 Sec. 1525. Resident license.

3 (a) Before issuing a public adjuster license to an
4 applicant under this Section, the Director shall find that the
5 applicant:

6 (1) is eligible to designate this State as his or her
7 home state or is a nonresident who is not eligible for a
8 license under Section 1540;

9 (2) is sufficiently rehabilitated in cases in which the
10 applicant has ~~not~~ committed any act that is a ground for
11 denial, suspension, or revocation of a license as set forth
12 in Section 1555;

13 (3) is trustworthy, reliable, competent, and of good
14 reputation, evidence of which may be determined by the
15 Director;

16 (4) is financially responsible to exercise the license
17 and has provided proof of financial responsibility as
18 required in Section 1560 of this Article; and

19 (5) maintains an office in the home state of residence
20 with public access by reasonable appointment or regular
21 business hours. This includes a designated office within a
22 home state of residence.

23 (b) In addition to satisfying the requirements of
24 subsection (a) of this Section, an individual shall:

25 (1) be at least 18 years of age;

26 (2) have successfully passed the public adjuster

1 examination;

2 (3) designate a licensed individual public adjuster
3 responsible for the business entity's compliance with the
4 insurance laws, rules, and regulations of this State; and

5 (4) designate only licensed individual public
6 adjusters to exercise the business entity's license.

7 (c) The Director may require any documents reasonably
8 necessary to verify the information contained in the
9 application.

10 (Source: P.A. 96-1332, eff. 1-1-11.)

11 (215 ILCS 5/1550 new)

12 Sec. 1550. Applicant convictions.

13 (a) The Director and the Department shall not require
14 applicants to report the following information and shall not
15 collect or consider the following criminal history records in
16 connection with a public adjuster license application:

17 (1) Juvenile adjudications of delinquent minors as
18 defined in Section 5-105 of the Juvenile Court Act of 1987,
19 subject to the restrictions set forth in Section 5-130 of
20 that Act.

21 (2) Law enforcement records, court records, and
22 conviction records of an individual who was 17 years old at
23 the time of the offense and before January 1, 2014, unless
24 the nature of the offense required the individual to be
25 tried as an adult.

1 (3) Records of arrest not followed by a formal charge
2 or conviction.

3 (4) Records of arrest where charges were dismissed
4 unless related to the duties and responsibilities of a
5 public adjuster. However, applicants shall not be asked to
6 report any arrests, and any arrest not followed by a
7 conviction shall not be the basis of a denial and may be
8 used only to assess an applicant's rehabilitation.

9 (5) Convictions overturned by a higher court.

10 (6) Convictions or arrests that have been sealed or
11 expunged.

12 (b) The Director, upon a finding that an applicant for a
13 license under this Act was previously convicted of any felony
14 or a misdemeanor directly related to the practice of the
15 profession, shall consider any mitigating factors and evidence
16 of rehabilitation contained in the applicant's record,
17 including any of the following factors and evidence, to
18 determine if the prior conviction will impair the ability of
19 the applicant to engage in the position for which a license is
20 sought:

21 (1) the bearing, if any, of the offense for which the
22 applicant was previously convicted on the duties,
23 functions, and responsibilities of the position for which a
24 license is sought;

25 (2) whether the conviction suggests a future
26 propensity to endanger the safety and property of others

1 while performing the duties and responsibilities for which
2 a license is sought;

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

7 (4) whether 5 years since a felony conviction or 3
8 years since release from confinement for the conviction,
9 whichever is later, have passed without a subsequent
10 conviction;

11 (5) successful completion of sentence and, for
12 applicants serving a term of parole or probation, a
13 progress report provided by the applicant's probation or
14 parole officer that documents the applicant's compliance
15 with conditions of supervision;

16 (6) evidence of the applicant's present fitness and
17 professional character;

18 (7) evidence of rehabilitation or rehabilitative
19 effort during or after incarceration or during or after a
20 term of supervision, including, but not limited to, a
21 certificate of good conduct under Section 5-5.5-25 of the
22 Unified Code of Corrections or certificate of relief from
23 disabilities under Section 5-5.5-10 of the Unified Code of
24 Corrections; and

25 (8) any other mitigating factors that contribute to the
26 person's potential and current ability to perform the

1 duties and responsibilities of a public adjuster.

2 (c) If a nonresident licensee meets the standards set forth
3 in items (1) through (4) of subsection (a) of Section 1540 and
4 has received consent pursuant to 18 U.S.C. 1033(e) (2) from his
5 or her home state, the Director shall grant the nonresident
6 licensee a license.

7 (d) If the Director refuses to issue a license to an
8 applicant based on a conviction or convictions, in whole or in
9 part, then the Director shall notify the applicant of the
10 denial in writing with the following included in the notice of
11 denial:

12 (1) a statement about the decision to refuse to issue a
13 license;

14 (2) a list of convictions that the Director determined
15 will impair the applicant's ability to engage in the
16 position for which a license is sought;

17 (3) a list of the convictions that were the sole or
18 partial basis for the refusal to issue a license; and

19 (4) a summary of the appeal process or the earliest the
20 applicant may reapply for a license, whichever is
21 applicable.

22 (215 ILCS 5/1555)

23 Sec. 1555. License denial, nonrenewal, or revocation.

24 (a) The Director may place on probation, suspend, revoke,
25 deny, or refuse to issue or renew a public adjuster's license

1 or may levy a civil penalty or any combination of actions, for
2 any one or more of the following causes:

3 (1) providing incorrect, misleading, incomplete, or
4 materially untrue information in the license application;

5 (2) violating any insurance laws, or violating any
6 regulation, subpoena, or order of the Director or of
7 another state's Director;

8 (3) obtaining or attempting to obtain a license through
9 misrepresentation or fraud;

10 (4) improperly withholding, misappropriating, or
11 converting any monies or properties received in the course
12 of doing insurance business;

13 (5) intentionally misrepresenting the terms of an
14 actual or proposed insurance contract or application for
15 insurance;

16 (6) for licensees, having been convicted of a felony or
17 misdemeanor involving dishonesty or fraud, unless the
18 individual demonstrates to the Director sufficient
19 rehabilitation to warrant the public trust;

20 (7) having admitted or been found to have committed any
21 insurance unfair trade practice or insurance fraud;

22 (8) using fraudulent, coercive, or dishonest
23 practices; or demonstrating incompetence,
24 untrustworthiness, or financial irresponsibility in the
25 conduct of business in this State or elsewhere;

26 (9) having an insurance license or public adjuster

1 license or its equivalent, denied, suspended, or revoked in
2 any other state, province, district, or territory;

3 (10) forging another's name to an application for
4 insurance or to any document related to an insurance
5 transaction;

6 (11) cheating, including improperly using notes or any
7 other reference material, to complete an examination for an
8 insurance license or public adjuster license;

9 (12) knowingly accepting insurance business from or
10 transacting business with an individual who is not licensed
11 but who is required to be licensed by the Director;

12 (13) failing to comply with an administrative or court
13 order imposing a child support obligation;

14 (14) failing to pay State income tax or comply with any
15 administrative or court order directing payment of State
16 income tax;

17 (15) failing to comply with or having violated any of
18 the standards set forth in Section 1590 of this Law; or

19 (16) failing to maintain the records required by
20 Section 1585 of this Law.

21 (b) If the action by the Director is to nonrenew, suspend,
22 or revoke a license or to deny an application for a license,
23 the Director shall notify the applicant or licensee and advise,
24 in writing, the applicant or licensee of the reason for the
25 suspension, revocation, denial, or nonrenewal of the
26 applicant's or licensee's license. The applicant or licensee

1 may make written demand upon the Director within 30 days after
2 the date of mailing for a hearing before the Director to
3 determine the reasonableness of the Director's action. The
4 hearing must be held within not fewer than 20 days nor more
5 than 30 days after the mailing of the notice of hearing and
6 shall be held pursuant to 50 Ill. Adm. Code 2402.

7 (c) The license of a business entity may be suspended,
8 revoked, or refused if the Director finds, after hearing, that
9 an individual licensee's violation was known or should have
10 been known by one or more of the partners, officers, or
11 managers acting on behalf of the business entity and the
12 violation was neither reported to the Director, nor corrective
13 action taken.

14 (d) In addition to or in lieu of any applicable denial,
15 suspension or revocation of a license, a person may, after
16 hearing, be subject to a civil penalty. In addition to or
17 instead of any applicable denial, suspension, or revocation of
18 a license, a person may, after hearing, be subject to a civil
19 penalty of up to \$10,000 for each cause for denial, suspension,
20 or revocation, however, the civil penalty may total no more
21 than \$100,000.

22 (e) The Director shall retain the authority to enforce the
23 provisions of and impose any penalty or remedy authorized by
24 this Article against any person who is under investigation for
25 or charged with a violation of this Article even if the
26 person's license or registration has been surrendered or has

1 lapsed by operation of law.

2 (f) Any individual whose public adjuster's license is
3 revoked or whose application is denied pursuant to this Section
4 shall be ineligible to apply for a public adjuster's license
5 for 5 years. A suspension pursuant to this Section may be for
6 any period of time up to 5 years.

7 (Source: P.A. 96-1332, eff. 1-1-11.)

8 Section 30. The Pyrotechnic Distributor and Operator
9 Licensing Act is amended by changing Section 35 and by adding
10 Section 36 as follows:

11 (225 ILCS 227/35)

12 Sec. 35. Licensure requirements and fees.

13 (a) Each application for a license to practice under this
14 Act shall be in writing and signed by the applicant on forms
15 provided by the Office.

16 (b) After January 1, 2006, all pyrotechnic displays and
17 pyrotechnic services, both indoor and outdoor, must comply with
18 the requirements set forth in this Act.

19 (c) After January 1, 2006, no person may engage in
20 pyrotechnic distribution without first applying for and
21 obtaining a license from the Office. Applicants for a license
22 must submit to the Office the following:

23 (1) A current BATFE license for the type of pyrotechnic
24 service or pyrotechnic display provided.

1 (2) Proof of \$1,000,000 in product liability
2 insurance.

3 (3) Proof of \$1,000,000 in general liability insurance
4 that covers the pyrotechnic display or pyrotechnic service
5 provided.

6 (4) Proof of Illinois Workers' Compensation Insurance.

7 (5) A license fee set by the Office.

8 (6) Proof of a current United States Department of
9 Transportation (DOT) Identification Number.

10 (7) Proof of a current USDOT Hazardous Materials
11 Registration Number.

12 (8) Proof of having the requisite knowledge, either
13 through training, examination, or continuing education, as
14 established by Office rule.

15 (c-3) After January 1, 2010, no production company may
16 provide pyrotechnic displays or pyrotechnic services as part of
17 any production without either (i) obtaining a production
18 company license from the Office under which all pyrotechnic
19 displays and pyrotechnic services are performed by a licensed
20 lead pyrotechnic operator or (ii) hiring a pyrotechnic
21 distributor licensed in accordance with this Act to perform the
22 pyrotechnic displays or pyrotechnic services. Applicants for a
23 production company license must submit to the Office the
24 following:

25 (1) Proof of \$2,000,000 in commercial general
26 liability insurance that covers any damage or injury

1 resulting from the pyrotechnic displays or pyrotechnic
2 services provided.

3 (2) Proof of Illinois Worker's Compensation insurance.

4 (3) A license fee set by the Office.

5 (4) Proof of a current USDOT Identification Number,
6 unless:

7 (A) proof of such is provided by the lead
8 pyrotechnic operator employed by the production
9 company or insured as an additional named insured on
10 the production company's general liability insurance,
11 as required under paragraph (1) of this subsection; or

12 (B) the production company certifies under penalty
13 of perjury that it engages only in flame effects or
14 never transports materials in quantities that require
15 registration with USDOT, or both.

16 (5) Proof of a current USDOT Hazardous Materials
17 Registration Number, unless:

18 (A) proof of such is provided by the lead
19 pyrotechnic operator employed by the production
20 company or insured as an additional named insured on
21 the production company's general liability insurance,
22 as required under paragraph (1) of this subsection; or

23 (B) the production company certifies under penalty
24 of perjury that it engages only in flame effects or
25 never transports materials in quantities that require
26 registration with USDOT, or both.

1 (6) Identification of the licensed lead pyrotechnic
2 operator employed by the production company or insured as
3 an additional named insured on the production company's
4 general liability insurance, as required under paragraph
5 (1) of this subsection.

6 The insurer shall not cancel the insured's coverage or
7 remove any additional named insured or additional insured from
8 the policy coverage without notifying the Office in writing at
9 least 15 days before cancellation.

10 (c-5) After January 1, 2006, no individual may act as a
11 lead operator in a pyrotechnic display without first applying
12 for and obtaining a lead pyrotechnic operator's license from
13 the Office. The Office shall establish separate licenses for
14 lead pyrotechnic operators for indoor and outdoor pyrotechnic
15 displays. Applicants for a license must:

16 (1) Pay the fees set by the Office.

17 (2) Have the requisite training or continuing
18 education as established in the Office's rules.

19 (3) (Blank).

20 (d) A person is qualified to receive a license under this
21 Act if the person meets all of the following minimum
22 requirements:

23 (1) Is at least 21 years of age.

24 (2) Has not willfully violated any provisions of this
25 Act.

26 (3) Has not made any material misstatement or knowingly

1 withheld information in connection with any original or
2 renewal application.

3 (4) Has not been declared incompetent by any competent
4 court by reasons of mental or physical defect or disease
5 unless a court has since declared the person competent.

6 (5) Does not have an addiction to or dependency on
7 alcohol or drugs that is likely to endanger the public at a
8 pyrotechnic display.

9 (6) If convicted ~~Has not been convicted~~ in any
10 jurisdiction of any felony within the prior 5 years, will
11 not, by the Office's determination, be impaired by such
12 conviction in engaging in the position for which a license
13 is sought.

14 (7) Is not a fugitive from justice.

15 (8) Has, or has applied for, a BATFE explosives license
16 or a Letter of Clearance from the BATFE.

17 (9) If a lead pyrotechnic operator is employed by a
18 political subdivision of the State or by a licensed
19 production company or is insured as an additional named
20 insured on the production company's general liability
21 insurance, as required under paragraph (1) of subsection
22 (c-3) of this Section, he or she shall have a BATFE license
23 for the pyrotechnic services or pyrotechnic display
24 provided.

25 (10) If a production company has not provided proof of
26 a current USDOT Identification Number and a current USDOT

1 Hazardous Materials Registration Number, as required by
2 paragraphs (5) and (6) of subsection (c-3) of this Section,
3 then the lead pyrotechnic operator employed by the
4 production company or insured as an additional named
5 insured on the production company's general liability
6 insurance, as required under paragraph (1) of subsection
7 (c-3) of this Section, shall provide such proof to the
8 Office.

9 (e) A person is qualified to assist a lead pyrotechnic
10 operator if the person meets all of the following minimum
11 requirements:

12 (1) Is at least 18 years of age.

13 (2) Has not willfully violated any provision of this
14 Act.

15 (3) Has not been declared incompetent by any competent
16 court by reasons of mental or physical defect or disease
17 unless a court has since declared the person competent.

18 (4) Does not have an addiction to or dependency on
19 alcohol or drugs that is likely to endanger the public at a
20 pyrotechnic display.

21 (5) If convicted ~~Has not been convicted~~ in any
22 jurisdiction of any felony within the prior 5 years, will
23 not, by the Office's determination, be impaired by such
24 conviction in engaging in the position for which a license
25 is sought.

26 (6) Is not a fugitive from justice.

1 (7) Is employed as an employee of the licensed
2 pyrotechnic distributor or the licensed production
3 company, or insured as an additional named insured on the
4 pyrotechnic distributor's product liability and general
5 liability insurance, as required under paragraphs (2) and
6 (3) of subsection (c) of this Section, or insured as an
7 additional named insured on the production company's
8 general liability insurance, as required under paragraph
9 (1) of subsection (c-3) of this Section.

10 (8) Has been registered with the Office by the licensed
11 distributor or the licensed production company on a form
12 provided by the Office prior to the time when the assistant
13 begins work on the pyrotechnic display or pyrotechnic
14 service.

15 (Source: P.A. 96-708, eff. 8-25-09; 97-164, eff. 1-1-12.)

16 (225 ILCS 227/36 new)

17 Sec. 36. Applicant convictions.

18 (a) The Office shall not require the applicant to report
19 the following information and shall not consider the following
20 criminal history records in connection with an application for
21 a license under this Act:

22 (1) Juvenile adjudications of delinquent minors as
23 defined in Section 5-105 of the Juvenile Court Act of 1987,
24 subject to the restrictions set forth in Section 5-130 of
25 the Juvenile Court Act of 1987.

1 (2) Law enforcement records, court records, and
2 conviction records of an individual who was 17 years old at
3 the time of the offense and before January 1, 2014, unless
4 the nature of the offense required the individual to be
5 tried as an adult.

6 (3) Records of arrest not followed by a conviction.

7 (4) Convictions overturned by a higher court.

8 (5) Convictions or arrests that have been sealed or
9 expunged.

10 (b) When reviewing, for the purpose of licensure, a
11 conviction of any felony within the previous 5 years, the
12 Office shall consider any evidence of rehabilitation and
13 mitigating factors contained in the applicant's record,
14 including any of the following factors and evidence, to
15 determine if such conviction will impair the ability of the
16 applicant to engage in the position for which a license is
17 sought:

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

22 (2) the amount of time that has elapsed since the
23 offense occurred;

24 (3) if the applicant was previously licensed or
25 employed in this State or other states or jurisdictions,
26 then the lack of prior misconduct arising from or related

1 to the licensed position or position of employment;

2 (4) the age of the person at the time of the criminal
3 offense;

4 (5) successful completion of sentence and, for
5 applicants serving a term of parole or probation, a
6 progress report provided by the applicant's probation or
7 parole officer that documents the applicant's compliance
8 with conditions of supervision;

9 (6) evidence of the applicant's present fitness and
10 professional character;

11 (7) evidence of rehabilitation or rehabilitative
12 effort during or after incarceration, or during or after a
13 term of supervision, including, but not limited to, a
14 certificate of good conduct under Section 5-5.5-25 of the
15 Unified Code of Corrections or a certificate of relief from
16 disabilities under Section 5-5.5-10 of the Unified Code of
17 Corrections; and

18 (8) any other mitigating factors that contribute to the
19 person's potential and current ability to perform the
20 duties and responsibilities of the specific licensed
21 practice or employment position.

22 (c) If the Office refuses to issue a license to an
23 applicant, then the applicant shall be notified of the denial
24 in writing with the following included in the notice of denial:

25 (1) a statement about the decision to refuse to issue a
26 license;

1 (2) a list of the convictions that the Office
2 determined will impair the applicant's ability to engage in
3 the position for which a license is sought;

4 (3) a list of convictions that formed the sole or
5 partial basis for the refusal to issue a license; and

6 (4) a summary of the appeal process or the earliest the
7 applicant may reapply for a license, whichever is
8 applicable.

9 (d) No later than May 1 of each year, the Office must
10 prepare, publicly announce, and publish a report of summary
11 statistical information relating to new and renewal license
12 applications during the preceding calendar year. Each report
13 shall show, at a minimum:

14 (1) the number of applicants for a new or renewal
15 license under this Act within the previous calendar year;

16 (2) the number of applicants for a new or renewal
17 license under this Act within the previous calendar year
18 who had any criminal conviction;

19 (3) the number of applicants for a new or renewal
20 license under this Act in the previous calendar year who
21 were granted a license;

22 (4) the number of applicants for a new or renewal
23 license with a criminal conviction who were granted a
24 license under this Act within the previous calendar year;

25 (5) the number of applicants for a new or renewal
26 license under this Act within the previous calendar year

1 who were denied a license;

2 (6) the number of applicants for a new or renewal
3 license with a criminal conviction who were denied a
4 license under this Act in the previous calendar year in
5 whole or in part because of a prior conviction;

6 (7) the number of licenses issued on probation without
7 monitoring under this Act in the previous calendar year to
8 applicants with a criminal conviction; and

9 (8) the number of licenses issued on probation with
10 monitoring under this Act in the previous calendar year to
11 applicants with a criminal conviction.

12 Section 35. The Solid Waste Site Operator Certification Law
13 is amended by changing Section 1005 and by adding Section
14 1005-1 as follows:

15 (225 ILCS 230/1005) (from Ch. 111, par. 7855)

16 Sec. 1005. Agency authority. The Agency is authorized to
17 exercise the following functions, powers and duties with
18 respect to solid waste site operator certification:

19 (a) To conduct examinations to ascertain the
20 qualifications of applicants for certificates of competency as
21 solid waste site operators;

22 (b) To conduct courses of training on the practical aspects
23 of the design, operation and maintenance of sanitary landfills;

24 (c) To issue a certificate to any applicant who has

1 satisfactorily met all the requirements pertaining to a
2 certificate of competency as a solid waste site operator;

3 (d) To suspend, revoke or refuse to issue any certificate
4 for any one or any combination of the following causes:

5 (1) The practice of any fraud or deceit in obtaining or
6 attempting to obtain a certificate of competency;

7 (2) Negligence or misconduct in the operation of a
8 sanitary landfill;

9 (3) Repeated failure to comply with any of the
10 requirements applicable to the operation of a sanitary
11 landfill, except for Board requirements applicable to the
12 collection of litter;

13 (4) Repeated violations of federal, State or local
14 laws, regulations, standards, or ordinances regarding the
15 operation of refuse disposal facilities or sites;

16 (5) For a holder of a certificate of registration,
17 conviction ~~Conviction~~ in this or another State of any crime
18 which is a felony under the laws of this State or
19 conviction of a felony in a federal court; for an
20 applicant, the provisions of Section 1005-1 apply;

21 (6) Proof of gross carelessness or incompetence in
22 handling, storing, processing, transporting, or disposing
23 of any hazardous waste; or

24 (7) Being declared to be a person under a legal
25 disability by a court of competent jurisdiction and not
26 thereafter having been lawfully declared to be a person not

1 under legal disability or to have recovered.

2 (e) To adopt rules necessary to perform its functions,
3 powers, and duties with respect to solid waste site operator
4 certifications.

5 (Source: P.A. 86-1363.)

6 (225 ILCS 230/1005-1 new)

7 Sec. 1005-1. Applicant convictions.

8 (a) The Agency shall not require applicants to report the
9 following information and shall not consider the following
10 criminal history records in connection with an application for
11 certification under this Act:

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 the Juvenile Court Act of 1987.

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

21 (3) Records of arrest not followed by a conviction.

22 (4) Convictions overturned by a higher court.

23 (5) Convictions or arrests that have been sealed or
24 expunged.

25 (b) When reviewing a conviction of any felony, the Agency

1 shall consider any evidence of rehabilitation and mitigating
2 factors contained in the applicant's record, including any of
3 the following factors and evidence, to determine if such
4 conviction will impair the ability of the applicant to engage
5 in the position for which a certificate is sought:

6 (1) the lack of direct relation of the offense for
7 which the applicant was previously convicted to the duties,
8 functions, and responsibilities of the position for which
9 certification is sought;

10 (2) whether 5 years since a felony conviction or 3
11 years since release from confinement for the conviction,
12 whichever is later, have passed without a subsequent
13 conviction;

14 (3) if the applicant was previously licensed or
15 employed in this State or other states or jurisdictions,
16 then the lack of prior misconduct arising from or related
17 to the licensed position or position of employment;

18 (4) the age of the person at the time of the criminal
19 offense;

20 (5) successful completion of sentence and, for
21 applicants serving a term of parole or probation, a
22 progress report provided by the applicant's probation or
23 parole officer that documents the applicant's compliance
24 with conditions of supervision;

25 (6) evidence of the applicant's present fitness and
26 professional character;

1 (7) evidence of rehabilitation or rehabilitative
2 effort during or after incarceration, or during or after a
3 term of supervision, including, but not limited to, a
4 certificate of good conduct under Section 5-5.5-25 of the
5 Unified Code of Corrections or a certificate of relief from
6 disabilities under Section 5-5.5-10 of the Unified Code of
7 Corrections; and

8 (8) any other mitigating factors that contribute to the
9 person's potential and current ability to perform the
10 duties and responsibilities of the position for which a
11 certificate or employment is sought.

12 (c) If the Agency refuses to issue a certificate to an
13 applicant, then the Agency shall notify the applicant of the
14 denial in writing with the following included in the notice of
15 denial:

16 (1) a statement about the decision to refuse to grant
17 certification;

18 (2) a list of the convictions that the Agency
19 determined will impair the applicant's ability to engage in
20 the position for which a certificate is sought;

21 (3) a list of convictions that formed the sole or
22 partial basis for the refusal to issue a certificate; and

23 (4) a summary of the appeal process or the earliest the
24 applicant may reapply for a certificate, whichever is
25 applicable.

26 (d) No later than May 1 of each year, the Agency must

1 prepare, publicly announce, and publish a report of summary
2 statistical information relating to new and renewal
3 certification applications during the preceding calendar year.
4 Each report shall show, at a minimum:

5 (1) the number of applicants for a new or renewal
6 certification under this Act within the previous calendar
7 year;

8 (2) the number of applicants for a new or renewal
9 certification under this Act within the previous calendar
10 year who had any criminal conviction;

11 (3) the number of applicants for a new or renewal
12 certification under this Act in the previous calendar year
13 who were granted a license;

14 (4) the number of applicants for a new or renewal
15 certification with a criminal conviction who were granted
16 certification under this Act within the previous calendar
17 year;

18 (5) the number of applicants for a new or renewal
19 certification under this Act within the previous calendar
20 year who were denied certification; and

21 (6) the number of applicants for a new or renewal
22 certification with a criminal conviction who were denied
23 certification under this Act in the previous calendar year
24 in whole or in part because of a prior conviction.

25 Section 40. The Water Well and Pump Installation

1 Contractor's License Act is amended by changing Section 15 and
2 by adding Section 15.1 as follows:

3 (225 ILCS 345/15) (from Ch. 111, par. 7116)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 15. The Department may refuse to issue or renew, may
6 suspend or may revoke a license on any one or more of the
7 following grounds:

8 (1) Material misstatement in the application for license;

9 (2) Failure to have or retain the qualifications required
10 by Section 9 of this Act;

11 (3) Wilful disregard or violation of this Act or of any
12 rule or regulation promulgated by the Department pursuant
13 thereto; or disregard or violation of any law of the state of
14 Illinois or of any rule or regulation promulgated pursuant
15 thereto relating to water well drilling or the installation of
16 water pumps and equipment or any rule or regulation adopted
17 pursuant thereto;

18 (4) Wilfully aiding or abetting another in the violation of
19 this Act or any rule or regulation promulgated by the
20 Department pursuant thereto;

21 (5) Incompetence in the performance of the work of a water
22 well contractor or of a water well pump installation
23 contractor;

24 (6) Allowing the use of a license by someone other than the
25 person in whose name it was issued;

1 (7) For licensees, conviction ~~Conviction~~ of any crime an
2 essential element of which is misstatement, fraud or
3 dishonesty, conviction in this or another State of any crime
4 which is a felony under the laws of this State or the
5 conviction in a federal court of any felony; for applicants,
6 the provisions of Section 15.1 apply;

7 (8) Making substantial misrepresentations or false
8 promises of a character likely to influence, persuade or induce
9 in connection with the occupation of a water well contractor or
10 a water well pump installation contractor.

11 (Source: P.A. 77-1626.)

12 (225 ILCS 345/15.1 new)

13 Sec. 15.1. Applicant convictions.

14 (a) The Department shall not require an applicant to
15 provide the following information and shall not consider the
16 following criminal history records in connection with an
17 application for licensure:

18 (1) Juvenile adjudications of delinquent minors as
19 defined in Section 5-105 of the Juvenile Court Act of 1987,
20 subject to the exclusions set forth in Section 5-130 of the
21 Juvenile Court Act of 1987.

22 (2) Law enforcement records, court records, and
23 conviction records of an individual who was 17 years old at
24 the time of the offense and before January 1, 2014, unless
25 the nature of the offense required the individual to be

1 tried as an adult.

2 (3) Records of arrest not followed by a charge or
3 conviction.

4 (4) Records of arrest where charges were dismissed
5 unless related to the practice of the profession. However,
6 applicants shall not be asked to report any arrests, and
7 any arrest not followed by a conviction shall not be the
8 basis of a denial and may be used only to assess an
9 applicant's rehabilitation.

10 (5) Convictions overturned by a higher court.

11 (6) Convictions or arrests that have been sealed or
12 expunged.

13 (b) The Department, upon a finding that an applicant for a
14 license was previously convicted of any felony or a misdemeanor
15 directly related to the practice of the profession, shall
16 consider any evidence of rehabilitation and mitigating factors
17 contained in the applicant's record, including any of the
18 following factors and evidence, to determine if the prior
19 conviction will impair the ability of the applicant to engage
20 in the position for which a license is sought:

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

25 (2) whether 5 years since a felony conviction or 3
26 years since release from confinement for the conviction,

1 whichever is later, have passed without a subsequent
2 conviction;

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

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

9 (5) successful completion of sentence and, for
10 applicants serving a term of parole or probation, a
11 progress report provided by the applicant's probation or
12 parole officer that documents the applicant's compliance
13 with conditions of supervision;

14 (6) evidence of the applicant's present fitness and
15 professional character;

16 (7) evidence of rehabilitation or rehabilitative
17 effort during or after incarceration, or during or after a
18 term of supervision, including, but not limited to, a
19 certificate of good conduct under Section 5-5.5-25 of the
20 Unified Code of Corrections or a certificate of relief from
21 disabilities under Section 5-5.5-10 of the Unified Code of
22 Corrections; and

23 (8) any other mitigating factors that contribute to the
24 person's potential and current ability to perform the job
25 duties.

26 (c) If the Department refuses to issue a license to an

1 applicant, then the Department shall notify the applicant of
2 the denial in writing with the following included in the notice
3 of denial:

4 (1) a statement about the decision to refuse to issue a
5 license;

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

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

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

14 (d) No later than May 1 of each year, the Department must
15 prepare, publicly announce, and publish a report of summary
16 statistical information relating to new and renewal license
17 applications during the preceding calendar year. Each report
18 shall show, at a minimum:

19 (1) the number of applicants for a new or renewal
20 license under this Act within the previous calendar year;

21 (2) the number of applicants for a new or renewal
22 license under this Act within the previous calendar year
23 who had any criminal conviction;

24 (3) the number of applicants for a new or renewal
25 license under this Act in the previous calendar year who
26 were granted a license;

1 (4) the number of applicants for a new or renewal
2 license with a criminal conviction who were granted a
3 license under this Act within the previous calendar year;

4 (5) the number of applicants for a new or renewal
5 license under this Act within the previous calendar year
6 who were denied a license; and

7 (6) the number of applicants for a new or renewal
8 license with a criminal conviction who were denied a
9 license under this Act in the previous calendar year in
10 part or in whole because of a prior conviction.

11 Section 45. The Collateral Recovery Act is amended by
12 changing Sections 40, 45, 80, and 85 as follows:

13 (225 ILCS 422/40)

14 (Section scheduled to be repealed on January 1, 2022)

15 Sec. 40. Qualifications for recovery manager;
16 identification card.

17 (a) An applicant is qualified for licensure as a recovery
18 manager if that person meets all of the following requirements:

19 (1) Is 21 years of age or older.

20 (2) If convicted of any felony and less than 7 years
21 have passed from the time of discharge from the sentence
22 imposed, then a finding by the Commission that the
23 conviction will not impair the applicant's ability to
24 engage in the position requiring a license. Has not been

1 ~~convicted in any jurisdiction of any felony or at least 10~~
2 ~~years has passed from the time of discharge from any~~
3 ~~sentence imposed for a felony.~~

4 (3) Has completed no less than 2,500 hours of actual
5 compensated collateral recovery work as an employee of a
6 repossession agency, a financial institution, or a vehicle
7 dealer within the 5 years immediately preceding the filing
8 of an application, acceptable proof of which must be
9 submitted to the Commission.

10 (4) Has submitted to the Commission 2 sets of
11 fingerprints, which shall be checked against the
12 fingerprint records on file with the Illinois State Police
13 and the Federal Bureau of Investigation in the manner set
14 forth in Section 60 of this Act.

15 (5) Has successfully completed a certification program
16 approved by the Commission.

17 (6) Has paid the required application fees.

18 (b) Upon the issuance of a recovery manager license, the
19 Commission shall issue the license holder a suitable pocket
20 identification card that shall include a photograph of the
21 license holder. The identification card must contain the name
22 of the license holder and any other information required by the
23 Commission. An applicant who is 21 years of age or older
24 seeking a religious exemption to the photograph requirement of
25 this subsection shall furnish with his or her application an
26 approved copy of United States Department of the Treasury

1 Internal Revenue Service Form 4029.

2 (c) A recovery manager license is not transferable.

3 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

4 (225 ILCS 422/45)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 45. Repossession agency employee requirements.

7 (a) All employees of a licensed repossession agency whose
8 duties include the actual repossession of collateral must apply
9 for a recovery permit. The holder of a repossession agency
10 license issued under this Act, known in this Section as the
11 "employer", may employ in the conduct of the business under the
12 following provisions:

13 (1) No person may be issued a recovery permit who meets
14 any of the following criteria:

15 (A) Is younger than 21 years of age.

16 (B) Has been determined by the Commission to be
17 unfit by reason of conviction of an offense in this or
18 another state, other than a minor traffic offense, that
19 the Commission determines will impair the ability of
20 the person to engage in the position for which a permit
21 is sought. The Commission shall adopt rules for making
22 those determinations.

23 (C) Has had a license or recovery permit denied,
24 suspended, or revoked under this Act.

25 (D) Has not successfully completed a certification

1 program approved by the Commission.

2 (2) No person may be employed by a repossession agency
3 under this Section until he or she has executed and
4 furnished to the Commission, on forms furnished by the
5 Commission, a verified statement to be known as an
6 "Employee's Statement" setting forth all of the following:

7 (A) The person's full name, age, and residence
8 address.

9 (B) The business or occupation engaged in for the 5
10 years immediately before the date of the execution of
11 the statement, the place where the business or
12 occupation was engaged in, and the names of the
13 employers, if any.

14 (C) That the person has not had a license or
15 recovery permit denied, revoked, or suspended under
16 this Act.

17 (D) Any conviction of a felony, except as provided
18 for in Section 85.

19 (E) Any other information as may be required by any
20 rule of the Commission to show the good character,
21 competency, and integrity of the person executing the
22 statement.

23 (b) Each applicant for a recovery permit shall have his or
24 her fingerprints submitted to the Commission by a Live Scan
25 fingerprint vendor certified by the Illinois State Police under
26 the Private Detective, Private Alarm, Private Security,

1 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic
2 format that complies with the form and manner for requesting
3 and furnishing criminal history record information as
4 prescribed by the Illinois State Police. These fingerprints
5 shall be checked against the Illinois State Police and Federal
6 Bureau of Investigation criminal history record databases now
7 and hereafter filed. The Commission shall charge applicants a
8 fee for conducting the criminal history records check, which
9 shall not exceed the actual cost of the records check. The
10 Illinois Commerce Commission Police shall furnish, pursuant to
11 positive identification, records of Illinois convictions to
12 the Commission. The Commission, in its discretion, may allow an
13 applicant who does not have reasonable access to a designated
14 vendor to provide his or her fingerprints in an alternative
15 manner. The Commission, in its discretion, may also use other
16 procedures in performing or obtaining criminal history records
17 checks of applicants. Instead of submitting his or her
18 fingerprints, an individual may submit proof that is
19 satisfactory to the Commission that an equivalent security
20 clearance has been conducted.

21 (c) Qualified applicants shall purchase a recovery permit
22 from the Commission and in a form that the Commission
23 prescribes. The Commission shall notify the submitting person
24 within 10 days after receipt of the application of its intent
25 to issue or deny the recovery permit. The holder of a recovery
26 permit shall carry the recovery permit at all times while

1 actually engaged in the performance of the duties of his or her
2 employment. No recovery permit shall be effective unless
3 accompanied by a license issued by the Commission. Expiration
4 and requirements for renewal of recovery permits shall be
5 established by rule of the Commission. Possession of a recovery
6 permit does not in any way imply that the holder of the
7 recovery permit is employed by any agency unless the recovery
8 permit is accompanied by the employee identification card
9 required by subsection (e) of this Section.

10 (d) Each employer shall maintain a record of each employee
11 that is accessible to the duly authorized representatives of
12 the Commission. The record shall contain all of the following
13 information:

14 (1) A photograph taken within 10 days after the date
15 that the employee begins employment with the employer. The
16 photograph shall be replaced with a current photograph
17 every 3 calendar years.

18 (2) The Employee's Statement specified in paragraph
19 (2) of subsection (a) of this Section.

20 (3) All correspondence or documents relating to the
21 character and integrity of the employee received by the
22 employer from any official source or law enforcement
23 agency.

24 (4) In the case of former employees, the employee
25 identification card of that person issued under subsection
26 (e) of this Section.

1 (e) Every employer shall furnish an employee
2 identification card to each of his or her employees. This
3 subsection (e) shall not apply to office or clerical personnel.
4 This employee identification card shall contain a recent
5 photograph of the employee, the employee's name, the name and
6 agency license number of the employer, the employee's personal
7 description, the signature of the employer, the signature of
8 that employee, the date of issuance, and an employee
9 identification card number.

10 (f) No employer may issue an employee identification card
11 to any person who is not employed by the employer in accordance
12 with this Section or falsely state or represent that a person
13 is or has been in his or her employ. It is unlawful for an
14 applicant for registration to file with the Commission the
15 fingerprints of a person other than himself or herself or to
16 fail to exercise due diligence in resubmitting replacement
17 fingerprints for those employees who have had original
18 fingerprint submissions returned as unclassifiable. An agency
19 shall inform the Commission within 15 days after contracting or
20 employing a licensed repossession agency employee. The
21 Commission shall develop a registration process by rule.

22 (g) Every employer shall obtain the identification card of
23 every employee who terminates employment with the employer. An
24 employer shall immediately report an identification card that
25 is lost or stolen to the local police department having
26 jurisdiction over the repossession agency location.

1 (h) No agency may employ any person to perform any activity
2 under this Act unless the person possesses a valid license or
3 recovery permit under this Act.

4 (i) If information is discovered affecting the
5 registration of a person whose fingerprints were submitted
6 under this Section, then the Commission shall so notify the
7 agency that submitted the fingerprints on behalf of that
8 person.

9 (j) A person employed under this Section shall have 15
10 business days within which to notify the Commission of any
11 change in employer, but may continue working under any other
12 recovery permits granted as an employee or independent
13 contractor.

14 (k) This Section applies only to those employees of
15 licensed repossession agencies whose duties include actual
16 repossession of collateral.

17 (l) An applicant who is 21 years of age or older seeking a
18 religious exemption to the photograph requirement of this
19 Section shall furnish with his or her application an approved
20 copy of United States Department of the Treasury Internal
21 Revenue Service Form 4029. Regardless of age, an applicant
22 seeking a religious exemption to this photograph requirement
23 shall submit fingerprints in a form and manner prescribed by
24 the Commission with his or her application in lieu of a
25 photograph.

26 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

1 (225 ILCS 422/80)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 80. Refusal, revocation, or suspension.

4 (a) The Commission may refuse to issue or renew or may
5 revoke any license or recovery permit or may suspend, place on
6 probation, fine, or take any disciplinary action that the
7 Commission may deem proper, including fines not to exceed
8 \$2,500 for each violation, with regard to any license holder or
9 recovery permit holder for one or any combination of the
10 following causes:

11 (1) Knowingly making any misrepresentation for the
12 purpose of obtaining a license or recovery permit.

13 (2) Violations of this Act or its rules.

14 (3) For licensees or permit holders, conviction
15 ~~Conviction~~ of any crime under the laws of the United States
16 or any state or territory thereof that is (i) a felony,
17 (ii) a misdemeanor, an essential element of which is
18 dishonesty, or (iii) a crime that is related to the
19 practice of the profession. For license or permit
20 applicants, the provisions of Section 85 of this Act apply.

21 (4) Aiding or abetting another in violating any
22 provision of this Act or its rules.

23 (5) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public as defined by rule.

1 (6) Violation of any court order from any State or
2 public agency engaged in the enforcement of payment of
3 child support arrearages or for noncompliance with certain
4 processes relating to paternity or support proceeding.

5 (7) Solicitation of professional services by using
6 false or misleading advertising.

7 (8) A finding that the license or recovery permit was
8 obtained by fraudulent means.

9 (9) Practicing or attempting to practice under a name
10 other than the full name shown on the license or recovery
11 permit or any other legally authorized name.

12 (b) The Commission may refuse to issue or may suspend the
13 license or recovery permit of any person or entity who fails to
14 file a return, pay the tax, penalty, or interest shown in a
15 filed return, or pay any final assessment of tax, penalty, or
16 interest, as required by any tax Act administered by the
17 Department of Revenue, until the time the requirements of the
18 tax Act are satisfied. The Commission may take into
19 consideration any pending tax disputes properly filed with the
20 Department of Revenue.

21 (Source: P.A. 97-576, eff. 7-1-12.)

22 (225 ILCS 422/85)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 85. Consideration of past crimes.

25 (a) The Commission shall not require the applicant to

1 report the following information and shall not consider the
2 following criminal history records in connection with an
3 application for a license or permit under this Act:

4 (1) Juvenile adjudications of delinquent minors as
5 defined in Section 5-105 of the Juvenile Court Act of 1987,
6 subject to the restrictions set forth in Section 5-130 of
7 the Juvenile Court Act of 1987.

8 (2) Law enforcement records, court records, and
9 conviction records of an individual who was 17 years old at
10 the time of the offense and before January 1, 2014, unless
11 the nature of the offense required the individual to be
12 tried as an adult.

13 (3) Records of arrest not followed by a conviction.

14 (4) Convictions overturned by a higher court.

15 (5) Convictions or arrests that have been sealed or
16 expunged.

17 (b) When ~~(a) Notwithstanding the prohibitions set forth in~~
18 ~~Sections 40 and 45 of this Act, when~~ considering the denial of
19 a license or recovery permit on the grounds of conviction of a
20 crime, the Commission, in evaluating whether the conviction
21 will impair the applicant's ability to engage in the position
22 for which a license or permit is sought ~~the rehabilitation of~~
23 ~~the applicant~~ and the applicant's present eligibility for a
24 license or recovery permit, shall consider each of the
25 following criteria:

26 (1) The lack of direct relation of the offense for

1 which the applicant was previously convicted to the duties,
2 functions, and responsibilities of the position for which a
3 license is sought. ~~The nature and severity of the act or~~
4 ~~crime under consideration as grounds for denial.~~

5 (2) Circumstances relative to the offense, including
6 the applicant's age at the time that the offense was
7 committed.

8 (3) ~~(2)~~ Evidence of any act committed subsequent to the
9 act or crime under consideration as grounds for denial,
10 which also could be considered as grounds for disciplinary
11 action under this Act.

12 (4) Whether 5 years since a conviction or 3 years since
13 release from confinement for the conviction, whichever is
14 later, have passed without a subsequent conviction. ~~(3) The~~
15 ~~amount of time that has lapsed since the commission of the~~
16 ~~act or crime referred to in item (1) or (2) of this~~
17 ~~subsection (a).~~

18 (5) Successful completion of sentence or for
19 applicants serving a term of parole or probation, a
20 progress report provided by the applicant's probation or
21 parole officer that documents the applicant's compliance
22 with conditions of supervision. ~~(4) The extent to which the~~
23 ~~applicant has complied with any terms of parole, probation,~~
24 ~~restitution, or any other sanctions lawfully imposed~~
25 ~~against the applicant.~~

26 (6) If the applicant was previously licensed or

1 employed in this State or other states or jurisdictions,
2 then the lack of prior misconduct arising from or related
3 to the licensed position or position of employment. ~~(5)~~
4 Evidence, if any, of rehabilitation submitted by the
5 applicant.

6 (7) Evidence of rehabilitation or rehabilitative
7 effort during or after incarceration, or during or after a
8 term of supervision, including, but not limited to, a
9 certificate of good conduct under Section 5-5.5-25 of the
10 Unified Code of Corrections or a certificate of relief from
11 disabilities under Section 5-5.5-10 of the Unified Code of
12 Corrections.

13 (8) Any other mitigating factors that contribute to the
14 person's potential and current ability to perform the
15 duties and responsibilities of practices licensed or
16 registered under this Act.

17 (c) ~~(b)~~ When considering the suspension or revocation of a
18 license or recovery permit on the grounds of conviction of a
19 crime, the Commission, in evaluating the rehabilitation of the
20 applicant, whether the conviction will impair the applicant's
21 ability to engage in the position for which a license or permit
22 is sought, and the applicant's present eligibility for a
23 license or recovery permit, shall consider each of the
24 following criteria:

25 (1) The nature and severity of the act or offense.

26 (2) The license holder's or recovery permit holder's

1 criminal record in its entirety.

2 (3) The amount of time that has lapsed since the
3 commission of the act or offense.

4 (4) Whether the license holder or recovery permit
5 holder has complied with any terms of parole, probation,
6 restitution, or any other sanctions lawfully imposed
7 against him or her.

8 (5) If applicable, evidence of expungement
9 proceedings.

10 (6) Evidence, if any, of rehabilitation submitted by
11 the license holder or recovery permit holder.

12 (d) If the Commission refuses to grant a license or permit
13 to an applicant, then the Commission shall notify the applicant
14 of the denial in writing with the following included in the
15 notice of denial:

16 (1) a statement about the decision to refuse to grant a
17 license or permit;

18 (2) a list of the convictions that the Commission
19 determined will impair the applicant's ability to engage in
20 the position for which a license or permit is sought;

21 (3) a list of convictions that formed the sole or
22 partial basis for the refusal to grant a license or permit;
23 and

24 (4) a summary of the appeal process or the earliest the
25 applicant may reapply for a license or permit, whichever is
26 applicable.

1 (e) No later than May 1 of each year, the Commission must
2 prepare, publicly announce, and publish a report of summary
3 statistical information relating to new and renewal license or
4 permit applications during the preceding calendar year. Each
5 report shall show, at a minimum:

6 (1) the number of applicants for a new or renewal
7 license or permit under this Act within the previous
8 calendar year;

9 (2) the number of applicants for a new or renewal
10 license or permit under this Act within the previous
11 calendar year who had any criminal conviction;

12 (3) the number of applicants for a new or renewal
13 license or permit under this Act in the previous calendar
14 year who were granted a license or permit;

15 (4) the number of applicants for a new or renewal
16 license or permit with a criminal conviction who were
17 granted a license or permit under this Act within the
18 previous calendar year;

19 (5) the number of applicants for a new or renewal
20 license or permit under this Act within the previous
21 calendar year who were denied a license or permit;

22 (6) the number of applicants for a new or renewal
23 license or permit with a criminal conviction who were
24 denied a license or permit under this Act in the previous
25 calendar year in whole or in part because of a prior
26 conviction;

1 (7) the number of licenses or permits issued on
2 probation without monitoring under this Act in the previous
3 calendar year to applicants with a criminal conviction; and
4 (8) the number of licenses or permits issued on
5 probation with monitoring under this Act in the previous
6 calendar year to applicants with a criminal conviction.

7 (Source: P.A. 97-576, eff. 7-1-12.)

8 Section 50. The Interpreter for the Deaf Licensure Act of
9 2007 is amended by changing Sections 45 and 115 and by adding
10 Section 47 as follows:

11 (225 ILCS 443/45)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 45. Qualifications for licensure. A person shall be
14 qualified to be licensed as an interpreter for the deaf and the
15 Commission shall issue a license to an applicant who:

16 (1) has applied in writing on the prescribed forms and
17 paid the required fees;

18 (2) is of good moral character; in determining good
19 moral character, the Commission shall take into
20 consideration whether the applicant has engaged in conduct
21 or activities that would constitute grounds for discipline
22 under Section 115 of this Act, except consideration of
23 prior convictions shall be in accordance with Section 47 of
24 this Act;

- 1 (3) is an accepted certificate holder;
- 2 (4) has a high school diploma or equivalent; and
- 3 (5) has met any other requirements established by the
- 4 Commission by rule.

5 (Source: P.A. 95-617, eff. 9-12-07.)

6 (225 ILCS 443/47 new)

7 Sec. 47. Applicant convictions.

8 (a) The Commission 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 a license under this Act:

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 the Juvenile Court Act of 1987.

16 (2) Law enforcement records, court records, and

17 conviction records of an individual who was 17 years old at

18 the time of the offense and before January 1, 2014, unless

19 the nature of the offense required the individual to be

20 tried as an adult.

21 (3) Records of arrest not followed by a conviction.

22 (4) Convictions overturned by a higher court.

23 (5) Convictions or arrests that have been sealed or

24 expunged.

25 (b) No application for any license under this Act shall be

1 denied by reason of a finding of lack of "good moral character"
2 when the finding is based upon the fact that the applicant has
3 previously been convicted of one or more criminal offenses. The
4 Commission, upon a finding that an applicant for a license was
5 previously convicted of a felony or a misdemeanor an essential
6 element of which is dishonesty or that is directly related to
7 the practice of interpreting, shall consider any evidence of
8 rehabilitation and mitigating factors contained in the
9 applicant's record, including any of the following factors and
10 evidence, to determine if the conviction will impair the
11 ability of the applicant to engage in the position for which a
12 license is sought:

13 (1) the lack of direct relation of the offense for
14 which the applicant was previously convicted to the duties,
15 functions, and responsibilities of the position for which a
16 license is sought;

17 (2) whether 5 years since a felony conviction or 3
18 years since release from confinement for the conviction,
19 whichever is later, have passed without a subsequent
20 conviction;

21 (3) if the applicant was previously licensed or
22 employed in this State or other states or jurisdictions,
23 then the lack of prior misconduct arising from or related
24 to the licensed position or position of employment;

25 (4) the age of the person at the time of the criminal
26 offense;

1 (5) successful completion of sentence and, for
2 applicants serving a term of parole or probation, a
3 progress report provided by the applicant's probation or
4 parole officer that documents the applicant's compliance
5 with conditions of supervision;

6 (6) evidence of the applicant's present fitness and
7 professional character;

8 (7) evidence of rehabilitation or rehabilitative
9 effort during or after incarceration, or during or after a
10 term of supervision, including, but not limited to, a
11 certificate of good conduct under Section 5-5.5-25 of the
12 Unified Code of Corrections or a certificate of relief from
13 disabilities under Section 5-5.5-10 of the Unified Code of
14 Corrections; and

15 (8) any other mitigating factors that contribute to the
16 person's potential and current ability to perform the
17 duties and responsibilities of the position for which a
18 license or employment is sought.

19 (c) If the Commission refuses to issue a license to an
20 applicant, then the Commission shall notify the applicant of
21 the denial in writing with the following included in the notice
22 of denial:

23 (1) a statement about the decision to refuse to issue a
24 license;

25 (2) a list of the convictions that the Commission
26 determined will impair the applicant's ability to engage in

1 the position for which a license is sought;

2 (3) a list of convictions that formed the sole or
3 partial basis for the refusal to issue a license; and

4 (4) a summary of the appeal process or the earliest the
5 applicant may reapply for a license, whichever is
6 applicable.

7 (d) No later than May 1 of each year, the Commission must
8 prepare, publicly announce, and publish a report of summary
9 statistical information relating to new and renewal license
10 applications during the preceding calendar year. Each report
11 shall show, at a minimum:

12 (1) the number of applicants for a new or renewal
13 license under this Act within the previous calendar year;

14 (2) the number of applicants for a new or renewal
15 license under this Act within the previous calendar year
16 who had any criminal conviction;

17 (3) the number of applicants for a new or renewal
18 license under this Act in the previous calendar year who
19 were granted a license;

20 (4) the number of applicants for a new or renewal
21 license with a criminal conviction who were granted a
22 license under this Act within the previous calendar year;

23 (5) the number of applicants for a new or renewal
24 license under this Act within the previous calendar year
25 who were denied a license;

26 (6) the number of applicants for a new or renewal

1 license with a criminal conviction who were denied a
2 license under this Act in the previous calendar year in
3 whole or in part because of a prior conviction;

4 (7) the number of licenses issued on probation without
5 monitoring under this Act in the previous calendar year to
6 applicants with a criminal conviction; and

7 (8) the number of licenses issued on probation with
8 monitoring under this Act in the previous calendar year to
9 applicants with a criminal conviction.

10 (225 ILCS 443/115)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 115. Grounds for disciplinary action.

13 (a) The Commission may refuse to issue or renew any license
14 and the Department may suspend or revoke any license or may
15 place on probation, censure, reprimand, or take other
16 disciplinary action deemed appropriate by the Department,
17 including the imposition of fines not to exceed \$2,500 for each
18 violation, with regard to any license issued under this Act for
19 any one or more of the following reasons:

20 (1) Material deception in furnishing information to
21 the Commission or the Department.

22 (2) Violations or negligent or intentional disregard
23 of any provision of this Act or its rules.

24 (3) For licensees, conviction ~~Conviction~~ of any crime
25 under the laws of any jurisdiction of the United States

1 that is a felony or a misdemeanor, an essential element of
2 which is dishonesty, or that is directly related to the
3 practice of interpreting. For applicants, the provisions
4 of Section 47 apply.

5 (4) A pattern of practice or other behavior that
6 demonstrates incapacity or incompetence to practice under
7 this Act.

8 (5) Knowingly aiding or assisting another person in
9 violating any provision of this Act or rules adopted
10 thereunder.

11 (6) Failing, within 60 days, to provide a response to a
12 request for information in response to a written request
13 made by the Commission or the Department by certified mail.

14 (7) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public.

17 (8) Habitual use of or addiction to alcohol, narcotics,
18 stimulants, or any other chemical agent or drug that
19 results in a licensee's inability to practice with
20 reasonable judgment, skill, or safety.

21 (9) Discipline by another jurisdiction or foreign
22 nation, if at least one of the grounds for the discipline
23 is the same or substantially equivalent to those set forth
24 in this Section.

25 (10) A finding that the licensee, after having his or
26 her license placed on probationary status, has violated the

1 terms of probation.

2 (11) Being named as a perpetrator in an indicated
3 report by the Department of Children and Family Services
4 under the Abused and Neglected Child Reporting Act and upon
5 proof by clear and convincing evidence that the licensee
6 has caused a child to be an abused child or a neglected
7 child, as defined in the Abused and Neglected Child
8 Reporting Act.

9 (12) Gross negligence in the practice of interpreting.

10 (13) Holding oneself out to be a practicing interpreter
11 for the deaf under any name other than one's own.

12 (14) Knowingly allowing another person or organization
13 to use the licensee's license to deceive the public.

14 (15) Attempting to subvert or cheat on an
15 interpreter-related examination or evaluation.

16 (16) Immoral conduct in the commission of an act, such
17 as sexual abuse, sexual misconduct, or sexual
18 exploitation, related to the licensee's practice.

19 (17) Willfully violating State or federal
20 confidentiality laws or the confidentiality between an
21 interpreter and client, except as required by State or
22 federal law.

23 (18) Practicing or attempting to practice interpreting
24 under a name other than one's own.

25 (19) The use of any false, fraudulent, or deceptive
26 statement in any document connected with the licensee's

1 practice.

2 (20) Failure of a licensee to report to the Commission
3 any adverse final action taken against him or her by
4 another licensing jurisdiction, any peer review body, any
5 professional deaf or hard of hearing interpreting
6 association, any governmental Commission, by law
7 enforcement Commission, or any court for a deaf or hard of
8 hearing interpreting liability claim related to acts or
9 conduct similar to acts or conduct that would constitute
10 grounds for action as provided in this Section.

11 (21) Failure of a licensee to report to the Commission
12 surrender by the licensee of his or her license or
13 authorization to practice interpreting in another state or
14 jurisdiction or current surrender by the licensee of
15 membership in any deaf or hard of hearing interpreting
16 association or society while under disciplinary
17 investigation by any of those authorities or bodies for
18 acts or conduct similar to acts or conduct that would
19 constitute grounds for action as provided by this Section.

20 (22) Physical illness or injury including, but not
21 limited to, deterioration through the aging process or loss
22 of motor skill, mental illness, or disability that results
23 in the inability to practice the profession with reasonable
24 judgment, skill, or safety.

25 (23) Gross and willful overcharging for interpreter
26 services, including filing false statements for collection

1 of fees for which services have not been rendered.

2 (b) The Commission may refuse to issue or the Department
3 may suspend the license of any person who fails to file a
4 return, to pay the tax, penalty, or interest shown in a filed
5 return, or to pay any final assessment of the tax, penalty, or
6 interest as required by any tax Act administered by the
7 Illinois Department of Revenue, until such time as the
8 requirements of any such tax Act are satisfied.

9 (c) In enforcing this Section, the Commission, upon a
10 showing of a possible violation, may compel an individual
11 licensed under this Act, or who has applied for licensure under
12 this Act, to submit to a mental or physical examination, or
13 both, as required by and at the expense of the Commission. The
14 Commission may order the examining physician to present
15 testimony concerning the mental or physical examination of the
16 licensee or applicant. No information shall be excluded by
17 reason of any common law or statutory privilege relating to
18 communications between the licensee or applicant and the
19 examining physician. The Commission shall specifically
20 designate the examining physicians. The individual to be
21 examined may have, at his or her own expense, another physician
22 of his or her choice present during all aspects of this
23 examination. Failure of an individual to submit to a mental or
24 physical examination, when directed, shall be grounds for
25 suspension of his or her license until the individual submits
26 to the examination if the Commission finds, after notice and

1 hearing, that the refusal to submit to the examination was
2 without reasonable cause.

3 If the Commission finds an individual unable to practice
4 because of the reasons set forth in this subsection (c), the
5 Commission may require that individual to submit to care,
6 counseling, or treatment by physicians approved or designated
7 by the Commission as a condition, term, or restriction for
8 continued, reinstated, or renewed licensure to practice or, in
9 lieu of care, counseling, or treatment, the Commission may file
10 a complaint to immediately suspend, revoke, or otherwise
11 discipline the license of the individual. An individual whose
12 license was granted, continued, reinstated, renewed,
13 disciplined, or supervised subject to such terms, conditions,
14 or restrictions and who fails to comply with such terms,
15 conditions, or restrictions, shall be referred to the Director
16 for a determination as to whether the individual shall have his
17 or her license suspended immediately, pending a hearing by the
18 Department.

19 In instances in which the Director immediately suspends a
20 person's license under this subsection (c), a hearing on that
21 person's license must be convened by the Department within 15
22 days after the suspension and completed without appreciable
23 delay. The Commission or the Department shall have the
24 authority to review the subject individual's record of
25 treatment and counseling regarding the impairment to the extent
26 permitted by applicable State and federal statutes and

1 regulations safeguarding the confidentiality of medical
2 records.

3 An individual licensed under this Act and affected under
4 this subsection (c) shall be afforded an opportunity to
5 demonstrate to the Commission that he or she can resume
6 practice in compliance with acceptable and prevailing
7 standards under the provisions of his or her license.

8 (Source: P.A. 95-617, eff. 9-12-07.)

9 Section 55. The Animal Welfare Act is amended by changing
10 Section 10 and by adding Section 4 as follows:

11 (225 ILCS 605/4 new)

12 Sec. 4. Applicant convictions.

13 (a) The Department shall not require applicants to report
14 the following information and shall not consider the following
15 in connection with an application for a license under this Act:

16 (1) Juvenile adjudications of delinquent minors as
17 defined in Section 5-105 of the Juvenile Court Act of 1987,
18 subject to the restrictions set forth in Section 5-130 of
19 the Juvenile Court Act of 1987.

20 (2) Law enforcement records, court records, and
21 conviction records of an individual who was 17 years old at
22 the time of the offense and before January 1, 2014, unless
23 the nature of the offense required the individual to be
24 tried as an adult.

1 (3) Records of arrest not followed by a conviction.

2 (4) Convictions overturned by a higher court.

3 (5) Convictions or arrests that have been sealed or
4 expunged.

5 (b) The Department, upon a finding that an applicant for a
6 license was previously convicted of any felony or a misdemeanor
7 directly related to the practice of the profession, shall
8 consider any evidence of rehabilitation and mitigating factors
9 contained in the applicant's record, including any of the
10 following factors and evidence, to determine if the conviction
11 will impair the ability of the applicant to engage in the
12 position for which a license is sought:

13 (1) the lack of direct relation of the offense for
14 which the applicant was previously convicted to the duties,
15 functions, and responsibilities of the position for which a
16 license is sought;

17 (2) whether 5 years since a felony conviction or 3
18 years since release from confinement for the conviction,
19 whichever is later, have passed without a subsequent
20 conviction;

21 (3) if the applicant was previously licensed or
22 employed in this State or other states or jurisdictions,
23 then the lack of prior misconduct arising from or related
24 to the licensed position or position of employment;

25 (4) the age of the person at the time of the criminal
26 offense;

1 (5) successful completion of sentence and, for
2 applicants serving a term of parole or probation, a
3 progress report provided by the applicant's probation or
4 parole officer that documents the applicant's compliance
5 with conditions of supervision;

6 (6) evidence of the applicant's present fitness and
7 professional character;

8 (7) evidence of rehabilitation or rehabilitative
9 effort during or after incarceration, or during or after a
10 term of supervision, including, but not limited to, a
11 certificate of good conduct under Section 5-5.5-25 of the
12 Unified Code of Corrections or a certificate of relief from
13 disabilities under Section 5-5.5-10 of the Unified Code of
14 Corrections; and

15 (8) any other mitigating factors that contribute to the
16 person's potential and current ability to perform the
17 duties and responsibilities of the position for which a
18 license or employment is sought.

19 (c) If the Department refuses to grant a license to an
20 applicant, then the Department shall notify the applicant of
21 the denial in writing with the following included in the notice
22 of denial:

23 (1) a statement about the decision to refuse to issue a
24 license;

25 (2) a list of the convictions that the Department
26 determined will impair the applicant's ability to engage in

1 the position for which a license is sought;

2 (3) a list of convictions that formed the sole or
3 partial basis for the refusal to issue a license; and

4 (4) a summary of the appeal process or the earliest the
5 applicant may reapply for a license, whichever is
6 applicable.

7 (d) No later than May 1 of each year, the Department must
8 prepare, publicly announce, and publish a report of summary
9 statistical information relating to new and renewal license
10 applications during the preceding calendar year. Each report
11 shall show, at a minimum:

12 (1) the number of applicants for a new or renewal
13 license under this Act within the previous calendar year;

14 (2) the number of applicants for a new or renewal
15 license under this Act within the previous calendar year
16 who had any criminal conviction;

17 (3) the number of applicants for a new or renewal
18 license under this Act in the previous calendar year who
19 were granted a license;

20 (4) the number of applicants for a new or renewal
21 license with a criminal conviction who were granted a
22 license under this Act within the previous calendar year;

23 (5) the number of applicants for a new or renewal
24 license under this Act within the previous calendar year
25 who were denied a license;

26 (6) the number of applicants for a new or renewal

1 license with a criminal conviction who were denied a
2 license under this Act in the previous calendar year in
3 whole or in part because of a prior conviction;

4 (7) the number of licenses issued on probation without
5 monitoring under this Act in the previous calendar year to
6 applicants with convictions; and

7 (8) the number of licenses issued on probation with
8 monitoring under this Act in the previous calendar year to
9 applicants with convictions.

10 (225 ILCS 605/10) (from Ch. 8, par. 310)

11 Sec. 10. Grounds for discipline. The Department may refuse
12 to issue or renew or may suspend or revoke a license on any one
13 or more of the following grounds:

14 a. Material misstatement in the application for
15 original license or in the application for any renewal
16 license under this Act;

17 b. A violation of this Act or of any regulations or
18 rules issued pursuant thereto;

19 c. Aiding or abetting another in the violation of this
20 Act or of any regulation or rule issued pursuant thereto;

21 d. Allowing one's license under this Act to be used by
22 an unlicensed person;

23 e. For licensees, conviction ~~Conviction~~ of any crime an
24 essential element of which is misstatement, fraud or
25 dishonesty or conviction of any felony, if the Department

1 determines, after investigation, that such person has not
2 been sufficiently rehabilitated to warrant the public
3 trust; for applicants, the provisions of Section 4 of this
4 Act apply;

5 f. Conviction of a violation of any law of Illinois
6 except minor violations such as traffic violations and
7 violations not related to the disposition of dogs, cats and
8 other animals or any rule or regulation of the Department
9 relating to dogs or cats and sale thereof;

10 g. Making substantial misrepresentations or false
11 promises of a character likely to influence, persuade or
12 induce in connection with the business of a licensee under
13 this Act;

14 h. Pursuing a continued course of misrepresentation of
15 or making false promises through advertising, salesman,
16 agents or otherwise in connection with the business of a
17 licensee under this Act;

18 i. Failure to possess the necessary qualifications or
19 to meet the requirements of the Act for the issuance or
20 holding a license; or

21 j. Proof that the licensee is guilty of gross
22 negligence, incompetency, or cruelty with regard to
23 animals.

24 The Department may refuse to issue or may suspend the
25 license of any person who fails to file a return, or to pay the
26 tax, penalty or interest shown in a filed return, or to pay any

1 final assessment of tax, penalty or interest, as required by
2 any tax Act administered by the Illinois Department of Revenue,
3 until such time as the requirements of any such tax Act are
4 satisfied.

5 The Department may order any licensee to cease operation
6 for a period not to exceed 72 hours to correct deficiencies in
7 order to meet licensing requirements.

8 If the Department revokes a license under this Act at an
9 administrative hearing, the licensee and any individuals
10 associated with that license shall be prohibited from applying
11 for or obtaining a license under this Act for a minimum of 3
12 years.

13 (Source: P.A. 99-310, eff. 1-1-16.)

14 Section 60. The Illinois Feeder Swine Dealer Licensing Act
15 is amended by changing Section 9 and by adding Section 9.3 as
16 follows:

17 (225 ILCS 620/9) (from Ch. 111, par. 209)

18 Sec. 9. Grounds for refusal to issue or renew license and
19 for license suspension and revocation. The Department may
20 refuse to issue or renew or may suspend or revoke a license on
21 any one or more of the following grounds:

22 a. Material misstatement in the application for original
23 license or in the application for any renewal license under
24 this Act;

1 b. Disregard or violation of this Act, any other Act
2 relative to the purchase and sale of livestock or any
3 regulation or rule issued pursuant thereto;

4 c. Aiding or abetting another in the violation of this Act
5 or of any regulation or rule issued pursuant thereto;

6 d. Allowing one's license under this Act to be used by an
7 unlicensed person;

8 e. For licensees, conviction ~~Conviction~~ of any crime an
9 essential element of which is misstatement, fraud or dishonesty
10 or conviction of any felony, if the Department determines,
11 after investigation, that such person has not been sufficiently
12 rehabilitated to warrant the public trust; for applicants, the
13 provisions of Section 9.3 apply;

14 f. Conviction of a violation of any law of Illinois or any
15 rule or regulation of the Department relating to feeder swine;

16 g. Making substantial misrepresentations or false promises
17 of a character likely to influence, persuade or induce in
18 connection with the livestock industry;

19 h. Pursuing a continued course of misrepresentation of or
20 making false promises through advertising, salesmen, agents or
21 otherwise in connection with the livestock industry;

22 i. Failure to possess the necessary qualifications or to
23 meet the requirements of this Act for the issuance or holding
24 of a license;

25 j. Operating without the bond or trust fund agreement
26 required by this Act; or

1 k. Failing to file a return, or to pay the tax, penalty or
2 interest shown in a filed return, or to pay any final
3 assessment of tax, penalty or interest, as required by any tax
4 Act administered by the Illinois Department of Revenue.

5 (Source: P.A. 89-154, eff. 7-19-95.)

6 (225 ILCS 620/9.3 new)

7 Sec. 9.3. Applicant convictions.

8 (a) 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 a license under this Act:

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 the Juvenile Court Act of 1987.

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

21 (3) Records of arrest not followed by a conviction.

22 (4) Convictions overturned by a higher court.

23 (5) Convictions or arrests that have been sealed or
24 expunged.

25 (b) The Department, upon a finding that an applicant for a

1 license was previously convicted of any felony or a misdemeanor
2 directly related to the practice of the profession, shall
3 consider any evidence of rehabilitation and mitigating factors
4 contained in the applicant's record, including any of the
5 following factors and evidence, to determine if the conviction
6 will impair the ability of the applicant to engage in the
7 position for which a license is sought:

8 (1) the lack of direct relation of the offense for
9 which the applicant was previously convicted to the duties,
10 functions, and responsibilities of the position for which a
11 license is sought;

12 (2) whether 5 years since a felony conviction or 3
13 years since release from confinement for the conviction,
14 whichever is later, have passed without a subsequent
15 conviction;

16 (3) if the applicant was previously licensed or
17 employed in this State or other states or jurisdictions,
18 then the lack of prior misconduct arising from or related
19 to the licensed position or position of employment;

20 (4) the age of the person at the time of the criminal
21 offense;

22 (5) successful completion of sentence and, for
23 applicants serving a term of parole or probation, a
24 progress report provided by the applicant's probation or
25 parole officer that documents the applicant's compliance
26 with conditions of supervision;

1 (6) evidence of the applicant's present fitness and
2 professional character;

3 (7) evidence of rehabilitation or rehabilitative
4 effort during or after incarceration, or during or after a
5 term of supervision, including, but not limited to, a
6 certificate of good conduct under Section 5-5.5-25 of the
7 Unified Code of Corrections or a certificate of relief from
8 disabilities under Section 5-5.5-10 of the Unified Code of
9 Corrections; and

10 (8) any other mitigating factors that contribute to the
11 person's potential and current ability to perform the
12 duties and responsibilities of the position for which a
13 license or employment is sought.

14 (c) If the Department refuses to issue a license to an
15 applicant, then the applicant shall be notified of the denial
16 in writing with the following included in the notice of denial:

17 (1) a statement about the decision to refuse to issue a
18 license;

19 (2) a list of the convictions that the Department
20 determined will impair the applicant's ability to engage in
21 the position for which a license is sought;

22 (3) a list of convictions that formed the sole or
23 partial basis for the refusal to issue a license; and

24 (4) a summary of the appeal process or the earliest the
25 applicant may reapply for a license, whichever is
26 applicable.

1 (d) No later than May 1 of each year, the Department must
2 prepare, publicly announce, and publish a report of summary
3 statistical information relating to new and renewal license
4 applications during the preceding calendar year. Each report
5 shall show, at a minimum:

6 (1) the number of applicants for a new or renewal
7 license under this Act within the previous calendar year;

8 (2) the number of applicants for a new or renewal
9 license under this Act within the previous calendar year
10 who had any criminal conviction;

11 (3) the number of applicants for a new or renewal
12 license under this Act in the previous calendar year who
13 were granted a license;

14 (4) the number of applicants for a new or renewal
15 license with a criminal conviction who were granted a
16 license under this Act within the previous calendar year;

17 (5) the number of applicants for a new or renewal
18 license under this Act within the previous calendar year
19 who were denied a license; and

20 (6) the number of applicants for a new or renewal
21 license with a criminal conviction who were denied a
22 license under this Act in the previous calendar year in
23 whole or in part because of a prior conviction.

24 Section 65. The Illinois Horse Meat Act is amended by
25 changing Section 3.2 and by adding Section 3.3 as follows:

1 (225 ILCS 635/3.2) (from Ch. 56 1/2, par. 242.2)

2 Sec. 3.2. The following persons are ineligible for
3 licenses:

4 a. A person who is not a resident of the city, village or
5 county in which the premises covered by the license are
6 located; except in case of railroad or boat licenses.

7 b. A person who is not of good character and reputation in
8 the community in which he resides.

9 c. A person who is not a citizen of the United States.

10 d. A person with a prior conviction ~~who has been convicted~~
11 ~~of a felony~~ or a misdemeanor that is directly related to the
12 practice of the profession where such conviction will impair
13 the person's ability to engage in the licensed position.

14 e. (Blank). ~~A person who has been convicted of a crime or~~
15 ~~misdemeanor opposed to decency and morality.~~

16 f. A person whose license issued under this Act has been
17 revoked for cause.

18 g. A person who at the time of application for renewal of
19 any license issued hereunder would not be eligible for such
20 license upon a first application.

21 h. A co-partnership, unless all of the members of such
22 co-partnership shall be qualified to obtain a license.

23 i. A corporation, if any officer, manager or director
24 thereof or any stockholder or stockholders owning in the
25 aggregate more than five percent (5%) of the stock of such

1 corporation, would not be eligible to receive a license
2 hereunder for any reason other than citizenship and residence
3 within the political subdivision.

4 j. A person whose place of business is conducted by a
5 manager or agent unless said manager or agent possesses the
6 same qualifications required of the licensee.

7 (Source: Laws 1955, p. 388.)

8 (225 ILCS 635/3.3 new)

9 Sec. 3.3. Applicant convictions.

10 (a) The Department shall not require applicants to report
11 the following information and shall not consider the following
12 criminal history records in connection with an application for
13 a license under this Act:

14 (1) Juvenile adjudications of delinquent minors as
15 defined in Section 5-105 of the Juvenile Court Act of 1987,
16 subject to the restrictions set forth in Section 5-130 of
17 the Juvenile Court Act of 1987.

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

23 (3) Records of arrest not followed by a conviction.

24 (4) Convictions overturned by a higher court.

25 (5) Convictions or arrests that have been sealed or

1 expunged.

2 (b) No application for any license under this Act shall be
3 denied by reason of a finding of lack of moral character when
4 the finding is based upon the fact that the applicant has
5 previously been convicted of one or more criminal offenses.

6 (c) The Department, upon a finding that an applicant for a
7 license was previously convicted of any felony or a misdemeanor
8 directly related to the practice of the profession, shall
9 consider any evidence of rehabilitation and mitigating factors
10 contained in the applicant's record, including any of the
11 following factors and evidence, to determine if the conviction
12 will impair the ability of the applicant to engage in the
13 position for which a license is sought:

14 (1) the lack of direct relation of the offense for
15 which the applicant was previously convicted to the duties,
16 functions, and responsibilities of the position for which a
17 license is sought;

18 (2) whether 5 years since a felony conviction or 3
19 years since release from confinement for the conviction,
20 whichever is later, have passed without a subsequent
21 conviction;

22 (3) if the applicant was previously licensed or
23 employed in this State or other states or jurisdictions,
24 then the lack of prior misconduct arising from or related
25 to the licensed position or position of employment;

26 (4) the age of the person at the time of the criminal

1 offense;

2 (5) successful completion of sentence and, for
3 applicants serving a term of parole or probation, a
4 progress report provided by the applicant's probation or
5 parole officer that documents the applicant's compliance
6 with conditions of supervision;

7 (6) evidence of the applicant's present fitness and
8 professional character;

9 (7) evidence of rehabilitation or rehabilitative
10 effort during or after incarceration, or during or after a
11 term of supervision, including, but not limited to, a
12 certificate of good conduct under Section 5-5.5-25 of the
13 Unified Code of Corrections or a certificate of relief from
14 disabilities under Section 5-5.5-10 of the Unified Code of
15 Corrections; and

16 (8) any other mitigating factors that contribute to the
17 person's potential and current ability to perform the
18 duties and responsibilities of the position for which a
19 license or employment is sought.

20 (d) If the Department refuses to issue a license to an
21 applicant, then the applicant shall be notified of the denial
22 in writing with the following included in the notice of denial:

23 (1) a statement about the decision to refuse to issue a
24 license;

25 (2) a list of the convictions that the Department
26 determined will impair the applicant's ability to engage in

1 the position for which a license is sought;

2 (3) a list of convictions that formed the sole or
3 partial basis for the refusal to issue a license; and

4 (4) a summary of the appeal process or the earliest the
5 applicant may reapply for a license, whichever is
6 applicable.

7 (e) No later than May 1 of each year, the Department must
8 prepare, publicly announce, and publish a report of summary
9 statistical information relating to new and renewal license
10 applications during the preceding calendar year. Each report
11 shall show, at a minimum:

12 (1) the number of applicants for a new or renewal
13 license under this Act within the previous calendar year;

14 (2) the number of applicants for a new or renewal
15 license under this Act within the previous calendar year
16 who had any criminal conviction;

17 (3) the number of applicants for a new or renewal
18 license under this Act in the previous calendar year who
19 were granted a license;

20 (4) the number of applicants for a new or renewal
21 license with a criminal conviction who were granted a
22 license under this Act within the previous calendar year;

23 (5) the number of applicants for a new or renewal
24 license under this Act within the previous calendar year
25 who were denied a license; and

26 (6) the number of applicants for a new or renewal

1 license with a criminal conviction who were denied a
2 license under this Act in the previous calendar year in
3 whole or in part because of a prior conviction.

4 Section 70. The Illinois Livestock Dealer Licensing Act is
5 amended by changing Section 9 and by adding Section 9.4 as
6 follows:

7 (225 ILCS 645/9) (from Ch. 111, par. 409)

8 Sec. 9. The Department may refuse to issue or renew or may
9 suspend or revoke a license on any of the following grounds:

10 a. Material misstatement in the application for
11 original license or in the application for any renewal
12 license under this Act;

13 b. Wilful disregard or violation of this Act, or of any
14 other Act relative to the purchase and sale of livestock,
15 feeder swine or horses, or of any regulation or rule issued
16 pursuant thereto;

17 c. Wilfully aiding or abetting another in the violation
18 of this Act or of any regulation or rule issued pursuant
19 thereto;

20 d. Allowing one's license under this Act to be used by
21 an unlicensed person;

22 e. For licensees, conviction ~~Conviction~~ of any felony,
23 if the Department determines, after investigation, that
24 such person has not been sufficiently rehabilitated to

1 warrant the public trust; for applicants, the provisions of
2 Section 9.4 apply;

3 f. For licensees, conviction ~~Conviction~~ of any crime an
4 essential element of which is misstatement, fraud or
5 dishonesty; for applicants, the provisions of Section 9.4
6 apply;

7 g. Conviction of a violation of any law in Illinois or
8 any Departmental rule or regulation relating to livestock;

9 h. Making substantial misrepresentations or false
10 promises of a character likely to influence, persuade or
11 induce in connection with the livestock industry;

12 i. Pursuing a continued course of misrepresentation of
13 or making false promises through advertising, salesmen,
14 agents or otherwise in connection with the livestock
15 industry;

16 j. Failure to possess the necessary qualifications or
17 to meet the requirements of this Act for the issuance or
18 holding a license;

19 k. Failure to pay for livestock after purchase;

20 l. Issuance of checks for payment of livestock when
21 funds are insufficient;

22 m. Determination by a Department audit that the
23 licensee or applicant is insolvent;

24 n. Operating without adequate bond coverage or its
25 equivalent required for licensees;

26 o. Failing to remit the assessment required in Section

1 9 of the Beef Market Development Act upon written complaint
2 of the Checkoff Division of the Illinois Beef Association
3 Board of Governors.

4 The Department may refuse to issue or may suspend the
5 license of any person who fails to file a return, or to pay the
6 tax, penalty or interest shown in a filed return, or to pay any
7 final assessment of tax, penalty or interest, as required by
8 any tax Act administered by the Illinois Department of Revenue,
9 until such time as the requirements of any such tax Act are
10 satisfied.

11 (Source: P.A. 99-389, eff. 8-18-15; 99-642, eff. 7-28-16.)

12 (225 ILCS 645/9.4 new)

13 Sec. 9.4. Applicant convictions.

14 (a) The Department shall not require applicants to report
15 the following information and shall not consider the following
16 criminal history records in connection with an application for
17 a license under this Act:

18 (1) Juvenile adjudications of delinquent minors as
19 defined in Section 5-105 of the Juvenile Court Act of 1987,
20 subject to the restrictions set forth in Section 5-130 of
21 the Juvenile Court Act of 1987.

22 (2) Law enforcement records, court records, and
23 conviction records of an individual who was 17 years old at
24 the time of the offense and before January 1, 2014, unless
25 the nature of the offense required the individual to be

1 tried as an adult.

2 (3) Records of arrest not followed by a conviction.

3 (4) Convictions overturned by a higher court.

4 (5) Convictions or arrests that have been sealed or
5 expunged.

6 (b) The Department, upon a finding that an applicant for a
7 license was previously convicted of any felony or a misdemeanor
8 directly related to the practice of the profession, shall
9 consider any evidence of rehabilitation and mitigating factors
10 contained in the applicant's record, including any of the
11 following factors and evidence, to determine if the conviction
12 will impair the ability of the applicant to engage in the
13 position for which a license is sought:

14 (1) the lack of direct relation of the offense for
15 which the applicant was previously convicted to the duties,
16 functions, and responsibilities of the position for which a
17 license is sought;

18 (2) whether 5 years since a felony conviction or 3
19 years since release from confinement for the conviction,
20 whichever is later, have passed without a subsequent
21 conviction;

22 (3) if the applicant was previously licensed or
23 employed in this State or other states or jurisdictions,
24 then the lack of prior misconduct arising from or related
25 to the licensed position or position of employment;

26 (4) the age of the person at the time of the criminal

1 offense;

2 (5) successful completion of sentence and, for
3 applicants serving a term of parole or probation, a
4 progress report provided by the applicant's probation or
5 parole officer that documents the applicant's compliance
6 with conditions of supervision;

7 (6) evidence of the applicant's present fitness and
8 professional character;

9 (7) evidence of rehabilitation or rehabilitative
10 effort during or after incarceration, or during or after a
11 term of supervision, including, but not limited to, a
12 certificate of good conduct under Section 5-5.5-25 of the
13 Unified Code of Corrections or a certificate of relief from
14 disabilities under Section 5-5.5-10 of the Unified Code of
15 Corrections; and

16 (8) any other mitigating factors that contribute to the
17 person's potential and current ability to perform the
18 duties and responsibilities of the position for which a
19 license or employment is sought.

20 (c) If the Department refuses to issue a license to an
21 applicant, then the applicant shall be notified of the denial
22 in writing with the following included in the notice of denial:

23 (1) a statement about the decision to refuse to issue a
24 license;

25 (2) a list of the convictions that the Department
26 determined will impair the applicant's ability to engage in

1 the position for which a license is sought;

2 (3) a list of convictions that formed the sole or
3 partial basis for the refusal to issue a license; and

4 (4) a summary of the appeal process or the earliest the
5 applicant may reapply for a license, whichever is
6 applicable.

7 (d) No later than May 1 of each year, the Department must
8 prepare, publicly announce, and publish a report of summary
9 statistical information relating to new and renewal license
10 applications during the preceding calendar year. Each report
11 shall show, at a minimum:

12 (1) the number of applicants for a new or renewal
13 license under this Act within the previous calendar year;

14 (2) the number of applicants for a new or renewal
15 license under this Act within the previous calendar year
16 who had any criminal conviction;

17 (3) the number of applicants for a new or renewal
18 license under this Act in the previous calendar year who
19 were granted a license;

20 (4) the number of applicants for a new or renewal
21 license with a criminal conviction who were granted a
22 license under this Act within the previous calendar year;

23 (5) the number of applicants for a new or renewal
24 license under this Act within the previous calendar year
25 who were denied a license; and

26 (6) the number of applicants for a new or renewal

1 license with a criminal conviction who were denied a
2 license under this Act in the previous calendar year in
3 whole or in part because of a prior conviction.

4 Section 75. The Slaughter Livestock Buyers Act is amended
5 by changing Section 7 and by adding Section 7.1 as follows:

6 (225 ILCS 655/7) (from Ch. 111, par. 508)

7 Sec. 7. The Department may refuse to issue or may suspend
8 or revoke a certificate of registration on any of the following
9 grounds:

10 a. Material misstatement in the application for original
11 registration;

12 b. Wilful disregard or violation of this Act or of any
13 regulation or rule issued pursuant thereto;

14 c. Wilfully aiding or abetting another in the violation of
15 this Act or of any regulation or rule issued pursuant thereto;

16 d. For a holder of a certificate of registration,
17 conviction ~~Conviction~~ of any felony, if the Department
18 determines, after investigation, that such person has not been
19 sufficiently rehabilitated to warrant the public trust; for an
20 applicant for a certificate of registration, the provisions of
21 Section 7.1 apply;

22 e. For a holder of a certificate of registration,
23 conviction ~~Conviction~~ of any crime an essential element of
24 which is misstatement, fraud or dishonesty; for an applicant

1 for a certificate of registration, the provisions of Section
2 7.1 apply;

3 f. Conviction of a violation of any law of Illinois
4 relating to the purchase of livestock or any Departmental rule
5 or regulation pertaining thereto;

6 g. Making substantial misrepresentations or false promises
7 of a character likely to influence, persuade or induce in
8 connection with the business conducted under this Act;

9 h. Pursuing a continued course of misrepresentation of or
10 making false promises through advertising, salesman, agent or
11 otherwise in connection with the business conducted under this
12 Act;

13 i. Failure to possess the necessary qualifications or to
14 meet the requirements of this Act;

15 j. Failure to pay for livestock within 24 hours after
16 purchase, except as otherwise provided in Section 16;

17 k. If Department audit determines the registrant to be
18 insolvent; or

19 l. Issuance of checks for payment of livestock when funds
20 are insufficient.

21 (Source: P.A. 80-915.)

22 (225 ILCS 655/7.1 new)

23 Sec. 7.1. Applicant convictions.

24 (a) The Department shall not require applicants to report
25 the following information and shall not consider the following

1 criminal history records in connection with an application for
2 a certificate of registration or license under this Act:

3 (1) Juvenile adjudications of delinquent minors as
4 defined in Section 5-105 of the Juvenile Court Act of 1987,
5 subject to the restrictions set forth in Section 5-130 of
6 the Juvenile Court Act of 1987.

7 (2) Law enforcement records, court records, and
8 conviction records of an individual who was 17 years old at
9 the time of the offense and before January 1, 2014, unless
10 the nature of the offense required the individual to be
11 tried as an adult.

12 (3) Records of arrest not followed by a conviction.

13 (4) Convictions overturned by a higher court.

14 (5) Convictions or arrests that have been sealed or
15 expunged.

16 (b) The Department, upon a finding that an applicant for a
17 license or certificate of registration was previously
18 convicted of any felony or a misdemeanor directly related to
19 the practice of the profession, shall consider any evidence of
20 rehabilitation and mitigating factors contained in the
21 applicant's record, including any of the following factors and
22 evidence, to determine if the conviction will impair the
23 ability of the applicant to engage in the position for which a
24 license or certificate of registration is sought:

25 (1) the lack of direct relation of the offense for
26 which the applicant was previously convicted to the duties,

1 functions, and responsibilities of the position for which a
2 license is sought;

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

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

11 (4) the age of the person at the time of the criminal
12 offense;

13 (5) successful completion of sentence and, for
14 applicants serving a term of parole or probation, a
15 progress report provided by the applicant's probation or
16 parole officer that documents the applicant's compliance
17 with conditions of supervision;

18 (6) evidence of the applicant's present fitness and
19 professional character;

20 (7) evidence of rehabilitation or rehabilitative
21 effort during or after incarceration, or during or after a
22 term of supervision, including, but not limited to, a
23 certificate of good conduct under Section 5-5.5-25 of the
24 Unified Code of Corrections or a certificate of relief from
25 disabilities under Section 5-5.5-10 of the Unified Code of
26 Corrections; and

1 (8) any other mitigating factors that contribute to the
2 person's potential and current ability to perform the
3 duties and responsibilities of the position for which a
4 license or employment is sought.

5 (c) If the Department refuses to issue a certificate of
6 registration or license to an applicant, then the applicant
7 shall be notified of the denial in writing with the following
8 included in the notice of denial:

9 (1) a statement about the decision to refuse to issue a
10 certificate of registration or a license;

11 (2) a list of the convictions that the Department
12 determined will impair the applicant's ability to engage in
13 the position for which a license or certificate of
14 registration is sought;

15 (3) a list of convictions that formed the sole or
16 partial basis for the refusal to issue a certificate of
17 registration or a license; and

18 (4) a summary of the appeal process or the earliest the
19 applicant may reapply for a license or certificate of
20 registration, whichever is applicable.

21 (d) No later than May 1 of each year, the Department must
22 prepare, publicly announce, and publish a report of summary
23 statistical information relating to new and renewal license or
24 certificate of registration applications during the preceding
25 calendar year. Each report shall show, at a minimum:

26 (1) the number of applicants for a new or renewal

1 license or certificate of registration under this Act
2 within the previous calendar year;

3 (2) the number of applicants for a new or renewal
4 license or certificate of registration under this Act
5 within the previous calendar year who had any criminal
6 conviction;

7 (3) the number of applicants for a new or renewal
8 license or certificate of registration under this Act in
9 the previous calendar year who were granted a license;

10 (4) the number of applicants for a new or renewal
11 license or certificate of registration with a criminal
12 conviction who were granted a license or certificate of
13 registration under this Act within the previous calendar
14 year;

15 (5) the number of applicants for a new or renewal
16 license or certificate of registration under this Act
17 within the previous calendar year who were denied a license
18 or a certificate of registration; and

19 (6) the number of applicants for a new or renewal
20 license or certificate of registration with a criminal
21 conviction who were denied a license or certificate of
22 registration under this Act in the previous calendar year
23 in whole or in part because of a prior conviction.

24 Section 80. The Raffles and Poker Runs Act is amended by
25 changing Section 3 and by adding Section 3.1 as follows:

1 (230 ILCS 15/3) (from Ch. 85, par. 2303)

2 Sec. 3. License - Application - Issuance - Restrictions -
3 Persons ineligible. Licenses issued by the governing body of
4 any county or municipality are subject to the following
5 restrictions:

6 (1) No person, firm or corporation shall conduct
7 raffles or chances or poker runs without having first
8 obtained a license therefor pursuant to this Act.

9 (2) The license and application for license must
10 specify the area or areas within the licensing authority in
11 which raffle chances will be sold or issued or a poker run
12 will be conducted, the time period during which raffle
13 chances will be sold or issued or a poker run will be
14 conducted, the time of determination of winning chances and
15 the location or locations at which winning chances will be
16 determined.

17 (3) The license application must contain a sworn
18 statement attesting to the not-for-profit character of the
19 prospective licensee organization, signed by the presiding
20 officer and the secretary of that organization.

21 (4) The application for license shall be prepared in
22 accordance with the ordinance of the local governmental
23 unit.

24 (5) A license authorizes the licensee to conduct
25 raffles or poker runs as defined in this Act.

1 The following are ineligible for any license under this
2 Act:

3 (a) any person whose felony conviction will impair the
4 person's ability to engage in the licensed position ~~who has~~
5 ~~been convicted of a felony;~~

6 (b) any person who is or has been a professional
7 gambler or gambling promoter;

8 (c) any person who is not of good moral character;

9 (d) any firm or corporation in which a person defined
10 in (a), (b) or (c) has a proprietary, equitable or credit
11 interest, or in which such a person is active or employed;

12 (e) any organization in which a person defined in (a),
13 (b) or (c) is an officer, director, or employee, whether
14 compensated or not;

15 (f) any organization in which a person defined in (a),
16 (b) or (c) is to participate in the management or operation
17 of a raffle as defined in this Act.

18 (Source: P.A. 98-644, eff. 6-10-14.)

19 (230 ILCS 15/3.1 new)

20 Sec. 3.1. Applicant convictions.

21 (a) The licensing authority shall not require applicants to
22 report the following information and shall not consider the
23 following criminal history records in connection with an
24 application for licensure:

25 (1) Juvenile adjudications of delinquent minors as

1 defined in Section 5-105 of the Juvenile Court Act of 1987,
2 subject to the restrictions set forth in Section 5-130 of
3 the Juvenile Court Act of 1987.

4 (2) Law enforcement records, court records, and
5 conviction records of an individual who was 17 years old at
6 the time of the offense and before January 1, 2014, unless
7 the nature of the offense required the individual to be
8 tried as an adult.

9 (3) Records of arrest not followed by a conviction.

10 (4) Convictions overturned by a higher court.

11 (5) Convictions or arrests that have been sealed or
12 expunged.

13 (b) The licensing authority, upon a finding that an
14 applicant for a license was previously convicted of a felony
15 shall consider any evidence of rehabilitation and mitigating
16 factors contained in the applicant's record, including any of
17 the following factors and evidence, to determine if the
18 conviction will impair the ability of the applicant to engage
19 in the position for which a license is sought:

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

24 (2) whether 5 years since a felony conviction or 3
25 years since release from confinement for the conviction,
26 whichever is later, have passed without a subsequent

1 conviction;

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

6 (4) the age of the person at the time of the criminal
7 offense;

8 (5) successful completion of sentence and, for
9 applicants serving a term of parole or probation, a
10 progress report provided by the applicant's probation or
11 parole officer that documents the applicant's compliance
12 with conditions of supervision;

13 (6) evidence of the applicant's present fitness and
14 professional character;

15 (7) evidence of rehabilitation or rehabilitative
16 effort during or after incarceration, or during or after a
17 term of supervision, including, but not limited to, a
18 certificate of good conduct under Section 5-5.5-25 of the
19 Unified Code of Corrections or a certificate of relief from
20 disabilities under Section 5-5.5-10 of the Unified Code of
21 Corrections; and

22 (8) any other mitigating factors that contribute to the
23 person's potential and current ability to perform the
24 duties and responsibilities of the position for which a
25 license or employment is sought.

26 (c) If the licensing authority refuses to issue a license

1 to an applicant, then the applicant shall be notified of the
2 denial in writing with the following included in the notice of
3 denial:

4 (1) a statement about the decision to refuse to issue a
5 license;

6 (2) a list of the convictions that the licensing
7 authority determined will impair the applicant's ability
8 to engage in the position for which a license is sought;

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

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

14 (d) No later than May 1 of each year, the licensing
15 authority must prepare, publicly announce, and publish a report
16 of summary statistical information relating to new and renewal
17 license applications during the preceding calendar year. Each
18 report shall show, at a minimum:

19 (1) the number of applicants for a new or renewal
20 license under this Act within the previous calendar year;

21 (2) the number of applicants for a new or renewal
22 license under this Act within the previous calendar year
23 who had any criminal conviction;

24 (3) the number of applicants for a new or renewal
25 license under this Act in the previous calendar year who
26 were granted a license;

1 (4) the number of applicants for a new or renewal
2 license with a criminal conviction who were granted a
3 license under this Act within the previous calendar year;

4 (5) the number of applicants for a new or renewal
5 license under this Act within the previous calendar year
6 who were denied a license; and

7 (6) the number of applicants for a new or renewal
8 license with a criminal conviction who were denied a
9 license under this Act in the previous calendar year in
10 whole or in part because of a prior conviction.

11 Section 85. The Illinois Pull Tabs and Jar Games Act is
12 amended by changing Section 2.1 and by adding Section 2.2 as
13 follows:

14 (230 ILCS 20/2.1)

15 Sec. 2.1. Ineligibility for a license. The following are
16 ineligible for any license under this Act:

17 (1) Any person convicted of any felony within the last
18 5 years where such conviction will impair the person's
19 ability to engage in the position for which a license is
20 sought. ~~Any person who has been convicted of a felony~~
21 ~~within the last 10 years prior to the date of the~~
22 ~~application.~~

23 (2) Any person ~~who has been~~ convicted of a violation of
24 Article 28 of the Criminal Code of 1961 or the Criminal

1 Code of 2012 who has not been sufficiently rehabilitated
2 following the conviction.

3 (3) Any person who has had a bingo, pull tabs and jar
4 games, or charitable games license revoked by the
5 Department.

6 (4) Any person who is or has been a professional
7 gambler.

8 (5) Any person found gambling in a manner not
9 authorized by the Illinois Pull Tabs and Jar Games Act, the
10 Bingo License and Tax Act, or the Charitable Games Act,
11 participating in such gambling, or knowingly permitting
12 such gambling on premises where pull tabs and jar games are
13 authorized to be conducted.

14 (6) Any firm or corporation in which a person defined
15 in (1), (2), (3), (4), or (5) has any proprietary,
16 equitable, or credit interest or in which such person is
17 active or employed.

18 (7) Any organization in which a person defined in (1),
19 (2), (3), (4), or (5) is an officer, director, or employee,
20 whether compensated or not.

21 (8) Any organization in which a person defined in (1),
22 (2), (3), (4), or (5) is to participate in the management
23 or operation of pull tabs and jar games.

24 The Department of State Police shall provide the criminal
25 background of any supplier as requested by the Department of
26 Revenue.

1 (Source: P.A. 97-1150, eff. 1-25-13.)

2 (230 ILCS 20/2.2 new)

3 Sec. 2.2. Applicant convictions.

4 (a) The Department shall not require applicants to report
5 the following information and shall not consider the following
6 criminal history records in connection with an application for
7 licensure:

8 (1) Juvenile adjudications of delinquent minors as
9 defined in Section 5-105 of the Juvenile Court Act of 1987,
10 subject to the restrictions set forth in Section 5-130 of
11 the Juvenile Court Act of 1987.

12 (2) Law enforcement records, court records, and
13 conviction records of an individual who was 17 years old at
14 the time of the offense and before January 1, 2014, unless
15 the nature of the offense required the individual to be
16 tried as an adult.

17 (3) Records of arrest not followed by a conviction.

18 (4) Convictions overturned by a higher court.

19 (5) Convictions or arrests that have been sealed or
20 expunged.

21 (b) The Department, upon a finding that an applicant for a
22 license was convicted of a felony in the previous 5 years or of
23 a violation of Article 28 of the Criminal Code of 1961 or
24 Criminal Code of 2012, shall consider any evidence of
25 rehabilitation and mitigating factors contained in the

1 applicant's record, including any of the following factors and
2 evidence, to determine if the applicant is sufficiently
3 rehabilitated or whether the conviction will impair the ability
4 of the applicant to engage in the position for which a license
5 is sought:

6 (1) the lack of direct relation of the offense for
7 which the applicant was previously convicted to the duties,
8 functions, and responsibilities of the position for which a
9 license is sought;

10 (2) the amount of time that has elapsed since the
11 offense occurred;

12 (3) if the applicant was previously licensed or
13 employed in this State or other states or jurisdictions,
14 then the lack of prior misconduct arising from or related
15 to the licensed position or position of employment;

16 (4) the age of the person at the time of the criminal
17 offense;

18 (5) successful completion of sentence and, for
19 applicants serving a term of parole or probation, a
20 progress report provided by the applicant's probation or
21 parole officer that documents the applicant's compliance
22 with conditions of supervision;

23 (6) evidence of the applicant's present fitness and
24 professional character;

25 (7) evidence of rehabilitation or rehabilitative
26 effort during or after incarceration, or during or after a

1 term of supervision, including, but not limited to, a
2 certificate of good conduct under Section 5-5.5-25 of the
3 Unified Code of Corrections or a certificate of relief from
4 disabilities under Section 5-5.5-10 of the Unified Code of
5 Corrections; and

6 (8) any other mitigating factors that contribute to the
7 person's potential and current ability to perform the
8 duties and responsibilities of the position for which a
9 license or employment is sought.

10 (c) If the Department refuses to issue a license to an
11 applicant, then the applicant shall be notified of the denial
12 in writing with the following included in the notice of denial:

13 (1) a statement about the decision to refuse to issue a
14 license;

15 (2) a list of the convictions that the Department
16 determined will impair the applicant's ability to engage in
17 the position for which a license is sought;

18 (3) a list of convictions that formed the sole or
19 partial basis for the refusal to issue a license; and

20 (4) a summary of the appeal process or the earliest the
21 applicant may reapply for a license, whichever is
22 applicable.

23 (d) No later than May 1 of each year, the Department must
24 prepare, publicly announce, and publish a report of summary
25 statistical information relating to new and renewal license
26 applications during the preceding calendar year. Each report

1 shall show, at a minimum:

2 (1) the number of applicants for a new or renewal
3 license under this Act within the previous calendar year;

4 (2) the number of applicants for a new or renewal
5 license under this Act within the previous calendar year
6 who had any criminal conviction;

7 (3) the number of applicants for a new or renewal
8 license under this Act in the previous calendar year who
9 were granted a license;

10 (4) the number of applicants for a new or renewal
11 license with a criminal conviction who were granted a
12 license under this Act within the previous calendar year;

13 (5) the number of applicants for a new or renewal
14 license under this Act within the previous calendar year
15 who were denied a license; and

16 (6) the number of applicants for a new or renewal
17 license with a criminal conviction who were denied a
18 license under this Act in the previous calendar year in
19 whole or in part because of a prior conviction.

20 Section 90. The Bingo License and Tax Act is amended by
21 changing Section 1.2 and by adding Section 1.2a as follows:

22 (230 ILCS 25/1.2)

23 Sec. 1.2. Ineligibility for licensure. The following are
24 ineligible for any license under this Act:

1 (1) Any person convicted of any felony within the last
2 5 years where such conviction will impair the person's
3 ability to engage in the position for which a license is
4 sought. ~~Any person who has been convicted of a felony~~
5 ~~within the last 10 years prior to the date of application.~~

6 (2) Any person ~~who has been~~ convicted of a violation of
7 Article 28 of the Criminal Code of 1961 or the Criminal
8 Code of 2012 who has not been sufficiently rehabilitated
9 following the conviction.

10 (3) Any person who has had a bingo, pull tabs and jar
11 games, or charitable games license revoked by the
12 Department.

13 (4) Any person who is or has been a professional
14 gambler.

15 (5) Any person found gambling in a manner not
16 authorized by the Illinois Pull Tabs and Jar Games Act,
17 Bingo License and Tax Act, or the Charitable Games Act,
18 participating in such gambling, or knowingly permitting
19 such gambling on premises where a bingo event is authorized
20 to be conducted or has been conducted.

21 (6) Any organization in which a person defined in (1),
22 (2), (3), (4), or (5) has a proprietary, equitable, or
23 credit interest, or in which such person is active or
24 employed.

25 (7) Any organization in which a person defined in (1),
26 (2), (3), (4), or (5) is an officer, director, or employee,

1 whether compensated or not.

2 (8) Any organization in which a person defined in (1),
3 (2), (3), (4), or (5) is to participate in the management
4 or operation of a bingo game.

5 The Department of State Police shall provide the criminal
6 background of any person requested by the Department of
7 Revenue.

8 (Source: P.A. 97-1150, eff. 1-25-13.)

9 (230 ILCS 25/1.2a new)

10 Sec. 1.2a. Applicant convictions.

11 (a) The Department, upon a finding that an applicant for a
12 license was convicted of a felony within the previous 5 years
13 or of a violation of Article 28 of the Criminal Code of 1961 or
14 Criminal Code of 2012, shall consider any evidence of
15 rehabilitation and mitigating factors contained in the
16 applicant's record, including any of the following factors and
17 evidence, to determine if the applicant is sufficiently
18 rehabilitated or whether the conviction will impair the ability
19 of the applicant to engage in the position for which a license
20 is sought:

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

25 (2) the amount of time that has elapsed since the

1 offense occurred;

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

6 (4) the age of the person at the time of the criminal
7 offense;

8 (5) successful completion of sentence and, for
9 applicants serving a term of parole or probation, a
10 progress report provided by the applicant's probation or
11 parole officer that documents the applicant's compliance
12 with conditions of supervision;

13 (6) evidence of the applicant's present fitness and
14 professional character;

15 (7) evidence of rehabilitation or rehabilitative
16 effort during or after incarceration, or during or after a
17 term of supervision, including, but not limited to, a
18 certificate of good conduct under Section 5-5.5-25 of the
19 Unified Code of Corrections or a certificate of relief from
20 disabilities under Section 5-5.5-10 of the Unified Code of
21 Corrections; and

22 (8) any other mitigating factors that contribute to the
23 person's potential and current ability to perform the
24 duties and responsibilities of the position for which a
25 license or employment is sought.

26 (b) If the Department refuses to issue a license to an

1 applicant, then the Department shall notify the applicant of
2 the denial in writing with the following included in the notice
3 of denial:

4 (1) a statement about the decision to refuse to issue a
5 license;

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

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

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

14 (c) No later than May 1 of each year, the Department must
15 prepare, publicly announce, and publish a report of summary
16 statistical information relating to new and renewal license
17 applications during the preceding calendar year. Each report
18 shall show, at a minimum:

19 (1) the number of applicants for a new or renewal
20 license under this Act within the previous calendar year;

21 (2) the number of applicants for a new or renewal
22 license under this Act within the previous calendar year
23 who had any criminal conviction;

24 (3) the number of applicants for a new or renewal
25 license under this Act in the previous calendar year who
26 were granted a license;

1 (4) the number of applicants for a new or renewal
2 license with a criminal conviction who were granted a
3 license under this Act within the previous calendar year;

4 (5) the number of applicants for a new or renewal
5 license under this Act within the previous calendar year
6 who were denied a license; and

7 (6) the number of applicants for a new or renewal
8 license with a criminal conviction who were denied a
9 license under this Act in the previous calendar year in
10 whole or in part because of a prior conviction.

11 (d) The Department shall not require applicants to report
12 the following information and shall not consider the following
13 criminal history records in connection with an application for
14 licensure:

15 (1) Juvenile adjudications of delinquent minors as
16 defined in Section 5-105 of the Juvenile Court Act of 1987,
17 subject to the exclusions set forth in Section 5-130 of the
18 Juvenile Court Act of 1987.

19 (2) Law enforcement records, court records, and
20 conviction records of an individual who was 17 years old at
21 the time of the offense and before January 1, 2014, unless
22 the nature of the offense required the individual to be
23 tried as an adult.

24 (3) Records of arrest not followed by a conviction.

25 (4) Convictions overturned by a higher court.

26 (5) Convictions or arrests that have been sealed or

1 expunged.

2 Section 95. The Charitable Games Act is amended by changing
3 Section 7 and by adding Section 7.1 as follows:

4 (230 ILCS 30/7) (from Ch. 120, par. 1127)

5 Sec. 7. Ineligible Persons. The following are ineligible
6 for any license under this Act:

7 (a) any person convicted of any felony within the last
8 5 years where such conviction will impair the person's
9 ability to engage in the position for which a license is
10 sought ~~any person who has been convicted of a felony within~~
11 ~~the last 10 years before the date of the application;~~

12 (b) any person ~~who has been~~ convicted of a violation of
13 Article 28 of the Criminal Code of 1961 or the Criminal
14 Code of 2012 who has not been sufficiently rehabilitated
15 following the conviction;

16 (c) any person who has had a bingo, pull tabs and jar
17 games, or charitable games license revoked by the
18 Department;

19 (d) any person who is or has been a professional
20 gambler;

21 (d-1) any person found gambling in a manner not
22 authorized by this Act, the Illinois Pull Tabs and Jar
23 Games Act, or the Bingo License and Tax Act participating
24 in such gambling, or knowingly permitting such gambling on

1 premises where an authorized charitable games event is
2 authorized to be conducted or has been conducted;

3 (e) any organization in which a person defined in (a),
4 (b), (c), (d), or (d-1) has a proprietary, equitable, or
5 credit interest, or in which the person is active or
6 employed;

7 (f) any organization in which a person defined in (a),
8 (b), (c), (d), or (d-1) is an officer, director, or
9 employee, whether compensated or not;

10 (g) any organization in which a person defined in (a),
11 (b), (c), (d), or (d-1) is to participate in the management
12 or operation of charitable games.

13 The Department of State Police shall provide the criminal
14 background of any person requested by the Department of
15 Revenue.

16 (Source: P.A. 97-1150, eff. 1-25-13.)

17 (230 ILCS 30/7.1 new)

18 Sec. 7.1. Applicant convictions.

19 (a) The Department, upon a finding that an applicant for a
20 license was convicted of a felony within the previous 5 years
21 or of a violation of Article 28 of the Criminal Code of 1961 or
22 Criminal Code of 2012, shall consider any evidence of
23 rehabilitation and mitigating factors contained in the
24 applicant's record, including any of the following factors and
25 evidence, to determine if the applicant is sufficiently

1 rehabilitated or whether the conviction will impair the ability
2 of the applicant to engage in the position for which a license
3 is sought:

4 (1) the lack of direct relation of the offense for
5 which the applicant was previously convicted to the duties,
6 functions, and responsibilities of the position for which a
7 license is sought;

8 (2) the amount of time that has elapsed since the
9 offense occurred;

10 (3) if the applicant was previously licensed or
11 employed in this State or other states or jurisdictions,
12 then the lack of prior misconduct arising from or related
13 to the licensed position or position of employment;

14 (4) the age of the person at the time of the criminal
15 offense;

16 (5) successful completion of sentence and, for
17 applicants serving a term of parole or probation, a
18 progress report provided by the applicant's probation or
19 parole officer that documents the applicant's compliance
20 with conditions of supervision;

21 (6) evidence of the applicant's present fitness and
22 professional character;

23 (7) evidence of rehabilitation or rehabilitative
24 effort during or after incarceration, or during or after a
25 term of supervision, including, but not limited to, a
26 certificate of good conduct under Section 5-5.5-25 of the

1 Unified Code of Corrections or a certificate of relief from
2 disabilities under Section 5-5.5-10 of the Unified Code of
3 Corrections; and

4 (8) any other mitigating factors that contribute to the
5 person's potential and current ability to perform the
6 duties and responsibilities of the position for which a
7 license or employment is sought.

8 (b) If the Department refuses to grant a license to an
9 applicant, then the Department shall notify the applicant of
10 the denial in writing with the following included in the notice
11 of denial:

12 (1) a statement about the decision to refuse to issue a
13 license;

14 (2) a list of the convictions that the Department
15 determined will impair the applicant's ability to engage in
16 the position for which a license is sought;

17 (3) a list of convictions that formed the sole or
18 partial basis for the refusal to issue a license; and

19 (4) a summary of the appeal process or the earliest the
20 applicant may reapply for a license, whichever is
21 applicable.

22 (c) No later than May 1 of each year, the Department must
23 prepare, publicly announce, and publish a report of summary
24 statistical information relating to new and renewal license
25 applications during the preceding calendar year. Each report
26 shall show, at a minimum:

1 (1) the number of applicants for a new or renewal
2 license under this Act within the previous calendar year;

3 (2) the number of applicants for a new or renewal
4 license under this Act within the previous calendar year
5 who had any criminal conviction;

6 (3) the number of applicants for a new or renewal
7 license under this Act in the previous calendar year who
8 were granted a license;

9 (4) the number of applicants for a new or renewal
10 license with a criminal conviction who were granted a
11 license under this Act within the previous calendar year;

12 (5) the number of applicants for a new or renewal
13 license under this Act within the previous calendar year
14 who were denied a license; and

15 (6) the number of applicants for a new or renewal
16 license with a criminal conviction who were denied a
17 license under this Act in the previous calendar year in
18 whole or in part because of a prior conviction.

19 (d) Applicants shall not be required to report the
20 following information and the following shall not be considered
21 in connection with an application for licensure or
22 registration:

23 (1) Juvenile adjudications of delinquent minors as
24 defined in Section 5-105 of the Juvenile Court Act of 1987,
25 subject to the restrictions set forth in Section 5-130 of
26 the Juvenile Court Act of 1987.

1 (2) Law enforcement records, court records, and
2 conviction records of an individual who was 17 years old at
3 the time of the offense and before January 1, 2014, unless
4 the nature of the offense required the individual to be
5 tried as an adult.

6 (3) Records of arrest not followed by a conviction.

7 (4) Convictions overturned by a higher court.

8 (5) Convictions or arrests that have been sealed or
9 expunged.

10 Section 100. The Liquor Control Act of 1934 is amended by
11 changing Sections 6-2 and 7-1 and by adding Section 6-2.5 as
12 follows:

13 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

14 Sec. 6-2. Issuance of licenses to certain persons
15 prohibited.

16 (a) Except as otherwise provided in subsection (b) of this
17 Section and in paragraph (1) of subsection (a) of Section 3-12,
18 no license of any kind issued by the State Commission or any
19 local commission shall be issued to:

20 (1) A person who is not a resident of any city, village
21 or county in which the premises covered by the license are
22 located; except in case of railroad or boat licenses.

23 (2) A person who is not of good character and
24 reputation in the community in which he resides.

1 (3) A person who is not a citizen of the United States.

2 (4) A person who has been convicted of a felony under
3 any Federal or State law, unless the Commission determines
4 that such person will not be impaired by the conviction in
5 engaging in the licensed practice ~~has been sufficiently~~
6 ~~rehabilitated to warrant the public trust~~ after
7 considering matters set forth in such person's application
8 in accordance with Section 6-2.5 of this Act and the
9 Commission's investigation. ~~The burden of proof of~~
10 ~~sufficient rehabilitation shall be on the applicant.~~

11 (5) A person who has been convicted of keeping a place
12 of prostitution or keeping a place of juvenile
13 prostitution, promoting prostitution that involves keeping
14 a place of prostitution, or promoting juvenile
15 prostitution that involves keeping a place of juvenile
16 prostitution.

17 (6) A person who has been convicted of pandering ~~or~~
18 ~~other crime or misdemeanor opposed to decency and morality.~~

19 (7) A person whose license issued under this Act has
20 been revoked for cause.

21 (8) A person who at the time of application for renewal
22 of any license issued hereunder would not be eligible for
23 such license upon a first application.

24 (9) A copartnership, if any general partnership
25 thereof, or any limited partnership thereof, owning more
26 than 5% of the aggregate limited partner interest in such

1 copartnership would not be eligible to receive a license
2 hereunder for any reason other than residence within the
3 political subdivision, unless residency is required by
4 local ordinance.

5 (10) A corporation or limited liability company, if any
6 member, officer, manager or director thereof, or any
7 stockholder or stockholders owning in the aggregate more
8 than 5% of the stock of such corporation, would not be
9 eligible to receive a license hereunder for any reason
10 other than citizenship and residence within the political
11 subdivision.

12 (10a) A corporation or limited liability company
13 unless it is incorporated or organized in Illinois, or
14 unless it is a foreign corporation or foreign limited
15 liability company which is qualified under the Business
16 Corporation Act of 1983 or the Limited Liability Company
17 Act to transact business in Illinois. The Commission shall
18 permit and accept from an applicant for a license under
19 this Act proof prepared from the Secretary of State's
20 website that the corporation or limited liability company
21 is in good standing and is qualified under the Business
22 Corporation Act of 1983 or the Limited Liability Company
23 Act to transact business in Illinois.

24 (11) A person whose place of business is conducted by a
25 manager or agent unless the manager or agent possesses the
26 same qualifications required by the licensee.

1 (12) A person who has been convicted of a violation of
2 any Federal or State law concerning the manufacture,
3 possession or sale of alcoholic liquor, subsequent to the
4 passage of this Act or has forfeited his bond to appear in
5 court to answer charges for any such violation, unless the
6 Commission determines, in accordance with Section 6-2.5 of
7 this Act, that the person will not be impaired by the
8 conviction in engaging in the licensed practice.

9 (13) A person who does not beneficially own the
10 premises for which a license is sought, or does not have a
11 lease thereon for the full period for which the license is
12 to be issued.

13 (14) Any law enforcing public official, including
14 members of local liquor control commissions, any mayor,
15 alderman, or member of the city council or commission, any
16 president of the village board of trustees, any member of a
17 village board of trustees, or any president or member of a
18 county board; and no such official shall have a direct
19 interest in the manufacture, sale, or distribution of
20 alcoholic liquor, except that a license may be granted to
21 such official in relation to premises that are not located
22 within the territory subject to the jurisdiction of that
23 official if the issuance of such license is approved by the
24 State Liquor Control Commission and except that a license
25 may be granted, in a city or village with a population of
26 55,000 or less, to any alderman, member of a city council,

1 or member of a village board of trustees in relation to
2 premises that are located within the territory subject to
3 the jurisdiction of that official if (i) the sale of
4 alcoholic liquor pursuant to the license is incidental to
5 the selling of food, (ii) the issuance of the license is
6 approved by the State Commission, (iii) the issuance of the
7 license is in accordance with all applicable local
8 ordinances in effect where the premises are located, and
9 (iv) the official granted a license does not vote on
10 alcoholic liquor issues pending before the board or council
11 to which the license holder is elected. Notwithstanding any
12 provision of this paragraph (14) to the contrary, an
13 alderman or member of a city council or commission, a
14 member of a village board of trustees other than the
15 president of the village board of trustees, or a member of
16 a county board other than the president of a county board
17 may have a direct interest in the manufacture, sale, or
18 distribution of alcoholic liquor as long as he or she is
19 not a law enforcing public official, a mayor, a village
20 board president, or president of a county board. To prevent
21 any conflict of interest, the elected official with the
22 direct interest in the manufacture, sale, or distribution
23 of alcoholic liquor shall not participate in any meetings,
24 hearings, or decisions on matters impacting the
25 manufacture, sale, or distribution of alcoholic liquor.
26 Furthermore, the mayor of a city with a population of

1 55,000 or less or the president of a village with a
2 population of 55,000 or less may have an interest in the
3 manufacture, sale, or distribution of alcoholic liquor as
4 long as the council or board over which he or she presides
5 has made a local liquor control commissioner appointment
6 that complies with the requirements of Section 4-2 of this
7 Act.

8 (15) A person who is not a beneficial owner of the
9 business to be operated by the licensee.

10 (16) A person who has been convicted of a gambling
11 offense as proscribed by any of subsections (a) (3) through
12 (a) (11) of Section 28-1 of, or as proscribed by Section
13 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
14 Criminal Code of 2012, or as proscribed by a statute
15 replaced by any of the aforesaid statutory provisions.

16 (17) A person or entity to whom a federal wagering
17 stamp has been issued by the federal government, unless the
18 person or entity is eligible to be issued a license under
19 the Raffles and Poker Runs Act or the Illinois Pull Tabs
20 and Jar Games Act.

21 (18) A person who intends to sell alcoholic liquors for
22 use or consumption on his or her licensed retail premises
23 who does not have liquor liability insurance coverage for
24 that premises in an amount that is at least equal to the
25 maximum liability amounts set out in subsection (a) of
26 Section 6-21.

1 (19) A person who is licensed by any licensing
2 authority as a manufacturer of beer, or any partnership,
3 corporation, limited liability company, or trust or any
4 subsidiary, affiliate, or agent thereof, or any other form
5 of business enterprise licensed as a manufacturer of beer,
6 having any legal, equitable, or beneficial interest,
7 directly or indirectly, in a person licensed in this State
8 as a distributor or importing distributor. For purposes of
9 this paragraph (19), a person who is licensed by any
10 licensing authority as a "manufacturer of beer" shall also
11 mean a brewer and a non-resident dealer who is also a
12 manufacturer of beer, including a partnership,
13 corporation, limited liability company, or trust or any
14 subsidiary, affiliate, or agent thereof, or any other form
15 of business enterprise licensed as a manufacturer of beer.

16 (20) A person who is licensed in this State as a
17 distributor or importing distributor, or any partnership,
18 corporation, limited liability company, or trust or any
19 subsidiary, affiliate, or agent thereof, or any other form
20 of business enterprise licensed in this State as a
21 distributor or importing distributor having any legal,
22 equitable, or beneficial interest, directly or indirectly,
23 in a person licensed as a manufacturer of beer by any
24 licensing authority, or any partnership, corporation,
25 limited liability company, or trust or any subsidiary,
26 affiliate, or agent thereof, or any other form of business

1 enterprise, except for a person who owns, on or after the
2 effective date of this amendatory Act of the 98th General
3 Assembly, no more than 5% of the outstanding shares of a
4 manufacturer of beer whose shares are publicly traded on an
5 exchange within the meaning of the Securities Exchange Act
6 of 1934. For the purposes of this paragraph (20), a person
7 who is licensed by any licensing authority as a
8 "manufacturer of beer" shall also mean a brewer and a
9 non-resident dealer who is also a manufacturer of beer,
10 including a partnership, corporation, limited liability
11 company, or trust or any subsidiary, affiliate, or agent
12 thereof, or any other form of business enterprise licensed
13 as a manufacturer of beer.

14 (b) A criminal conviction of a corporation is not grounds
15 for the denial, suspension, or revocation of a license applied
16 for or held by the corporation if the criminal conviction was
17 not the result of a violation of any federal or State law
18 concerning the manufacture, possession or sale of alcoholic
19 liquor, the offense that led to the conviction did not result
20 in any financial gain to the corporation and the corporation
21 has terminated its relationship with each director, officer,
22 employee, or controlling shareholder whose actions directly
23 contributed to the conviction of the corporation. The
24 Commission shall determine if all provisions of this subsection
25 (b) have been met before any action on the corporation's
26 license is initiated.

1 (Source: P.A. 97-1059, eff. 8-24-12; 97-1150, eff. 1-25-13;
2 98-10, eff. 5-6-13; 98-21, eff. 6-13-13; 98-644, eff. 6-10-14;
3 98-756, eff. 7-16-14.)

4 (235 ILCS 5/6-2.5 new)

5 Sec. 6-2.5. Applicant convictions.

6 (a) The Commission shall not require applicants to report
7 the following information and shall not consider the following
8 criminal history records in connection with an application for
9 a license under this Act:

10 (1) Juvenile adjudications of delinquent minors as
11 defined in Section 5-105 of the Juvenile Court Act of 1987,
12 subject to the restrictions set forth in Section 5-130 of
13 the Juvenile Court Act of 1987.

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

19 (3) Records of arrest not followed by a conviction.

20 (4) Convictions overturned by a higher court.

21 (5) Convictions or arrests that have been sealed or
22 expunged.

23 (b) The Commission, upon a finding that an applicant for a
24 license was convicted of a felony or a violation of any federal
25 or State law concerning the manufacture, possession or sale of

1 alcoholic liquor, shall consider any evidence of
2 rehabilitation and mitigating factors contained in the
3 applicant's record, including any of the following factors and
4 evidence, to determine if the conviction will impair the
5 ability of the applicant to engage in the position for which a
6 license is sought:

7 (1) the lack of direct relation of the offense for
8 which the applicant was previously convicted to the duties,
9 functions, and responsibilities of the position for which a
10 license is sought;

11 (2) whether 5 years since a felony conviction or 3
12 years since release from confinement for the conviction,
13 whichever is later, have passed without a subsequent
14 conviction;

15 (3) if the applicant was previously licensed or
16 employed in this State or other states or jurisdictions,
17 then the lack of prior misconduct arising from or related
18 to the licensed position or position of employment;

19 (4) the age of the person at the time of the criminal
20 offense;

21 (5) successful completion of sentence and, for
22 applicants serving a term of parole or probation, a
23 progress report provided by the applicant's probation or
24 parole officer that documents the applicant's compliance
25 with conditions of supervision;

26 (6) evidence of the applicant's present fitness and

1 professional character;

2 (7) evidence of rehabilitation or rehabilitative
3 effort during or after incarceration, or during or after a
4 term of supervision, including, but not limited to, a
5 certificate of good conduct under Section 5-5.5-25 of the
6 Unified Code of Corrections or a certificate of relief from
7 disabilities under Section 5-5.5-10 of the Unified Code of
8 Corrections; and

9 (8) any other mitigating factors that contribute to the
10 person's potential and current ability to perform the
11 duties and responsibilities of the position for which a
12 license or employment is sought.

13 (c) If the Commission refuses to issue a license to an
14 applicant, then the Commission shall notify the applicant of
15 the denial in writing with the following included in the notice
16 of denial:

17 (1) a statement about the decision to refuse to issue a
18 license;

19 (2) a list of the convictions that the Commission
20 determined will impair the applicant's ability to engage in
21 the position for which a license is sought;

22 (3) a list of convictions that formed the sole or
23 partial basis for the refusal; and

24 (4) a summary of the appeal process or the earliest the
25 applicant may reapply for a license, whichever is
26 applicable.

1 (d) No later than May 1 of each year, the Commission must
2 prepare, publicly announce, and publish a report of summary
3 statistical information relating to new and renewal license
4 applications during the preceding calendar year. Each report
5 shall show, at a minimum:

6 (1) the number of applicants for a new or renewal
7 license under this Act within the previous calendar year;

8 (2) the number of applicants for a new or renewal
9 license under this Act within the previous calendar year
10 who had any criminal conviction;

11 (3) the number of applicants for a new or renewal
12 license under this Act in the previous calendar year who
13 were granted a license;

14 (4) the number of applicants for a new or renewal
15 license with a criminal conviction who were granted a
16 license under this Act within the previous calendar year;

17 (5) the number of applicants for a new or renewal
18 license under this Act within the previous calendar year
19 who were denied a license; and

20 (6) the number of applicants for a new or renewal
21 license with a criminal conviction who were denied a
22 license under this Act in the previous calendar year in
23 whole or in part because of a prior conviction.

24 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

25 Sec. 7-1. An applicant for a retail license from the State

1 Commission shall submit to the State Commission an application
2 in writing under oath stating:

3 (1) The applicant's name and mailing address;

4 (2) The name and address of the applicant's business;

5 (3) If applicable, the date of the filing of the
6 "assumed name" of the business with the County Clerk;

7 (4) In case of a copartnership, the date of the
8 formation of the partnership; in the case of an Illinois
9 corporation, the date of its incorporation; or in the case
10 of a foreign corporation, the State where it was
11 incorporated and the date of its becoming qualified under
12 the Business Corporation Act of 1983 to transact business
13 in the State of Illinois;

14 (5) The number, the date of issuance and the date of
15 expiration of the applicant's current local retail liquor
16 license;

17 (6) The name of the city, village, or county that
18 issued the local retail liquor license;

19 (7) The name and address of the landlord if the
20 premises are leased;

21 (8) The date of the applicant's first request for a
22 State liquor license and whether it was granted, denied or
23 withdrawn;

24 (9) The address of the applicant when the first
25 application for a State liquor license was made;

26 (10) The applicant's current State liquor license

1 number;

2 (11) The date the applicant began liquor sales at his
3 place of business;

4 (12) The address of the applicant's warehouse if he
5 warehouses liquor;

6 (13) The applicant's Retailers' Occupation Tax (ROT)
7 Registration Number;

8 (14) The applicant's document locator number on his
9 Federal Special Tax Stamp;

10 (15) Whether the applicant is delinquent in the payment
11 of the Retailers' Occupation Tax (Sales Tax), and if so,
12 the reasons therefor;

13 (16) Whether the applicant is delinquent under the cash
14 beer law, and if so, the reasons therefor;

15 (17) In the case of a retailer, whether he is
16 delinquent under the 30-day credit law, and if so, the
17 reasons therefor;

18 (18) In the case of a distributor, whether he is
19 delinquent under the 15-day credit law, and if so, the
20 reasons therefor;

21 (19) Whether the applicant has made an application for
22 a liquor license which has been denied, and if so, the
23 reasons therefor;

24 (20) Whether the applicant has ever had any previous
25 liquor license suspended or revoked, and if so, the reasons
26 therefor;

1 (21) Whether the applicant has ever been convicted of a
2 gambling offense or felony, and if so, the particulars
3 thereof;

4 (22) Whether the applicant possesses a current Federal
5 Wagering Stamp, and if so, the reasons therefor;

6 (23) Whether the applicant, or any other person,
7 directly in his place of business is a public official, and
8 if so, the particulars thereof;

9 (24) The applicant's name, sex, date of birth, social
10 security number, position and percentage of ownership in
11 the business; and the name, sex, date of birth, social
12 security number, position and percentage of ownership in
13 the business of every sole owner, partner, corporate
14 officer, director, manager and any person who owns 5% or
15 more of the shares of the applicant business entity or
16 parent corporations of the applicant business entity; and

17 (25) That he has not received or borrowed money or
18 anything else of value, and that he will not receive or
19 borrow money or anything else of value (other than
20 merchandising credit in the ordinary course of business for
21 a period not to exceed 90 days as herein expressly
22 permitted under Section 6-5 hereof), directly or
23 indirectly, from any manufacturer, importing distributor
24 or distributor or from any representative of any such
25 manufacturer, importing distributor or distributor, nor be
26 a party in any way, directly or indirectly, to any

1 violation by a manufacturer, distributor or importing
2 distributor of Section 6-6 of this Act.

3 In addition to any other requirement of this Section, an
4 applicant for a special use permit license and a special event
5 retailer's license shall also submit (A) proof satisfactory to
6 the Commission that the applicant has a resale number issued
7 under Section 2c of the Retailers' Occupation Tax Act or that
8 the applicant is registered under Section 2a of the Retailers'
9 Occupation Tax Act, (B) proof satisfactory to the Commission
10 that the applicant has a current, valid exemption
11 identification number issued under Section 1g of the Retailers'
12 Occupation Tax Act and a certification to the Commission that
13 the purchase of alcoholic liquors will be a tax-exempt
14 purchase, or (C) a statement that the applicant is not
15 registered under Section 2a of the Retailers' Occupation Tax
16 Act, does not hold a resale number under Section 2c of the
17 Retailers' Occupation Tax Act, and does not hold an exemption
18 number under Section 1g of the Retailers' Occupation Tax Act.
19 The applicant shall also submit proof of adequate dram shop
20 insurance for the special event prior to being issued a
21 license.

22 In addition to the foregoing information, such application
23 shall contain such other and further information as the State
24 Commission and the local commission may, by rule or regulation
25 not inconsistent with law, prescribe.

26 If the applicant reports a felony conviction as required

1 under paragraph (21) of this Section, such conviction may be
2 considered by the Commission in accordance with Section 6-2.5
3 of this Act in determining qualifications for licensing, but
4 shall not operate as a bar to licensing.

5 If said application is made in behalf of a partnership,
6 firm, association, club or corporation, then the same shall be
7 signed by one member of such partnership or the president or
8 secretary of such corporation or an authorized agent of said
9 partnership or corporation.

10 All other applications shall be on forms prescribed by the
11 State Commission, and which may exclude any of the above
12 requirements which the State Commission rules to be
13 inapplicable.

14 (Source: P.A. 98-756, eff. 7-16-14.)

15 Section 105. The Radon Industry Licensing Act is amended by
16 changing Section 45 and by adding Section 46 as follows:

17 (420 ILCS 44/45)

18 Sec. 45. Grounds for disciplinary action. The Agency may
19 refuse to issue or to renew, or may revoke, suspend, or take
20 other disciplinary action as the Agency may deem proper,
21 including fines not to exceed \$1,000 for each violation, with
22 regard to any license for any one or combination of the
23 following causes:

24 (a) Violation of this Act or its rules.

1 (b) For licensees, conviction ~~Conviction~~ of a crime
2 under the laws of any United States jurisdiction that is a
3 felony or of any crime that directly relates to the
4 practice of detecting or reducing the presence of radon or
5 radon progeny. For applicants, the provisions of Section 46
6 apply.

7 (c) Making a misrepresentation for the purpose of
8 obtaining a license.

9 (d) Professional incompetence or gross negligence in
10 the practice of detecting or reducing the presence of radon
11 or radon progeny.

12 (e) Gross malpractice, prima facie evidence of which
13 may be a conviction or judgment of malpractice in a court
14 of competent jurisdiction.

15 (f) Aiding or assisting another person in violating a
16 provision of this Act or its rules.

17 (g) Failing, within 60 days, to provide information in
18 response to a written request made by the Agency that has
19 been sent by mail to the licensee's last known address.

20 (h) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

23 (i) Habitual or excessive use or addiction to alcohol,
24 narcotics, stimulants, or any other chemical agent or drug
25 that results in the inability to practice with reasonable
26 judgment, skill, or safety.

1 (j) Discipline by another United States jurisdiction
2 or foreign nation, if at least one of the grounds for the
3 discipline is the same or substantially equivalent to those
4 set forth in this Section.

5 (k) Directly or indirectly giving to or receiving from
6 a person any fee, commission, rebate, or other form of
7 compensation for a professional service not actually or
8 personally rendered.

9 (l) A finding by the Agency that the licensee has
10 violated the terms of a license.

11 (m) Conviction by a court of competent jurisdiction,
12 either within or outside of this State, of a violation of a
13 law governing the practice of detecting or reducing the
14 presence of radon or radon progeny if the Agency determines
15 after investigation that the person has not been
16 sufficiently rehabilitated to warrant the public trust.

17 (n) A finding by the Agency that a license has been
18 applied for or obtained by fraudulent means.

19 (o) Practicing or attempting to practice under a name
20 other than the full name as shown on the license or any
21 other authorized name.

22 (p) Gross and willful overcharging for professional
23 services, including filing false statements for collection
24 of fees or moneys for which services are not rendered.

25 (q) Failure to file a return or to pay the tax,
26 penalty, or interest shown in a filed return, or to pay any

1 final assessment of tax, penalty, or interest, as required
2 by a tax Act administered by the Department of Revenue,
3 until such time as the requirements of any such tax Act are
4 satisfied.

5 (r) Failure to repay educational loans guaranteed by
6 the Illinois Student Assistance Commission, as provided in
7 Section 80 of the Nuclear Safety Law of 2004. However, the
8 Agency may issue an original or renewal license if the
9 person in default has established a satisfactory repayment
10 record as determined by the Illinois Student Assistance
11 Commission.

12 (s) Failure to meet child support orders, as provided
13 in Section 10-65 of the Illinois Administrative Procedure
14 Act.

15 (t) Failure to pay a fee or civil penalty properly
16 assessed by the Agency.

17 (Source: P.A. 94-369, eff. 7-29-05.)

18 (420 ILCS 44/46 new)

19 Sec. 46. Applicant convictions.

20 (a) The Agency shall not require applicants to report the
21 following information and shall not consider the following
22 criminal history records in connection with an application for
23 a license under this Act:

24 (1) Juvenile adjudications of delinquent minors as
25 defined in Section 5-105 of the Juvenile Court Act of 1987,

1 subject to the restrictions set forth in Section 5-130 of
2 the Juvenile Court Act of 1987.

3 (2) Law enforcement records, court records, and
4 conviction records of an individual who was 17 years old at
5 the time of the offense and before January 1, 2014, unless
6 the nature of the offense required the individual to be
7 tried as an adult.

8 (3) Records of arrest not followed by a conviction.

9 (4) Convictions overturned by a higher court.

10 (5) Convictions or arrests that have been sealed or
11 expunged.

12 (b) The Agency, upon a finding that an applicant for a
13 license was convicted of a felony or a crime that relates to
14 the practice of detecting or reducing the presence of radon or
15 radon progeny, shall consider any evidence of rehabilitation
16 and mitigating factors contained in the applicant's record,
17 including any of the following factors and evidence, to
18 determine if the conviction will impair the ability of the
19 applicant to engage in the position for which a license is
20 sought:

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

25 (2) whether 5 years since a felony conviction or 3
26 years since release from confinement for the conviction,

1 whichever is later, have passed without a subsequent
2 conviction;

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

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

9 (5) successful completion of sentence and, for
10 applicants serving a term of parole or probation, a
11 progress report provided by the applicant's probation or
12 parole officer that documents the applicant's compliance
13 with conditions of supervision;

14 (6) evidence of the applicant's present fitness and
15 professional character;

16 (7) evidence of rehabilitation or rehabilitative
17 effort during or after incarceration, or during or after a
18 term of supervision, including, but not limited to, a
19 certificate of good conduct under Section 5-5.5-25 of the
20 Unified Code of Corrections or a certificate of relief from
21 disabilities under Section 5-5.5-10 of the Unified Code of
22 Corrections; and

23 (8) any other mitigating factors that contribute to the
24 person's potential and current ability to perform the
25 duties and responsibilities of the position for which a
26 license or employment is sought.

1 (c) If the Agency refuses to issue a license to an
2 applicant, then the Agency shall notify the applicant of the
3 denial in writing with the following included in the notice of
4 denial:

5 (1) a statement about the decision to refuse to grant a
6 license;

7 (2) a list of the convictions that the Agency
8 determined will impair the applicant's ability to engage in
9 the position for which a license is sought;

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

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

15 (d) No later than May 1 of each year, the Agency must
16 prepare, publicly announce, and publish a report of summary
17 statistical information relating to new and renewal license
18 applications during the preceding calendar year. Each report
19 shall show, at a minimum:

20 (1) the number of applicants for a new or renewal
21 license under this Act within the previous calendar year;

22 (2) the number of applicants for a new or renewal
23 license under this Act within the previous calendar year
24 who had any criminal conviction;

25 (3) the number of applicants for a new or renewal
26 license under this Act in the previous calendar year who

1 were granted a license;

2 (4) the number of applicants for a new or renewal
3 license with a criminal conviction who were granted a
4 license under this Act within the previous calendar year;

5 (5) the number of applicants for a new or renewal
6 license under this Act within the previous calendar year
7 who were denied a license; and

8 (6) the number of applicants for a new or renewal
9 license with a criminal conviction who were denied a
10 license under this Act in the previous calendar year in
11 whole or in part because of a prior conviction.

12 Section 999. Effective date. This Act takes effect January
13 1, 2018.