



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3176

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Changes provisions concerning certificate of relief from disabilities and certificates of good conduct. Changes certificates of relief from disabilities to certificates of relief from collateral consequence or sanction. Provides that upon receiving verified application to the court for a petition for a certificate of relief from collateral consequence or sanction or for a certificate of good conduct, the court shall review the petition and all other relevant materials or evidence. Provides that the court may order any report, investigation, or disclosure by the petitioner that the court believe necessary for the court to make its determination on whether to grant or deny the petition. Provides that the court shall decide whether to grant or deny the petition within 60 days after the court receives or is forwarded the completed petition and all information requested by the court for purposes of making its determination. Provides that upon request of the petitioner, the court may extend the period for determination for an additional 60 days. Provides that the correctional facility shall issue a certificate of qualification for employment to the individual being released who meets certain eligibility requirements. Provides that a certificate of qualification for employment shall only be issued within 30 days before the prisoner is released from a correctional facility, and the certificate is valid for 4 years after the date it is effective unless otherwise revoked by the Department of Corrections or county sheriff. Provides that the Department or county sheriff shall revoke the certificate of qualification for employment if the prisoner commits any criminal offense during the 30-day period before release, and the Department or county sheriff may revoke the certificate of qualification for employment if the prisoner has any institutional misconduct during that period. Provides that the Department or county sheriff shall revoke the certificate of qualification for employment of any individual who commits a felony after receiving a certificate of qualification for employment and who is then placed under the jurisdiction of the Department or county sheriff for committing that felony offense. Amends the Child Care Act of 1969 to make a conforming change.

LRB100 06418 RLC 16457 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Section 4.2 as follows:

6 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

7 Sec. 4.2. (a) No applicant may receive a license from the
8 Department and no person may be employed by a licensed child
9 care facility who refuses to authorize an investigation as
10 required by Section 4.1.

11 (b) In addition to the other provisions of this Section, no
12 applicant may receive a license from the Department and no
13 person may be employed by a child care facility licensed by the
14 Department who has been declared a sexually dangerous person
15 under "An Act in relation to sexually dangerous persons, and
16 providing for their commitment, detention and supervision",
17 approved July 6, 1938, as amended, or convicted of committing
18 or attempting to commit any of the following offenses
19 stipulated under the Criminal Code of 1961 or the Criminal Code
20 of 2012:

21 (1) murder;

22 (1.1) solicitation of murder;

23 (1.2) solicitation of murder for hire;

- 1 (1.3) intentional homicide of an unborn child;
- 2 (1.4) voluntary manslaughter of an unborn child;
- 3 (1.5) involuntary manslaughter;
- 4 (1.6) reckless homicide;
- 5 (1.7) concealment of a homicidal death;
- 6 (1.8) involuntary manslaughter of an unborn child;
- 7 (1.9) reckless homicide of an unborn child;
- 8 (1.10) drug-induced homicide;
- 9 (2) a sex offense under Article 11, except offenses
- 10 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
- 11 11-40, and 11-45;
- 12 (3) kidnapping;
- 13 (3.1) aggravated unlawful restraint;
- 14 (3.2) forcible detention;
- 15 (3.3) harboring a runaway;
- 16 (3.4) aiding and abetting child abduction;
- 17 (4) aggravated kidnapping;
- 18 (5) child abduction;
- 19 (6) aggravated battery of a child as described in
- 20 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 21 (7) criminal sexual assault;
- 22 (8) aggravated criminal sexual assault;
- 23 (8.1) predatory criminal sexual assault of a child;
- 24 (9) criminal sexual abuse;
- 25 (10) aggravated sexual abuse;
- 26 (11) heinous battery as described in Section 12-4.1 or

- 1 subdivision (a) (2) of Section 12-3.05;
- 2 (12) aggravated battery with a firearm as described in
3 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
4 (e) (4) of Section 12-3.05;
- 5 (13) tampering with food, drugs, or cosmetics;
- 6 (14) drug induced infliction of great bodily harm as
7 described in Section 12-4.7 or subdivision (g) (1) of
8 Section 12-3.05;
- 9 (15) hate crime;
- 10 (16) stalking;
- 11 (17) aggravated stalking;
- 12 (18) threatening public officials;
- 13 (19) home invasion;
- 14 (20) vehicular invasion;
- 15 (21) criminal transmission of HIV;
- 16 (22) criminal abuse or neglect of an elderly person or
17 person with a disability as described in Section 12-21 or
18 subsection (e) of Section 12-4.4a;
- 19 (23) child abandonment;
- 20 (24) endangering the life or health of a child;
- 21 (25) ritual mutilation;
- 22 (26) ritualized abuse of a child;
- 23 (27) an offense in any other jurisdiction the elements
24 of which are similar and bear a substantial relationship to
25 any of the foregoing offenses.
- 26 (b-1) In addition to the other provisions of this Section,

1 beginning January 1, 2004, no new applicant and, on the date of
2 licensure renewal, no current licensee may operate or receive a
3 license from the Department to operate, no person may be
4 employed by, and no adult person may reside in a child care
5 facility licensed by the Department who has been convicted of
6 committing or attempting to commit any of the following
7 offenses or an offense in any other jurisdiction the elements
8 of which are similar and bear a substantial relationship to any
9 of the following offenses:

10 (I) BODILY HARM

- 11 (1) Felony aggravated assault.
12 (2) Vehicular endangerment.
13 (3) Felony domestic battery.
14 (4) Aggravated battery.
15 (5) Heinous battery.
16 (6) Aggravated battery with a firearm.
17 (7) Aggravated battery of an unborn child.
18 (8) Aggravated battery of a senior citizen.
19 (9) Intimidation.
20 (10) Compelling organization membership of persons.
21 (11) Abuse and criminal neglect of a long term care
22 facility resident.
23 (12) Felony violation of an order of protection.

1 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

2 (1) Felony unlawful use of weapons.

3 (2) Aggravated discharge of a firearm.

4 (3) Reckless discharge of a firearm.

5 (4) Unlawful use of metal piercing bullets.

6 (5) Unlawful sale or delivery of firearms on the
7 premises of any school.

8 (6) Disarming a police officer.

9 (7) Obstructing justice.

10 (8) Concealing or aiding a fugitive.

11 (9) Armed violence.

12 (10) Felony contributing to the criminal delinquency
13 of a juvenile.

14 (III) DRUG OFFENSES

15 (1) Possession of more than 30 grams of cannabis.

16 (2) Manufacture of more than 10 grams of cannabis.

17 (3) Cannabis trafficking.

18 (4) Delivery of cannabis on school grounds.

19 (5) Unauthorized production of more than 5 cannabis
20 sativa plants.

21 (6) Calculated criminal cannabis conspiracy.

22 (7) Unauthorized manufacture or delivery of controlled
23 substances.

- 1 (8) Controlled substance trafficking.
- 2 (9) Manufacture, distribution, or advertisement of
3 look-alike substances.
- 4 (10) Calculated criminal drug conspiracy.
- 5 (11) Street gang criminal drug conspiracy.
- 6 (12) Permitting unlawful use of a building.
- 7 (13) Delivery of controlled, counterfeit, or
8 look-alike substances to persons under age 18, or at truck
9 stops, rest stops, or safety rest areas, or on school
10 property.
- 11 (14) Using, engaging, or employing persons under 18 to
12 deliver controlled, counterfeit, or look-alike substances.
- 13 (15) Delivery of controlled substances.
- 14 (16) Sale or delivery of drug paraphernalia.
- 15 (17) Felony possession, sale, or exchange of
16 instruments adapted for use of a controlled substance,
17 methamphetamine, or cannabis by subcutaneous injection.
- 18 (18) Felony possession of a controlled substance.
- 19 (19) Any violation of the Methamphetamine Control and
20 Community Protection Act.
- 21 (b-1.5) In addition to any other provision of this Section,
22 for applicants with access to confidential financial
23 information or who submit documentation to support billing, no
24 applicant whose initial application was considered after the
25 effective date of this amendatory Act of the 97th General
26 Assembly may receive a license from the Department or a child

1 care facility licensed by the Department who has been convicted
2 of committing or attempting to commit any of the following
3 felony offenses:

4 (1) financial institution fraud under Section 17-10.6
5 of the Criminal Code of 1961 or the Criminal Code of 2012;

6 (2) identity theft under Section 16-30 of the Criminal
7 Code of 1961 or the Criminal Code of 2012;

8 (3) financial exploitation of an elderly person or a
9 person with a disability under Section 17-56 of the
10 Criminal Code of 1961 or the Criminal Code of 2012;

11 (4) computer tampering under Section 17-51 of the
12 Criminal Code of 1961 or the Criminal Code of 2012;

13 (5) aggravated computer tampering under Section 17-52
14 of the Criminal Code of 1961 or the Criminal Code of 2012;

15 (6) computer fraud under Section 17-50 of the Criminal
16 Code of 1961 or the Criminal Code of 2012;

17 (7) deceptive practices under Section 17-1 of the
18 Criminal Code of 1961 or the Criminal Code of 2012;

19 (8) forgery under Section 17-3 of the Criminal Code of
20 1961 or the Criminal Code of 2012;

21 (9) State benefits fraud under Section 17-6 of the
22 Criminal Code of 1961 or the Criminal Code of 2012;

23 (10) mail fraud and wire fraud under Section 17-24 of
24 the Criminal Code of 1961 or the Criminal Code of 2012;

25 (11) theft under paragraphs (1.1) through (11) of
26 subsection (b) of Section 16-1 of the Criminal Code of 1961

1 or the Criminal Code of 2012.

2 (b-2) Notwithstanding subsection (b-1), the Department may
3 make an exception and, for child care facilities other than
4 foster family homes, issue a new child care facility license to
5 or renew the existing child care facility license of an
6 applicant, a person employed by a child care facility, or an
7 applicant who has an adult residing in a home child care
8 facility who was convicted of an offense described in
9 subsection (b-1), provided that all of the following
10 requirements are met:

11 (1) The relevant criminal offense occurred more than 5
12 years prior to the date of application or renewal, except
13 for drug offenses. The relevant drug offense must have
14 occurred more than 10 years prior to the date of
15 application or renewal, unless the applicant passed a drug
16 test, arranged and paid for by the child care facility, no
17 less than 5 years after the offense.

18 (2) The Department must conduct a background check and
19 assess all convictions and recommendations of the child
20 care facility to determine if hiring or licensing the
21 applicant is in accordance with Department administrative
22 rules and procedures.

23 (3) The applicant meets all other requirements and
24 qualifications to be licensed as the pertinent type of
25 child care facility under this Act and the Department's
26 administrative rules.

1 (c) In addition to the other provisions of this Section, no
2 applicant may receive a license from the Department to operate
3 a foster family home, and no adult person may reside in a
4 foster family home licensed by the Department, who has been
5 convicted of committing or attempting to commit any of the
6 following offenses stipulated under the Criminal Code of 1961,
7 the Criminal Code of 2012, the Cannabis Control Act, the
8 Methamphetamine Control and Community Protection Act, and the
9 Illinois Controlled Substances Act:

10 (I) OFFENSES DIRECTED AGAINST THE PERSON

11 (A) KIDNAPPING AND RELATED OFFENSES

12 (1) Unlawful restraint.

13 (B) BODILY HARM

14 (2) Felony aggravated assault.

15 (3) Vehicular endangerment.

16 (4) Felony domestic battery.

17 (5) Aggravated battery.

18 (6) Heinous battery.

19 (7) Aggravated battery with a firearm.

20 (8) Aggravated battery of an unborn child.

21 (9) Aggravated battery of a senior citizen.

22 (10) Intimidation.

23 (11) Compelling organization membership of persons.

1 (12) Abuse and criminal neglect of a long term care
2 facility resident.

3 (13) Felony violation of an order of protection.

4 (II) OFFENSES DIRECTED AGAINST PROPERTY

5 (14) Felony theft.

6 (15) Robbery.

7 (16) Armed robbery.

8 (17) Aggravated robbery.

9 (18) Vehicular hijacking.

10 (19) Aggravated vehicular hijacking.

11 (20) Burglary.

12 (21) Possession of burglary tools.

13 (22) Residential burglary.

14 (23) Criminal fortification of a residence or
15 building.

16 (24) Arson.

17 (25) Aggravated arson.

18 (26) Possession of explosive or explosive incendiary
19 devices.

20 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

21 (27) Felony unlawful use of weapons.

22 (28) Aggravated discharge of a firearm.

- 1 (29) Reckless discharge of a firearm.
- 2 (30) Unlawful use of metal piercing bullets.
- 3 (31) Unlawful sale or delivery of firearms on the
4 premises of any school.
- 5 (32) Disarming a police officer.
- 6 (33) Obstructing justice.
- 7 (34) Concealing or aiding a fugitive.
- 8 (35) Armed violence.
- 9 (36) Felony contributing to the criminal delinquency
10 of a juvenile.

11 (IV) DRUG OFFENSES

- 12 (37) Possession of more than 30 grams of cannabis.
- 13 (38) Manufacture of more than 10 grams of cannabis.
- 14 (39) Cannabis trafficking.
- 15 (40) Delivery of cannabis on school grounds.
- 16 (41) Unauthorized production of more than 5 cannabis
17 sativa plants.
- 18 (42) Calculated criminal cannabis conspiracy.
- 19 (43) Unauthorized manufacture or delivery of
20 controlled substances.
- 21 (44) Controlled substance trafficking.
- 22 (45) Manufacture, distribution, or advertisement of
23 look-alike substances.
- 24 (46) Calculated criminal drug conspiracy.

1 (46.5) Streetgang criminal drug conspiracy.

2 (47) Permitting unlawful use of a building.

3 (48) Delivery of controlled, counterfeit, or
4 look-alike substances to persons under age 18, or at truck
5 stops, rest stops, or safety rest areas, or on school
6 property.

7 (49) Using, engaging, or employing persons under 18 to
8 deliver controlled, counterfeit, or look-alike substances.

9 (50) Delivery of controlled substances.

10 (51) Sale or delivery of drug paraphernalia.

11 (52) Felony possession, sale, or exchange of
12 instruments adapted for use of a controlled substance,
13 methamphetamine, or cannabis by subcutaneous injection.

14 (53) Any violation of the Methamphetamine Control and
15 Community Protection Act.

16 (d) Notwithstanding subsection (c), the Department may
17 make an exception and issue a new foster family home license or
18 may renew an existing foster family home license of an
19 applicant who was convicted of an offense described in
20 subsection (c), provided all of the following requirements are
21 met:

22 (1) The relevant criminal offense or offenses occurred
23 more than 10 years prior to the date of application or
24 renewal.

25 (2) The applicant had previously disclosed the
26 conviction or convictions to the Department for purposes of

1 a background check.

2 (3) After the disclosure, the Department either placed
3 a child in the home or the foster family home license was
4 issued.

5 (4) During the background check, the Department had
6 assessed and waived the conviction in compliance with the
7 existing statutes and rules in effect at the time of the
8 hire or licensure.

9 (5) The applicant meets all other requirements and
10 qualifications to be licensed as a foster family home under
11 this Act and the Department's administrative rules.

12 (6) The applicant has a history of providing a safe,
13 stable home environment and appears able to continue to
14 provide a safe, stable home environment.

15 (e) In evaluating the exception pursuant to subsections
16 (b-2) and (d), the Department must carefully review any
17 relevant documents to determine whether the applicant, despite
18 the disqualifying convictions, poses a substantial risk to
19 State resources or clients. In making such a determination, the
20 following guidelines shall be used:

21 (1) the age of the applicant when the offense was
22 committed;

23 (2) the circumstances surrounding the offense;

24 (3) the length of time since the conviction;

25 (4) the specific duties and responsibilities
26 necessarily related to the license being applied for and

1 the bearing, if any, that the applicant's conviction
2 history may have on his or her fitness to perform these
3 duties and responsibilities;

4 (5) the applicant's employment references;

5 (6) the applicant's character references and any
6 certificates of achievement;

7 (7) an academic transcript showing educational
8 attainment since the disqualifying conviction;

9 (8) a Certificate of Relief from Collateral
10 Consequence or Sanction ~~Disabilities~~ or Certificate of
11 Good Conduct; and

12 (9) anything else that speaks to the applicant's
13 character.

14 (Source: P.A. 99-143, eff. 7-27-15.)

15 Section 10. The Unified Code of Corrections is amended by
16 changing the heading of Article 5.5 of Chapter V and Sections
17 3-3-2, 5-5-5, 5-5.5-5, 5-5.5-10, 5-5.5-15, 5-5.5-25, 5-5.5-30,
18 5-5.5-35, 5-5.5-40, and 5-5.5-50 and by adding Section 5-5.5-21
19 as follows:

20 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

21 Sec. 3-3-2. Powers and duties.

22 (a) The Parole and Pardon Board is abolished and the term
23 "Parole and Pardon Board" as used in any law of Illinois, shall
24 read "Prisoner Review Board." After the effective date of this

1 amendatory Act of 1977, the Prisoner Review Board shall provide
2 by rule for the orderly transition of all files, records, and
3 documents of the Parole and Pardon Board and for such other
4 steps as may be necessary to effect an orderly transition and
5 shall:

6 (1) hear by at least one member and through a panel of
7 at least 3 members decide, cases of prisoners who were
8 sentenced under the law in effect prior to the effective
9 date of this amendatory Act of 1977, and who are eligible
10 for parole;

11 (2) hear by at least one member and through a panel of
12 at least 3 members decide, the conditions of parole and the
13 time of discharge from parole, impose sanctions for
14 violations of parole, and revoke parole for those sentenced
15 under the law in effect prior to this amendatory Act of
16 1977; provided that the decision to parole and the
17 conditions of parole for all prisoners who were sentenced
18 for first degree murder or who received a minimum sentence
19 of 20 years or more under the law in effect prior to
20 February 1, 1978 shall be determined by a majority vote of
21 the Prisoner Review Board. One representative supporting
22 parole and one representative opposing parole will be
23 allowed to speak. Their comments shall be limited to making
24 corrections and filling in omissions to the Board's
25 presentation and discussion;

26 (3) hear by at least one member and through a panel of

1 at least 3 members decide, the conditions of mandatory
2 supervised release and the time of discharge from mandatory
3 supervised release, impose sanctions for violations of
4 mandatory supervised release, and revoke mandatory
5 supervised release for those sentenced under the law in
6 effect after the effective date of this amendatory Act of
7 1977;

8 (3.5) hear by at least one member and through a panel
9 of at least 3 members decide, the conditions of mandatory
10 supervised release and the time of discharge from mandatory
11 supervised release, to impose sanctions for violations of
12 mandatory supervised release and revoke mandatory
13 supervised release for those serving extended supervised
14 release terms pursuant to paragraph (4) of subsection (d)
15 of Section 5-8-1;

16 (3.6) hear by at least one member and through a panel
17 of at least 3 members decide whether to revoke aftercare
18 release for those committed to the Department of Juvenile
19 Justice under the Juvenile Court Act of 1987;

20 (4) hear by at least one member and through a panel of
21 at least 3 members, decide cases brought by the Department
22 of Corrections against a prisoner in the custody of the
23 Department for alleged violation of Department rules with
24 respect to sentence credits under Section 3-6-3 of this
25 Code in which the Department seeks to revoke sentence
26 credits, if the amount of time at issue exceeds 30 days or

1 when, during any 12 month period, the cumulative amount of
2 credit revoked exceeds 30 days except where the infraction
3 is committed or discovered within 60 days of scheduled
4 release. In such cases, the Department of Corrections may
5 revoke up to 30 days of sentence credit. The Board may
6 subsequently approve the revocation of additional sentence
7 credit, if the Department seeks to revoke sentence credit
8 in excess of thirty days. However, the Board shall not be
9 empowered to review the Department's decision with respect
10 to the loss of 30 days of sentence credit for any prisoner
11 or to increase any penalty beyond the length requested by
12 the Department;

13 (5) hear by at least one member and through a panel of
14 at least 3 members decide, the release dates for certain
15 prisoners sentenced under the law in existence prior to the
16 effective date of this amendatory Act of 1977, in
17 accordance with Section 3-3-2.1 of this Code;

18 (6) hear by at least one member and through a panel of
19 at least 3 members decide, all requests for pardon,
20 reprieve or commutation, and make confidential
21 recommendations to the Governor;

22 (7) comply with the requirements of the Open Parole
23 Hearings Act;

24 (8) hear by at least one member and, through a panel of
25 at least 3 members, decide cases brought by the Department
26 of Corrections against a prisoner in the custody of the

1 Department for court dismissal of a frivolous lawsuit
2 pursuant to Section 3-6-3(d) of this Code in which the
3 Department seeks to revoke up to 180 days of sentence
4 credit, and if the prisoner has not accumulated 180 days of
5 sentence credit at the time of the dismissal, then all
6 sentence credit accumulated by the prisoner shall be
7 revoked;

8 (9) (blank); ~~hear by at least 3 members, and, through a~~
9 ~~panel of at least 3 members, decide whether to grant~~
10 ~~certificates of relief from disabilities or certificates~~
11 ~~of good conduct as provided in Article 5.5 of Chapter V;~~

12 (10) upon a petition by a person who has been convicted
13 of a Class 3 or Class 4 felony and who meets the
14 requirements of this paragraph, hear by at least 3 members
15 and, with the unanimous vote of a panel of 3 members, issue
16 a certificate of eligibility for sealing recommending that
17 the court order the sealing of all official records of the
18 arresting authority, the circuit court clerk, and the
19 Department of State Police concerning the arrest and
20 conviction for the Class 3 or 4 felony. A person may not
21 apply to the Board for a certificate of eligibility for
22 sealing:

23 (A) until 5 years have elapsed since the expiration
24 of his or her sentence;

25 (B) until 5 years have elapsed since any arrests or
26 detentions by a law enforcement officer for an alleged

1 violation of law, other than a petty offense, traffic
2 offense, conservation offense, or local ordinance
3 offense;

4 (C) if convicted of a violation of the Cannabis
5 Control Act, Illinois Controlled Substances Act, the
6 Methamphetamine Control and Community Protection Act,
7 the Methamphetamine Precursor Control Act, or the
8 Methamphetamine Precursor Tracking Act unless the
9 petitioner has completed a drug abuse program for the
10 offense on which sealing is sought and provides proof
11 that he or she has completed the program successfully;

12 (D) if convicted of:

13 (i) a sex offense described in Article 11 or
14 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
15 the Criminal Code of 1961 or the Criminal Code of
16 2012;

17 (ii) aggravated assault;

18 (iii) aggravated battery;

19 (iv) domestic battery;

20 (v) aggravated domestic battery;

21 (vi) violation of an order of protection;

22 (vii) an offense under the Criminal Code of
23 1961 or the Criminal Code of 2012 involving a
24 firearm;

25 (viii) driving while under the influence of
26 alcohol, other drug or drugs, intoxicating

1 compound or compounds or any combination thereof;
2 (ix) aggravated driving while under the
3 influence of alcohol, other drug or drugs,
4 intoxicating compound or compounds or any
5 combination thereof; or
6 (x) any crime defined as a crime of violence
7 under Section 2 of the Crime Victims Compensation
8 Act.

9 If a person has applied to the Board for a certificate
10 of eligibility for sealing and the Board denies the
11 certificate, the person must wait at least 4 years before
12 filing again or filing for pardon from the Governor unless
13 the Chairman of the Prisoner Review Board grants a waiver.

14 The decision to issue or refrain from issuing a
15 certificate of eligibility for sealing shall be at the
16 Board's sole discretion, and shall not give rise to any
17 cause of action against either the Board or its members.

18 The Board may only authorize the sealing of Class 3 and
19 4 felony convictions of the petitioner from one information
20 or indictment under this paragraph (10). A petitioner may
21 only receive one certificate of eligibility for sealing
22 under this provision for life; and

23 (11) upon a petition by a person who after having been
24 convicted of a Class 3 or Class 4 felony thereafter served
25 in the United States Armed Forces or National Guard of this
26 or any other state and had received an honorable discharge

1 from the United States Armed Forces or National Guard or
2 who at the time of filing the petition is enlisted in the
3 United States Armed Forces or National Guard of this or any
4 other state and served one tour of duty and who meets the
5 requirements of this paragraph, hear by at least 3 members
6 and, with the unanimous vote of a panel of 3 members, issue
7 a certificate of eligibility for expungement recommending
8 that the court order the expungement of all official
9 records of the arresting authority, the circuit court
10 clerk, and the Department of State Police concerning the
11 arrest and conviction for the Class 3 or 4 felony. A person
12 may not apply to the Board for a certificate of eligibility
13 for expungement:

14 (A) if convicted of:

15 (i) a sex offense described in Article 11 or
16 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
17 the Criminal Code of 1961 or Criminal Code of 2012;

18 (ii) an offense under the Criminal Code of 1961
19 or Criminal Code of 2012 involving a firearm; or

20 (iii) a crime of violence as defined in Section
21 2 of the Crime Victims Compensation Act; or

22 (B) if the person has not served in the United
23 States Armed Forces or National Guard of this or any
24 other state or has not received an honorable discharge
25 from the United States Armed Forces or National Guard
26 of this or any other state or who at the time of the

1 filing of the petition is serving in the United States
2 Armed Forces or National Guard of this or any other
3 state and has not completed one tour of duty.

4 If a person has applied to the Board for a certificate
5 of eligibility for expungement and the Board denies the
6 certificate, the person must wait at least 4 years before
7 filing again or filing for a pardon with authorization for
8 expungement from the Governor unless the Governor or
9 Chairman of the Prisoner Review Board grants a waiver.

10 (a-5) The Prisoner Review Board, with the cooperation of
11 and in coordination with the Department of Corrections and the
12 Department of Central Management Services, shall implement a
13 pilot project in 3 correctional institutions providing for the
14 conduct of hearings under paragraphs (1) and (4) of subsection
15 (a) of this Section through interactive video conferences. The
16 project shall be implemented within 6 months after the
17 effective date of this amendatory Act of 1996. Within 6 months
18 after the implementation of the pilot project, the Prisoner
19 Review Board, with the cooperation of and in coordination with
20 the Department of Corrections and the Department of Central
21 Management Services, shall report to the Governor and the
22 General Assembly regarding the use, costs, effectiveness, and
23 future viability of interactive video conferences for Prisoner
24 Review Board hearings.

25 (b) Upon recommendation of the Department the Board may
26 restore sentence credit previously revoked.

1 (c) The Board shall cooperate with the Department in
2 promoting an effective system of parole and mandatory
3 supervised release.

4 (d) The Board shall promulgate rules for the conduct of its
5 work, and the Chairman shall file a copy of such rules and any
6 amendments thereto with the Director and with the Secretary of
7 State.

8 (e) The Board shall keep records of all of its official
9 actions and shall make them accessible in accordance with law
10 and the rules of the Board.

11 (f) The Board or one who has allegedly violated the
12 conditions of his or her parole, aftercare release, or
13 mandatory supervised release may require by subpoena the
14 attendance and testimony of witnesses and the production of
15 documentary evidence relating to any matter under
16 investigation or hearing. The Chairman of the Board may sign
17 subpoenas which shall be served by any agent or public official
18 authorized by the Chairman of the Board, or by any person
19 lawfully authorized to serve a subpoena under the laws of the
20 State of Illinois. The attendance of witnesses, and the
21 production of documentary evidence, may be required from any
22 place in the State to a hearing location in the State before
23 the Chairman of the Board or his or her designated agent or
24 agents or any duly constituted Committee or Subcommittee of the
25 Board. Witnesses so summoned shall be paid the same fees and
26 mileage that are paid witnesses in the circuit courts of the

1 State, and witnesses whose depositions are taken and the
2 persons taking those depositions are each entitled to the same
3 fees as are paid for like services in actions in the circuit
4 courts of the State. Fees and mileage shall be vouchered for
5 payment when the witness is discharged from further attendance.

6 In case of disobedience to a subpoena, the Board may
7 petition any circuit court of the State for an order requiring
8 the attendance and testimony of witnesses or the production of
9 documentary evidence or both. A copy of such petition shall be
10 served by personal service or by registered or certified mail
11 upon the person who has failed to obey the subpoena, and such
12 person shall be advised in writing that a hearing upon the
13 petition will be requested in a court room to be designated in
14 such notice before the judge hearing motions or extraordinary
15 remedies at a specified time, on a specified date, not less
16 than 10 nor more than 15 days after the deposit of the copy of
17 the written notice and petition in the U.S. mails addressed to
18 the person at his last known address or after the personal
19 service of the copy of the notice and petition upon such
20 person. The court upon the filing of such a petition, may order
21 the person refusing to obey the subpoena to appear at an
22 investigation or hearing, or to there produce documentary
23 evidence, if so ordered, or to give evidence relative to the
24 subject matter of that investigation or hearing. Any failure to
25 obey such order of the circuit court may be punished by that
26 court as a contempt of court.

1 Each member of the Board and any hearing officer designated
2 by the Board shall have the power to administer oaths and to
3 take the testimony of persons under oath.

4 (g) Except under subsection (a) of this Section, a majority
5 of the members then appointed to the Prisoner Review Board
6 shall constitute a quorum for the transaction of all business
7 of the Board.

8 (h) The Prisoner Review Board shall annually transmit to
9 the Director a detailed report of its work for the preceding
10 calendar year. The annual report shall also be transmitted to
11 the Governor for submission to the Legislature.

12 (Source: P.A. 98-399, eff. 8-16-13; 98-558, eff. 1-1-14;
13 98-756, eff. 7-16-14; 99-628, eff. 1-1-17.)

14 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

15 Sec. 5-5-5. Loss and Restoration of Rights.

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

20 (b) A person convicted of a felony shall be ineligible to
21 hold an office created by the Constitution of this State until
22 the completion of his sentence.

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

25 (d) On completion of sentence of imprisonment or upon

1 discharge from probation, conditional discharge or periodic
2 imprisonment, or at any time thereafter, all license rights and
3 privileges granted under the authority of this State which have
4 been revoked or suspended because of conviction of an offense
5 shall be restored unless the authority having jurisdiction of
6 such license rights finds after investigation and hearing that
7 restoration is not in the public interest. This paragraph (d)
8 shall not apply to the suspension or revocation of a license to
9 operate a motor vehicle under the Illinois Vehicle Code.

10 (e) Upon a person's discharge from incarceration or parole,
11 or upon a person's discharge from probation or at any time
12 thereafter, the committing court may enter an order certifying
13 that the sentence has been satisfactorily completed when the
14 court believes it would assist in the rehabilitation of the
15 person and be consistent with the public welfare. Such order
16 may be entered upon the motion of the defendant or the State or
17 upon the court's own motion.

18 (f) Upon entry of the order, the court shall issue to the
19 person in whose favor the order has been entered a certificate
20 stating that his behavior after conviction has warranted the
21 issuance of the order.

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

25 (h) No application for any license specified in subsection
26 (i) of this Section granted under the authority of this State

1 shall be denied by reason of an eligible offender who has
2 obtained a certificate of relief from collateral consequence or
3 sanction ~~disabilities~~, as defined in Article 5.5 of this
4 Chapter, having been previously convicted of one or more
5 criminal offenses, or by reason of a finding of lack of "good
6 moral character" when the finding is based upon the fact that
7 the applicant has previously been convicted of one or more
8 criminal offenses, unless:

9 (1) there is a direct relationship between one or more
10 of the previous criminal offenses and the specific license
11 sought; or

12 (2) the issuance of the license would involve an
13 unreasonable risk to property or to the safety or welfare
14 of specific individuals or the general public.

15 In making such a determination, the licensing agency shall
16 consider the following factors:

17 (1) the public policy of this State, as expressed in
18 Article 5.5 of this Chapter, to encourage the licensure and
19 employment of persons previously convicted of one or more
20 criminal offenses;

21 (2) the specific duties and responsibilities
22 necessarily related to the license being sought;

23 (3) the bearing, if any, the criminal offenses or
24 offenses for which the person was previously convicted will
25 have on his or her fitness or ability to perform one or
26 more such duties and responsibilities;

1 (4) the time which has elapsed since the occurrence of
2 the criminal offense or offenses;

3 (5) the age of the person at the time of occurrence of
4 the criminal offense or offenses;

5 (6) the seriousness of the offense or offenses;

6 (7) any information produced by the person or produced
7 on his or her behalf in regard to his or her rehabilitation
8 and good conduct, including a certificate of relief from
9 collateral consequence or sanction disabilities issued to
10 the applicant, which certificate shall create a
11 presumption of rehabilitation in regard to the offense or
12 offenses specified in the certificate; and

13 (8) the legitimate interest of the licensing agency in
14 protecting property, and the safety and welfare of specific
15 individuals or the general public.

16 (i) A certificate of relief from collateral consequence or
17 sanction disabilities shall be issued only for a license or
18 certification issued under the following Acts:

19 (1) the Animal Welfare Act; except that a certificate
20 of relief from collateral consequence or sanction
21 ~~disabilities~~ may not be granted to provide for the issuance
22 or restoration of a license under the Animal Welfare Act
23 for any person convicted of violating Section 3, 3.01,
24 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for Animals
25 Act or Section 26-5 or 48-1 of the Criminal Code of 1961 or
26 the Criminal Code of 2012;

- 1 (2) the Illinois Athletic Trainers Practice Act;
- 2 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
3 and Nail Technology Act of 1985;
- 4 (4) the Boiler and Pressure Vessel Repairer Regulation
5 Act;
- 6 (5) the Boxing and Full-contact Martial Arts Act;
- 7 (6) the Illinois Certified Shorthand Reporters Act of
8 1984;
- 9 (7) the Illinois Farm Labor Contractor Certification
10 Act;
- 11 (8) the Interior Design Title Act;
- 12 (9) the Illinois Professional Land Surveyor Act of
13 1989;
- 14 (10) the Illinois Landscape Architecture Act of 1989;
- 15 (11) the Marriage and Family Therapy Licensing Act;
- 16 (12) the Private Employment Agency Act;
- 17 (13) the Professional Counselor and Clinical
18 Professional Counselor Licensing and Practice Act;
- 19 (14) the Real Estate License Act of 2000;
- 20 (15) the Illinois Roofing Industry Licensing Act;
- 21 (16) the Professional Engineering Practice Act of
22 1989;
- 23 (17) the Water Well and Pump Installation Contractor's
24 License Act;
- 25 (18) the Electrologist Licensing Act;
- 26 (19) the Auction License Act;

- 1 (20) the Illinois Architecture Practice Act of 1989;
2 (21) the Dietitian Nutritionist Practice Act;
3 (22) the Environmental Health Practitioner Licensing
4 Act;
5 (23) the Funeral Directors and Embalmers Licensing
6 Code;
7 (24) the Land Sales Registration Act of 1999;
8 (25) the Professional Geologist Licensing Act;
9 (26) the Illinois Public Accounting Act; and
10 (27) the Structural Engineering Practice Act of 1989.

11 (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;
12 97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.
13 1-25-13; 98-756, eff. 7-16-14.)

14 (730 ILCS 5/Ch. V Art. 5.5 heading)

15 ARTICLE 5.5. DISCRETIONARY RELIEF FROM FORFEITURES
16 AND COLLATERAL CONSEQUENCES OR SANCTIONS ~~DISABILITIES~~
17 AUTOMATICALLY IMPOSED BY LAW

18 (730 ILCS 5/5-5.5-5)

19 Sec. 5-5.5-5. Definition. In this Article:

20 "Collateral consequence or sanction" means a penalty,
21 disability, barrier, or disadvantage that is related to
22 employment or occupational licensing, however denominated, as
23 a result of a parolee or releasee's conviction of, or plea of
24 guilty, to an offense and that applies by operation of law in

1 this State whether or not the penalty, disability, barrier, or
2 disadvantage is included in the sentence or judgment imposed.

3 "Collateral consequence or sanction" does not include
4 imprisonment, periodic imprisonment, probation, conditional
5 discharge, parole, mandatory supervised release, forfeiture,
6 restitution, fine, assessment, or costs of prosecution.

7 "Department" means the Department of Corrections for
8 individuals incarcerated in a facility of the Department or the
9 county sheriff for individuals incarcerated in a county jail or
10 in a facility of the Cook County Department of Corrections.

11 "Eligible ,~~"eligible~~ offender" means a person who has been
12 convicted of a crime in this State or of an offense in any
13 other jurisdiction that does not include any offense or
14 attempted offense that would subject a person to registration
15 under the Sex Offender Registration Act, the Arsonist
16 Registration Act, or the Murderer and Violent Offender Against
17 Youth Registration Act. "Eligible offender" does not include a
18 person who has been convicted of arson, aggravated arson,
19 kidnapping, aggravated kidnapping, aggravated driving under the
20 influence of alcohol, other drug or drugs, or intoxicating
21 compound or compounds, or any combination thereof, or
22 aggravated domestic battery.

23 (Source: P.A. 99-381, eff. 1-1-16; 99-642, eff. 7-28-16.)

24 (730 ILCS 5/5-5.5-10)

25 Sec. 5-5.5-10. Certificate of relief from collateral

1 consequence or sanction disabilities.

2 (a) A certificate of relief from collateral consequence or
3 sanction disabilities does not, however, in any way prevent any
4 judicial proceeding, administrative, licensing, or other body,
5 board, or authority from relying upon the conviction specified
6 in the certificate as the basis for the exercise of its
7 discretionary power to suspend, revoke, or refuse to issue or
8 refuse to renew any license, permit, or other authority or
9 privilege.

10 (b) A certificate of relief from collateral consequence or
11 sanction disabilities shall not limit or prevent the
12 introduction of evidence of a prior conviction for purposes of
13 impeachment of a witness in a judicial or other proceeding
14 where otherwise authorized by the applicable rules of evidence.
15 (Source: P.A. 93-207, eff. 1-1-04.)

16 (730 ILCS 5/5-5.5-15)

17 Sec. 5-5.5-15. Certificates of relief from collateral
18 consequence or sanction disabilities issued by courts.

19 (a) Any circuit court of this State may issue a certificate
20 of relief from collateral consequence or sanction disabilities
21 to an eligible offender for a conviction that occurred in that
22 court if the court imposed the sentence. The certificate may be
23 issued (i) at the time sentence is pronounced, in which case it
24 may grant relief from collateral consequence or sanction
25 disabilities, or (ii) at any time thereafter, in which case it

1 shall apply only to collateral consequence or sanction
2 ~~disabilities~~.

3 (b) The certificate may not be issued by the court unless
4 the court is satisfied, based on a preponderance of the ~~clear~~
5 ~~and convincing~~ evidence, that:

6 (1) the person to whom it is to be granted is an
7 eligible offender, as defined in Section 5-5.5-5;

8 (2) the relief to be granted by the certificate is
9 consistent with the rehabilitation of the eligible
10 offender; and

11 (3) the relief to be granted by the certificate is
12 consistent with the public interest.

13 (c) If a certificate of relief from collateral consequence
14 or sanction ~~disabilities~~ is not issued at the time sentence is
15 pronounced it shall only be issued thereafter upon verified
16 application to the court. The court may, for the purpose of
17 determining whether the certificate shall be issued, request
18 the probation or court services department to conduct an
19 investigation of the applicant. Any probation officer
20 requested to make an investigation under this Section shall
21 prepare and submit to the court a written report in accordance
22 with the request. Upon receiving verified application to the
23 court for a petition for a certificate of relief from
24 collateral consequence or sanction, the court shall review the
25 petition and all other relevant materials or evidence. The
26 court may order any report, investigation, or disclosure by the

1 petitioner that the court believes necessary for the court to
2 make its determination on whether to grant or deny the
3 petition. The court shall decide whether to grant or deny the
4 petition within 60 days after the court receives or is
5 forwarded the completed petition and all information requested
6 by the court for purposes of making its determination. Upon
7 request of the petitioner, the court may extend the period for
8 determination for an additional 60 days.

9 (d) Any court that has issued a certificate of relief from
10 collateral consequence or sanction ~~disabilities~~ may at any time
11 issue a new certificate to enlarge the relief previously
12 granted provided that the provisions of clauses (1) through (3)
13 of subsection (b) of this Section apply to the issuance of any
14 such new certificate.

15 (e) Any written report submitted to the court under this
16 Section is confidential and may not be made available to any
17 person or public or private agency except if specifically
18 required or permitted by statute or upon specific authorization
19 of the court. However, it shall be made available by the court
20 for examination by the applicant's attorney, or the applicant
21 himself or herself, if he or she has no attorney. In its
22 discretion, the court may except from disclosure a part or
23 parts of the report that are not relevant to the granting of a
24 certificate, or sources of information which have been obtained
25 on a promise of confidentiality, or any other portion of the
26 report, disclosure of which would not be in the interest of

1 justice. The action of the court excepting information from
2 disclosure shall be subject to appellate review. The court, in
3 its discretion, may hold a conference in open court or in
4 chambers to afford an applicant an opportunity to controvert or
5 to comment upon any portions of the report. The court may also
6 conduct a summary hearing at the conference on any matter
7 relevant to the granting of the application and may take
8 testimony under oath.

9 (f) An employer is not civilly or criminally liable for an
10 act or omission by an employee who has been issued a
11 certificate of relief from collateral consequence or sanction
12 ~~disabilities~~, except for a willful or wanton act by the
13 employer in hiring the employee who has been issued a
14 certificate of relief from collateral consequence or sanction
15 ~~disabilities~~.

16 (Source: P.A. 96-852, eff. 1-1-10.)

17 (730 ILCS 5/5-5.5-21 new)

18 Sec. 5-5.5-21. Certificate of qualification for
19 employment.

20 (a) Upon release from a correctional institution, the
21 Department shall issue to that individual documents relating to
22 the following:

23 (1) records of criminal convictions;

24 (2) records of arrest; and

25 (3) records of institutional history, including each

1 of the following:

2 (A) any record of institutional misconduct;

3 (B) whether the prisoner successfully completed
4 programming provided by the correctional institution
5 or a individual or entity under contract with the
6 correctional institution;

7 (C) whether the prisoner obtained a general
8 education certificate (GED) or other educational
9 degree; and

10 (D) other information considered relevant by the
11 correctional institution from which the prisoner is
12 being released.

13 (b) In addition to the documents provided under subsection
14 (a) of this Section, the correctional facility shall issue a
15 certificate of qualification for employment to the individual
16 being released if each of the following apply:

17 (1) the prisoner successfully completed a career and
18 technical education course;

19 (2) the prisoner received no major misconducts during
20 the 2 years immediately preceding his or her release;

21 (3) the prisoner received no more than 3 minor
22 misconducts during the 2 years immediately preceding his or
23 her release; and

24 (4) the prisoner received a silver level or better on
25 his or her national work readiness certificate, or a
26 similar score, as determined by the Department, on an

1 alternative job skills assessment test administered by the
2 Department.

3 (c) A certificate of qualification for employment shall
4 only be issued within 30 days before the prisoner is released
5 from a correctional facility, and the certificate is valid for
6 4 years after the date it is effective unless otherwise revoked
7 by the Department. A certificate of qualification for
8 employment is effective upon issuance for individuals
9 incarcerated in a Department of Corrections facility and is
10 effective 60 days after issuance for individuals incarcerated
11 in a county jail or incarcerated in a facility of the Cook
12 County Department of Corrections.

13 (d) The Department shall revoke the certificate of
14 qualification for employment if the prisoner commits any
15 criminal offense during the 30-day period before release, and
16 the Department may revoke the certificate of qualification for
17 employment if the prisoner has any institutional misconduct
18 during that period.

19 (e) The Department shall revoke the certificate of
20 qualification for employment of any prisoner who commits a
21 felony after receiving a certificate of qualification for
22 employment under this Section and who is then placed under the
23 jurisdiction of the Department for committing that felony
24 offense.

25 (f) The revocation of a certificate of qualification for
26 employment is effective upon receipt of written notification of

1 the revocation.

2 (g) Upon request, the Department shall confirm whether a
3 certificate of qualification for employment has been issued to
4 a named individual, and whether the issued certificate is valid
5 at the time of the inquiry and the time of the response to the
6 inquiry. Revocation of a certificate of qualification for
7 employment does not affect the right of an employer to rely on
8 the validity of the certificate unless the employer knew before
9 the certificate holder was employed that the certificate of
10 qualification for employment was fraudulent.

11 (h) If the Department, upon review, denies a petition for
12 certificate of qualification for employment the Department
13 shall provide written notice to the petitioner of the denial.
14 The denial of a petition by the Department is a final
15 administrative decision of the Department and is subject to
16 judicial review under the provisions of the Administrative
17 Review Law. The term "administrative decision" is defined as in
18 Section 3-101 of the Code of Civil Procedure.

19 (i) In a judicial or administrative proceeding alleging
20 negligence or other fault, a certificate of qualification for
21 employment issued under this Section may be introduced as
22 evidence of a person's due care in hiring, retaining,
23 licensing, leasing to, admitting to a school or program, or
24 otherwise transacting business or engaging in activity with the
25 holder of a certificate of qualification for employment if the
26 person knew of the certificate at the time of the alleged

1 negligence or other fault. In any proceeding on a claim against
2 an employer for negligent hiring, a certificate of
3 qualification for employment issued under this Section shall
4 provide immunity for the employer as to the claim if the
5 employer knew of the certificate at the time of the alleged
6 negligence. An employer shall not be held civilly or criminally
7 liable for an act or omission by an employee who has been
8 issued a certificate of qualification for employment, except
9 for a willful or wanton act by the employer in hiring the
10 employee who has been issued the certificate. If an employer
11 hires an individual issued a certificate of qualification for
12 employment under this Section, if the holder of the
13 certificate, after being hired by an employer, subsequently
14 demonstrates dangerousness or is convicted of or pleads guilty
15 to a felony, and if the employer retains the individual as an
16 employee, the employer may be held liable in a civil action
17 that is based on or relates to the retention of the certificate
18 holder as an employee only if it is proved by a preponderance
19 of the evidence that the person having hiring and firing
20 responsibility for the employer had actual knowledge the
21 certificate holding employee was dangerous or had been
22 convicted of or pleaded guilty to the felony and was willful in
23 retaining the individual as an employee after the demonstration
24 of dangerousness or the conviction or guilty plea of which the
25 person has actual knowledge.

1 (730 ILCS 5/5-5.5-25)

2 Sec. 5-5.5-25. Certificate of good conduct.

3 (a) A certificate of good conduct may be granted as
4 provided in this Section to relieve an eligible offender of any
5 employment bar. The certificate may be limited to one or more
6 collateral consequence or sanction disabilities or bars or may
7 relieve the individual of all collateral consequence or
8 sanction disabilities and bars.

9 Notwithstanding any other provision of law, a certificate
10 of good conduct does not relieve an offender of any
11 employment-related collateral consequence or sanction
12 disability imposed by law by reason of his or her conviction of
13 a crime that would prevent his or her employment by the
14 Department of Corrections, Department of Juvenile Justice, or
15 any other law enforcement agency in the State.

16 (a-6) A certificate of good conduct may be granted as
17 provided in this Section to an eligible offender as defined in
18 Section 5-5.5-5 of this Code who has demonstrated by a
19 preponderance of the ~~clear and convincing~~ evidence that he or
20 she has been a law-abiding citizen and is fully rehabilitated.

21 (b) (i) A certificate of good conduct may not, however, in
22 any way prevent any judicial proceeding, administrative,
23 licensing, or other body, board, or authority from considering
24 the conviction specified in the certificate.

25 (ii) A certificate of good conduct shall not limit or
26 prevent the introduction of evidence of a prior conviction for

1 purposes of impeachment of a witness in a judicial or other
2 proceeding where otherwise authorized by the applicable rules
3 of evidence.

4 (iii) A certificate of good conduct does not limit the
5 employer from accessing criminal background information; nor
6 does it hide, alter, or expunge the record.

7 (c) An employer is not civilly or criminally liable for an
8 act or omission by an employee who has been issued a
9 certificate of good conduct, except for a willful or wanton act
10 by the employer in hiring the employee who has been issued a
11 certificate of good conduct.

12 (Source: P.A. 96-852, eff. 1-1-10.)

13 (730 ILCS 5/5-5.5-30)

14 Sec. 5-5.5-30. Issuance of certificate of good conduct.

15 (a) After a rehabilitation review has been held, in a
16 manner designated by the chief judge of the judicial circuit in
17 which the conviction was entered, the Circuit Court of that
18 judicial circuit shall have the power to issue a certificate of
19 good conduct to any eligible offender previously convicted of a
20 crime in this State, and shall make a specific finding of
21 rehabilitation with the force and effect of a final judgment on
22 the merits, when the Court is satisfied that:

23 (1) the applicant has conducted himself or herself in a
24 manner warranting the issuance for a minimum period in
25 accordance with the provisions of subsection (c) of this

1 Section;

2 (2) the relief to be granted by the certificate is
3 consistent with the rehabilitation of the applicant; and

4 (3) the relief to be granted is consistent with the
5 public interest.

6 (b) The Circuit Court shall have the power to issue a
7 certificate of good conduct to any person previously convicted
8 of a crime in any other jurisdiction, when the Court is
9 satisfied that:

10 (1) the applicant has demonstrated that there exist
11 specific facts and circumstances and specific sections of
12 Illinois State law that have an adverse impact on the
13 applicant and warrant the application for relief to be made
14 in Illinois; and

15 (2) the provisions of paragraphs (1), (2), and (3) of
16 subsection (a) of this Section have been met.

17 (c) The minimum period of good conduct by the individual
18 referred to in paragraph (1) of subsection (a) of this Section,
19 shall be as follows: if the most serious crime of which the
20 individual was convicted is a misdemeanor, the minimum period
21 of good conduct shall be 6 months ~~one year~~; if the most serious
22 crime of which the individual was convicted is a felony, the
23 minimum period of good conduct shall be one year ~~2 years~~.
24 Criminal acts committed outside the State shall be classified
25 as acts committed within the State based on the maximum
26 sentence that could have been imposed based upon the conviction

1 under the laws of the foreign jurisdiction. The minimum period
2 of good conduct by the individual shall be measured either from
3 the date of the payment of any fine imposed upon him or her, or
4 from the date of his or her release from custody by parole,
5 mandatory supervised release or commutation or termination of
6 his or her sentence. The Circuit Court shall have power and it
7 shall be its duty to investigate all persons when the
8 application is made and to grant or deny the same within a
9 reasonable time after the making of the application. Upon
10 receiving verified application to the court for a petition for
11 a certificate of good conduct, the court shall review the
12 petition and all other relevant materials or evidence. The
13 court may order any report, investigation, or disclosure by the
14 petitioner that the court believes necessary for the court to
15 make its determination on whether to grant or deny the
16 petition. The court shall decide whether to grant or deny the
17 petition within 60 days after the court receives or is
18 forwarded the completed petition and all information requested
19 by the court for purposes of making its determination. Upon
20 request of the petitioner, the court may extend the period for
21 determination by for an additional 60 days.

22 (d) If the Circuit Court has issued a certificate of good
23 conduct, the Court may at any time issue a new certificate
24 enlarging the relief previously granted.

25 (e) Any certificate of good conduct issued by the Court to
26 an individual who at the time of the issuance of the

1 certificate is under the conditions of parole or mandatory
2 supervised release imposed by the Prisoner Review Board shall
3 be deemed to be a temporary certificate until the time as the
4 individual is discharged from the terms of parole or mandatory
5 supervised release, and, while temporary, the certificate may
6 be revoked by the Court for violation of the conditions of
7 parole or mandatory supervised release. Revocation shall be
8 upon notice to the parolee or releasee, who shall be accorded
9 an opportunity to explain the violation prior to a decision on
10 the revocation. If the certificate is not so revoked, it shall
11 become a permanent certificate upon expiration or termination
12 of the offender's parole or mandatory supervised release term.

13 (f) The Court shall, upon notice to a certificate holder,
14 have the power to revoke a certificate of good conduct upon a
15 subsequent conviction.

16 (Source: P.A. 99-381, eff. 1-1-16.)

17 (730 ILCS 5/5-5.5-35)

18 Sec. 5-5.5-35. Effect of revocation; use of revoked
19 certificate; confirmation of certificate revocation.

20 (a) If a certificate of relief from collateral consequence
21 or sanction ~~disabilities~~ is deemed to be temporary and the
22 certificate is revoked, disabilities and forfeitures thereby
23 relieved shall be reinstated as of the date upon which the
24 person to whom the certificate was issued receives written
25 notice of the revocation. Any such person shall upon receipt of

1 the notice surrender the certificate to the issuing court.

2 (b) A person who knowingly uses or attempts to use a
3 revoked certificate of relief from collateral consequence or
4 sanction ~~disabilities~~ in order to obtain or to exercise any
5 right or privilege that he or she would not be entitled to
6 obtain or to exercise without a valid certificate is guilty of
7 a Class A misdemeanor.

8 (Source: P.A. 96-852, eff. 1-1-10.)

9 (730 ILCS 5/5-5.5-40)

10 Sec. 5-5.5-40. Forms and filing.

11 (a) All applications, certificates, and orders of
12 revocation necessary for the purposes of this Article shall be
13 upon forms prescribed by the Chief Justice of the Supreme Court
14 or his or her designee. The forms relating to certificates of
15 relief from collateral consequence or sanction ~~disabilities~~
16 and certificates of good conduct shall be distributed by the
17 Director of the Division of Probation Services.

18 (b) Any court or board issuing or revoking any certificate
19 under this Article shall immediately file a copy of the
20 certificate or of the order of revocation with the Director of
21 State Police.

22 (Source: P.A. 96-852, eff. 1-1-10.)

23 (730 ILCS 5/5-5.5-50)

24 Sec. 5-5.5-50. Report. The Department of Professional

1 Regulation shall report to the General Assembly by November 30
2 of each year, for each occupational licensure category, the
3 number of licensure applicants with felony convictions, the
4 number of applicants with certificates of relief from
5 collateral consequence or sanction ~~disabilities~~, the number of
6 licenses awarded to applicants with felony convictions, the
7 number of licenses awarded to applicants with certificates of
8 relief from collateral consequence or sanction ~~disabilities~~,
9 the number of applicants with felony convictions denied
10 licenses, and the number of applicants with certificates of
11 relief from collateral consequence or sanction ~~disabilities~~
12 denied licenses.

13 (Source: P.A. 93-207, eff. 1-1-04.)

1 INDEX

2 Statutes amended in order of appearance

- 3 225 ILCS 10/4.2 from Ch. 23, par. 2214.2
- 4 730 ILCS 5/3-3-2 from Ch. 38, par. 1003-3-2
- 5 730 ILCS 5/5-5-5 from Ch. 38, par. 1005-5-5
- 6 730 ILCS 5/Ch. V Art. 5.5
- 7 heading
- 8 730 ILCS 5/5-5.5-5
- 9 730 ILCS 5/5-5.5-10
- 10 730 ILCS 5/5-5.5-15
- 11 730 ILCS 5/5-5.5-21 new
- 12 730 ILCS 5/5-5.5-25
- 13 730 ILCS 5/5-5.5-30
- 14 730 ILCS 5/5-5.5-35
- 15 730 ILCS 5/5-5.5-40
- 16 730 ILCS 5/5-5.5-50