



Rep. Lamont J. Robinson, Jr.

Filed: 3/12/2019

10100HB2670ham001

LRB101 09670 AMC 57375 a

1 AMENDMENT TO HOUSE BILL 2670

2 AMENDMENT NO. _____. Amend House Bill 2670 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of 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) Except as provided in Section 2105-165 of this Act
11 regarding licensing restrictions based on enumerated offenses
12 for health care workers as defined in the Health Care Worker
13 Self-Referral Act and except as provided in any licensing Act
14 administered by the Department in which convictions of certain
15 enumerated offenses are a bar to licensure, the Department,
16 upon a finding that an applicant for a license, certificate, or

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

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

14 (2) unless ~~otherwise~~ specified, the time that has
15 elapsed since the occurrence of the criminal offense or
16 offenses ~~whether 5 years since a felony conviction or 3~~
17 ~~years since release from confinement for the conviction,~~
18 ~~whichever is later, have passed without a subsequent~~
19 ~~conviction;~~

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

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

26 (4.5) if, due to the applicant's criminal conviction

1 history, the applicant would be explicitly prohibited by
2 federal rules or regulations from working in the position
3 for which a license is sought;

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 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 job
20 duties.

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

26 (1) a statement about the decision to refuse to grant a

1 license, certificate, or registration;

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

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

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

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