

1 AN ACT concerning regulation.

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

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-131 as follows:

7 (20 ILCS 2105/2105-131)

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

10 (a) For the purposes of this Section, "mitigating factors"
11 means any information, evidence, conduct, or circumstances
12 before, during, or after the offense or offenses reviewed by
13 the Department that may reflect on an applicant's request for
14 licensure, registration, or certification through the
15 Department, such as 3 years having passed since release from
16 confinement. Mitigating factors are not a bar to licensure,
17 instead they provide guidance for the Department when
18 considering licensure, registration, or certification for an
19 applicant with criminal history.

20 Except as provided in Section 2105-165 of this Act
21 regarding licensing restrictions based on enumerated offenses
22 for health care workers as defined in the Health Care Worker
23 Self-Referral Act and except as provided in any licensing Act

1 administered by the Department in which convictions of certain
2 enumerated offenses are a bar to licensure, the Department,
3 upon a finding that an applicant for a license, certificate, or
4 registration was previously convicted of a felony or
5 misdemeanor that may be grounds for refusing to issue a license
6 or certificate or to grant a ~~granting~~ registration, shall
7 consider any mitigating factors and evidence of rehabilitation
8 contained in the applicant's record, including the
9 circumstances surrounding the offense or offenses and any of
10 the following, to determine whether a prior conviction will
11 impair the ability of the applicant to engage in the practice
12 for which a license, certificate, or registration 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) any mitigating factors from the point of arrest or
18 indictment when determined to be appropriate, unless
19 otherwise specified and including, but not limited to,
20 whether 5 years since a felony conviction or 3 years since
21 release from confinement for the conviction, whichever is
22 later, have passed without a subsequent conviction;

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

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

3 (4.5) if, due to the applicant's criminal conviction
4 history, the applicant would be explicitly prohibited by
5 federal rules or regulations from working in the position
6 for which a license is sought;

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

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

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

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

24 (b) If the Department refuses to issue a license or
25 certificate or grant registration to an applicant based upon a
26 conviction or convictions, in whole or in part, the Department

1 shall notify the applicant of the denial in writing with the
2 following included in the notice of denial:

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

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

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

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

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