



Rep. Arthur Turner

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1 AMENDMENT TO HOUSE BILL 3176

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3176 by replacing  
3 everything after the enacting clause with the following:

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",

1 approved July 6, 1938, as amended, or convicted of committing  
2 or attempting to commit any of the following offenses  
3 stipulated under the Criminal Code of 1961 or the Criminal Code  
4 of 2012:

5 (1) murder;

6 (1.1) solicitation of murder;

7 (1.2) solicitation of murder for hire;

8 (1.3) intentional homicide of an unborn child;

9 (1.4) voluntary manslaughter of an unborn child;

10 (1.5) involuntary manslaughter;

11 (1.6) reckless homicide;

12 (1.7) concealment of a homicidal death;

13 (1.8) involuntary manslaughter of an unborn child;

14 (1.9) reckless homicide of an unborn child;

15 (1.10) drug-induced homicide;

16 (2) a sex offense under Article 11, except offenses  
17 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,  
18 11-40, and 11-45;

19 (3) kidnapping;

20 (3.1) aggravated unlawful restraint;

21 (3.2) forcible detention;

22 (3.3) harboring a runaway;

23 (3.4) aiding and abetting child abduction;

24 (4) aggravated kidnapping;

25 (5) child abduction;

26 (6) aggravated battery of a child as described in

1 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

2 (7) criminal sexual assault;

3 (8) aggravated criminal sexual assault;

4 (8.1) predatory criminal sexual assault of a child;

5 (9) criminal sexual abuse;

6 (10) aggravated sexual abuse;

7 (11) heinous battery as described in Section 12-4.1 or  
8 subdivision (a) (2) of Section 12-3.05;

9 (12) aggravated battery with a firearm as described in  
10 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or  
11 (e) (4) of Section 12-3.05;

12 (13) tampering with food, drugs, or cosmetics;

13 (14) drug induced infliction of great bodily harm as  
14 described in Section 12-4.7 or subdivision (g) (1) of  
15 Section 12-3.05;

16 (15) hate crime;

17 (16) stalking;

18 (17) aggravated stalking;

19 (18) threatening public officials;

20 (19) home invasion;

21 (20) vehicular invasion;

22 (21) criminal transmission of HIV;

23 (22) criminal abuse or neglect of an elderly person or  
24 person with a disability as described in Section 12-21 or  
25 subsection (e) of Section 12-4.4a;

26 (23) child abandonment;



- 1 (8) Aggravated battery of a senior citizen.
- 2 (9) Intimidation.
- 3 (10) Compelling organization membership of persons.
- 4 (11) Abuse and criminal neglect of a long term care
- 5 facility resident.
- 6 (12) Felony violation of an order of protection.

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

- 8 (1) Felony unlawful use of weapons.
- 9 (2) Aggravated discharge of a firearm.
- 10 (3) Reckless discharge of a firearm.
- 11 (4) Unlawful use of metal piercing bullets.
- 12 (5) Unlawful sale or delivery of firearms on the
- 13 premises of any school.
- 14 (6) Disarming a police officer.
- 15 (7) Obstructing justice.
- 16 (8) Concealing or aiding a fugitive.
- 17 (9) Armed violence.
- 18 (10) Felony contributing to the criminal delinquency
- 19 of a juvenile.

20 (III) DRUG OFFENSES

- 21 (1) Possession of more than 30 grams of cannabis.
- 22 (2) Manufacture of more than 10 grams of cannabis.

1 (3) Cannabis trafficking.

2 (4) Delivery of cannabis on school grounds.

3 (5) Unauthorized production of more than 5 cannabis  
4 sativa plants.

5 (6) Calculated criminal cannabis conspiracy.

6 (7) Unauthorized manufacture or delivery of controlled  
7 substances.

8 (8) Controlled substance trafficking.

9 (9) Manufacture, distribution, or advertisement of  
10 look-alike substances.

11 (10) Calculated criminal drug conspiracy.

12 (11) Street gang criminal drug conspiracy.

13 (12) Permitting unlawful use of a building.

14 (13) Delivery of controlled, counterfeit, or  
15 look-alike substances to persons under age 18, or at truck  
16 stops, rest stops, or safety rest areas, or on school  
17 property.

18 (14) Using, engaging, or employing persons under 18 to  
19 deliver controlled, counterfeit, or look-alike substances.

20 (15) Delivery of controlled substances.

21 (16) Sale or delivery of drug paraphernalia.

22 (17) Felony possession, sale, or exchange of  
23 instruments adapted for use of a controlled substance,  
24 methamphetamine, or cannabis by subcutaneous injection.

25 (18) Felony possession of a controlled substance.

26 (19) Any violation of the Methamphetamine Control and

1 Community Protection Act.

2 (b-1.5) In addition to any other provision of this Section,  
3 for applicants with access to confidential financial  
4 information or who submit documentation to support billing, no  
5 applicant whose initial application was considered after the  
6 effective date of this amendatory Act of the 97th General  
7 Assembly may receive a license from the Department or a child  
8 care facility licensed by the Department who has been convicted  
9 of committing or attempting to commit any of the following  
10 felony offenses:

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

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

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

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

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

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

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

26 (8) forgery under Section 17-3 of the Criminal Code of

1 1961 or the Criminal Code of 2012;

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

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

6 (11) theft under paragraphs (1.1) through (11) of  
7 subsection (b) of Section 16-1 of the Criminal Code of 1961  
8 or the Criminal Code of 2012.

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

18 (1) The relevant criminal offense occurred more than 5  
19 years prior to the date of application or renewal, except  
20 for drug offenses. The relevant drug offense must have  
21 occurred more than 10 years prior to the date of  
22 application or renewal, unless the applicant passed a drug  
23 test, arranged and paid for by the child care facility, no  
24 less than 5 years after the offense.

25 (2) The Department must conduct a background check and  
26 assess all convictions and recommendations of the child



1 care facility to determine if hiring or licensing the  
2 applicant is in accordance with Department administrative  
3 rules and procedures.

4 (3) The applicant meets all other requirements and  
5 qualifications to be licensed as the pertinent type of  
6 child care facility under this Act and the Department's  
7 administrative rules.

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

17 (I) OFFENSES DIRECTED AGAINST THE PERSON

18 (A) KIDNAPPING AND RELATED OFFENSES

19 (1) Unlawful restraint.

20 (B) BODILY HARM

21 (2) Felony aggravated assault.

22 (3) Vehicular endangerment.

23 (4) Felony domestic battery.

- 1 (5) Aggravated battery.
- 2 (6) Heinous battery.
- 3 (7) Aggravated battery with a firearm.
- 4 (8) Aggravated battery of an unborn child.
- 5 (9) Aggravated battery of a senior citizen.
- 6 (10) Intimidation.
- 7 (11) Compelling organization membership of persons.
- 8 (12) Abuse and criminal neglect of a long term care
- 9 facility resident.
- 10 (13) Felony violation of an order of protection.

11 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 12 (14) Felony theft.
- 13 (15) Robbery.
- 14 (16) Armed robbery.
- 15 (17) Aggravated robbery.
- 16 (18) Vehicular hijacking.
- 17 (19) Aggravated vehicular hijacking.
- 18 (20) Burglary.
- 19 (21) Possession of burglary tools.
- 20 (22) Residential burglary.
- 21 (23) Criminal fortification of a residence or
- 22 building.
- 23 (24) Arson.
- 24 (25) Aggravated arson.



1 (42) Calculated criminal cannabis conspiracy.

2 (43) Unauthorized manufacture or delivery of  
3 controlled substances.

4 (44) Controlled substance trafficking.

5 (45) Manufacture, distribution, or advertisement of  
6 look-alike substances.

7 (46) Calculated criminal drug conspiracy.

8 (46.5) Streetgang criminal drug conspiracy.

9 (47) Permitting unlawful use of a building.

10 (48) Delivery of controlled, counterfeit, or  
11 look-alike substances to persons under age 18, or at truck  
12 stops, rest stops, or safety rest areas, or on school  
13 property.

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

16 (50) Delivery of controlled substances.

17 (51) Sale or delivery of drug paraphernalia.

18 (52) Felony possession, sale, or exchange of  
19 instruments adapted for use of a controlled substance,  
20 methamphetamine, or cannabis by subcutaneous injection.

21 (53) Any violation of the Methamphetamine Control and  
22 Community Protection Act.

23 (d) Notwithstanding subsection (c), the Department may  
24 make an exception and issue a new foster family home license or  
25 may renew an existing foster family home license of an  
26 applicant who was convicted of an offense described in

1 subsection (c), provided all of the following requirements are  
2 met:

3 (1) The relevant criminal offense or offenses occurred  
4 more than 10 years prior to the date of application or  
5 renewal.

6 (2) The applicant had previously disclosed the  
7 conviction or convictions to the Department for purposes of  
8 a background check.

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

12 (4) During the background check, the Department had  
13 assessed and waived the conviction in compliance with the  
14 existing statutes and rules in effect at the time of the  
15 hire or licensure.

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

19 (6) The applicant has a history of providing a safe,  
20 stable home environment and appears able to continue to  
21 provide a safe, stable home environment.

22 (e) In evaluating the exception pursuant to subsections  
23 (b-2) and (d), the Department must carefully review any  
24 relevant documents to determine whether the applicant, despite  
25 the disqualifying convictions, poses a substantial risk to  
26 State resources or clients. In making such a determination, the

1 following guidelines shall be used:

2 (1) the age of the applicant when the offense was  
3 committed;

4 (2) the circumstances surrounding the offense;

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

6 (4) the specific duties and responsibilities  
7 necessarily related to the license being applied for and  
8 the bearing, if any, that the applicant's conviction  
9 history may have on his or her fitness to perform these  
10 duties and responsibilities;

11 (5) the applicant's employment references;

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

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

16 (8) a Certificate of Relief from Collateral  
17 Consequence ~~Disabilities or Certificate of Good Conduct~~;  
18 and

19 (9) anything else that speaks to the applicant's  
20 character.

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

22 Section 10. The Unified Code of Corrections is amended by  
23 changing the heading of Article 5.5 of Chapter V and Sections  
24 3-3-2, 5-5-5, 5-5.5-5, 5-5.5-24, 5-5.5-25, 5-5.5-30, 5-5.5-35,  
25 5-5.5-40, and 5-5.5-50 and by adding Section 5-5.5-21 as

1 follows:

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

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

4 (a) The Parole and Pardon Board is abolished and the term  
5 "Parole and Pardon Board" as used in any law of Illinois, shall  
6 read "Prisoner Review Board." After the effective date of this  
7 amendatory Act of 1977, the Prisoner Review Board shall provide  
8 by rule for the orderly transition of all files, records, and  
9 documents of the Parole and Pardon Board and for such other  
10 steps as may be necessary to effect an orderly transition and  
11 shall:

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

17 (2) hear by at least one member and through a panel of  
18 at least 3 members decide, the conditions of parole and the  
19 time of discharge from parole, impose sanctions for  
20 violations of parole, and revoke parole for those sentenced  
21 under the law in effect prior to this amendatory Act of  
22 1977; provided that the decision to parole and the  
23 conditions of parole for all prisoners who were sentenced  
24 for first degree murder or who received a minimum sentence  
25 of 20 years or more under the law in effect prior to

1 February 1, 1978 shall be determined by a majority vote of  
2 the Prisoner Review Board. One representative supporting  
3 parole and one representative opposing parole will be  
4 allowed to speak. Their comments shall be limited to making  
5 corrections and filling in omissions to the Board's  
6 presentation and discussion;

7 (3) hear by at least one member and through a panel of  
8 at least 3 members decide, the conditions of mandatory  
9 supervised release and the time of discharge from mandatory  
10 supervised release, impose sanctions for violations of  
11 mandatory supervised release, and revoke mandatory  
12 supervised release for those sentenced under the law in  
13 effect after the effective date of this amendatory Act of  
14 1977;

15 (3.5) hear by at least one member and through a panel  
16 of at least 3 members decide, the conditions of mandatory  
17 supervised release and the time of discharge from mandatory  
18 supervised release, to impose sanctions for violations of  
19 mandatory supervised release and revoke mandatory  
20 supervised release for those serving extended supervised  
21 release terms pursuant to paragraph (4) of subsection (d)  
22 of Section 5-8-1;

23 (3.6) hear by at least one member and through a panel  
24 of at least 3 members decide whether to revoke aftercare  
25 release for those committed to the Department of Juvenile  
26 Justice under the Juvenile Court Act of 1987;



1           (4) hear by at least one member and through a panel of  
2           at least 3 members, decide cases brought by the Department  
3           of Corrections against a prisoner in the custody of the  
4           Department for alleged violation of Department rules with  
5           respect to sentence credits under Section 3-6-3 of this  
6           Code in which the Department seeks to revoke sentence  
7           credits, if the amount of time at issue exceeds 30 days or  
8           when, during any 12 month period, the cumulative amount of  
9           credit revoked exceeds 30 days except where the infraction  
10          is committed or discovered within 60 days of scheduled  
11          release. In such cases, the Department of Corrections may  
12          revoke up to 30 days of sentence credit. The Board may  
13          subsequently approve the revocation of additional sentence  
14          credit, if the Department seeks to revoke sentence credit  
15          in excess of thirty days. However, the Board shall not be  
16          empowered to review the Department's decision with respect  
17          to the loss of 30 days of sentence credit for any prisoner  
18          or to increase any penalty beyond the length requested by  
19          the Department;

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

25          (6) hear by at least one member and through a panel of  
26          at least 3 members decide, all requests for pardon,

1           reprieve or commutation, and make confidential  
2           recommendations to the Governor;

3           (7) comply with the requirements of the Open Parole  
4           Hearings Act;

5           (8) hear by at least one member and, through a panel of  
6           at least 3 members, decide cases brought by the Department  
7           of Corrections against a prisoner in the custody of the  
8           Department for court dismissal of a frivolous lawsuit  
9           pursuant to Section 3-6-3(d) of this Code in which the  
10          Department seeks to revoke up to 180 days of sentence  
11          credit, and if the prisoner has not accumulated 180 days of  
12          sentence credit at the time of the dismissal, then all  
13          sentence credit accumulated by the prisoner shall be  
14          revoked;

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

19          (10) upon a petition by a person who has been convicted  
20          of a Class 3 or Class 4 felony and who meets the  
21          requirements of this paragraph, hear by at least 3 members  
22          and, with the unanimous vote of a panel of 3 members, issue  
23          a certificate of eligibility for sealing recommending that  
24          the court order the sealing of all official records of the  
25          arresting authority, the circuit court clerk, and the  
26          Department of State Police concerning the arrest and

1 conviction for the Class 3 or 4 felony. A person may not  
2 apply to the Board for a certificate of eligibility for  
3 sealing:

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

6 (B) until 5 years have elapsed since any arrests or  
7 detentions by a law enforcement officer for an alleged  
8 violation of law, other than a petty offense, traffic  
9 offense, conservation offense, or local ordinance  
10 offense;

11 (C) if convicted of a violation of the Cannabis  
12 Control Act, Illinois Controlled Substances Act, the  
13 Methamphetamine Control and Community Protection Act,  
14 the Methamphetamine Precursor Control Act, or the  
15 Methamphetamine Precursor Tracking Act unless the  
16 petitioner has completed a drug abuse program for the  
17 offense on which sealing is sought and provides proof  
18 that he or she has completed the program successfully;

19 (D) if convicted of:

20 (i) a sex offense described in Article 11 or  
21 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
22 the Criminal Code of 1961 or the Criminal Code of  
23 2012;

24 (ii) aggravated assault;

25 (iii) aggravated battery;

26 (iv) domestic battery;

1 (v) aggravated domestic battery;

2 (vi) violation of an order of protection;

3 (vii) an offense under the Criminal Code of  
4 1961 or the Criminal Code of 2012 involving a  
5 firearm;

6 (viii) driving while under the influence of  
7 alcohol, other drug or drugs, intoxicating  
8 compound or compounds or any combination thereof;

9 (ix) aggravated driving while under the  
10 influence of alcohol, other drug or drugs,  
11 intoxicating compound or compounds or any  
12 combination thereof; or

13 (x) any crime defined as a crime of violence  
14 under Section 2 of the Crime Victims Compensation  
15 Act.

16 If a person has applied to the Board for a certificate  
17 of eligibility for sealing and the Board denies the  
18 certificate, the person must wait at least 4 years before  
19 filing again or filing for pardon from the Governor unless  
20 the Chairman of the Prisoner Review Board grants a waiver.

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

25 The Board may only authorize the sealing of Class 3 and  
26 4 felony convictions of the petitioner from one information

1 or indictment under this paragraph (10). A petitioner may  
2 only receive one certificate of eligibility for sealing  
3 under this provision for life; and

4 (11) upon a petition by a person who after having been  
5 convicted of a Class 3 or Class 4 felony thereafter served  
6 in the United States Armed Forces or National Guard of this  
7 or any other state and had received an honorable discharge  
8 from the United States Armed Forces or National Guard or  
9 who at the time of filing the petition is enlisted in the  
10 United States Armed Forces or National Guard of this or any  
11 other state and served one tour of duty and who meets the  
12 requirements of this paragraph, hear by at least 3 members  
13 and, with the unanimous vote of a panel of 3 members, issue  
14 a certificate of eligibility for expungement recommending  
15 that the court order the expungement of all official  
16 records of the arresting authority, the circuit court  
17 clerk, and the Department of State Police concerning the  
18 arrest and conviction for the Class 3 or 4 felony. A person  
19 may not apply to the Board for a certificate of eligibility  
20 for expungement:

21 (A) if convicted of:

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

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

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

3 (B) if the person has not served in the United  
4 States Armed Forces or National Guard of this or any  
5 other state or has not received an honorable discharge  
6 from the United States Armed Forces or National Guard  
7 of this or any other state or who at the time of the  
8 filing of the petition is serving in the United States  
9 Armed Forces or National Guard of this or any other  
10 state and has not completed one tour of duty.

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

17 (a-5) The Prisoner Review Board, with the cooperation of  
18 and in coordination with the Department of Corrections and the  
19 Department of Central Management Services, shall implement a  
20 pilot project in 3 correctional institutions providing for the  
21 conduct of hearings under paragraphs (1) and (4) of subsection  
22 (a) of this Section through interactive video conferences. The  
23 project shall be implemented within 6 months after the  
24 effective date of this amendatory Act of 1996. Within 6 months  
25 after the implementation of the pilot project, the Prisoner  
26 Review Board, with the cooperation of and in coordination with

1 the Department of Corrections and the Department of Central  
2 Management Services, shall report to the Governor and the  
3 General Assembly regarding the use, costs, effectiveness, and  
4 future viability of interactive video conferences for Prisoner  
5 Review Board hearings.

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

8 (c) The Board shall cooperate with the Department in  
9 promoting an effective system of parole and mandatory  
10 supervised release.

11 (d) The Board shall promulgate rules for the conduct of its  
12 work, and the Chairman shall file a copy of such rules and any  
13 amendments thereto with the Director and with the Secretary of  
14 State.

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

18 (f) The Board or one who has allegedly violated the  
19 conditions of his or her parole, aftercare release, or  
20 mandatory supervised release may require by subpoena the  
21 attendance and testimony of witnesses and the production of  
22 documentary evidence relating to any matter under  
23 investigation or hearing. The Chairman of the Board may sign  
24 subpoenas which shall be served by any agent or public official  
25 authorized by the Chairman of the Board, or by any person  
26 lawfully authorized to serve a subpoena under the laws of the

1 State of Illinois. The attendance of witnesses, and the  
2 production of documentary evidence, may be required from any  
3 place in the State to a hearing location in the State before  
4 the Chairman of the Board or his or her designated agent or  
5 agents or any duly constituted Committee or Subcommittee of the  
6 Board. Witnesses so summoned shall be paid the same fees and  
7 mileage that are paid witnesses in the circuit courts of the  
8 State, and witnesses whose depositions are taken and the  
9 persons taking those depositions are each entitled to the same  
10 fees as are paid for like services in actions in the circuit  
11 courts of the State. Fees and mileage shall be vouchered for  
12 payment when the witness is discharged from further attendance.

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



1 person. The court upon the filing of such a petition, may order  
2 the person refusing to obey the subpoena to appear at an  
3 investigation or hearing, or to there produce documentary  
4 evidence, if so ordered, or to give evidence relative to the  
5 subject matter of that investigation or hearing. Any failure to  
6 obey such order of the circuit court may be punished by that  
7 court as a contempt of court.

8 Each member of the Board and any hearing officer designated  
9 by the Board shall have the power to administer oaths and to  
10 take the testimony of persons under oath.

11 (g) Except under subsection (a) of this Section, a majority  
12 of the members then appointed to the Prisoner Review Board  
13 shall constitute a quorum for the transaction of all business  
14 of the Board.

15 (h) The Prisoner Review Board shall annually transmit to  
16 the Director a detailed report of its work for the preceding  
17 calendar year. The annual report shall also be transmitted to  
18 the Governor for submission to the Legislature.

19 (Source: P.A. 98-399, eff. 8-16-13; 98-558, eff. 1-1-14;  
20 98-756, eff. 7-16-14; 99-628, eff. 1-1-17.)

21 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

23 (a) Conviction and disposition shall not entail the loss by  
24 the defendant of any civil rights, except under this Section  
25 and Sections 29-6 and 29-10 of The Election Code, as now or

1 hereafter amended.

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

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

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

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

25 (f) Upon entry of the order, the court shall issue to the  
26 person in whose favor the order has been entered a certificate

1 stating that his behavior after conviction has warranted the  
2 issuance of the order.

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

6 (h) No application for any license specified in subsection  
7 (i) of this Section granted under the authority of this State  
8 shall be denied by reason of an eligible offender who has  
9 obtained a certificate of relief from collateral consequence  
10 ~~disabilities~~, as defined in Article 5.5 of this Chapter, having  
11 been previously convicted of one or more criminal offenses, or  
12 by reason of a finding of lack of "good moral character" when  
13 the finding is based upon the fact that the applicant has  
14 previously been convicted of one or more criminal offenses,  
15 unless:

16 (1) there is a direct relationship between one or more  
17 of the previous criminal offenses and the specific license  
18 sought; or

19 (2) the issuance of the license would involve an  
20 unreasonable risk to property or to the safety or welfare  
21 of specific individuals or the general public.

22 In making such a determination, the licensing agency shall  
23 consider the following factors:

24 (1) the public policy of this State, as expressed in  
25 Article 5.5 of this Chapter, to encourage the licensure and  
26 employment of persons previously convicted of one or more

1 criminal offenses;

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

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

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

10 (5) the age of the person at the time of occurrence of  
11 the criminal offense or offenses;

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

13 (7) any information produced by the person or produced  
14 on his or her behalf in regard to his or her rehabilitation  
15 and good conduct, including a certificate of relief from  
16 collateral consequence ~~disabilities~~ issued to the  
17 applicant, which certificate shall create a presumption of  
18 rehabilitation in regard to the offense or offenses  
19 specified in the certificate; and

20 (8) the legitimate interest of the licensing agency in  
21 protecting property, and the safety and welfare of specific  
22 individuals or the general public.

23 (i) A certificate of relief from collateral consequence  
24 ~~disabilities~~ shall be issued only for a license or  
25 certification issued under the following Acts:

26 (1) the Animal Welfare Act; except that a certificate

1 of relief from collateral consequence disabilities may not  
2 be granted to provide for the issuance or restoration of a  
3 license under the Animal Welfare Act for any person  
4 convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1,  
5 or 4.01 of the Humane Care for Animals Act or Section 26-5  
6 or 48-1 of the Criminal Code of 1961 or the Criminal Code  
7 of 2012;

8 (2) the Illinois Athletic Trainers Practice Act;

9 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
10 and Nail Technology Act of 1985;

11 (4) the Boiler and Pressure Vessel Repairer Regulation  
12 Act;

13 (5) the Boxing and Full-contact Martial Arts Act;

14 (6) the Illinois Certified Shorthand Reporters Act of  
15 1984;

16 (7) the Illinois Farm Labor Contractor Certification  
17 Act;

18 (8) the Interior Design Title Act;

19 (9) the Illinois Professional Land Surveyor Act of  
20 1989;

21 (10) the Illinois Landscape Architecture Act of 1989;

22 (11) the Marriage and Family Therapy Licensing Act;

23 (12) the Private Employment Agency Act;

24 (13) the Professional Counselor and Clinical  
25 Professional Counselor Licensing and Practice Act;

26 (14) the Real Estate License Act of 2000;

- 1 (15) the Illinois Roofing Industry Licensing Act;
- 2 (16) the Professional Engineering Practice Act of  
3 1989;
- 4 (17) the Water Well and Pump Installation Contractor's  
5 License Act;
- 6 (18) the Electrologist Licensing Act;
- 7 (19) the Auction License Act;
- 8 (20) the Illinois Architecture Practice Act of 1989;
- 9 (21) the Dietitian Nutritionist Practice Act;
- 10 (22) the Environmental Health Practitioner Licensing  
11 Act;
- 12 (23) the Funeral Directors and Embalmers Licensing  
13 Code;
- 14 (24) (blank);
- 15 (25) the Professional Geologist Licensing Act;
- 16 (26) the Illinois Public Accounting Act; and
- 17 (27) the Structural Engineering Practice Act of 1989.
- 18 (Source: P.A. 100-534, eff. 9-22-17.)

19 (730 ILCS 5/Ch. V Art. 5.5 heading)

20 ARTICLE 5.5. DISCRETIONARY RELIEF FROM FORFEITURES  
21 AND COLLATERAL CONSEQUENCE ~~DISABILITIES~~ AUTOMATICALLY IMPOSED  
22 BY LAW

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

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

1       "Collateral consequence" means a penalty, disability,  
2 barrier, or disadvantage that is related to employment,  
3 occupational licensing, or housing, however denominated, as a  
4 result of a parolee or releasee's conviction of, or plea of  
5 guilty, to an offense and that applies by operation of law in  
6 this State whether or not the penalty, disability, barrier, or  
7 disadvantage is included in the sentence or judgment imposed.

8       "Collateral consequence" does not include imprisonment,  
9 periodic imprisonment, probation, conditional discharge,  
10 parole, mandatory supervised release, forfeiture, restitution,  
11 fine, assessment, or costs of prosecution.

12       "Department" means the Department of Corrections for  
13 individuals incarcerated in a facility of the Department or the  
14 county sheriff for individuals incarcerated in a county jail or  
15 in a facility of the Cook County Department of Corrections.

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

1 aggravated domestic battery.

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

3 (730 ILCS 5/5-5.5-21 new)

4 Sec. 5-5.5-21. Certificate of qualification for  
5 employment.

6 (a) Upon release from a correctional institution, the  
7 Department shall issue to that individual documents relating to  
8 the following:

9 (1) records of criminal convictions;

10 (2) records of arrest; and

11 (3) records of institutional history, including each  
12 of the following:

13 (A) any record of institutional misconduct;

14 (B) whether the prisoner successfully completed  
15 programming provided by the correctional institution  
16 or a individual or entity under contract with the  
17 correctional institution;

18 (C) whether the prisoner obtained a general  
19 education certificate (GED) or other educational  
20 degree; and

21 (D) other information considered relevant by the  
22 correctional institution from which the prisoner is  
23 being released.

24 (b) In addition to the documents provided under subsection  
25 (a) of this Section, the correctional facility shall issue a



1 certificate of qualification for employment to the individual  
2 being released if each of the following apply:

3 (1) the prisoner successfully completed a career and  
4 technical education course;

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

7 (3) the prisoner received no more than 3 minor  
8 misconducts during the 2 years immediately preceding his or  
9 her release; and

10 (4) the prisoner received a silver level or better on  
11 his or her national work readiness certificate, or a  
12 similar score, as determined by the Department, on an  
13 alternative job skills assessment test administered by the  
14 Department.

15 (c) A certificate of qualification for employment shall  
16 only be issued within 30 days before the prisoner is released  
17 from a correctional facility, and the certificate is valid for  
18 4 years after the date it is effective unless otherwise revoked  
19 by the Department. A certificate of qualification for  
20 employment is effective upon issuance for individuals  
21 incarcerated in a Department of Corrections facility and is  
22 effective 60 days after issuance for individuals incarcerated  
23 in a county jail or incarcerated in a facility of the Cook  
24 County Department of Corrections.

25 (d) The Department shall revoke the certificate of  
26 qualification for employment if the prisoner commits any

1 criminal offense during the 30-day period before release, and  
2 the Department may revoke the certificate of qualification for  
3 employment if the prisoner has any institutional misconduct  
4 during that period.

5 (e) The Department shall revoke the certificate of  
6 qualification for employment of any prisoner who commits a  
7 felony after receiving a certificate of qualification for  
8 employment under this Section and who is then placed under the  
9 jurisdiction of the Department for committing that felony  
10 offense.

11 (f) The revocation of a certificate of qualification for  
12 employment is effective upon receipt of written notification of  
13 the revocation.

14 (g) Upon request, the Department shall confirm whether a  
15 certificate of qualification for employment has been issued to  
16 a named individual, and whether the issued certificate is valid  
17 at the time of the inquiry and the time of the response to the  
18 inquiry. Revocation of a certificate of qualification for  
19 employment does not affect the right of an employer to rely on  
20 the validity of the certificate unless the employer knew or  
21 should have known before the certificate holder was employed  
22 that the certificate of qualification for employment was  
23 fraudulent.

24 (h) If the Department, upon review, denies a petition for  
25 certificate of qualification for employment the Department  
26 shall provide written notice to the petitioner of the denial.

1 The denial of a petition by the Department is a final  
2 administrative decision of the Department and is subject to  
3 judicial review under the provisions of the Administrative  
4 Review Law. The term "administrative decision" is defined as in  
5 Section 3-101 of the Code of Civil Procedure.

6 (i) In a judicial or administrative proceeding alleging  
7 negligence or other fault, a certificate of qualification for  
8 employment issued under this Section may be introduced as  
9 evidence of a person's due care in hiring, retaining,  
10 licensing, leasing to, admitting to a school or program, or  
11 otherwise transacting business or engaging in activity with the  
12 holder of a certificate of qualification for employment if the  
13 person demonstrates and documents that he or she knew of the  
14 certificate at the time of the alleged negligence or other  
15 fault. An employer is not civilly or criminally liable for an  
16 act or omission by an employee who has been issued a  
17 certificate of qualification for employment, except for a  
18 willful or wanton act by the employer in hiring the employee  
19 who has been issued a certificate of qualification for  
20 employment under this Section.

21 (730 ILCS 5/5-5.5-25)

22 Sec. 5-5.5-25. Certificate of relief from collateral  
23 consequence ~~good conduct~~.

24 (a) A certificate of relief from collateral consequence  
25 ~~good conduct~~ may be granted as provided in this Section to

1 relieve an eligible offender of any employment, licensing, or  
2 housing bar. The certificate may be limited to one or more  
3 collateral consequence disabilities or bars or may relieve the  
4 individual of all collateral consequence disabilities and  
5 bars.

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

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

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

24 (ii) A certificate of relief from collateral consequence  
25 ~~good conduct~~ shall not limit or prevent the introduction of  
26 evidence of a prior conviction for purposes of impeachment of a

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

3 (iii) A certificate of relief from collateral consequence  
4 ~~good conduct~~ does not limit the employer from accessing  
5 criminal background information; nor does it hide, alter, or  
6 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 relief from collateral consequence ~~good~~  
10 ~~conduct~~, except for a willful or wanton act by the employer in  
11 hiring the employee who has been issued a certificate of relief  
12 from collateral consequence ~~good conduct~~.

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

14 (730 ILCS 5/5-5.5-30)

15 Sec. 5-5.5-30. Issuance of certificate of relief from  
16 collateral consequence ~~good conduct~~.

17 (a) Any circuit court of this State may issue a certificate  
18 of relief from collateral consequence described in Section  
19 5-5.5-25 of this Article to an eligible offender. The  
20 certificate may be issued (i) at the time sentenced is  
21 pronounced, in which case it may grant relief from collateral  
22 consequence or (ii) at any time thereafter upon verified  
23 application to the court. After a rehabilitation review has  
24 been held, in a manner designated by the chief judge of the  
25 judicial circuit in which the conviction was entered or in

1 which the petitioner resides, the Circuit Court of that  
2 judicial circuit shall have the power to issue a certificate of  
3 relief from collateral consequence ~~good conduct~~ to any eligible  
4 offender previously convicted of a crime in this State, and  
5 shall make a specific finding of rehabilitation with the force  
6 and effect of a final judgment on the merits, when the Court is  
7 satisfied that:

8 (1) (blank); ~~the applicant has conducted himself or~~  
9 ~~herself in a manner warranting the issuance for a minimum~~  
10 ~~period in accordance with the provisions of subsection (c)~~  
11 ~~of this Section;~~

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

14 (3) the relief to be granted is consistent with the  
15 public interest.

16 (b) The Circuit Court shall have the power to issue a  
17 certificate of relief from collateral consequence ~~good conduct~~  
18 to any person previously convicted of a crime in any other  
19 jurisdiction, when the Court is satisfied that:

20 (1) the applicant has demonstrated that there exist  
21 specific facts and circumstances and specific sections of  
22 Illinois State law that have an adverse impact on the  
23 applicant and warrant the application for relief to be made  
24 in Illinois; and

25 (2) the provisions of paragraphs ~~(1)~~ (2) and (3) of  
26 subsection (a) of this Section have been met.

1           (c) ~~The minimum period of good conduct by the individual~~  
2 ~~referred to in paragraph (1) of subsection (a) of this Section,~~  
3 ~~shall be as follows: if the most serious crime of which the~~  
4 ~~individual was convicted is a misdemeanor, the minimum period~~  
5 ~~of good conduct shall be one year; if the most serious crime of~~  
6 ~~which the individual was convicted is a felony, the minimum~~  
7 ~~period of good conduct shall be 2 years. Criminal acts~~  
8 ~~committed outside the State shall be classified as acts~~  
9 ~~committed within the State based on the maximum sentence that~~  
10 ~~could have been imposed based upon the conviction under the~~  
11 ~~laws of the foreign jurisdiction. The minimum period of good~~  
12 ~~conduct by the individual shall be measured either from the~~  
13 ~~date of the payment of any fine imposed upon him or her, or~~  
14 ~~from the date of his or her release from custody by parole,~~  
15 ~~mandatory supervised release or commutation or termination of~~  
16 ~~his or her sentence.~~ The Circuit Court shall have power and it  
17 shall be its duty to investigate all persons when the  
18 application is made and to grant or deny the same within a  
19 reasonable time after the making of the application.

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

24           (e) Any certificate of relief from collateral consequence  
25 ~~good conduct~~ issued by the Court to an individual who at the  
26 time of the issuance of the certificate is under the conditions

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

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

18 (730 ILCS 5/5-5.5-35)

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

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



1 revocation. Any such person shall upon receipt of the notice  
2 surrender the certificate to the issuing court.

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

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

10 (730 ILCS 5/5-5.5-40)

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

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

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

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

24 (730 ILCS 5/5-5.5-50)

1           Sec. 5-5.5-50. Report. The Department of Professional  
2 Regulation shall report to the General Assembly by November 30  
3 of each year, for each occupational licensure category, the  
4 number of licensure applicants with felony convictions, the  
5 number of applicants with certificates of relief from  
6 collateral consequence ~~disabilities~~, the number of licenses  
7 awarded to applicants with felony convictions, the number of  
8 licenses awarded to applicants with certificates of relief from  
9 collateral consequence ~~disabilities~~, the number of applicants  
10 with felony convictions denied licenses, and the number of  
11 applicants with certificates of relief from collateral  
12 consequence ~~disabilities~~ denied licenses.

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

14           (730 ILCS 5/5-5.5-10 rep.)

15           (730 ILCS 5/5-5.5-15 rep.)

16           Section 15. The Unified Code of Corrections is amended by  
17 repealing Sections 5-5.5-10 and 5-5.5-15."