



Rep. Lamont J. Robinson, Jr.

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10100HB2670ham002

LRB101 09670 RPS 59354 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) 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,

1 instead they provide guidance for the Department when
2 considering licensure, registration, or certification for an
3 applicant with criminal history.

4 Except as provided in Section 2105-165 of this Act
5 regarding licensing restrictions based on enumerated offenses
6 for health care workers as defined in the Health Care Worker
7 Self-Referral Act and except as provided in any licensing Act
8 administered by the Department in which convictions of certain
9 enumerated offenses are a bar to licensure, the Department,
10 upon a finding that an applicant for a license, certificate, or
11 registration was previously convicted of a felony or
12 misdemeanor that may be grounds for refusing to issue a license
13 or certificate or to grant a ~~granting~~ registration, shall
14 consider any mitigating factors and evidence of rehabilitation
15 contained in the applicant's record, including the
16 circumstances surrounding the offense or offenses and any of
17 the following, to determine whether a prior conviction will
18 impair the ability of the applicant to engage in the practice
19 for which a license, certificate, or registration 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) any mitigating factors from the point of arrest or
25 indictment when determined to be appropriate, unless
26 otherwise specified and including, but not limited to,

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

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

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

10 (4.5) if, due to the applicant's criminal conviction
11 history, the applicant would be explicitly prohibited by
12 federal rules or regulations from working in the position
13 for which a license is sought;

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

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

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

1 Corrections; and

2 (8) any other mitigating factors that contribute to the
3 person's potential and current ability to perform the job
4 duties.

5 (b) If the Department refuses to issue a license or
6 certificate or grant registration to an applicant based upon a
7 conviction or convictions, in whole or in part, the Department
8 shall notify the applicant of the denial in writing with the
9 following included in the notice of denial:

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

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

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

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

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