

1 AMENDMENT TO SENATE BILL 945

2 AMENDMENT NO. _____. Amend Senate Bill 945, AS AMENDED,
3 by replacing the title with the following:

4 "AN ACT concerning public office."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Officials Convicted of Infamous Crimes
8 Act is amended by changing Section 1 as follows:

9 (5 ILCS 280/1) (from Ch. 102, par. 120)

10 Sec. 1. Any person holding office under the Constitution
11 of the State of Illinois and every elected official of local
12 government or of any school district who is convicted in any
13 court of the State of Illinois or in any court located in ~~of~~
14 the United States of a felony, bribery, perjury, or other
15 infamous crime, as understood in Section 1 of Article XIII of
16 the Constitution of 1970, shall be, upon conviction,
17 ineligible to continue in such office.

18 If, subsequently, a final order reverses the conviction,
19 eligibility to hold the office, to the extent of the original
20 term then remaining, is restored, and the officer shall be
21 reinstated, for the duration of the term of office remaining.

1 Each such officer shall be promptly repaid all compensation
 2 withheld from him as a result of his removal. No rights of
 3 an officer under any pension plan subject to the jurisdiction
 4 of this State, of which the officer is a member at the time
 5 of his ineligibility for office, shall be abridged if the
 6 officer is returned to office by this Act.

7 After conviction and until a final order of reversal,
 8 there shall be no payment of compensation to any such
 9 officer. Upon the conviction and ineligibility of any person
 10 under this Act, a successor shall be chosen according to law.
 11 This successor shall hold office for the remainder of the
 12 term or until a final order reversing the conviction is
 13 entered.

14 (Source: P.A. 88-419.)

15 Section 10. The Election Code is amended by changing
 16 Section 29-15 as follows:

17 (10 ILCS 5/29-15) (from Ch. 46, par. 29-15)

18 Sec. 29-15. Conviction of deemed infamous crime. A person
 19 convicted of a felony, bribery, perjury, or other infamous
 20 crime, as understood in Section 1 of Article XIII of the
 21 Illinois Constitution, in this State or in any other court
 22 located in the United States is ineligible to hold an office
 23 under the Constitution of the State of Illinois or to hold an
 24 elective office of a unit of local government or of a school
 25 district or to be appointed to fill a vacancy in any of those
 26 offices until: (i) the completion of his or her sentence,
 27 (ii) a final order of a court reversing his or her
 28 conviction, or (iii) the granting of a pardon. Any person
 29 convicted of an infamous crime as such--term--is--defined--in
 30 Section--124-1--of--the--Code--of--Criminal--Procedure--of--1963,--as
 31 amended, shall thereafter--be--prohibited--from--holding--any
 32 office--of--honor,--trust,--or--profit,--unless--such--person--is

1 ~~again-restored-to-such-rights-by-the-terms-of--a--pardon--for~~
 2 ~~the-offense-or-otherwise-according-to-law.~~
 3 (Source: P.A. 83-1097.)

4 Section 15. The Illinois Municipal Code is amended by
 5 changing Section 3.1-10-5 as follows:

6 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)
 7 Sec. 3.1-10-5. Qualifications; elective office.

8 (a) A person is not eligible for an elective municipal
 9 office unless that person is a qualified elector of the
 10 municipality and has resided in the municipality at least one
 11 year next preceding the election.

12 (b) A person is not eligible for an elective municipal
 13 office if that person is in arrears in the payment of a tax
 14 or other indebtedness due to the municipality ~~or--has--been~~
 15 ~~convicted--in--any--court--located--in--the--United--States--of--any~~
 16 ~~infamous-crime, bribery, perjury, or other felony.~~

17 (c) A person is not eligible for the office of alderman
 18 of a ward or trustee of a district unless that person has
 19 resided in the municipality at least one year next preceding
 20 the election or appointment, except as provided in subsection
 21 (b) of Section 3.1-25-75.

22 (d) The eligibility of a person convicted of a felony,
 23 bribery, perjury, or other infamous crime, as understood in
 24 Section 1 of Article XIII of the Illinois Constitution, to
 25 hold an elective municipal office or to be appointed to fill
 26 a vacancy in an elective municipal office is governed by
 27 Section 29-15 of the Election Code.

28 (Source: P.A. 91-667, eff. 6-1-00.)

29 Section 20. The Unified Code of Corrections is amended
 30 by changing Section 5-5-5 as follows:

1 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)
2 Sec. 5-5-5. Loss and Restoration of Rights.

3 (a) Conviction and disposition shall not entail the loss
4 by the defendant of any civil rights, except under this
5 Section and Sections 29-6 and 29-10 of The Election Code, as
6 now or hereafter amended.

7 (b) The eligibility of a person convicted of a felony,
8 bribery, perjury, or other infamous crime, as understood in
9 Section 1 of Article XIII of the Illinois Constitution, to
10 hold an office under the Constitution of the State of
11 Illinois or to hold an elective office of a unit of local
12 government or of a school district or to be appointed to fill
13 a vacancy in any of those offices is governed by Section
14 29-15 of the Election Code. A person convicted of a felony
15 shall be ineligible to hold an office created by the
16 Constitution of this State until the completion of his
17 sentence.

18 (c) A person sentenced to imprisonment shall lose his
19 right to vote until released from imprisonment.

20 (d) On completion of sentence of imprisonment or upon
21 discharge from probation, conditional discharge or periodic
22 imprisonment, or at any time thereafter, all license rights
23 and privileges granted under the authority of this State
24 which have been revoked or suspended because of conviction of
25 an offense shall be restored unless the authority having
26 jurisdiction of such license rights finds after investigation
27 and hearing that restoration is not in the public interest.
28 This paragraph (d) shall not apply to the suspension or
29 revocation of a license to operate a motor vehicle under the
30 Illinois Vehicle Code.

31 (e) Upon a person's discharge from incarceration or
32 parole, or upon a person's discharge from probation or at any
33 time thereafter, the committing court may enter an order
34 certifying that the sentence has been satisfactorily

1 completed when the court believes it would assist in the
2 rehabilitation of the person and be consistent with the
3 public welfare. Such order may be entered upon the motion of
4 the defendant or the State or upon the court's own motion.

5 (f) Upon entry of the order, the court shall issue to
6 the person in whose favor the order has been entered a
7 certificate stating that his behavior after conviction has
8 warranted the issuance of the order.

9 (g) This Section shall not affect the right of a
10 defendant to collaterally attack his conviction or to rely on
11 it in bar of subsequent proceedings for the same offense.

12 (Source: P.A. 86-558.)".