



Rep. Marcus C. Evans, Jr.

Filed: 3/14/2017

10000HB3822ham002

LRB100 08546 SMS 23372 a

1 AMENDMENT TO HOUSE BILL 3822

2 AMENDMENT NO. _____. Amend House Bill 3822 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Lottery Law is amended by changing
5 Section 10.1 and by adding Section 10.1b as follows:

6 (20 ILCS 1605/10.1) (from Ch. 120, par. 1160.1)

7 Sec. 10.1. The following are ineligible for any license
8 under this Act:

9 (a) any person ~~who has been~~ convicted of a felony where
10 such conviction will impair the person's ability to engage
11 in the licensed position;

12 (b) any person who is or has been a professional
13 gambler or gambling promoter;

14 (c) any person who has engaged in bookmaking or other
15 forms of illegal gambling;

16 (d) any person who is not of good character and

1 reputation in the community in which he resides;

2 (e) any person who has been found guilty of any fraud
3 or misrepresentation in any connection;

4 (f) any firm or corporation in which a person defined
5 in (a), (b), (c), (d) or (e) has a proprietary, equitable
6 or credit interest of 5% or more.

7 (g) any organization in which a person defined in (a),
8 (b), (c), (d) or (e) is an officer, director, or managing
9 agent, whether compensated or not;

10 (h) any organization in which a person defined in (a),
11 (b), (c), (d), or (e) is to participate in the management
12 or sales of lottery tickets or shares.

13 However, with respect to persons defined in (a), the
14 Department may grant any such person a license under this Act
15 when:

16 (1) a period of 5 years after the conviction or 3 years
17 since release from confinement, whichever is later, has
18 elapsed without a subsequent conviction 1) at least 10
19 years have elapsed since the date when the sentence for the
20 most recent such conviction was satisfactorily completed;

21 (2) 2) the applicant has no history of criminal
22 activity subsequent to such conviction;

23 (2.5) the applicant completed their sentence
24 successfully and, for applicants serving a term of parole
25 or probation, the applicant's probation or parole officer
26 provides a progress report that documents the applicant's

1 compliance with conditions of supervision;

2 (3) (blank); and 3) the applicant has complied with all
3 conditions of probation, conditional discharge,
4 supervision, parole or mandatory supervised release; and

5 (4) 4) the applicant presents at least 3 letters of
6 recommendation from responsible citizens in his community
7 who personally can attest that the character and attitude
8 of the applicant indicate that he is unlikely to commit
9 another crime or the applicant provides other evidence of
10 rehabilitation or rehabilitative effort during or after
11 incarceration, or during or after a term of supervision,
12 including, but not limited to, a certificate of good
13 conduct under Section 5-5.5-25 of the Unified Code of
14 Corrections or a certificate of relief from disabilities
15 under Section 5-5.5-10 of the Unified Code of Corrections.

16 The Department may revoke, without notice or a hearing, the
17 license of any agent who violates this Act or any rule or
18 regulation promulgated pursuant to this Act. However, if the
19 Department does revoke a license without notice and an
20 opportunity for a hearing, the Department shall, by appropriate
21 notice, afford the person whose license has been revoked an
22 opportunity for a hearing within 30 days after the revocation
23 order has been issued. As a result of any such hearing, the
24 Department may confirm its action in revoking the license, or
25 it may order the restoration of such license.

26 (Source: P.A. 97-464, eff. 10-15-11.)

1 (20 ILCS 1605/10.1b new)

2 Sec. 10.1b. Applicant convictions.

3 (a) If the Department refuses to issue a license to an
4 applicant, then the Department shall notify the applicant of
5 the denial in writing with the following included in the notice
6 of denial:

7 (1) a statement about the decision to refuse to issue a
8 license;

9 (2) a list of the convictions that the Department
10 determined will impair the applicant's ability to engage in
11 the position for which a license is sought;

12 (3) a list of convictions that formed the sole or
13 partial basis for the refusal to issue a license; and

14 (4) a summary of the appeal process or the earliest the
15 applicant may reapply for a license, whichever is
16 applicable.

17 (b) No later than May 1 of each year, the Department must
18 prepare, publicly announce, and publish a report of summary
19 statistical information relating to new and renewal license
20 applications during the preceding calendar year. Each report
21 shall show, at a minimum:

22 (1) the number of applicants for a new or renewal
23 license under this Act within the previous calendar year;

24 (2) the number of applicants for a new or renewal
25 license under this Act within the previous calendar year

1 who had any criminal conviction;

2 (3) the number of applicants for a new or renewal
3 license under this Act in the previous calendar year who
4 were granted a license;

5 (4) the number of applicants for a new or renewal
6 license with a criminal conviction who were granted a
7 license under this Act within the previous calendar year;

8 (5) the number of applicants for a new or renewal
9 license under this Act within the previous calendar year
10 who were denied a license;

11 (6) the number of applicants for a new or renewal
12 license with a criminal conviction who were denied a
13 license under this Act in the previous calendar year in
14 whole or in part because of a prior conviction;

15 (7) the number of licenses issued on probation without
16 monitoring under this Act in the previous calendar year to
17 applicants with a criminal conviction; and

18 (8) the number of licenses issued on probation with
19 monitoring under this Act in the previous calendar year to
20 applicants with a criminal conviction.

21 (c) The Department shall not require the applicant to
22 report the following information and shall not consider the
23 following criminal history records in connection with an
24 application for licensure:

25 (1) Juvenile adjudications of delinquent minors as
26 defined in Section 5-105 of the Juvenile Court Act of 1987,

1 subject to the restrictions set forth in Section 5-130 of
2 the Juvenile Court Act of 1987.

3 (2) Law enforcement records, court records, and
4 conviction records of an individual who was 17 years old at
5 the time of the offense and before January 1, 2014, unless
6 the nature of the offense required the individual to be
7 tried as an adult.

8 (3) Records of arrest not followed by a conviction.

9 (4) Convictions overturned by a higher court.

10 (5) Convictions or arrests that have been sealed or
11 expunged.

12 Section 10. The Criminal Identification Act is amended by
13 changing Section 12 as follows:

14 (20 ILCS 2630/12)

15 Sec. 12. Entry of order; effect of expungement or sealing
16 records.

17 (a) Except with respect to law enforcement agencies, the
18 Department of Corrections, State's Attorneys, or other
19 prosecutors, and as provided in Section 13 of this Act, an
20 expunged or sealed record may not be considered by any private
21 or public entity in employment matters, certification,
22 licensing, revocation of certification or licensure, or
23 registration. Applications for employment must contain
24 specific language which states that the applicant is not

1 obligated to disclose sealed or expunged records of conviction
2 or arrest. The entity authorized to grant a license,
3 certification, or registration shall include, in an
4 application for certification, registration, or licensure,
5 specific language stating that the applicant is not obligated
6 to disclose sealed or expunged records of a conviction or
7 arrest; however, if the inclusion of that language in an
8 application for certification, registration, or licensure is
9 not practical, the entity shall publish on its website
10 instructions specifying that applicants are not obligated to
11 disclose sealed or expunged records of a conviction or arrest.

12 Employers may not ask if an applicant has had records expunged
13 or sealed.

14 (b) A person whose records have been sealed or expunged is
15 not entitled to remission of any fines, costs, or other money
16 paid as a consequence of the sealing or expungement. This
17 amendatory Act of the 93rd General Assembly does not affect the
18 right of the victim of a crime to prosecute or defend a civil
19 action for damages. Persons engaged in civil litigation
20 involving criminal records that have been sealed may petition
21 the court to open the records for the limited purpose of using
22 them in the course of litigation.

23 (Source: P.A. 93-211, eff. 1-1-04; 93-1084, eff. 6-1-05.)

24 Section 15. The Cigarette Tax Act is amended by changing
25 Sections 4, 4b, and 4c and by adding Section 4i as follows:

1 (35 ILCS 130/4) (from Ch. 120, par. 453.4)

2 Sec. 4. Distributor's license. No person may engage in
3 business as a distributor of cigarettes in this State within
4 the meaning of the first 2 definitions of distributor in
5 Section 1 of this Act without first having obtained a license
6 therefor from the Department. Application for license shall be
7 made to the Department in form as furnished and prescribed by
8 the Department. Each applicant for a license under this Section
9 shall furnish to the Department on the form signed and verified
10 by the applicant under penalty of perjury the following
11 information:

12 (a) The name and address of the applicant;

13 (b) The address of the location at which the applicant
14 proposes to engage in business as a distributor of
15 cigarettes in this State;

16 (c) Such other additional information as the
17 Department may lawfully require by its rules and
18 regulations.

19 The annual license fee payable to the Department for each
20 distributor's license shall be \$250. The purpose of such annual
21 license fee is to defray the cost, to the Department, of
22 serializing cigarette tax stamps. Each applicant for license
23 shall pay such fee to the Department at the time of submitting
24 his application for license to the Department.

25 Every applicant who is required to procure a distributor's

1 license shall file with his application a joint and several
2 bond. Such bond shall be executed to the Department of Revenue,
3 with good and sufficient surety or sureties residing or
4 licensed to do business within the State of Illinois, in the
5 amount of \$2,500, conditioned upon the true and faithful
6 compliance by the licensee with all of the provisions of this
7 Act. Such bond, or a reissue thereof, or a substitute therefor,
8 shall be kept in effect during the entire period covered by the
9 license. A separate application for license shall be made, a
10 separate annual license fee paid, and a separate bond filed,
11 for each place of business at which a person who is required to
12 procure a distributor's license under this Section proposes to
13 engage in business as a distributor in Illinois under this Act.

14 The following are ineligible to receive a distributor's
15 license under this Act:

16 (1) a person who is not of good character and
17 reputation in the community in which he resides; the
18 Department may consider past conviction of a felony but
19 the conviction shall not operate as an absolute bar to
20 licensure;

21 (2) a person who has been convicted of a felony
22 under any Federal or State law, if the Department,
23 after investigation and a hearing and consideration of
24 mitigating factors and evidence of rehabilitation
25 contained in the applicant's record, including those
26 in Section 4i, if requested by the applicant,

1 determines that such person has not been sufficiently
2 rehabilitated to warrant the public trust and the
3 conviction will impair the ability of the person to
4 engage in the position for which a license is sought;

5 (3) a corporation, if any officer, manager or
6 director thereof, or any stockholder or stockholders
7 owning in the aggregate more than 5% of the stock of
8 such corporation, would not be eligible to receive a
9 license under this Act for any reason;

10 (4) a person, or any person who owns more than 15
11 percent of the ownership interests in a person or a
12 related party who:

13 (a) owes, at the time of application, any
14 delinquent cigarette taxes that have been
15 determined by law to be due and unpaid, unless the
16 license applicant has entered into an agreement
17 approved by the Department to pay the amount due;

18 (b) had a license under this Act revoked within
19 the past two years by the Department for misconduct
20 relating to stolen or contraband cigarettes or has
21 been convicted of a State or federal crime,
22 punishable by imprisonment of one year or more,
23 relating to stolen or contraband cigarettes;

24 (c) manufactures cigarettes, whether in this
25 State or out of this State, and who is neither (i)
26 a participating manufacturer as defined in

1 subsection II(jj) of the "Master Settlement
2 Agreement" as defined in Sections 10 of the Tobacco
3 Products Manufacturers' Escrow Act and the Tobacco
4 Products Manufacturers' Escrow Enforcement Act of
5 2003 (30 ILCS 168/10 and 30 ILCS 167/10); nor (ii)
6 in full compliance with Tobacco Products
7 Manufacturers' Escrow Act and the Tobacco Products
8 Manufacturers' Escrow Enforcement Act of 2003 (30
9 ILCS 168/ and 30 ILCS 167/);

10 (d) has been found by the Department, after
11 notice and a hearing, to have imported or caused to
12 be imported into the United States for sale or
13 distribution any cigarette in violation of 19
14 U.S.C. 1681a;

15 (e) has been found by the Department, after
16 notice and a hearing, to have imported or caused to
17 be imported into the United States for sale or
18 distribution or manufactured for sale or
19 distribution in the United States any cigarette
20 that does not fully comply with the Federal
21 Cigarette Labeling and Advertising Act (15 U.S.C.
22 1331, et seq.); or

23 (f) has been found by the Department, after
24 notice and a hearing, to have made a material false
25 statement in the application or has failed to
26 produce records required to be maintained by this

1 Act.

2 The Department, upon receipt of an application, license fee
3 and bond in proper form, from a person who is eligible to
4 receive a distributor's license under this Act, shall issue to
5 such applicant a license in form as prescribed by the
6 Department, which license shall permit the applicant to which
7 it is issued to engage in business as a distributor at the
8 place shown in his application. All licenses issued by the
9 Department under this Act shall be valid for not to exceed one
10 year after issuance unless sooner revoked, canceled or
11 suspended as provided in this Act. No license issued under this
12 Act is transferable or assignable. Such license shall be
13 conspicuously displayed in the place of business conducted by
14 the licensee in Illinois under such license. No distributor
15 licensee acquires any vested interest or compensable property
16 right in a license issued under this Act.

17 A licensed distributor shall notify the Department of any
18 change in the information contained on the application form,
19 including any change in ownership and shall do so within 30
20 days after any such change.

21 Any person aggrieved by any decision of the Department
22 under this Section may, within 20 days after notice of the
23 decision, protest and request a hearing. Upon receiving a
24 request for a hearing, the Department shall give notice to the
25 person requesting the hearing of the time and place fixed for
26 the hearing and shall hold a hearing in conformity with the

1 provisions of this Act and then issue its final administrative
2 decision in the matter to that person. In the absence of a
3 protest and request for a hearing within 20 days, the
4 Department's decision shall become final without any further
5 determination being made or notice given.

6 (Source: P.A. 95-1053, eff. 1-1-10; 96-782, eff. 1-1-10.)

7 (35 ILCS 130/4b) (from Ch. 120, par. 453.4b)

8 Sec. 4b. (a) The Department may, in its discretion, upon
9 application, issue permits authorizing the payment of the tax
10 herein imposed by out-of-State cigarette manufacturers who are
11 not required to be licensed as distributors of cigarettes in
12 this State, but who elect to qualify under this Act as
13 distributors of cigarettes in this State, and who, to the
14 satisfaction of the Department, furnish adequate security to
15 insure payment of the tax, provided that any such permit shall
16 extend only to cigarettes which such permittee manufacturer
17 places in original packages that are contained inside a sealed
18 transparent wrapper. Such permits shall be issued without
19 charge in such form as the Department may prescribe and shall
20 not be transferable or assignable.

21 The following are ineligible to receive a distributor's
22 permit under this subsection:

23 (1) a person who is not of good character and
24 reputation in the community in which he resides; the
25 Department may consider past conviction of a felony but the

1 conviction shall not operate as an absolute bar to
2 receiving a permit;

3 (2) a person who has been convicted of a felony under
4 any Federal or State law, if the Department, after
5 investigation and a hearing and consideration of
6 mitigating factors and evidence of rehabilitation
7 contained in the applicant's record, including those in
8 Section 4i of this Act, ~~if requested by the applicant,~~
9 determines that such person has not been sufficiently
10 rehabilitated to warrant the public trust and the
11 conviction will impair the ability of the person to engage
12 in the position for which a permit is sought;

13 (3) a corporation, if any officer, manager or director
14 thereof, or any stockholder or stockholders owning in the
15 aggregate more than 5% of the stock of such corporation,
16 would not be eligible to receive a permit under this Act
17 for any reason.

18 With respect to cigarettes which come within the scope of
19 such a permit and which any such permittee delivers or causes
20 to be delivered in Illinois to licensed distributors, such
21 permittee shall remit the tax imposed by this Act at the times
22 provided for in Section 3 of this Act. Each such remittance
23 shall be accompanied by a return filed with the Department on a
24 form to be prescribed and furnished by the Department and shall
25 disclose such information as the Department may lawfully
26 require. The Department may promulgate rules to require that

1 the permittee's return be accompanied by appropriate
2 computer-generated magnetic media supporting schedule data in
3 the format prescribed by the Department, unless, as provided by
4 rule, the Department grants an exception upon petition of the
5 permittee. Each such return shall be accompanied by a copy of
6 each invoice rendered by the permittee to any licensed
7 distributor to whom the permittee delivered cigarettes of the
8 type covered by the permit (or caused cigarettes of the type
9 covered by the permit to be delivered) in Illinois during the
10 period covered by such return.

11 Such permit may be suspended, canceled or revoked when, at
12 any time, the Department considers that the security given is
13 inadequate, or that such tax can more effectively be collected
14 from distributors located in this State, or whenever the
15 permittee violates any provision of this Act or any lawful rule
16 or regulation issued by the Department pursuant to this Act or
17 is determined to be ineligible for a distributor's permit under
18 this Act as provided in this Section, whenever the permittee
19 shall notify the Department in writing of his desire to have
20 the permit canceled. The Department shall have the power, in
21 its discretion, to issue a new permit after such suspension,
22 cancellation or revocation, except when the person who would
23 receive the permit is ineligible to receive a distributor's
24 permit under this Act.

25 All permits issued by the Department under this Act shall
26 be valid for not to exceed one year after issuance unless

1 sooner revoked, canceled or suspended as in this Act provided.

2 (b) Out-of-state cigarette manufacturers who are not
3 required to be licensed as distributors of cigarettes in this
4 State and who do not elect to obtain approval under subsection
5 4b(a) to pay the tax imposed by this Act, but who elect to
6 qualify under this Act as distributors of cigarettes in this
7 State for purposes of shipping and delivering unstamped
8 original packages of cigarettes into this State to licensed
9 distributors, shall obtain a permit from the Department. These
10 permits shall be issued without charge in such form as the
11 Department may prescribe and shall not be transferable or
12 assignable.

13 The following are ineligible to receive a distributor's
14 permit under this subsection:

15 (1) a person who is not of good character and
16 reputation in the community in which he or she resides; the
17 Department may consider past conviction of a felony but the
18 conviction shall not operate as an absolute bar to
19 receiving a permit;

20 (2) a person who has been convicted of a felony under
21 any federal or State law, if the Department, after
22 investigation and a hearing and consideration of
23 mitigating factors and evidence of rehabilitation
24 contained in the applicant's record, including those set
25 forth in Section 4i of this Act, ~~if requested by the~~
26 applicant, determines that the person has not been

1 sufficiently rehabilitated to warrant the public trust and
2 the conviction will impair the ability of the person to
3 engage in the position for which a permit is sought; and

4 (3) a corporation, if any officer, manager, or director
5 thereof, or any stockholder or stockholders owning in the
6 aggregate more than 5% of the stock of the corporation,
7 would not be eligible to receive a permit under this Act
8 for any reason.

9 With respect to original packages of cigarettes that such
10 permittee delivers or causes to be delivered in Illinois and
11 distributes to the public for promotional purposes without
12 consideration, the permittee shall pay the tax imposed by this
13 Act by remitting the amount thereof to the Department by the
14 5th day of each month covering cigarettes shipped or otherwise
15 delivered in Illinois for those purposes during the preceding
16 calendar month. The permittee, before delivering those
17 cigarettes or causing those cigarettes to be delivered in this
18 State, shall evidence his or her obligation to remit the taxes
19 due with respect to those cigarettes by imprinting language to
20 be prescribed by the Department on each original package of
21 cigarettes, in such place thereon and in such manner also to be
22 prescribed by the Department. The imprinted language shall
23 acknowledge the permittee's payment of or liability for the tax
24 imposed by this Act with respect to the distribution of those
25 cigarettes.

26 With respect to cigarettes that the permittee delivers or

1 causes to be delivered in Illinois to Illinois licensed
2 distributors or distributed to the public for promotional
3 purposes, the permittee shall, by the 5th day of each month,
4 file with the Department, a report covering cigarettes shipped
5 or otherwise delivered in Illinois to licensed distributors or
6 distributed to the public for promotional purposes during the
7 preceding calendar month on a form to be prescribed and
8 furnished by the Department and shall disclose such other
9 information as the Department may lawfully require. The
10 Department may promulgate rules to require that the permittee's
11 report be accompanied by appropriate computer-generated
12 magnetic media supporting schedule data in the format
13 prescribed by the Department, unless, as provided by rule, the
14 Department grants an exception upon petition of the permittee.
15 Each such report shall be accompanied by a copy of each invoice
16 rendered by the permittee to any purchaser to whom the
17 permittee delivered cigarettes of the type covered by the
18 permit (or caused cigarettes of the type covered by the permit
19 to be delivered) in Illinois during the period covered by such
20 report.

21 Such permit may be suspended, canceled, or revoked whenever
22 the permittee violates any provision of this Act or any lawful
23 rule or regulation issued by the Department pursuant to this
24 Act, is determined to be ineligible for a distributor's permit
25 under this Act as provided in this Section, or notifies the
26 Department in writing of his or her desire to have the permit

1 canceled. The Department shall have the power, in its
2 discretion, to issue a new permit after such suspension,
3 cancellation, or revocation, except when the person who would
4 receive the permit is ineligible to receive a distributor's
5 permit under this Act.

6 All permits issued by the Department under this Act shall
7 be valid for a period not to exceed one year after issuance
8 unless sooner revoked, canceled, or suspended as provided in
9 this Act.

10 (Source: P.A. 96-782, eff. 1-1-10.)

11 (35 ILCS 130/4c)

12 Sec. 4c. Secondary distributor's license. No person may
13 engage in business as a secondary distributor of cigarettes in
14 this State without first having obtained a license therefor
15 from the Department. Application for license shall be made to
16 the Department on a form as furnished and prescribed by the
17 Department. Each applicant for a license under this Section
18 shall furnish the following information to the Department on a
19 form signed and verified by the applicant under penalty of
20 perjury:

21 (1) the name and address of the applicant;

22 (2) the address of the location at which the applicant
23 proposes to engage in business as a secondary distributor
24 of cigarettes in this State; and

25 (3) such other additional information as the

1 Department may reasonably require.

2 The annual license fee payable to the Department for each
3 secondary distributor's license shall be \$250. Each applicant
4 for a license shall pay such fee to the Department at the time
5 of submitting an application for license to the Department.

6 A separate application for license shall be made and
7 separate annual license fee paid for each place of business at
8 which a person who is required to procure a secondary
9 distributor's license under this Section proposes to engage in
10 business as a secondary distributor in Illinois under this Act.

11 The following are ineligible to receive a secondary
12 distributor's license under this Act:

13 (1) a person who is not of good character and
14 reputation in the community in which he resides; the
15 Department may consider past conviction of a felony but the
16 conviction shall not operate as an absolute bar to
17 receiving a license;

18 (2) a person who has been convicted of a felony under
19 any federal or State law, if the Department, after
20 investigation and a hearing and consideration of the
21 mitigating factors provided in subsection (b) of Section 4i
22 of this Act, if requested by the applicant, determines that
23 such person has not been sufficiently rehabilitated to
24 warrant the public trust and the conviction will impair the
25 ability of the person to engage in the position for which a
26 license is sought;

1 (3) a corporation, if any officer, manager, or director
2 thereof, or any stockholder or stockholders owning in the
3 aggregate more than 5% of the stock of such corporation,
4 would not be eligible to receive a license under this Act
5 for any reason;

6 (4) a person who manufactures cigarettes, whether in
7 this State or out of this State;

8 (5) a person, or any person who owns more than 15% of
9 the ownership interests in a person or a related party who:

10 (A) owes, at the time of application, any
11 delinquent cigarette taxes that have been determined
12 by law to be due and unpaid, unless the license
13 applicant has entered into an agreement approved by the
14 Department to pay the amount due;

15 (B) had a license under this Act revoked within the
16 past two years by the Department or has been convicted
17 of a State or federal crime, punishable by imprisonment
18 of one year or more, relating to stolen or contraband
19 cigarettes;

20 (C) has been found by the Department, after notice
21 and a hearing, to have imported or caused to be
22 imported into the United States for sale or
23 distribution any cigarette in violation of 19 U.S.C.
24 1681a;

25 (D) has been found by the Department, after notice
26 and a hearing, to have imported or caused to be

1 imported into the United States for sale or
2 distribution or manufactured for sale or distribution
3 in the United States any cigarette that does not fully
4 comply with the Federal Cigarette Labeling and
5 Advertising Act (15 U.S.C. 1331, et seq.); or

6 (E) has been found by the Department, after notice
7 and a hearing, to have made a material false statement
8 in the application or has failed to produce records
9 required to be maintained by this Act.

10 The Department, upon receipt of an application and license
11 fee from a person who is eligible to receive a secondary
12 distributor's license under this Act, shall issue to such
13 applicant a license in such form as prescribed by the
14 Department. The license shall permit the applicant to which it
15 is issued to engage in business as a secondary distributor at
16 the place shown in his application. All licenses issued by the
17 Department under this Act shall be valid for a period not to
18 exceed one year after issuance unless sooner revoked, canceled,
19 or suspended as provided in this Act. No license issued under
20 this Act is transferable or assignable. Such license shall be
21 conspicuously displayed in the place of business conducted by
22 the licensee in Illinois under such license. No secondary
23 distributor licensee acquires any vested interest or
24 compensable property right in a license issued under this Act.

25 A licensed secondary distributor shall notify the
26 Department of any change in the information contained on the

1 application form, including any change in ownership, and shall
2 do so within 30 days after any such change.

3 Any person aggrieved by any decision of the Department
4 under this Section may, within 20 days after notice of the
5 decision, protest and request a hearing. Upon receiving a
6 request for a hearing, the Department shall give notice to the
7 person requesting the hearing of the time and place fixed for
8 the hearing and shall hold a hearing in conformity with the
9 provisions of this Act and then issue its final administrative
10 decision in the matter to that person. In the absence of a
11 protest and request for a hearing within 20 days, the
12 Department's decision shall become final without any further
13 determination being made or notice given.

14 (Source: P.A. 96-1027, eff. 7-12-10.)

15 (35 ILCS 130/4i new)

16 Sec. 4i. Applicant convictions.

17 (a) The Department shall not require applicants to report
18 the following information and shall not consider the following
19 criminal history records in connection with an application for
20 a license or permit under this Act:

21 (1) Juvenile adjudications of delinquent minors as
22 defined in Section 5-105 of the Juvenile Court Act of 1987,
23 subject to the restrictions set forth in Section 5-130 of
24 the Juvenile Court Act of 1987.

25 (2) Law enforcement, court records, and conviction

1 records of an individual who was 17 years old at the time
2 of the offense and before January 1, 2014, unless the
3 nature of the offense required the individual to be tried
4 as an adult.

5 (3) Records of arrest not followed by a conviction.

6 (4) Convictions overturned by a higher court.

7 (5) Convictions or arrests that have been sealed or
8 expunged.

9 (b) The Department, upon a finding that an applicant for a
10 license or permit was previously convicted of a felony under
11 any federal or State law, shall consider any mitigating factors
12 and evidence of rehabilitation contained in such applicant's
13 record, including any of the following factors and evidence, to
14 determine if the applicant has been sufficiently rehabilitated
15 and whether a prior conviction will impair the ability of the
16 applicant to engage in the position for which a license or
17 permit is sought:

18 (1) the lack of direct relation of the offense for
19 which the applicant was previously convicted to the duties,
20 functions, and responsibilities of the position for which a
21 license or permit is sought;

22 (2) whether 5 years since a felony conviction or 3
23 years since release from confinement for the conviction,
24 whichever is later, have passed without a subsequent
25 conviction;

26 (3) if the applicant was previously licensed or

1 employed in this State or other state or jurisdictions,
2 then the lack of prior misconduct arising from or related
3 to the licensed position or position of employment;

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

6 (5) successful completion of sentence and, for
7 applicants serving a term of parole or probation, a
8 progress report provided by the applicant's probation or
9 parole officer that documents the applicant's compliance
10 with conditions of supervision;

11 (6) evidence of the applicant's present fitness and
12 professional character;

13 (7) evidence of rehabilitation or rehabilitative
14 effort during or after incarceration, or during or after a
15 term of supervision, including, but not limited to, a
16 certificate of good conduct under Section 5-5.5-25 of the
17 Unified Code of Corrections or a certificate of relief from
18 disabilities under Section 5-5.5-10 of the Unified Code of
19 Corrections; and

20 (8) any other mitigating factors that contribute to the
21 person's potential and current ability to perform the
22 duties and responsibilities of the position for which a
23 license, permit or employment is sought.

24 (c) If the Department refuses to issue a license or permit
25 to an applicant, then the Department shall notify the applicant
26 of the denial in writing with the following included in the

1 notice of denial:

2 (1) a statement about the decision to refuse to issue a
3 license or permit;

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

7 (3) a list of convictions that formed the sole or
8 partial basis for the refusal to issue a license or permit;

9 and

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

13 (d) No later than May 1 of each year, the Department must
14 prepare, publicly announce, and publish a report of summary
15 statistical information relating to new and renewal license or
16 permit applications during the preceding calendar year. Each
17 report shall show, at a minimum:

18 (1) the number of applicants for a new or renewal
19 license or permit under this Act within the previous
20 calendar year;

21 (2) the number of applicants for a new or renewal
22 license or permit under this Act within the previous
23 calendar year who had any criminal conviction;

24 (3) the number of applicants for a new or renewal
25 license or permit under this Act in the previous calendar
26 year who were granted a license or permit;

1 (4) the number of applicants for a new or renewal
2 license or permit with a criminal conviction who were
3 granted a license or permit under this Act within the
4 previous calendar year;

5 (5) the number of applicants for a new or renewal
6 license or permit under this Act within the previous
7 calendar year who were denied a license or permit;

8 (6) the number of applicants for a new or renewal
9 license or permit with a criminal conviction who were
10 denied a license or permit under this Act in the previous
11 calendar year in whole or in part because of a prior
12 conviction;

13 (7) the number of licenses or permits issued on
14 probation without monitoring under this Act in the previous
15 calendar year to applicants with a criminal conviction; and

16 (8) the number of licenses or permits issued on
17 probation with monitoring under this Act in the previous
18 calendar year to applicants with a criminal conviction.

19 Section 20. The Counties Code is amended by changing
20 Section 5-10004 and by adding Section 5-10004a as follows:

21 (55 ILCS 5/5-10004) (from Ch. 34, par. 5-10004)

22 Sec. 5-10004. Qualifications for license. A license to
23 operate or maintain a dance hall may be issued by the county
24 board to any citizen, firm or corporation of the State, who

1 (1) Submits a written application for a license, which
2 application shall state, and the applicant shall state under
3 oath:

4 (a) The name, address, and residence of the applicant,
5 and the length of time he has lived at that residence;~~+~~

6 (b) The place of birth of the applicant, and if the
7 applicant is a naturalized citizen, the time and place of
8 such naturalization;

9 (c) Whether the applicant has a prior felony
10 conviction; and ~~That the applicant has never been convicted~~
11 ~~of a felony, or of a misdemeanor punishable under the laws~~
12 ~~of this State by a minimum imprisonment of six months or~~
13 ~~longer.~~

14 (d) The location of the place or building where the
15 applicant intends to operate or maintain the dance hall.

16 (2) And who establishes:

17 (a) That he is a person of good moral character; and

18 (b) that the place or building where the dance hall or
19 road house is to be operated or maintained, reasonably
20 conforms to all laws, and health and fire regulations
21 applicable thereto, and is properly ventilated and
22 supplied with separate and sufficient toilet arrangements
23 for each sex, and is a safe and proper place or building
24 for a public dance hall or road house.

25 (Source: P.A. 86-962.)

1 (55 ILCS 5/5-10004a new)

2 Sec. 5-10004a. Applicant convictions.

3 (a) Applicants shall not be required to report the
4 following information and the following information shall not
5 be considered in connection with an application for a license
6 under this Act:

7 (1) Juvenile adjudications of delinquent minors, as
8 defined in Section 5-105 of the Juvenile Court Act of 1987,
9 subject to the restrictions set forth in Section 5-130
10 Juvenile Court Act of 1987.

11 (2) Law enforcement, court records, and conviction
12 records of an individual who was 17 years old at the time
13 of the offense and before January 1, 2014, unless the
14 nature of the offense required the individual to be tried
15 as an adult.

16 (3) Records of arrest not followed by a conviction.

17 (4) Convictions overturned by a higher court.

18 (5) Convictions or arrests that have been sealed or
19 expunged.

20 (b) No application for a license under this Division shall
21 be denied by reason of a finding of lack of "good moral
22 character" when the finding is based upon the fact that the
23 applicant has previously been convicted of one or more criminal
24 offenses.

25 (c) The county board, upon finding that an applicant for a
26 license under this Act has a prior conviction for a felony,

1 shall consider any evidence of rehabilitation and mitigating
2 factors contained in the applicant's record, including any of
3 the following factors and evidence, to determine if the
4 conviction will impair the ability of the applicant to engage
5 in the position for which a license is sought:

6 (1) the lack of direct relation of the offense for
7 which the applicant was previously convicted to the duties,
8 functions, and responsibilities of the position for which a
9 license is sought;

10 (2) whether 5 years since a felony conviction or 3
11 years since release from confinement for the conviction,
12 whichever is later, have passed without a subsequent
13 conviction;

14 (3) if the applicant was previously licensed or
15 employed in this State or other state or jurisdictions,
16 then the lack of prior misconduct arising from or related
17 to the licensed position or position of employment;

18 (4) the age of the person at the time of the criminal
19 offense;

20 (5) successful completion of sentence and, for
21 applicants serving a term of parole or probation, a
22 progress report provided by the applicant's probation or
23 parole officer that documents the applicant's compliance
24 with conditions of supervision;

25 (6) evidence of the applicant's present fitness and
26 professional character;

1 (7) evidence of rehabilitation or rehabilitative
2 effort during or after incarceration, or during or after a
3 term of supervision, including but not limited to a
4 certificate of good conduct under Section 5-5.5-25 of the
5 Unified Code of Corrections or a certificate of relief from
6 disabilities under Section 5-5.5-10 of the Unified Code of
7 Corrections; and

8 (8) any other mitigating factors that contribute to the
9 person's potential and current ability to perform the
10 duties and responsibilities of the position for which a
11 license or employment is sought.

12 (d) If the county board refuses to issue a license to an
13 applicant, then the county board shall notify the applicant of
14 the denial in writing with the following included in the notice
15 of denial:

16 (1) a statement about the decision to refuse to issue a
17 license;

18 (2) a list of the convictions that the county board
19 determined will impair the applicant's ability to engage in
20 the position for which a license is sought;

21 (3) a list of convictions that formed the sole or
22 partial basis for the refusal to issue a license; and

23 (4) a summary of the appeal process or the earliest the
24 applicant may reapply for a license, whichever is
25 applicable.

26 (e) No later than May 1 of each year, the board must

1 prepare, publicly announce, and publish a report of summary
2 statistical information relating to new and renewal license
3 applications during the preceding calendar year. Each report
4 shall show, at a minimum:

5 (1) the number of applicants for a new or renewal
6 license under this Act within the previous calendar year;

7 (2) the number of applicants for a new or renewal
8 license under this Act within the previous calendar year
9 who had any criminal conviction;

10 (3) the number of applicants for a new or renewal
11 license under this Act in the previous calendar year who
12 were granted a license;

13 (4) the number of applicants for a new or renewal
14 license with a criminal conviction who were granted a
15 license under this Act within the previous calendar year;

16 (5) the number of applicants for a new or renewal
17 license under this Act within the previous calendar year
18 who were denied a license;

19 (6) the number of applicants for a new or renewal
20 license with a criminal conviction who were denied a
21 license under this Act in the previous calendar year in
22 whole or in part because of a prior conviction;

23 (7) the number of licenses issued on probation without
24 monitoring under this Act in the previous calendar year to
25 applicants with a criminal conviction; and

26 (8) the number of licenses issued on probation with

1 monitoring under this Act in the previous calendar year to
2 applicants with a criminal conviction.

3 Section 30. The Clinical Social Work and Social Work
4 Practice Act is amended by changing Section 19 and by adding
5 Section 9A.1 as follows:

6 (225 ILCS 20/9A.1 new)

7 Sec. 9A.1. Applicant convictions.

8 (a) The Department and the Board shall not require
9 applicants to report information about the following and shall
10 not consider the following criminal history records in
11 connection with an application for licensure:

12 (1) Juvenile adjudications of delinquent minors as
13 defined in Section 5-105 of the Juvenile Court Act of 1987,
14 subject to the restrictions set forth in Section 5-130 of
15 the Juvenile Court Act of 1987.

16 (2) Law enforcement records, court records, and
17 conviction records of an individual who was 17 years old at
18 the time of the offense and before January 1, 2014, unless
19 the nature of the offense required the individual to be
20 tried as an adult.

21 (3) Records of arrest not followed by a charge or
22 conviction unless related to the practice of the
23 profession.

24 (4) Records of arrest where charges were dismissed

1 unless related to the practice of the profession. However,
2 applicants shall not be asked to report any arrests, and
3 any arrest not followed by a conviction shall not be the
4 basis of a denial and may be used only to assess an
5 applicant's rehabilitation.

6 (5) Convictions overturned by a higher court.

7 (6) Convictions or arrests that have been sealed or
8 expunged.

9 (b) Except as provided in Section 2105-165 of the
10 Department of Professional Regulation Law, the Department,
11 upon a finding that an applicant for a license was previously
12 convicted of any felony or misdemeanor directly related to the
13 practice of the profession, shall consider any mitigating
14 factors and evidence of rehabilitation contained in such
15 applicant's record, including any of the following factors and
16 evidence, to determine whether a prior conviction will impair
17 the ability of the applicant to engage in the position for
18 which a license is sought:

19 (1) the lack of direct relation of the offense for
20 which the applicant was previously convicted to the duties,
21 functions, and responsibilities of the position for which a
22 license is sought;

23 (2) whether 5 years since a felony conviction or 3
24 years since release from confinement for the conviction,
25 whichever is later, have passed without a subsequent
26 conviction;

1 (3) if the applicant was previously licensed or
2 employed in this State or other state or jurisdictions,
3 then the lack of prior misconduct arising from or related
4 to the licensed position or position of employment;

5 (4) the age of the person at the time of the criminal
6 offense;

7 (5) successful completion of sentence and, for
8 applicants serving a term of parole or probation, a
9 progress report provided by the applicant's probation or
10 parole officer that documents the applicant's compliance
11 with conditions of supervision;

12 (6) evidence of the applicant's present fitness and
13 professional character;

14 (7) evidence of rehabilitation or rehabilitative
15 effort during or after incarceration, or during or after a
16 term of supervision, including, but not limited to, a
17 certificate of good conduct under Section 5-5.5-25 of the
18 Unified Code of Corrections or a certificate of relief from
19 disabilities under Section 5-5.5-10 of the Unified Code of
20 Corrections; and

21 (8) any other mitigating factors that contribute to the
22 person's potential and current ability to perform the
23 duties and responsibilities of the position for which a
24 license or employment is sought.

25 (c) If the Department refuses to grant a license to an
26 applicant based, in whole or in part, upon a conviction or

1 convictions, then the Department shall notify the applicant of
2 the denial in writing with the following included in the notice
3 of denial:

4 (1) a statement about the decision to refuse to issue a
5 license;

6 (2) a list of the convictions that the Department
7 determined will impair the applicant's ability to engage in
8 the position for which a license is sought;

9 (3) a list of the convictions that form the sole or
10 partial basis for the refusal to issue a license; and

11 (4) a summary of the appeal process or the earliest the
12 applicant may reapply for a license, whichever is
13 applicable.

14 (d) No later than May 1 of each year, the Department must
15 prepare, publicly announce, and publish a report of summary
16 statistical information relating to new license applications
17 during the preceding calendar year. Each report shall show, at
18 a minimum:

19 (1) the number of applicants for a new license under
20 this Act within the previous calendar year;

21 (2) the number of applicants for a new license under
22 this Act within the previous calendar year who had any
23 criminal conviction;

24 (3) the number of applicants for a new license under
25 this Act in the previous calendar year who were granted a
26 license;

1 (4) the number of applicants for a new license with a
2 criminal conviction who were granted a license under this
3 Act within the previous calendar year;

4 (5) the number of applicants for a new license under
5 this Act within the previous calendar year who were denied
6 a license;

7 (6) the number of applicants for a new license with a
8 criminal conviction who were denied a license under this
9 Act in the previous calendar year in part or in whole
10 because of a prior conviction; and

11 (7) the number of licenses issued on probation under
12 this Act in the previous calendar year to applicants with a
13 criminal conviction.

14 (225 ILCS 20/19) (from Ch. 111, par. 6369)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 19. Grounds for disciplinary action.

17 (1) The Department may refuse to issue, refuse to renew,
18 suspend, or revoke any license, or may place on probation,
19 censure, reprimand, or take other disciplinary or
20 non-disciplinary action deemed appropriate by the Department,
21 including the imposition of fines not to exceed \$10,000 for
22 each violation, with regard to any license issued under the
23 provisions of this Act for any one or a combination of the
24 following reasons:

25 (a) material misstatements of fact in furnishing

1 information to the Department or to any other State agency
2 or in furnishing information to any insurance company with
3 respect to a claim on behalf of a licensee or a patient;

4 (b) violations or negligent or intentional disregard
5 of this Act, or any of the rules promulgated hereunder;

6 (c) for licensees, conviction of or entry of a plea of
7 guilty or nolo contendere to any crime that is a felony
8 under the laws of the United States or any state or
9 territory thereof or that is a misdemeanor, of which an
10 essential element is dishonesty, or any crime that is
11 directly related to the practice of the clinical social
12 work or social work professions; for applicants, the
13 provisions of Section 9A.1 apply;

14 (d) making any misrepresentation for the purpose of
15 obtaining licenses, or violating any provision of this Act
16 or any of the rules promulgated hereunder;

17 (e) professional incompetence;

18 (f) malpractice;

19 (g) aiding or assisting another person in violating any
20 provision of this Act or any rules;

21 (h) failing to provide information within 30 days in
22 response to a written request made by the Department;

23 (i) engaging in dishonorable, unethical or
24 unprofessional conduct of a character likely to deceive,
25 defraud or harm the public as defined by the rules of the
26 Department, or violating the rules of professional conduct

1 adopted by the Board and published by the Department;

2 (j) habitual or excessive use or addiction to alcohol,
3 narcotics, stimulants, or any other chemical agent or drug
4 that results in a clinical social worker's or social
5 worker's inability to practice with reasonable judgment,
6 skill, or safety;

7 (k) discipline by another jurisdiction, if at least one
8 of the grounds for the discipline is the same or
9 substantially equivalent to those set forth in this
10 Section;

11 (l) directly or indirectly giving to or receiving from
12 any person, firm, corporation, partnership, or association
13 any fee, commission, rebate or other form of compensation
14 for any professional service not actually rendered.
15 Nothing in this paragraph (l) affects any bona fide
16 independent contractor or employment arrangements among
17 health care professionals, health facilities, health care
18 providers, or other entities, except as otherwise
19 prohibited by law. Any employment arrangements may include
20 provisions for compensation, health insurance, pension, or
21 other employment benefits for the provision of services
22 within the scope of the licensee's practice under this Act.
23 Nothing in this paragraph (l) shall be construed to require
24 an employment arrangement to receive professional fees for
25 services rendered;

26 (m) a finding by the Board that the licensee, after

1 having the license placed on probationary status, has
2 violated the terms of probation;

3 (n) abandonment, without cause, of a client;

4 (o) wilfully filing false reports relating to a
5 licensee's practice, including but not limited to false
6 records filed with Federal or State agencies or
7 departments;

8 (p) wilfully failing to report an instance of suspected
9 child abuse or neglect as required by the Abused and
10 Neglected Child Reporting Act;

11 (q) being named as a perpetrator in an indicated report
12 by the Department of Children and Family Services under the
13 Abused and Neglected Child Reporting Act, and upon proof by
14 clear and convincing evidence that the licensee has caused
15 a child to be or failed to take reasonable steps to prevent
16 a child from being an abused child or neglected child as
17 defined in the Abused and Neglected Child Reporting Act;

18 (r) physical illness, mental illness, or any other
19 impairment or disability, including, but not limited to,
20 deterioration through the aging process, or loss of motor
21 skills that results in the inability to practice the
22 profession with reasonable judgment, skill or safety;

23 (s) solicitation of professional services by using
24 false or misleading advertising; or

25 (t) violation of the Health Care Worker Self-Referral
26 Act.

1 (2) (Blank).

2 (3) The determination by a court that a licensee is subject
3 to involuntary admission or judicial admission as provided in
4 the Mental Health and Developmental Disabilities Code, will
5 result in an automatic suspension of his license. Such
6 suspension will end upon a finding by a court that the licensee
7 is no longer subject to involuntary admission or judicial
8 admission and issues an order so finding and discharging the
9 patient, and upon the recommendation of the Board to the
10 Secretary that the licensee be allowed to resume professional
11 practice.

12 (4) The Department may refuse to issue or renew or may
13 suspend the license of a person who (i) fails to file a return,
14 pay the tax, penalty, or interest shown in a filed return, or
15 pay any final assessment of tax, penalty, or interest, as
16 required by any tax Act administered by the Department of
17 Revenue, until the requirements of the tax Act are satisfied or
18 (ii) has failed to pay any court-ordered child support as
19 determined by a court order or by referral from the Department
20 of Healthcare and Family Services.

21 (5) In enforcing this Section, the Board upon a showing of
22 a possible violation may compel a person licensed to practice
23 under this Act, or who has applied for licensure or
24 certification pursuant to this Act, to submit to a mental or
25 physical examination, or both, as required by and at the
26 expense of the Department. The examining physicians shall be

1 those specifically designated by the Board. The Board or the
2 Department may order the examining physician to present
3 testimony concerning this mental or physical examination of the
4 licensee or applicant. No information shall be excluded by
5 reason of any common law or statutory privilege relating to
6 communications between the licensee or applicant and the
7 examining physician. The person to be examined may have, at his
8 or her own expense, another physician of his or her choice
9 present during all aspects of the examination. Failure of any
10 person to submit to a mental or physical examination, when
11 directed, shall be grounds for suspension of a license until
12 the person submits to the examination if the Board finds, after
13 notice and hearing, that the refusal to submit to the
14 examination was without reasonable cause.

15 If the Board finds a person unable to practice because of
16 the reasons set forth in this Section, the Board may require
17 that person to submit to care, counseling, or treatment by
18 physicians approved or designated by the Board, as a condition,
19 term, or restriction for continued, reinstated, or renewed
20 licensure to practice; or, in lieu of care, counseling or
21 treatment, the Board may recommend to the Department to file a
22 complaint to immediately suspend, revoke or otherwise
23 discipline the license of the person. Any person whose license
24 was granted, continued, reinstated, renewed, disciplined or
25 supervised subject to such terms, conditions or restrictions,
26 and who fails to comply with such terms, conditions, or

1 restrictions, shall be referred to the Secretary for a
2 determination as to whether the person shall have his or her
3 license suspended immediately, pending a hearing by the Board.

4 In instances in which the Secretary immediately suspends a
5 person's license under this Section, a hearing on that person's
6 license must be convened by the Board within 30 days after the
7 suspension and completed without appreciable delay. The Board
8 shall have the authority to review the subject person's record
9 of treatment and counseling regarding the impairment, to the
10 extent permitted by applicable federal statutes and
11 regulations safeguarding the confidentiality of medical
12 records.

13 A person licensed under this Act and affected under this
14 Section shall be afforded an opportunity to demonstrate to the
15 Board that he or she can resume practice in compliance with
16 acceptable and prevailing standards under the provisions of his
17 or her license.

18 (Source: P.A. 98-756, eff. 7-16-14.)

19 Section 35. The Dietitian Nutritionist Practice Act is
20 amended by changing Section 95 and by adding Section 96 as
21 follows:

22 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

23 (Section scheduled to be repealed on January 1, 2023)

24 Sec. 95. Grounds for discipline.

1 (1) The Department may refuse to issue or renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary or non-disciplinary action as the Department may
4 deem appropriate, including imposing fines not to exceed
5 \$10,000 for each violation, with regard to any license or
6 certificate for any one or combination of the following causes:

7 (a) Material misstatement in furnishing information to
8 the Department.

9 (b) Violations of this Act or of rules adopted under
10 this Act.

11 (c) For licensees, conviction ~~Conviction~~ by plea of
12 guilty or nolo contendere, finding of guilt, jury verdict,
13 or entry of judgment or by sentencing of any crime,
14 including, but not limited to, convictions, preceding
15 sentences of supervision, conditional discharge, or first
16 offender probation, under the laws of any jurisdiction of
17 the United States (i) that is a felony or (ii) that is a
18 misdemeanor, an essential element of which is dishonesty,
19 or that is directly related to the practice of the
20 profession. For applicants, the provisions of Section 96
21 apply.

22 (d) Fraud or any misrepresentation in applying for or
23 procuring a license under this Act or in connection with
24 applying for renewal of a license under this Act.

25 (e) Professional incompetence or gross negligence.

26 (f) Malpractice.

1 (g) Aiding or assisting another person in violating any
2 provision of this Act or its rules.

3 (h) Failing to provide information within 60 days in
4 response to a written request made by the Department.

5 (i) Engaging in dishonorable, unethical or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public.

8 (j) Habitual or excessive use or abuse of drugs defined
9 in law as controlled substances, alcohol, or any other
10 substance that results in the inability to practice with
11 reasonable judgment, skill, or safety.

12 (k) Discipline by another state, the District of
13 Columbia, territory, country, or governmental agency if at
14 least one of the grounds for the discipline is the same or
15 substantially equivalent to those set forth in this Act.

16 (l) Charging for professional services not rendered,
17 including filing false statements for the collection of
18 fees for which services are not rendered. Nothing in this
19 paragraph (l) affects any bona fide independent contractor
20 or employment arrangements among health care
21 professionals, health facilities, health care providers,
22 or other entities, except as otherwise prohibited by law.
23 Any employment arrangements may include provisions for
24 compensation, health insurance, pension, or other
25 employment benefits for the provision of services within
26 the scope of the licensee's practice under this Act.

1 Nothing in this paragraph (1) shall be construed to require
2 an employment arrangement to receive professional fees for
3 services rendered.

4 (m) A finding by the Department that the licensee,
5 after having his or her license placed on probationary
6 status, has violated the terms of probation.

7 (n) Willfully making or filing false records or reports
8 in his or her practice, including, but not limited to,
9 false records filed with State agencies or departments.

10 (o) Allowing one's license under this Act to be used by
11 an unlicensed person in violation of this Act.

12 (p) Practicing under a false or, except as provided by
13 law, an assumed name.

14 (q) Gross and willful overcharging for professional
15 services.

16 (r) (Blank).

17 (s) Willfully failing to report an instance of
18 suspected child abuse or neglect as required by the Abused
19 and Neglected Child Reporting Act.

20 (t) Cheating on or attempting to subvert a licensing
21 examination administered under this Act.

22 (u) Mental illness or disability that results in the
23 inability to practice under this Act with reasonable
24 judgment, skill, or safety.

25 (v) Physical illness, including, but not limited to,
26 deterioration through the aging process or loss of motor

1 skill that results in a licensee's inability to practice
2 under this Act with reasonable judgment, skill, or safety.

3 (w) Advising an individual to discontinue, reduce,
4 increase, or otherwise alter the intake of a drug
5 prescribed by a physician licensed to practice medicine in
6 all its branches or by a prescriber as defined in Section
7 102 of the Illinois Controlled Substances Act.

8 (2) The Department may refuse to issue or may suspend
9 without hearing, as provided for in the Code of Civil
10 Procedure, the license of any person who fails to file a
11 return, or pay the tax, penalty, or interest shown in a filed
12 return, or pay any final assessment of the tax, penalty, or
13 interest as required by any tax Act administered by the
14 Illinois Department of Revenue, until such time as the
15 requirements of any such tax Act are satisfied in accordance
16 with subsection (g) of Section 2105-15 of the Civil
17 Administrative Code of Illinois.

18 (3) The Department shall deny a license or renewal
19 authorized by this Act to a person who has defaulted on an
20 educational loan or scholarship provided or guaranteed by the
21 Illinois Student Assistance Commission or any governmental
22 agency of this State in accordance with item (5) of subsection
23 (a) of Section 2105-15 of the Civil Administrative Code of
24 Illinois.

25 (4) In cases where the Department of Healthcare and Family
26 Services has previously determined a licensee or a potential

1 licensee is more than 30 days delinquent in the payment of
2 child support and has subsequently certified the delinquency to
3 the Department, the Department may refuse to issue or renew or
4 may revoke or suspend that person's license or may take other
5 disciplinary action against that person based solely upon the
6 certification of delinquency made by the Department of
7 Healthcare and Family Services in accordance with item (5) of
8 subsection (a) of Section 2105-15 of the Civil Administrative
9 Code of Illinois.

10 (5) The determination by a circuit court that a licensee is
11 subject to involuntary admission or judicial admission, as
12 provided in the Mental Health and Developmental Disabilities
13 Code, operates as an automatic suspension. The suspension shall
14 end only upon a finding by a court that the patient is no
15 longer subject to involuntary admission or judicial admission
16 and the issuance of an order so finding and discharging the
17 patient.

18 (6) In enforcing this Act, the Department, upon a showing
19 of a possible violation, may compel an individual licensed to
20 practice under this Act, or who has applied for licensure under
21 this Act, to submit to a mental or physical examination, or
22 both, as required by and at the expense of the Department. The
23 Department may order the examining physician to present
24 testimony concerning the mental or physical examination of the
25 licensee or applicant. No information shall be excluded by
26 reason of any common law or statutory privilege relating to

1 communications between the licensee or applicant and the
2 examining physician. The examining physicians shall be
3 specifically designated by the Department. The individual to be
4 examined may have, at his or her own expense, another physician
5 of his or her choice present during all aspects of this
6 examination. The examination shall be performed by a physician
7 licensed to practice medicine in all its branches. Failure of
8 an individual to submit to a mental or physical examination,
9 when directed, shall result in an automatic suspension without
10 hearing.

11 A person holding a license under this Act or who has
12 applied for a license under this Act who, because of a physical
13 or mental illness or disability, including, but not limited to,
14 deterioration through the aging process or loss of motor skill,
15 is unable to practice the profession with reasonable judgment,
16 skill, or safety, may be required by the Department to submit
17 to care, counseling, or treatment by physicians approved or
18 designated by the Department as a condition, term, or
19 restriction for continued, reinstated, or renewed licensure to
20 practice. Submission to care, counseling, or treatment as
21 required by the Department shall not be considered discipline
22 of a license. If the licensee refuses to enter into a care,
23 counseling, or treatment agreement or fails to abide by the
24 terms of the agreement, then the Department may file a
25 complaint to revoke, suspend, or otherwise discipline the
26 license of the individual. The Secretary may order the license

1 suspended immediately, pending a hearing by the Department.
2 Fines shall not be assessed in disciplinary actions involving
3 physical or mental illness or impairment.

4 In instances in which the Secretary immediately suspends a
5 person's license under this Section, a hearing on that person's
6 license must be convened by the Department within 15 days after
7 the suspension and completed without appreciable delay. The
8 Department shall have the authority to review the subject
9 individual's record of treatment and counseling regarding the
10 impairment to the extent permitted by applicable federal
11 statutes and regulations safeguarding the confidentiality of
12 medical records.

13 An individual licensed under this Act and affected under
14 this Section shall be afforded an opportunity to demonstrate to
15 the Department that he or she can resume practice in compliance
16 with acceptable and prevailing standards under the provisions
17 of his or her license.

18 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;
19 98-756, eff. 7-16-14.)

20 (225 ILCS 30/96 new)

21 Sec. 96. Applicant convictions.

22 (a) The Department shall not require the applicant to
23 report the following information and shall not consider the
24 following criminal history records in connection with an
25 application for licensure:

1 (1) Juvenile adjudications of delinquent minors as
2 defined in Section 5-105 of the Juvenile Court Act of 1987,
3 subject to the restrictions set forth in Section 5-130 of
4 the Juvenile Court Act of 1987.

5 (2) Law enforcement records, court records, and
6 conviction records of an individual who was 17 years old at
7 the time of the offense and before January 1, 2014, unless
8 the nature of the offense required the individual to be
9 tried as an adult.

10 (3) Records of arrest not followed by a charge or
11 conviction.

12 (4) Records of arrest where charges were dismissed
13 unless related to the practice of the profession. However,
14 applicants shall not be asked to report any arrests, and
15 any arrest not followed by a conviction shall not be the
16 basis of a denial and may be used only to assess an
17 applicant's rehabilitation.

18 (5) Convictions overturned by a higher court.

19 (6) Convictions or arrests that have been sealed or
20 expunged.

21 (b) The Department, upon a finding that an applicant for a
22 license was previously convicted of any felony or misdemeanor
23 directly related to the practice of the profession, shall
24 consider any mitigating factors and evidence of rehabilitation
25 contained in such applicant's record, including any of the
26 following factors and evidence, to determine whether a prior

1 conviction will impair the ability of the applicant to engage
2 in the position for which a license is sought:

3 (1) the lack of direct relation of the offense for
4 which the applicant was previously convicted to the duties,
5 functions, and responsibilities of the position for which a
6 license is sought;

7 (2) whether 5 years since a felony conviction or 3
8 years since release from confinement for the conviction,
9 whichever is later, have passed without a subsequent
10 conviction;

11 (3) if the applicant was previously licensed or
12 employed in this State or other state or jurisdictions,
13 then the lack of prior misconduct arising from or related
14 to the licensed position or position of employment;

15 (4) the age of the person at the time of the criminal
16 offense;

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

22 (6) evidence of the applicant's present fitness and
23 professional character;

24 (7) evidence of rehabilitation or rehabilitative
25 effort during or after incarceration, or during or after a
26 term of supervision, including, but not limited to, a

1 certificate of good conduct under Section 5-5.5-25 of the
2 Unified Code of Corrections or a certificate of relief from
3 disabilities under Section 5-5.5-10 of the Unified Code of
4 Corrections; and

5 (8) any other mitigating factors that contribute to the
6 person's potential and current ability to perform the
7 duties and responsibilities of the position for which a
8 license or employment is sought.

9 (c) If the Department refuses to issue a license to an
10 applicant based, in whole or in part, upon a conviction or
11 convictions, then the Department shall notify the applicant of
12 the denial in writing with the following included in the notice
13 of denial:

14 (1) a statement about the decision to refuse to issue a
15 license;

16 (2) a list of convictions that the Department
17 determined will impair the applicant's ability to engage in
18 the position for which a license is sought;

19 (3) a list of convictions that formed the sole or
20 partial basis for the refusal to issue a license; and

21 (4) a summary of the appeal process or the earliest the
22 applicant may reapply for a license, whichever is
23 applicable.

24 (d) No later than May 1 of each year, the Department must
25 prepare, publicly announce, and publish a report of summary
26 statistical information relating to new license applications

1 during the preceding calendar year. Each report shall show, at
2 a minimum:

3 (1) the number of applicants for a new license under
4 this Act within the previous calendar year;

5 (2) the number of applicants for a new license under
6 this Act within the previous calendar year who had any
7 criminal conviction;

8 (3) the number of applicants for a new license under
9 this Act in the previous calendar year who were granted a
10 license;

11 (4) the number of applicants for a new license with a
12 criminal conviction who were granted a license under this
13 Act within the previous calendar year;

14 (5) the number of applicants for a new license under
15 this Act within the previous calendar year who were denied
16 a license;

17 (6) the number of applicants for a new license with a
18 criminal conviction who were denied a license under this
19 Act in the previous calendar year in part or in whole
20 because of a prior conviction; and

21 (7) the number of licenses issued on probation under
22 this Act in the previous calendar year to applicants with a
23 criminal conviction.

24 Section 40. The Environmental Health Practitioner
25 Licensing Act is amended by changing Section 35 and by adding

1 Section 32 as follows:

2 (225 ILCS 37/32 new)

3 Sec. 32. Applicant convictions.

4 (a) The Department shall not require the applicant to
5 report the following information and shall not consider the
6 following criminal history records in connection with an
7 application for licensure:

8 (1) Juvenile adjudications of delinquent minors as
9 defined in Section 5-105 of the Juvenile Court Act of 1987,
10 subject to the restrictions set forth in Section 5-130 of
11 the Juvenile Court Act of 1987.

12 (2) Law enforcement records, court records, and
13 conviction records of an individual who was 17 years old at
14 the time of the offense and before January 1, 2014, unless
15 the nature of the offense required the individual to be
16 tried as an adult.

17 (3) Records of arrest not followed by a charge or
18 conviction.

19 (4) Records of arrest where charges were dismissed
20 unless related to the practice of the profession. However,
21 applicants shall not be asked to report any arrests, and
22 any arrest not followed by a conviction shall not be the
23 basis of a denial and may be used only to assess an
24 applicant's rehabilitation.

25 (5) Convictions overturned by a higher court.

1 (6) Convictions or arrests that have been sealed or
2 expunged.

3 (b) The Department, upon a finding that an applicant for a
4 license was previously convicted of any felony or misdemeanor
5 directly related to the practice of the profession, shall
6 consider any mitigating factors and evidence of rehabilitation
7 contained in such applicant's record, including any of the
8 following factors and evidence, to determine whether a prior
9 conviction will impair the ability of the applicant to engage
10 in the position for which a license is sought:

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

15 (2) whether 5 years since a felony conviction or 3
16 years since release from confinement for the conviction,
17 whichever is later, have passed without a subsequent
18 conviction;

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

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

25 (5) successful completion of sentence and, for
26 applicants serving a term of parole or probation, a

1 progress report provided by the applicant's probation or
2 parole officer that documents the applicant's compliance
3 with conditions of supervision;

4 (6) evidence of the applicant's present fitness and
5 professional character;

6 (7) evidence of rehabilitation or rehabilitative
7 effort during or after incarceration, or during or after a
8 term of supervision, including, but not limited to, a
9 certificate of good conduct under Section 5-5.5-25 of the
10 Unified Code of Corrections or a certificate of relief from
11 disabilities under Section 5-5.5-10 of the Unified Code of
12 Corrections; and

13 (8) any other mitigating factors that contribute to the
14 person's potential and current ability to perform the
15 duties and responsibilities of the position for which a
16 license or employment is sought.

17 (c) If the Department refuses to issue a license to an
18 applicant based, in whole or in part, upon a conviction or
19 convictions, then the applicant shall be notified of the denial
20 in writing with the following included in the notice of denial:

21 (1) a statement about the decision to refuse to issue a
22 license;

23 (2) a list of convictions that the Department
24 determined will impair the applicant's ability to engage in
25 the position for which a license is sought;

26 (3) a list of convictions that formed the sole or

1 partial basis for the refusal to issue a license; and

2 (4) a summary of the appeal process or the earliest the
3 applicant may reapply for a license, whichever is
4 applicable.

5 (d) No later than May 1 of each year, the Department must
6 prepare, publicly announce, and publish a report of summary
7 statistical information relating to new license applications
8 during the preceding calendar year. Each report shall show, at
9 a minimum:

10 (1) the number of applicants for a new license under
11 this Act within the previous calendar year;

12 (2) the number of applicants for a new license under
13 this Act within the previous calendar year who had any
14 criminal conviction;

15 (3) the number of applicants for a new license under
16 this Act in the previous calendar year who were granted a
17 license;

18 (4) the number of applicants for a new license with a
19 criminal conviction who were granted a license under this
20 Act within the previous calendar year;

21 (5) the number of applicants for a new license under
22 this Act within the previous calendar year who were denied
23 a license;

24 (6) the number of applicants for a new license with a
25 criminal conviction who were denied a license under this
26 Act in the previous calendar year in part or in whole

1 because of a prior conviction; and

2 (7) the number of licenses issued on probation under
3 this Act in the previous calendar year to applicants with a
4 criminal conviction.

5 (225 ILCS 37/35)

6 (Section scheduled to be repealed on January 1, 2019)

7 Sec. 35. Grounds for discipline.

8 (a) The Department may refuse to issue or renew, or may
9 revoke, suspend, place on probation, reprimand, or take other
10 disciplinary action with regard to any license issued under
11 this Act as the Department may consider proper, including the
12 imposition of fines not to exceed \$5,000 for each violation,
13 for any one or combination of the following causes:

14 (1) Material misstatement in furnishing information to
15 the Department.

16 (2) Violations of this Act or its rules.

17 (3) For licensees, conviction ~~Conviction~~ of any felony
18 under the laws of any U.S. jurisdiction, any misdemeanor an
19 essential element of which is dishonesty, or any crime that
20 is directly related to the practice of the profession; for
21 applicants only, the provisions of Section 32 apply.

22 (4) Making any misrepresentation for the purpose of
23 obtaining a certificate of registration.

24 (5) Professional incompetence.

25 (6) Aiding or assisting another person in violating any

1 provision of this Act or its rules.

2 (7) Failing to provide information within 60 days in
3 response to a written request made by the Department.

4 (8) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public as defined by rules of the
7 Department.

8 (9) Habitual or excessive use or addiction to alcohol,
9 narcotics, stimulants, or any other chemical agent or drug
10 that results in an environmental health practitioner's
11 inability to practice with reasonable judgment, skill, or
12 safety.

13 (10) Discipline by another U.S. jurisdiction or
14 foreign nation, if at least one of the grounds for a
15 discipline is the same or substantially equivalent to those
16 set forth in this Act.

17 (11) A finding by the Department that the registrant,
18 after having his or her license placed on probationary
19 status, has violated the terms of probation.

20 (12) Willfully making or filing false records or
21 reports in his or her practice, including, but not limited
22 to, false records filed with State agencies or departments.

23 (13) Physical illness, including, but not limited to,
24 deterioration through the aging process or loss of motor
25 skills that result in the inability to practice the
26 profession with reasonable judgment, skill, or safety.

1 (14) Failure to comply with rules promulgated by the
2 Illinois Department of Public Health or other State
3 agencies related to the practice of environmental health.

4 (15) The Department shall deny any application for a
5 license or renewal of a license under this Act, without
6 hearing, to a person who has defaulted on an educational
7 loan guaranteed by the Illinois Student Assistance
8 Commission; however, the Department may issue a license or
9 renewal of a license if the person in default has
10 established a satisfactory repayment record as determined
11 by the Illinois Student Assistance Commission.

12 (16) Solicitation of professional services by using
13 false or misleading advertising.

14 (17) A finding that the license has been applied for or
15 obtained by fraudulent means.

16 (18) Practicing or attempting to practice under a name
17 other than the full name as shown on the license or any
18 other legally authorized name.

19 (19) Gross overcharging for professional services
20 including filing statements for collection of fees or
21 moneys for which services are not rendered.

22 (b) The Department may refuse to issue or may suspend the
23 license of any person who fails to (i) file a return, (ii) pay
24 the tax, penalty, or interest shown in a filed return; or (iii)
25 pay any final assessment of the tax, penalty, or interest as
26 required by any tax Act administered by the Illinois Department

1 of Revenue until the requirements of the tax Act are satisfied.

2 (c) The determination by a circuit court that a licensee is
3 subject to involuntary admission or judicial admission to a
4 mental health facility as provided in the Mental Health and
5 Developmental Disabilities Code operates as an automatic
6 suspension. The suspension may end only upon a finding by a
7 court that the licensee is no longer subject to involuntary
8 admission or judicial admission, the issuance of an order so
9 finding and discharging the patient, and the recommendation of
10 the Board to the Director that the licensee be allowed to
11 resume practice.

12 (d) In enforcing this Section, the Department, upon a
13 showing of a possible violation, may compel any person licensed
14 to practice under this Act or who has applied for licensure or
15 certification pursuant to this Act to submit to a mental or
16 physical examination, or both, as required by and at the
17 expense of the Department. The examining physicians shall be
18 those specifically designated by the Department. The
19 Department may order the examining physician to present
20 testimony concerning this mental or physical examination of the
21 licensee or applicant. No information shall be excluded by
22 reason of any common law or statutory privilege relating to
23 communications between the licensee or applicant and the
24 examining physician. The person to be examined may have, at his
25 or her own expense, another physician of his or her choice
26 present during all aspects of the examination. Failure of any

1 person to submit to a mental or physical examination, when
2 directed, shall be grounds for suspension of a license until
3 the person submits to the examination if the Department finds,
4 after notice and hearing, that the refusal to submit to the
5 examination was without reasonable cause.

6 If the Department finds an individual unable to practice
7 because of the reasons set forth in this Section, the
8 Department may require that individual to submit to care,
9 counseling, or treatment by physicians approved or designated
10 by the Department, as a condition, term, or restriction for
11 continued, reinstated, or renewed licensure to practice or, in
12 lieu of care, counseling, or treatment, the Department may file
13 a complaint to immediately suspend, revoke, or otherwise
14 discipline the license of the individual.

15 Any person whose license was granted, continued,
16 reinstated, renewed, disciplined, or supervised subject to
17 such terms, conditions, or restrictions and who fails to comply
18 with such terms, conditions, or restrictions shall be referred
19 to the Director for a determination as to whether the person
20 shall have his or her license suspended immediately, pending a
21 hearing by the Department.

22 In instances in which the Director immediately suspends a
23 person's license under this Section, a hearing on that person's
24 license must be convened by the Department within 15 days after
25 the suspension and completed without appreciable delay. The
26 Department shall have the authority to review the subject

1 person's record of treatment and counseling regarding the
2 impairment, to the extent permitted by applicable federal
3 statutes and regulations safeguarding the confidentiality of
4 medical records.

5 A person licensed under this Act and affected under this
6 Section shall be afforded an opportunity to demonstrate to the
7 Department that he or she can resume practice in compliance
8 with acceptable and prevailing standards under the provisions
9 of his or her license.

10 (Source: P.A. 92-837, eff. 8-22-02.)

11 Section 45. The Massage Licensing Act is amended by
12 changing Sections 15 and 45 and by adding Section 15.1 as
13 follows:

14 (225 ILCS 57/15)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 15. Licensure requirements.

17 (a) Persons engaged in massage for compensation must be
18 licensed by the Department. The Department shall issue a
19 license to an individual who meets all of the following
20 requirements:

21 (1) The applicant has applied in writing on the
22 prescribed forms and has paid the required fees.

23 (2) The applicant is at least 18 years of age and of
24 good moral character. In determining good moral character,

1 the Department may take into consideration conviction of
2 any crime under the laws of the United States or any state
3 or territory thereof that is a felony or is a misdemeanor
4 ~~or any crime that is~~ directly related to the practice of
5 the profession, whether such conviction will impair the
6 applicant's ability to serve in the position for which the
7 license is sought, and evidence of rehabilitation and
8 mitigating factors set forth in Section 15.1 of this Act.
9 Such a conviction shall not operate automatically as a
10 complete bar to a license, except in the case of any
11 conviction for prostitution, rape, or sexual misconduct,
12 or where the applicant is a registered sex offender.

13 (3) The applicant has met one of the following
14 requirements:

15 (A) has successfully completed a massage therapy
16 program approved by the Department that requires a
17 minimum of 500 hours, except applicants applying on or
18 after January 1, 2014 shall meet a minimum requirement
19 of 600 hours, and has passed a competency examination
20 approved by the Department;

21 (B) holds a current license from another
22 jurisdiction having licensure requirements that
23 include the completion of a massage therapy program of
24 at least 500 hours; or

25 (C) (blank).

26 (b) Each applicant for licensure as a massage therapist

1 shall have his or her fingerprints submitted to the Department
2 of State Police in an electronic format that complies with the
3 form and manner for requesting and furnishing criminal history
4 record information as prescribed by the Department of State
5 Police. These fingerprints shall be checked against the
6 Department of State Police and Federal Bureau of Investigation
7 criminal history record databases now and hereafter filed. The
8 Department of State Police shall charge applicants a fee for
9 conducting the criminal history records check, which shall be
10 deposited into the State Police Services Fund and shall not
11 exceed the actual cost of the records check. The Department of
12 State Police shall furnish, pursuant to positive
13 identification, records of Illinois convictions to the
14 Department. The Department may require applicants to pay a
15 separate fingerprinting fee, either to the Department or to a
16 vendor. The Department, in its discretion, may allow an
17 applicant who does not have reasonable access to a designated
18 vendor to provide his or her fingerprints in an alternative
19 manner. The Department may adopt any rules necessary to
20 implement this Section.

21 (Source: P.A. 97-514, eff. 8-23-11.)

22 (225 ILCS 57/15.1 new)

23 Sec. 15.1. Applicant convictions.

24 (a) The Department shall not require the applicant to
25 report the following information and shall not consider the

1 following criminal history records in connection with an
2 application for licensure:

3 (1) Juvenile adjudications of delinquent minors as
4 defined in Section 5-105 of the Juvenile Court Act of 1987,
5 subject to the restrictions set forth in Section 5-130 of
6 the Juvenile Court Act of 1987.

7 (2) Law enforcement records, court records, and
8 conviction records of an individual who was 17 years old at
9 the time of the offense and before January 1, 2014, unless
10 the nature of the offense required the individual to be
11 tried as an adult.

12 (3) Records of arrest not followed by a charge or
13 conviction.

14 (4) Records of arrest where charges were dismissed
15 unless related to the practice of the profession. However,
16 applicants shall not be asked to report any arrests, and
17 any arrest not followed by a conviction shall not be the
18 basis of a denial and may be used only to assess an
19 applicant's rehabilitation.

20 (5) Convictions overturned by a higher court.

21 (6) Convictions or arrests that have been sealed or
22 expunged.

23 (b) No application for any license under this Act shall be
24 denied by reason of a finding of lack of "good moral character"
25 when the finding is based upon the fact that the applicant has
26 previously been convicted of one or more criminal offenses. The

1 Department, upon a finding that an applicant for a license was
2 previously convicted by plea of guilty or nolo contendere,
3 finding of guilt, jury verdict, or entry of judgment of any
4 felony or a misdemeanor directly related to the practice of the
5 profession, excluding an offense related to prostitution,
6 rape, or sexual misconduct or that requires the applicant to
7 register as a sex offender, shall consider any evidence of
8 rehabilitation and mitigating factors contained in the
9 applicant's record, including any of the following factors and
10 evidence, to determine whether a prior conviction will impair
11 the ability of the applicant to engage in the position for
12 which a license is sought:

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

17 (2) whether 5 years since a felony conviction not
18 involving prostitution, rape, or sexual misconduct, or
19 requiring registration as a sex offender, or 3 years since
20 release from confinement for the conviction, whichever is
21 later, have passed without a subsequent conviction;

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

26 (4) the age of the person at the time of the criminal

1 offense;

2 (5) successful completion of sentence and, for
3 applicants serving a term of parole or probation, a
4 progress report provided by the applicant's probation or
5 parole officer that documents the applicant's compliance
6 with conditions of supervision;

7 (6) evidence of the applicant's present fitness and
8 professional character;

9 (7) evidence of rehabilitation or rehabilitative
10 effort during or after incarceration, or during or after a
11 term of supervision, including, but not limited to, a
12 certificate of good conduct under Section 5-5.5-25 of the
13 Unified Code of Corrections or a certificate of relief from
14 disabilities under Section 5-5.5-10 of the Unified Code of
15 Corrections; and

16 (8) any other mitigating factors that contribute to the
17 person's potential and current ability to perform the
18 duties and responsibilities of the position for which a
19 license or employment is sought.

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

25 (1) a statement about the decision to refuse to issue a
26 license;

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

4 (3) a list of convictions that formed the sole or
5 partial basis for the refusal to issue a license; and

6 (4) a summary of the appeal process or the earliest the
7 applicant may reapply for a license, whichever is
8 applicable.

9 (d) No later than May 1 of each year, the Department must
10 prepare, publicly announce, and publish a report of summary
11 statistical information relating to new license applications
12 during the preceding calendar year. Each report shall show, at
13 a minimum:

14 (1) the number of applicants for a new license under
15 this Act within the previous calendar year;

16 (2) the number of applicants for a new license under
17 this Act within the previous calendar year who had any
18 criminal conviction;

19 (3) the number of applicants for a new license under
20 this Act in the previous calendar year who were granted a
21 license;

22 (4) the number of applicants for a new license with a
23 criminal conviction who were granted a license under this
24 Act within the previous calendar year;

25 (5) the number of applicants for a new license under
26 this Act within the previous calendar year who were denied

1 a license;

2 (6) the number of applicants for a new license with a
3 criminal conviction who were denied a license under this
4 Act in the previous calendar year in part or in whole
5 because of a prior conviction; and

6 (7) the number of licenses issued on probation under
7 this Act in the previous calendar year to applicants with a
8 criminal conviction.

9 (225 ILCS 57/45)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 45. Grounds for discipline.

12 (a) The Department may refuse to issue or renew, or may
13 revoke, suspend, place on probation, reprimand, or take other
14 disciplinary or non-disciplinary action, as the Department
15 considers appropriate, including the imposition of fines not to
16 exceed \$10,000 for each violation, with regard to any license
17 or licensee for any one or more of the following:

18 (1) violations of this Act or of the rules adopted
19 under this Act;

20 (2) for licensees, conviction by plea of guilty or nolo
21 contendere, finding of guilt, jury verdict, or entry of
22 judgment or by sentencing of any crime, including, but not
23 limited to, convictions, preceding sentences of
24 supervision, conditional discharge, or first offender
25 probation, under the laws of any jurisdiction of the United

1 States: (i) that is a felony; or (ii) that is a
2 misdemeanor, an essential element of which is dishonesty,
3 or that is directly related to the practice of the
4 profession; for applicants, the provisions of Section 15.1
5 apply;

6 (3) professional incompetence;

7 (4) advertising in a false, deceptive, or misleading
8 manner;

9 (5) aiding, abetting, assisting, procuring, advising,
10 employing, or contracting with any unlicensed person to
11 practice massage contrary to any rules or provisions of
12 this Act;

13 (6) engaging in immoral conduct in the commission of
14 any act, such as sexual abuse, sexual misconduct, or sexual
15 exploitation, related to the licensee's practice;

16 (7) engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public;

19 (8) practicing or offering to practice beyond the scope
20 permitted by law or accepting and performing professional
21 responsibilities which the licensee knows or has reason to
22 know that he or she is not competent to perform;

23 (9) knowingly delegating professional responsibilities
24 to a person unqualified by training, experience, or
25 licensure to perform;

26 (10) failing to provide information in response to a

1 written request made by the Department within 60 days;

2 (11) having a habitual or excessive use of or addiction
3 to alcohol, narcotics, stimulants, or any other chemical
4 agent or drug which results in the inability to practice
5 with reasonable judgment, skill, or safety;

6 (12) having a pattern of practice or other behavior
7 that demonstrates incapacity or incompetence to practice
8 under this Act;

9 (13) discipline by another state, District of
10 Columbia, territory, or foreign nation, if at least one of
11 the grounds for the discipline is the same or substantially
12 equivalent to those set forth in this Section;

13 (14) a finding by the Department that the licensee,
14 after having his or her license placed on probationary
15 status, has violated the terms of probation;

16 (15) willfully making or filing false records or
17 reports in his or her practice, including, but not limited
18 to, false records filed with State agencies or departments;

19 (16) making a material misstatement in furnishing
20 information to the Department or otherwise making
21 misleading, deceptive, untrue, or fraudulent
22 representations in violation of this Act or otherwise in
23 the practice of the profession;

24 (17) fraud or misrepresentation in applying for or
25 procuring a license under this Act or in connection with
26 applying for renewal of a license under this Act;

1 (18) inability to practice the profession with
2 reasonable judgment, skill, or safety as a result of
3 physical illness, including, but not limited to,
4 deterioration through the aging process, loss of motor
5 skill, or a mental illness or disability;

6 (19) charging for professional services not rendered,
7 including filing false statements for the collection of
8 fees for which services are not rendered;

9 (20) practicing under a false or, except as provided by
10 law, an assumed name; or

11 (21) cheating on or attempting to subvert the licensing
12 examination administered under this Act.

13 All fines shall be paid within 60 days of the effective
14 date of the order imposing the fine.

15 (b) A person not licensed under this Act and engaged in the
16 business of offering massage therapy services through others,
17 shall not aid, abet, assist, procure, advise, employ, or
18 contract with any unlicensed person to practice massage therapy
19 contrary to any rules or provisions of this Act. A person
20 violating this subsection (b) shall be treated as a licensee
21 for the purposes of disciplinary action under this Section and
22 shall be subject to cease and desist orders as provided in
23 Section 90 of this Act.

24 (c) The Department shall revoke any license issued under
25 this Act of any person who is convicted of prostitution, rape,
26 sexual misconduct, or any crime that subjects the licensee to

1 compliance with the requirements of the Sex Offender
2 Registration Act and any such conviction shall operate as a
3 permanent bar in the State of Illinois to practice as a massage
4 therapist.

5 (d) The Department may refuse to issue or may suspend the
6 license of any person who fails to file a tax return, to pay
7 the tax, penalty, or interest shown in a filed tax return, or
8 to pay any final assessment of tax, penalty, or interest, as
9 required by any tax Act administered by the Illinois Department
10 of Revenue, until such time as the requirements of the tax Act
11 are satisfied in accordance with subsection (g) of Section
12 2105-15 of the Civil Administrative Code of Illinois.

13 (e) The Department shall deny a license or renewal
14 authorized by this Act to a person who has defaulted on an
15 educational loan or scholarship provided or guaranteed by the
16 Illinois Student Assistance Commission or any governmental
17 agency of this State in accordance with item (5) of subsection
18 (a) of Section 2105-15 of the Civil Administrative Code of
19 Illinois.

20 (f) In cases where the Department of Healthcare and Family
21 Services has previously determined that a licensee or a
22 potential licensee is more than 30 days delinquent in the
23 payment of child support and has subsequently certified the
24 delinquency to the Department, the Department may refuse to
25 issue or renew or may revoke or suspend that person's license
26 or may take other disciplinary action against that person based

1 solely upon the certification of delinquency made by the
2 Department of Healthcare and Family Services in accordance with
3 item (5) of subsection (a) of Section 2105-15 of the Civil
4 Administrative Code of Illinois.

5 (g) The determination by a circuit court that a licensee is
6 subject to involuntary admission or judicial admission, as
7 provided in the Mental Health and Developmental Disabilities
8 Code, operates as an automatic suspension. The suspension will
9 end only upon a finding by a court that the patient is no
10 longer subject to involuntary admission or judicial admission
11 and the issuance of a court order so finding and discharging
12 the patient.

13 (h) In enforcing this Act, the Department or Board, upon a
14 showing of a possible violation, may compel an individual
15 licensed to practice under this Act, or who has applied for
16 licensure under this Act, to submit to a mental or physical
17 examination, or both, as required by and at the expense of the
18 Department. The Department or Board may order the examining
19 physician to present testimony concerning the mental or
20 physical examination of the licensee or applicant. No
21 information shall be excluded by reason of any common law or
22 statutory privilege relating to communications between the
23 licensee or applicant and the examining physician. The
24 examining physicians shall be specifically designated by the
25 Board or Department. The individual to be examined may have, at
26 his or her own expense, another physician of his or her choice

1 present during all aspects of this examination. The examination
2 shall be performed by a physician licensed to practice medicine
3 in all its branches. Failure of an individual to submit to a
4 mental or physical examination, when directed, shall result in
5 an automatic suspension without hearing.

6 A person holding a license under this Act or who has
7 applied for a license under this Act who, because of a physical
8 or mental illness or disability, including, but not limited to,
9 deterioration through the aging process or loss of motor skill,
10 is unable to practice the profession with reasonable judgment,
11 skill, or safety, may be required by the Department to submit
12 to care, counseling, or treatment by physicians approved or
13 designated by the Department as a condition, term, or
14 restriction for continued, reinstated, or renewed licensure to
15 practice. Submission to care, counseling, or treatment as
16 required by the Department shall not be considered discipline
17 of a license. If the licensee refuses to enter into a care,
18 counseling, or treatment agreement or fails to abide by the
19 terms of the agreement, the Department may file a complaint to
20 revoke, suspend, or otherwise discipline the license of the
21 individual. The Secretary may order the license suspended
22 immediately, pending a hearing by the Department. Fines shall
23 not be assessed in disciplinary actions involving physical or
24 mental illness or impairment.

25 In instances in which the Secretary immediately suspends a
26 person's license under this Section, a hearing on that person's

1 license must be convened by the Department within 15 days after
2 the suspension and completed without appreciable delay. The
3 Department and Board shall have the authority to review the
4 subject individual's record of treatment and counseling
5 regarding the impairment to the extent permitted by applicable
6 federal statutes and regulations safeguarding the
7 confidentiality of medical records.

8 An individual licensed under this Act and affected under
9 this Section shall be afforded an opportunity to demonstrate to
10 the Department or Board that he or she can resume practice in
11 compliance with acceptable and prevailing standards under the
12 provisions of his or her license.

13 (Source: P.A. 97-514, eff. 8-23-11; 98-756, eff. 7-16-14.)

14 Section 50. The Veterinary Medicine and Surgery Practice
15 Act of 2004 is amended by changing Section 25 and adding
16 Section 8.2 as follows:

17 (225 ILCS 115/8.2 new)

18 Sec. 8.2. Applicant convictions.

19 (a) The Department shall not require the applicant to
20 report information about the following and shall not consider
21 the following criminal history records in connection with an
22 application for a license or certification under this Act:

23 (1) Juvenile adjudications of delinquent minors as
24 defined in Section 5-105 of the Juvenile Court Act of 1987,

1 subject to the restrictions set forth in Section 5-130 of
2 the Juvenile Court Act of 1987.

3 (2) Law enforcement records, court records, and
4 conviction records of an individual who was 17 years old at
5 the time of the offense and before January 1, 2014, unless
6 the nature of the offense required the individual to be
7 tried as an adult.

8 (3) Records of arrest not followed by a charge or
9 conviction.

10 (4) Records of arrest where charges were dismissed
11 unless related to the practice of the profession. However,
12 applicants shall not be asked to report any arrests, and
13 any arrest not followed by a conviction shall not be the
14 basis of a denial and may be used only to assess an
15 applicant's rehabilitation.

16 (5) Convictions overturned by a higher court.

17 (6) Convictions or arrests that have been sealed or
18 expunged.

19 (b) The Department, upon a finding that an applicant for a
20 license or certification was previously convicted of any felony
21 or a misdemeanor directly related to the practice of the
22 profession, shall consider any evidence of rehabilitation and
23 mitigating factors contained in the applicant's record,
24 including any of the following factors and evidence, to
25 determine if the prior conviction will impair the ability of
26 the applicant to engage in the position for which a license or

1 certification is sought:

2 (1) the lack of direct relation of the offense for
3 which the applicant was previously convicted to the duties,
4 functions, and responsibilities of the position for which a
5 license or certificate is sought;

6 (2) whether 5 years since a felony conviction or 3
7 years since release from confinement for the conviction,
8 whichever is later, have passed without a subsequent
9 conviction;

10 (3) if the applicant was previously licensed or
11 employed in this State or other state or jurisdictions,
12 then the lack of prior misconduct arising from or related
13 to the licensed position or position of employment;

14 (4) the age of the person at the time of the criminal
15 offense;

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

21 (6) evidence of the applicant's present fitness and
22 professional character;

23 (7) evidence of rehabilitation or rehabilitative
24 effort during or after incarceration, or during or after a
25 term of supervision, including, but not limited to, a
26 certificate of good conduct under Section 5-5.5-25 of the

1 Unified Code of Corrections or a certificate of relief from
2 disabilities under Section 5-5.5-10 of the Unified Code of
3 Corrections; and

4 (8) any other mitigating factors that contribute to the
5 person's potential and current ability to perform the
6 duties and responsibilities of the position for which a
7 license or employment is sought.

8 (c) If the Department refuses to grant a license or
9 certification to an applicant based, in whole or in part, upon
10 a conviction or convictions, then the Department shall notify
11 the applicant of the denial in writing with the following
12 included in the notice of denial:

13 (1) a statement about the decision to refuse to issue a
14 license or certification;

15 (2) a list of the convictions that the Department
16 determined will impair the applicant's ability to engage in
17 the position for which a license or certification is
18 sought;

19 (3) a list of convictions that formed the sole or
20 partial basis for the refusal to issue a license or
21 certification; and

22 (4) a summary of the appeal process or the earliest the
23 applicant may reapply for a license or certification,
24 whichever is applicable.

25 (d) No later than May 1 of each year, the Department must
26 prepare, publicly announce, and publish a report of summary

1 statistical information relating to new license applications
2 during the preceding calendar year. Each report shall show, at
3 a minimum:

4 (1) the number of applicants for a new license or
5 certification under this Act within the previous calendar
6 year;

7 (2) the number of applicants for a new license or
8 certification under this Act within the previous calendar
9 year who had any criminal conviction;

10 (3) the number of applicants for a new license or
11 certification under this Act in the previous calendar year
12 who were granted a license or certification;

13 (4) the number of applicants for a new license or
14 certification with a criminal conviction who were granted a
15 license or certification under this Act within the previous
16 calendar year;

17 (5) the number of applicants for a new license or
18 certification under this Act within the previous calendar
19 year who were denied a license or certification;

20 (6) the number of applicants for a new license or
21 certification with a criminal conviction who were denied a
22 license or certification under this Act in the previous
23 calendar year in part or in whole because of a prior
24 conviction; and

25 (7) the number of licenses or certification issued on
26 probation under this Act in the previous calendar year to

1 applicants with a criminal conviction.

2 (225 ILCS 115/25) (from Ch. 111, par. 7025)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 25. Disciplinary actions.

5 1. The Department may refuse to issue or renew, or may
6 revoke, suspend, place on probation, reprimand, or take other
7 disciplinary or non-disciplinary action as the Department may
8 deem appropriate, including imposing fines not to exceed
9 \$10,000 for each violation and the assessment of costs as
10 provided for in Section 25.3 of this Act, with regard to any
11 license or certificate for any one or combination of the
12 following:

13 A. Material misstatement in furnishing information to
14 the Department.

15 B. Violations of this Act, or of the rules adopted
16 pursuant to this Act.

17 C. For licensees, conviction ~~Conviction~~ by plea of
18 guilty or nolo contendere, finding of guilt, jury verdict,
19 or entry of judgment or by sentencing of any crime,
20 including, but not limited to, convictions, preceding
21 sentences of supervision, conditional discharge, or first
22 offender probation, under the laws of any jurisdiction of
23 the United States that is (i) a felony or (ii) a
24 misdemeanor, an essential element of which is dishonesty,
25 or that is directly related to the practice of the

1 profession; for applicants, the provisions of Section 8.2
2 apply.

3 D. Fraud or any misrepresentation in applying for or
4 procuring a license under this Act or in connection with
5 applying for renewal of a license under this Act.

6 E. Professional incompetence.

7 F. Malpractice.

8 G. Aiding or assisting another person in violating any
9 provision of this Act or rules.

10 H. Failing, within 60 days, to provide information in
11 response to a written request made by the Department.

12 I. Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public.

15 J. Habitual or excessive use or abuse of drugs defined
16 in law as controlled substances, alcohol, or any other
17 substance that results in the inability to practice with
18 reasonable judgment, skill, or safety.

19 K. Discipline by another state, unit of government,
20 government agency, District of Columbia, territory, or
21 foreign nation, if at least one of the grounds for the
22 discipline is the same or substantially equivalent to those
23 set forth herein.

24 L. Charging for professional services not rendered,
25 including filing false statements for the collection of
26 fees for which services are not rendered.

1 M. A finding by the Board that the licensee or
2 certificate holder, after having his license or
3 certificate placed on probationary status, has violated
4 the terms of probation.

5 N. Willfully making or filing false records or reports
6 in his practice, including but not limited to false records
7 filed with State agencies or departments.

8 O. Physical illness, including but not limited to,
9 deterioration through the aging process, or loss of motor
10 skill which results in the inability to practice under this
11 Act with reasonable judgment, skill, or safety.

12 P. Solicitation of professional services other than
13 permitted advertising.

14 Q. Allowing one's license under this Act to be used by
15 an unlicensed person in violation of this Act.

16 R. Conviction of or cash compromise of a charge or
17 violation of the Harrison Act or the Illinois Controlled
18 Substances Act, regulating narcotics.

19 S. Fraud or dishonesty in applying, treating, or
20 reporting on tuberculin or other biological tests.

21 T. Failing to report, as required by law, or making
22 false report of any contagious or infectious diseases.

23 U. Fraudulent use or misuse of any health certificate,
24 shipping certificate, brand inspection certificate, or
25 other blank forms used in practice that might lead to the
26 dissemination of disease or the transportation of diseased

1 animals dead or alive; or dilatory methods, willful
2 neglect, or misrepresentation in the inspection of milk,
3 meat, poultry, and the by-products thereof.

4 V. Conviction on a charge of cruelty to animals.

5 W. Failure to keep one's premises and all equipment
6 therein in a clean and sanitary condition.

7 X. Failure to provide satisfactory proof of having
8 participated in approved continuing education programs.

9 Y. Mental illness or disability that results in the
10 inability to practice under this Act with reasonable
11 judgment, skill, or safety.

12 Z. Conviction by any court of competent jurisdiction,
13 either within or outside this State, of any violation of
14 any law governing the practice of veterinary medicine, if
15 the Department determines, after investigation, that the
16 person has not been sufficiently rehabilitated to warrant
17 the public trust.

18 AA. Promotion of the sale of drugs, devices,
19 appliances, or goods provided for a patient in any manner
20 to exploit the client for financial gain of the
21 veterinarian.

22 BB. Gross, willful, or continued overcharging for
23 professional services.

24 CC. Practicing under a false or, except as provided by
25 law, an assumed name.

26 DD. Violating state or federal laws or regulations

1 relating to controlled substances or legend drugs.

2 EE. Cheating on or attempting to subvert the licensing
3 examination administered under this Act.

4 FF. Using, prescribing, or selling a prescription drug
5 or the extra-label use of a prescription drug by any means
6 in the absence of a valid veterinarian-client-patient
7 relationship.

8 GG. Failing to report a case of suspected aggravated
9 cruelty, torture, or animal fighting pursuant to Section
10 3.07 or 4.01 of the Humane Care for Animals Act or Section
11 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
12 Code of 2012.

13 All fines imposed under this Section shall be paid within
14 60 days after the effective date of the order imposing the fine
15 or in accordance with the terms set forth in the order imposing
16 the fine.

17 2. The determination by a circuit court that a licensee or
18 certificate holder is subject to involuntary admission or
19 judicial admission as provided in the Mental Health and
20 Developmental Disabilities Code operates as an automatic
21 suspension. The suspension will end only upon a finding by a
22 court that the patient is no longer subject to involuntary
23 admission or judicial admission and issues an order so finding
24 and discharging the patient. In any case where a license is
25 suspended under this provision, the licensee shall file a
26 petition for restoration and shall include evidence acceptable

1 to the Department that the licensee can resume practice in
2 compliance with acceptable and prevailing standards of his or
3 her profession.

4 3. All proceedings to suspend, revoke, place on
5 probationary status, or take any other disciplinary action as
6 the Department may deem proper, with regard to a license or
7 certificate on any of the foregoing grounds, must be commenced
8 within 5 years after receipt by the Department of a complaint
9 alleging the commission of or notice of the conviction order
10 for any of the acts described in this Section. Except for
11 proceedings brought for violations of items (CC), (DD), or
12 (EE), no action shall be commenced more than 5 years after the
13 date of the incident or act alleged to have violated this
14 Section. In the event of the settlement of any claim or cause
15 of action in favor of the claimant or the reduction to final
16 judgment of any civil action in favor of the plaintiff, the
17 claim, cause of action, or civil action being grounded on the
18 allegation that a person licensed or certified under this Act
19 was negligent in providing care, the Department shall have an
20 additional period of one year from the date of the settlement
21 or final judgment in which to investigate and begin formal
22 disciplinary proceedings under Section 25.2 of this Act, except
23 as otherwise provided by law. The time during which the holder
24 of the license or certificate was outside the State of Illinois
25 shall not be included within any period of time limiting the
26 commencement of disciplinary action by the Department.

1 4. The Department may refuse to issue or may suspend
2 without hearing, as provided for in the Illinois Code of Civil
3 Procedure, the license of any person who fails to file a
4 return, to pay the tax, penalty, or interest shown in a filed
5 return, or to pay any final assessment of tax, penalty, or
6 interest as required by any tax Act administered by the
7 Illinois Department of Revenue, until such time as the
8 requirements of any such tax Act are satisfied in accordance
9 with subsection (g) of Section 2105-15 of the Civil
10 Administrative Code of Illinois.

11 5. In enforcing this Section, the Department, upon a
12 showing of a possible violation, may compel any individual who
13 is registered under this Act or any individual who has applied
14 for registration to submit to a mental or physical examination
15 or evaluation, or both, which may include a substance abuse or
16 sexual offender evaluation, at the expense of the Department.
17 The Department shall specifically designate the examining
18 physician licensed to practice medicine in all of its branches
19 or, if applicable, the multidisciplinary team involved in
20 providing the mental or physical examination and evaluation.
21 The multidisciplinary team shall be led by a physician licensed
22 to practice medicine in all of its branches and may consist of
23 one or more or a combination of physicians licensed to practice
24 medicine in all of its branches, licensed chiropractic
25 physicians, licensed clinical psychologists, licensed clinical
26 social workers, licensed clinical professional counselors, and

1 other professional and administrative staff. Any examining
2 physician or member of the multidisciplinary team may require
3 any person ordered to submit to an examination and evaluation
4 pursuant to this Section to submit to any additional
5 supplemental testing deemed necessary to complete any
6 examination or evaluation process, including, but not limited
7 to, blood testing, urinalysis, psychological testing, or
8 neuropsychological testing.

9 The Department may order the examining physician or any
10 member of the multidisciplinary team to provide to the
11 Department any and all records, including business records,
12 that relate to the examination and evaluation, including any
13 supplemental testing performed. The Department may order the
14 examining physician or any member of the multidisciplinary team
15 to present testimony concerning this examination and
16 evaluation of the registrant or applicant, including testimony
17 concerning any supplemental testing or documents relating to
18 the examination and evaluation. No information, report,
19 record, or other documents in any way related to the
20 examination and evaluation shall be excluded by reason of any
21 common law or statutory privilege relating to communication
22 between the licensee or applicant and the examining physician
23 or any member of the multidisciplinary team. No authorization
24 is necessary from the registrant or applicant ordered to
25 undergo an evaluation and examination for the examining
26 physician or any member of the multidisciplinary team to

1 provide information, reports, records, or other documents or to
2 provide any testimony regarding the examination and
3 evaluation. The individual to be examined may have, at his or
4 her own expense, another physician of his or her choice present
5 during all aspects of the examination.

6 Failure of any individual to submit to mental or physical
7 examination or evaluation, or both, when directed, shall result
8 in an automatic suspension without hearing, until such time as
9 the individual submits to the examination. If the Department
10 finds a registrant unable to practice because of the reasons
11 set forth in this Section, the Department shall require such
12 registrant to submit to care, counseling, or treatment by
13 physicians approved or designated by the Department as a
14 condition for continued, reinstated, or renewed registration.

15 In instances in which the Secretary immediately suspends a
16 registration under this Section, a hearing upon such person's
17 registration must be convened by the Department within 15 days
18 after such suspension and completed without appreciable delay.
19 The Department shall have the authority to review the
20 registrant's record of treatment and counseling regarding the
21 impairment to the extent permitted by applicable federal
22 statutes and regulations safeguarding the confidentiality of
23 medical records.

24 Individuals registered under this Act who are affected
25 under this Section, shall be afforded an opportunity to
26 demonstrate to the Department that they can resume practice in

1 compliance with acceptable and prevailing standards under the
2 provisions of their registration.

3 6. The Department shall deny a license or renewal
4 authorized by this Act to a person who has defaulted on an
5 educational loan or scholarship provided or guaranteed by the
6 Illinois Student Assistance Commission or any governmental
7 agency of this State in accordance with paragraph (5) of
8 subsection (a) of Section 2105-15 of the Civil Administrative
9 Code of Illinois.

10 7. In cases where the Department of Healthcare and Family
11 Services has previously determined a licensee or a potential
12 licensee is more than 30 days delinquent in the payment of
13 child support and has subsequently certified the delinquency to
14 the Department, the Department may refuse to issue or renew or
15 may revoke or suspend that person's license or may take other
16 disciplinary action against that person based solely upon the
17 certification of delinquency made by the Department of
18 Healthcare and Family Services in accordance with paragraph (5)
19 of subsection (a) of Section 2105-15 of the Civil
20 Administrative Code of Illinois.

21 (Source: P.A. 98-339, eff. 12-31-13; 99-78, eff. 7-20-15.)

22 Section 55. The Pyrotechnic Distributor and Operator
23 Licensing Act is amended by changing Section 35 and by adding
24 Section 36 as follows:

1 (225 ILCS 227/35)

2 Sec. 35. Licensure requirements and fees.

3 (a) Each application for a license to practice under this
4 Act shall be in writing and signed by the applicant on forms
5 provided by the Office.

6 (b) After January 1, 2006, all pyrotechnic displays and
7 pyrotechnic services, both indoor and outdoor, must comply with
8 the requirements set forth in this Act.

9 (c) After January 1, 2006, no person may engage in
10 pyrotechnic distribution without first applying for and
11 obtaining a license from the Office. Applicants for a license
12 must submit to the Office the following:

13 (1) A current BATFE license for the type of pyrotechnic
14 service or pyrotechnic display provided.

15 (2) Proof of \$1,000,000 in product liability
16 insurance.

17 (3) Proof of \$1,000,000 in general liability insurance
18 that covers the pyrotechnic display or pyrotechnic service
19 provided.

20 (4) Proof of Illinois Workers' Compensation Insurance.

21 (5) A license fee set by the Office.

22 (6) Proof of a current United States Department of
23 Transportation (DOT) Identification Number.

24 (7) Proof of a current USDOT Hazardous Materials
25 Registration Number.

26 (8) Proof of having the requisite knowledge, either

1 through training, examination, or continuing education, as
2 established by Office rule.

3 (c-3) After January 1, 2010, no production company may
4 provide pyrotechnic displays or pyrotechnic services as part of
5 any production without either (i) obtaining a production
6 company license from the Office under which all pyrotechnic
7 displays and pyrotechnic services are performed by a licensed
8 lead pyrotechnic operator or (ii) hiring a pyrotechnic
9 distributor licensed in accordance with this Act to perform the
10 pyrotechnic displays or pyrotechnic services. Applicants for a
11 production company license must submit to the Office the
12 following:

13 (1) Proof of \$2,000,000 in commercial general
14 liability insurance that covers any damage or injury
15 resulting from the pyrotechnic displays or pyrotechnic
16 services provided.

17 (2) Proof of Illinois Worker's Compensation insurance.

18 (3) A license fee set by the Office.

19 (4) Proof of a current USDOT Identification Number,
20 unless:

21 (A) proof of such is provided by the lead
22 pyrotechnic operator employed by the production
23 company or insured as an additional named insured on
24 the production company's general liability insurance,
25 as required under paragraph (1) of this subsection; or

26 (B) the production company certifies under penalty

1 of perjury that it engages only in flame effects or
2 never transports materials in quantities that require
3 registration with USDOT, or both.

4 (5) Proof of a current USDOT Hazardous Materials
5 Registration Number, unless:

6 (A) proof of such is provided by the lead
7 pyrotechnic operator employed by the production
8 company or insured as an additional named insured on
9 the production company's general liability insurance,
10 as required under paragraph (1) of this subsection; or

11 (B) the production company certifies under penalty
12 of perjury that it engages only in flame effects or
13 never transports materials in quantities that require
14 registration with USDOT, or both.

15 (6) Identification of the licensed lead pyrotechnic
16 operator employed by the production company or insured as
17 an additional named insured on the production company's
18 general liability insurance, as required under paragraph
19 (1) of this subsection.

20 The insurer shall not cancel the insured's coverage or
21 remove any additional named insured or additional insured from
22 the policy coverage without notifying the Office in writing at
23 least 15 days before cancellation.

24 (c-5) After January 1, 2006, no individual may act as a
25 lead operator in a pyrotechnic display without first applying
26 for and obtaining a lead pyrotechnic operator's license from

1 the Office. The Office shall establish separate licenses for
2 lead pyrotechnic operators for indoor and outdoor pyrotechnic
3 displays. Applicants for a license must:

4 (1) Pay the fees set by the Office.

5 (2) Have the requisite training or continuing
6 education as established in the Office's rules.

7 (3) (Blank).

8 (d) A person is qualified to receive a license under this
9 Act if the person meets all of the following minimum
10 requirements:

11 (1) Is at least 21 years of age.

12 (2) Has not willfully violated any provisions of this
13 Act.

14 (3) Has not made any material misstatement or knowingly
15 withheld information in connection with any original or
16 renewal application.

17 (4) Has not been declared incompetent by any competent
18 court by reasons of mental or physical defect or disease
19 unless a court has since declared the person competent.

20 (5) Does not have an addiction to or dependency on
21 alcohol or drugs that is likely to endanger the public at a
22 pyrotechnic display.

23 (6) If convicted ~~Has not been convicted~~ in any
24 jurisdiction of any felony within the prior 5 years, will
25 not, by the Office's determination, be impaired by such
26 conviction in engaging in the position for which a license

1 in sought.

2 (7) Is not a fugitive from justice.

3 (8) Has, or has applied for, a BATFE explosives license
4 or a Letter of Clearance from the BATFE.

5 (9) If a lead pyrotechnic operator is employed by a
6 political subdivision of the State or by a licensed
7 production company or is insured as an additional named
8 insured on the production company's general liability
9 insurance, as required under paragraph (1) of subsection
10 (c-3) of this Section, he or she shall have a BATFE license
11 for the pyrotechnic services or pyrotechnic display
12 provided.

13 (10) If a production company has not provided proof of
14 a current USDOT Identification Number and a current USDOT
15 Hazardous Materials Registration Number, as required by
16 paragraphs (5) and (6) of subsection (c-3) of this Section,
17 then the lead pyrotechnic operator employed by the
18 production company or insured as an additional named
19 insured on the production company's general liability
20 insurance, as required under paragraph (1) of subsection
21 (c-3) of this Section, shall provide such proof to the
22 Office.

23 (e) A person is qualified to assist a lead pyrotechnic
24 operator if the person meets all of the following minimum
25 requirements:

26 (1) Is at least 18 years of age.

1 (2) Has not willfully violated any provision of this
2 Act.

3 (3) Has not been declared incompetent by any competent
4 court by reasons of mental or physical defect or disease
5 unless a court has since declared the person competent.

6 (4) Does not have an addiction to or dependency on
7 alcohol or drugs that is likely to endanger the public at a
8 pyrotechnic display.

9 (5) If convicted ~~Has not been convicted~~ in any
10 jurisdiction of any felony within the prior 5 years, will
11 not, by the Office's determination, be impaired by such
12 conviction in engaging in the position for which a license
13 in sought..

14 (6) Is not a fugitive from justice.

15 (7) Is employed as an employee of the licensed
16 pyrotechnic distributor or the licensed production
17 company, or insured as an additional named insured on the
18 pyrotechnic distributor's product liability and general
19 liability insurance, as required under paragraphs (2) and
20 (3) of subsection (c) of this Section, or insured as an
21 additional named insured on the production company's
22 general liability insurance, as required under paragraph
23 (1) of subsection (c-3) of this Section.

24 (8) Has been registered with the Office by the licensed
25 distributor or the licensed production company on a form
26 provided by the Office prior to the time when the assistant

1 begins work on the pyrotechnic display or pyrotechnic
2 service.

3 (Source: P.A. 96-708, eff. 8-25-09; 97-164, eff. 1-1-12.)

4 (225 ILCS 227/36 new)

5 Sec. 36. Applicant convictions.

6 (a) The Office shall not require the applicant to report
7 the following information and shall not consider the following
8 criminal history records in connection with an application for
9 a license under this Act:

10 (1) Juvenile adjudications of delinquent minors as
11 defined in Section 5-105 of the Juvenile Court Act of 1987,
12 subject to the restrictions set forth in Section 5-130 of
13 the Juvenile Court Act of 1987.

14 (2) Law enforcement records, court records, and
15 conviction records of an individual who was 17 years old at
16 the time of the offense and before January 1, 2014, unless
17 the nature of the offense required the individual to be
18 tried as an adult.

19 (3) Records of arrest not followed by a conviction.

20 (4) Convictions overturned by a higher court.

21 (5) Convictions or arrests that have been sealed or
22 expunged.

23 (b) When reviewing, for the purpose of licensure, a
24 conviction of any felony within the previous 5 years, the
25 Office shall consider any evidence of rehabilitation and

1 mitigating factors contained in the applicant's record,
2 including any of the following factors and evidence, to
3 determine if such conviction will impair the ability of the
4 applicant to engage in the position for which a license is
5 sought:

6 (1) the lack of direct relation of the offense for
7 which the applicant was previously convicted to the duties,
8 functions, and responsibilities of the position for which a
9 license is sought;

10 (2) the amount of time that has elapsed since the
11 offense occurred;

12 (3) if the applicant was previously licensed or
13 employed in this State or other state or jurisdictions,
14 then the lack of prior misconduct arising from or related
15 to the licensed position or position of employment;

16 (4) the age of the person at the time of the criminal
17 offense;

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

23 (6) evidence of the applicant's present fitness and
24 professional character;

25 (7) evidence of rehabilitation or rehabilitative
26 effort during or after incarceration, or during or after a

1 term of supervision, including, but not limited to, a
2 certificate of good conduct under Section 5-5.5-25 of the
3 Unified Code of Corrections or a certificate of relief from
4 disabilities under Section 5-5.5-10 of the Unified Code of
5 Corrections; and

6 (8) any other mitigating factors that contribute to the
7 person's potential and current ability to perform the
8 duties and responsibilities of the specific licensed
9 practice or employment position.

10 (c) If the Office refuses to issue a license to an
11 applicant, then the applicant shall be notified of the denial
12 in writing with the following included in the notice of denial:

13 (1) a statement about the decision to refuse to issue a
14 license;

15 (2) a list of the convictions that the Office
16 determined will impair the applicant's ability to engage in
17 the position for which a license is sought;

18 (3) a list of convictions that formed the sole or
19 partial basis for the refusal to issue a license; and

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

23 (d) No later than May 1 of each year, the Office must
24 prepare, publicly announce, and publish a report of summary
25 statistical information relating to new and renewal license
26 applications during the preceding calendar year. Each report

1 shall show, at a minimum:

2 (1) the number of applicants for a new or renewal
3 license under this Act within the previous calendar year;

4 (2) the number of applicants for a new or renewal
5 license under this Act within the previous calendar year
6 who had any criminal conviction;

7 (3) the number of applicants for a new or renewal
8 license under this Act in the previous calendar year who
9 were granted a license;

10 (4) the number of applicants for a new or renewal
11 license with a criminal conviction who were granted a
12 license under this Act within the previous calendar year;

13 (5) the number of applicants for a new or renewal
14 license under this Act within the previous calendar year
15 who were denied a license;

16 (6) the number of applicants for a new or renewal
17 license with a criminal conviction who were denied a
18 license under this Act in the previous calendar year in
19 whole or in part because of a prior conviction;

20 (7) the number of licenses issued on probation without
21 monitoring under this Act in the previous calendar year to
22 applicants with a criminal conviction; and

23 (8) the number of licenses issued on probation with
24 monitoring under this Act in the previous calendar year to
25 applicants with a criminal conviction.

1 Section 60. The Solid Waste Site Operator Certification Law
2 is amended by changing Section 1005 and by adding Section
3 1005-1 as follows:

4 (225 ILCS 230/1005) (from Ch. 111, par. 7855)

5 Sec. 1005. Agency authority. The Agency is authorized to
6 exercise the following functions, powers and duties with
7 respect to solid waste site operator certification:

8 (a) To conduct examinations to ascertain the
9 qualifications of applicants for certificates of competency as
10 solid waste site operators;

11 (b) To conduct courses of training on the practical aspects
12 of the design, operation and maintenance of sanitary landfills;

13 (c) To issue a certificate to any applicant who has
14 satisfactorily met all the requirements pertaining to a
15 certificate of competency as a solid waste site operator;

16 (d) To suspend, revoke or refuse to issue any certificate
17 for any one or any combination of the following causes:

18 (1) The practice of any fraud or deceit in obtaining or
19 attempting to obtain a certificate of competency;

20 (2) Negligence or misconduct in the operation of a
21 sanitary landfill;

22 (3) Repeated failure to comply with any of the
23 requirements applicable to the operation of a sanitary
24 landfill, except for Board requirements applicable to the
25 collection of litter;

1 (4) Repeated violations of federal, State or local
2 laws, regulations, standards, or ordinances regarding the
3 operation of refuse disposal facilities or sites;

4 (5) For the certified, conviction ~~Conviction~~ in this or
5 another State of any crime which is a felony under the laws
6 of this State or conviction of a felony in a federal court;
7 for applicants, the provisions of Section 1005-1 apply;

8 (6) Proof of gross carelessness or incompetence in
9 handling, storing, processing, transporting, or disposing
10 of any hazardous waste; or

11 (7) Being declared to be a person under a legal
12 disability by a court of competent jurisdiction and not
13 thereafter having been lawfully declared to be a person not
14 under legal disability or to have recovered.

15 (e) To adopt rules necessary to perform its functions,
16 powers, and duties with respect to solid waste site operator
17 certifications.

18 (Source: P.A. 86-1363.)

19 (225 ILCS 230/1005-1 new)

20 Sec. 1005-1. Applicant convictions.

21 (a) The Agency shall not require applicants to report the
22 following information and shall not consider the following
23 criminal history records in connection with an application for
24 certification under this Act:

25 (1) Juvenile adjudications of delinquent minors as

1 defined in Section 5-105 of the Juvenile Court Act of 1987,
2 subject to the restrictions set forth in Section 5-130 of
3 the Juvenile Court Act of 1987.

4 (2) Law enforcement records, court records, and
5 conviction records of an individual who was 17 years old at
6 the time of the offense and before January 1, 2014, unless
7 the nature of the offense required the individual to be
8 tried as an adult.

9 (3) Records of arrest not followed by a conviction.

10 (4) Convictions overturned by a higher court.

11 (5) Convictions or arrests that have been sealed or
12 expunged.

13 (b) When reviewing a conviction of any felony, the Agency
14 shall consider any evidence of rehabilitation and mitigating
15 factors contained in the applicant's record, including any of
16 the following factors and evidence, to determine if such
17 conviction will impair the ability of the applicant to engage
18 in the position for which a certificate is sought:

19 (1) the lack of direct relation of the offense for
20 which the applicant was previously convicted to the duties,
21 functions, and responsibilities of the position for which
22 certification is sought;

23 (2) whether 5 years since a felony conviction or 3
24 years since release from confinement for the conviction,
25 whichever is later, have passed without a subsequent
26 conviction;

1 (3) if the applicant was previously licensed or
2 employed in this State or other state or jurisdictions,
3 then the lack of prior misconduct arising from or related
4 to the licensed position or position of employment;

5 (4) the age of the person at the time of the criminal
6 offense;

7 (5) successful completion of sentence and, for
8 applicants serving a term of parole or probation, a
9 progress report provided by the applicant's probation or
10 parole officer that documents the applicant's compliance
11 with conditions of supervision;

12 (6) evidence of the applicant's present fitness and
13 professional character;

14 (7) evidence of rehabilitation or rehabilitative
15 effort during or after incarceration, or during or after a
16 term of supervision, including, but not limited to, a
17 certificate of good conduct under Section 5-5.5-25 of the
18 Unified Code of Corrections or a certificate of relief from
19 disabilities under Section 5-5.5-10 of the Unified Code of
20 Corrections; and

21 (8) any other mitigating factors that contribute to the
22 person's potential and current ability to perform the
23 duties and responsibilities of the position for which a
24 certificate or employment is sought.

25 (c) If the Agency refuses to issue a certificate to an
26 applicant, then the Agency shall notify the applicant of the

1 denial in writing with the following included in the notice of
2 denial:

3 (1) a statement about the decision to refuse to grant
4 certification;

5 (2) a list of the convictions that the Agency
6 determined will impair the applicant's ability to engage in
7 the position for which a certificate is sought;

8 (3) a list of convictions that formed the sole or
9 partial basis for the refusal to issue a certificate; and

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

13 (d) No later than May 1 of each year, the Agency must
14 prepare, publicly announce, and publish a report of summary
15 statistical information relating to new and renewal
16 certification applications during the preceding calendar year.
17 Each report shall show, at a minimum:

18 (1) the number of applicants for a new or renewal
19 certification under this Act within the previous calendar
20 year;

21 (2) the number of applicants for a new or renewal
22 certification under this Act within the previous calendar
23 year who had any criminal conviction;

24 (3) the number of applicants for a new or renewal
25 certification under this Act in the previous calendar year
26 who were granted a license;

1 (4) the number of applicants for a new or renewal
2 certification with a criminal conviction who were granted
3 certification under this Act within the previous calendar
4 year;

5 (5) the number of applicants for a new or renewal
6 certification under this Act within the previous calendar
7 year who were denied certification;

8 (6) the number of applicants for a new or renewal
9 certification with a criminal conviction who were denied
10 certification under this Act in the previous calendar year
11 in whole or in part because of a prior conviction;

12 (7) the number of certifications issued on probation
13 without monitoring under this Act in the previous calendar
14 year to applicants with a criminal conviction; and

15 (8) the number of certifications issued on probation
16 with monitoring under this Act in the previous calendar
17 year to applicants with a criminal conviction.

18 Section 65. The Interior Design Title Act is amended by
19 changing Section 13 and by adding Section 13.5 as follows:

20 (225 ILCS 310/13) (from Ch. 111, par. 8213)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 13. Refusal, revocation or suspension of
23 registration. The Department may refuse to issue, renew, or
24 restore or may revoke, suspend, place on probation, reprimand

1 or take other disciplinary action as the Department may deem
2 proper, including fines not to exceed \$5,000 for each
3 violation, with regard to any registration for any one or
4 combination of the following causes:

5 (a) Fraud in procuring the certificate of
6 registration.

7 (b) Habitual intoxication or addiction to the use of
8 drugs.

9 (c) Making any misrepresentations or false promises,
10 directly or indirectly, to influence, persuade, or induce
11 patronage.

12 (d) Professional connection or association with, or
13 lending his or her name, to another for illegal use of the
14 title "registered interior designer", or professional
15 connection or association with any person, firm, or
16 corporation holding itself out in any manner contrary to
17 this Act.

18 (e) Obtaining or seeking to obtain checks, money, or
19 any other items of value by false or fraudulent
20 representations.

21 (f) Use of the title under a name other than his or her
22 own.

23 (g) Improper, unprofessional, or dishonorable conduct
24 of a character likely to deceive, defraud, or harm the
25 public.

26 (h) For licensees, conviction ~~Conviction~~ in this or

1 another state, or federal court, of any crime which is a
2 felony, if the Department determines, after investigation,
3 that such person has not been sufficiently rehabilitated to
4 warrant the public trust. For applicants, the provisions of
5 Section 13.5 apply.

6 (i) A violation of any provision of this Act or its
7 rules.

8 (j) Revocation by another state, the District of
9 Columbia, territory, or foreign nation of an interior
10 design or residential interior design registration if at
11 least one of the grounds for that revocation is the same as
12 or the equivalent of one of the grounds for revocation set
13 forth in this Act.

14 (k) Mental incompetence as declared by a court of
15 competent jurisdiction.

16 (l) Being named as a perpetrator in an indicated report
17 by the Department of Children and Family Services pursuant
18 to the Abused and Neglected Child Reporting Act, and upon
19 proof by clear and convincing evidence that the registrant
20 has caused a child to be an abused child or neglected child
21 as defined in the Abused and Neglected Child Reporting Act.

22 The Department shall deny a registration or renewal
23 authorized by this Act to any person who has defaulted on an
24 educational loan guaranteed by the Illinois Student Assistance
25 Commission; however, the Department may issue a certificate of
26 registration or renewal if such person has established a

1 satisfactory repayment record as determined by the Illinois
2 Student Assistance Commission.

3 The Department may refuse to issue or may suspend the
4 registration of any person who fails to file a return, or to
5 pay the tax, penalty, or interest showing in a filed return, or
6 to pay any final assessment of tax, penalty, or interest, as
7 required by any tax Act administered by the Illinois Department
8 of Revenue, until such time as the requirements of any such tax
9 Act are satisfied.

10 The entry of a decree by any circuit court establishing
11 that any person holding a certificate of registration under
12 this Act is a person subject to involuntary admission under the
13 Mental Health and Developmental Disabilities Code shall
14 operate as a suspension of that registration. That person may
15 resume using the title "registered interior designer" only upon
16 a finding by the Board that he or she has been determined to be
17 no longer subject to involuntary admission by the court and
18 upon the Board's recommendation to the Director that he or she
19 be permitted to resume using the title "registered interior
20 designer".

21 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

22 (225 ILCS 310/13.5 new)

23 Sec. 13.5. Applicant convictions.

24 (a) The Department shall not require the applicant to
25 report the following information and shall not consider the

1 following criminal history records in connection with an
2 application for licensure:

3 (1) Juvenile adjudications of delinquent minors as
4 defined in Section 5-105 of the Juvenile Court Act of 1987,
5 subject to the restrictions set forth in Section 5-130 of
6 the Juvenile Court Act of 1987.

7 (2) Law enforcement records, court records, and
8 conviction records of an individual who was 17 years old at
9 the time of the offense and before January 1, 2014, unless
10 the nature of the offense required the individual to be
11 tried as an adult.

12 (3) Records of arrest not followed by a charge or
13 conviction.

14 (4) Records of arrest where charges were dismissed
15 unless related to the practice of the profession. However,
16 applicants shall not be asked to report any arrests, and
17 any arrest not followed by a conviction shall not be the
18 basis of a denial and may be used only to assess an
19 applicant's rehabilitation.

20 (5) Convictions overturned by a higher court.

21 (6) Convictions or arrests that have been sealed or
22 expunged.

23 (b) The Department, upon a finding that an applicant for a
24 license was previously convicted of a felony by plea of guilty
25 or nolo contendere, finding of guilt, jury verdict, or entry of
26 judgment, shall consider any evidence of rehabilitation and

1 mitigating factors contained in the applicant's record,
2 including any of the following factors and evidence, to
3 determine if the prior conviction will impair the ability of
4 the applicant to engage in the position for which a license is
5 sought:

6 (1) the lack of direct relation of the offense for
7 which the applicant was previously convicted to the duties,
8 functions, and responsibilities of the position for which a
9 license is sought;

10 (2) whether 5 years since a felony conviction or 3
11 years since release from confinement for the conviction,
12 whichever is later, have passed without a subsequent
13 conviction;

14 (3) if the applicant was previously licensed or
15 employed in this State or other state or jurisdictions,
16 then the lack of prior misconduct arising from or related
17 to the licensed position or position of employment;

18 (4) the age of the person at the time of the criminal
19 offense;

20 (5) successful completion of sentence and, for
21 applicants serving a term of parole or probation, a
22 progress report provided by the applicant's probation or
23 parole officer that documents the applicant's compliance
24 with conditions of supervision;

25 (6) evidence of the applicant's present fitness and
26 professional character;

1 (7) evidence of rehabilitation or rehabilitative
2 effort during or after incarceration, or during or after a
3 term of supervision, including, but not limited to, a
4 certificate of good conduct under Section 5-5.5-25 of the
5 Unified Code of Corrections or a certificate of relief from
6 disabilities under Section 5-5.5-10 of the Unified Code of
7 Corrections; and

8 (8) any other mitigating factors that contribute to the
9 person's potential and current ability to perform the
10 duties and responsibilities of the position for which a
11 license or employment is sought.

12 (c) If the Department refuses to issue a license to an
13 applicant based, in whole or in part, upon a conviction or
14 convictions, then the Department shall notify the applicant of
15 the denial in writing with the following included in the notice
16 of denial:

17 (1) a statement about the decision to refuse to issue a
18 license;

19 (2) a list of the convictions that the Department
20 determined will impair the applicant's ability to engage in
21 the position for which a license is sought;

22 (3) a list of convictions that formed the sole or
23 partial basis for the refusal to issue a license; and

24 (4) a summary of the appeal process or the earliest the
25 applicant may reapply for a license, whichever is
26 applicable.

1 (d) No later than May 1 of each year, the Department must
2 prepare, publicly announce, and publish a report of summary
3 statistical information relating to new license applications
4 during the preceding calendar year. Each report shall show, at
5 a minimum:

6 (1) the number of applicants for a new license under
7 this Act within the previous calendar year;

8 (2) the number of applicants for a new license under
9 this Act within the previous calendar year who had any
10 criminal conviction;

11 (3) the number of applicants for a new license under
12 this Act in the previous calendar year who were granted a
13 license;

14 (4) the number of applicants for a new license with a
15 criminal conviction who were granted a license under this
16 Act within the previous calendar year;

17 (5) the number of applicants for a new license under
18 this Act within the previous calendar year who were denied
19 a license;

20 (6) the number of applicants for a new license with a
21 criminal conviction who were denied a license under this
22 Act in the previous calendar year in part or in full
23 because of a prior conviction; and

24 (7) the number of licenses issued on probation under
25 this Act in the previous calendar year to applicants with a
26 criminal conviction.

1 Section 70. The Illinois Professional Land Surveyor Act of
2 1989 is amended by changing Section 27 and by adding Section
3 12.5 as follows:

4 (225 ILCS 330/12.5 new)

5 Sec. 12.5. Applicant convictions.

6 (a) The Department shall not require the applicant to
7 report the following information and shall not consider the
8 following criminal history records in connection with an
9 application for a license under this Act:

10 (1) Juvenile adjudications of delinquent minors as
11 defined in Section 5-105 of the Juvenile Court Act of 1987,
12 subject to the restrictions set forth in Section 5-130 of
13 the Juvenile Court Act of 1987.

14 (2) Law enforcement records, court records, and
15 conviction records of an individual who was 17 years old at
16 the time of the offense and before January 1, 2014, unless
17 the nature of the offense required the individual to be
18 tried as an adult.

19 (3) Records of arrest not followed by a charge or
20 conviction.

21 (4) Records of arrest where charges were dismissed
22 unless related to the practice of the profession. However,
23 applicants shall not be asked to report any arrests, and
24 any arrest not followed by a conviction shall not be the

1 basis of a denial and may be used only to assess an
2 applicant's rehabilitation.

3 (5) Convictions overturned by a higher court.

4 (6) Convictions or arrests that have been sealed or
5 expunged.

6 (b) No applicant for license under this Act shall be denied
7 a license based on a finding of a lack of "good moral
8 character" when a finding is based on the fact that an
9 applicant was previously convicted of a criminal offense or
10 offenses. The Department, upon a finding that an applicant for
11 a license was previously convicted of any felony or a
12 misdemeanor directly related to the practice of the profession,
13 shall consider any evidence of rehabilitation and mitigating
14 factors contained in the applicant's record, including any of
15 the following factors and evidence, to determine if the prior
16 conviction will impair the ability of the applicant to engage
17 in the position for which a license is sought:

18 (1) the lack of direct relation of the offense for
19 which the applicant was previously convicted to the duties,
20 functions, and responsibilities of the position for which a
21 license is sought;

22 (2) whether 5 years since a felony conviction or 3
23 years since release from confinement for the conviction,
24 whichever is later, have passed without a subsequent
25 conviction;

26 (3) if the applicant was previously licensed or

1 employed in this State or other state or jurisdictions,
2 then the lack of prior misconduct arising from or related
3 to the licensed position or position of employment;

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

6 (5) successful completion of sentence and, for
7 applicants serving a term of parole or probation, a
8 progress report provided by the applicant's probation or
9 parole officer that documents the applicant's compliance
10 with conditions of supervision;

11 (6) evidence of the applicant's present fitness and
12 professional character;

13 (7) evidence of rehabilitation or rehabilitative
14 effort during or after incarceration, or during or after a
15 term of supervision, including, but not limited to, a
16 certificate of good conduct under Section 5-5.5-25 of the
17 Unified Code of Corrections or a certificate of relief from
18 disabilities under Section 5-5.5-10 of the Unified Code of
19 Corrections; and

20 (8) any other mitigating factors that contribute to the
21 person's potential and current ability to perform the
22 duties and responsibilities of the position for which a
23 license or employment is sought.

24 (c) If the Department refuses to issue a license to an
25 applicant based, in whole or in part, upon a conviction or
26 convictions, then the Department shall notify the applicant of

1 the denial in writing with the following included in the notice
2 of denial:

3 (1) a statement about the decision to refuse to issue a
4 license;

5 (2) a list of the convictions that the Department
6 determined will impair the applicant's ability to engage in
7 the position for which a license is sought;

8 (3) a list of convictions that formed the sole or
9 partial basis for the refusal to issue a license; and

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

13 (d) No later than May 1 of each year, the Department must
14 prepare, publicly announce, and publish a report of summary
15 statistical information relating to new license applications
16 during the preceding calendar year. Each report shall show, at
17 a minimum:

18 (1) the number of applicants for a new license under
19 this Act within the previous calendar year;

20 (2) the number of applicants for a new license under
21 this Act within the previous calendar year who had any
22 criminal conviction;

23 (3) the number of applicants for a new license under
24 this Act in the previous calendar year who were granted a
25 license;

26 (4) the number of applicants for a new license with a

1 criminal conviction who were granted a license under this
2 Act within the previous calendar year;

3 (5) the number of applicants for a new license under
4 this Act within the previous calendar year who were denied
5 a license;

6 (6) the number of applicants for a new license with a
7 criminal conviction who were denied a license under this
8 Act in the previous calendar year in part or in whole
9 because of a prior conviction; and

10 (7) the number of licenses issued on probation under
11 this Act in the previous calendar year to applicants with a
12 criminal conviction.

13 (225 ILCS 330/27) (from Ch. 111, par. 3277)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 27. Grounds for disciplinary action.

16 (a) The Department may refuse to issue or renew a license,
17 or may place on probation or administrative supervision,
18 suspend, or revoke any license, or may reprimand or take any
19 disciplinary or non-disciplinary action as the Department may
20 deem proper, including the imposition of fines not to exceed
21 \$10,000 per violation, upon any person, corporation,
22 partnership, or professional land surveying firm licensed or
23 registered under this Act for any of the following reasons:

24 (1) material misstatement in furnishing information to
25 the Department;

1 (2) violation, including, but not limited to, neglect
2 or intentional disregard, of this Act, or its rules;

3 (3) for licensees, conviction of, or entry of a plea of
4 guilty or nolo contendere to, any crime that is a felony
5 under the laws of the United States or any state or
6 territory thereof or that is a misdemeanor of which an
7 essential element is dishonesty, or any crime that is
8 directly related to the practice of the profession; for
9 applicants, the provisions of Section 12.5 apply;

10 (4) making any misrepresentation for the purpose of
11 obtaining a license, or in applying for restoration or
12 renewal, or the practice of any fraud or deceit in taking
13 any examination to qualify for licensure under this Act;

14 (5) purposefully making false statements or signing
15 false statements, certificates, or affidavits to induce
16 payment;

17 (6) proof of carelessness, incompetence, negligence,
18 or misconduct in practicing land surveying;

19 (7) aiding or assisting another person in violating any
20 provision of this Act or its rules;

21 (8) failing to provide information in response to a
22 written request made by the Department within 30 days after
23 receipt of such written request;

24 (9) engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public;

1 (10) inability to practice with reasonable judgment,
2 skill, or safety as a result of habitual or excessive use
3 of, or addiction to, alcohol, narcotics, stimulants or any
4 other chemical agent or drug;

5 (11) discipline by the United States government,
6 another state, District of Columbia, territory, foreign
7 nation or government agency if at least one of the grounds
8 for the discipline is the same or substantially equivalent
9 to those set forth in this Act;

10 (12) directly or indirectly giving to or receiving from
11 any person, firm, corporation, partnership, or association
12 any fee, commission, rebate, or other form of compensation
13 for any professional services not actually or personally
14 rendered;

15 (12.5) issuing a map or plat of survey where the fee
16 for professional services is contingent on a real estate
17 transaction closing;

18 (13) a finding by the Department that an applicant or
19 licensee has failed to pay a fine imposed by the Department
20 or a licensee whose license has been placed on probationary
21 status has violated the terms of probation;

22 (14) practicing on an expired, inactive, suspended, or
23 revoked license;

24 (15) signing, affixing the Professional Land
25 Surveyor's seal or permitting the Professional Land
26 Surveyor's seal to be affixed to any map or plat of survey

1 not prepared by the Professional Land Surveyor or under the
2 Professional Land Surveyor's direct supervision and
3 control;

4 (16) inability to practice the profession with
5 reasonable judgment, skill, or safety as a result of
6 physical illness, including, but not limited to,
7 deterioration through the aging process or loss of motor
8 skill or a mental illness or disability;

9 (17) (blank); or

10 (18) failure to adequately supervise or control land
11 surveying operations being performed by subordinates.

12 (a-5) In enforcing this Section, the Department or Board,
13 upon a showing of a possible violation, may compel a person
14 licensed to practice under this Act, or who has applied for
15 licensure or certification pursuant to this Act, to submit to a
16 mental or physical examination, or both, as required by and at
17 the expense of the Department. The Department or Board may
18 order the examining physician to present testimony concerning
19 the mental or physical examination of the licensee or
20 applicant. No information shall be excluded by reason of any
21 common law or statutory privilege relating to communications
22 between the licensee or applicant and the examining physician.
23 The examining physicians shall be specifically designated by
24 the Board or Department. The individual to be examined may
25 have, at his or her own expense, another physician of his or
26 her choice present during all aspects of the examination.

1 Failure of an individual to submit to a mental or physical
2 examination when directed shall be grounds for the immediate
3 suspension of his or her license until the individual submits
4 to the examination if the Department finds that the refusal to
5 submit to the examination was without reasonable cause as
6 defined by rule.

7 If the Secretary immediately suspends the license of a
8 licensee for his or her failure to submit to a mental or
9 physical examination when directed, a hearing must be convened
10 by the Department within 15 days after the suspension and
11 completed without appreciable delay.

12 If the Secretary otherwise suspends a person's license
13 pursuant to the results of a compelled mental or physical
14 examination, a hearing on that person's license must be
15 convened by the Department within 15 days after the suspension
16 and completed without appreciable delay. The Department and
17 Board shall have the authority to review the subject
18 individual's record of treatment and counseling regarding
19 impairment to the extent permitted by applicable federal
20 statutes and regulations safeguarding the confidentiality of
21 medical records.

22 Any licensee suspended under this subsection (a-5) shall be
23 afforded an opportunity to demonstrate to the Department or
24 Board that he or she can resume practice in compliance with the
25 acceptable and prevailing standards under the provisions of his
26 or her license.

1 (b) The determination by a circuit court that a licensee is
2 subject to involuntary admission or judicial admission as
3 provided in the Mental Health and Developmental Disabilities
4 Code, as now or hereafter amended, operates as an automatic
5 license suspension. Such suspension will end only upon a
6 finding by a court that the patient is no longer subject to
7 involuntary admission or judicial admission and the issuance of
8 an order so finding and discharging the patient and upon the
9 recommendation of the Board to the Director that the licensee
10 be allowed to resume his or her practice.

11 (c) The Department shall deny a license or renewal
12 authorized by this Act to a person who has defaulted on an
13 educational loan or scholarship provided or guaranteed by the
14 Illinois Student Assistance Commission or any governmental
15 agency of this State in accordance with subdivision (a) (5) of
16 Section 2105-15 of the Department of Professional Regulation
17 Law of the Civil Administrative Code of Illinois (20 ILCS
18 2105/2105-15).

19 (d) In cases where the Department of Healthcare and Family
20 Services (formerly the Department of Public Aid) has previously
21 determined that a licensee or a potential licensee is more than
22 30 days delinquent in the payment of child support and has
23 subsequently certified the delinquency to the Department, the
24 Department shall refuse to issue or renew or shall revoke or
25 suspend that person's license or shall take other disciplinary
26 action against that person based solely upon the certification

1 of delinquency made by the Department of Healthcare and Family
2 Services in accordance with subdivision (a)(5) of Section
3 2105-15 of the Department of Professional Regulation Law of the
4 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

5 (e) The Department shall refuse to issue or renew or shall
6 revoke or suspend a person's license or shall take other
7 disciplinary action against that person for his or her failure
8 to file a return, to pay the tax, penalty, or interest shown in
9 a filed return, or to pay any final assessment of tax, penalty,
10 or interest as required by any tax Act administered by the
11 Department of Revenue, until such time as the requirements of
12 the tax Act are satisfied in accordance with subsection (g) of
13 Section 2105-15 of the Department of Professional Regulation
14 Law of the Civil Administrative Code of Illinois (20 ILCS
15 2105/2105-15).

16 (Source: P.A. 98-756, eff. 7-16-14.)

17 Section 75. The Water Well and Pump Installation
18 Contractor's License Act is amended by changing Section 15 and
19 by adding Section 15.1 as follows:

20 (225 ILCS 345/15) (from Ch. 111, par. 7116)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 15. The Department may refuse to issue or renew, may
23 suspend or may revoke a license on any one or more of the
24 following grounds:

- 1 (1) Material misstatement in the application for license;
- 2 (2) Failure to have or retain the qualifications required
3 by Section 9 of this Act;
- 4 (3) Wilful disregard or violation of this Act or of any
5 rule or regulation promulgated by the Department pursuant
6 thereto; or disregard or violation of any law of the state of
7 Illinois or of any rule or regulation promulgated pursuant
8 thereto relating to water well drilling or the installation of
9 water pumps and equipment or any rule or regulation adopted
10 pursuant thereto;
- 11 (4) Wilfully aiding or abetting another in the violation of
12 this Act or any rule or regulation promulgated by the
13 Department pursuant thereto;
- 14 (5) Incompetence in the performance of the work of a water
15 well contractor or of a water well pump installation
16 contractor;
- 17 (6) Allowing the use of a license by someone other than the
18 person in whose name it was issued;
- 19 (7) For licensees, conviction ~~Conviction~~ of any crime an
20 essential element of which is misstatement, fraud or
21 dishonesty, conviction in this or another State of any crime
22 which is a felony under the laws of this State or the
23 conviction in a federal court of any felony; for applicants,
24 the provisions of Section 15.1 apply;
- 25 (8) Making substantial misrepresentations or false
26 promises of a character likely to influence, persuade or induce

1 in connection with the occupation of a water well contractor or
2 a water well pump installation contractor.

3 (Source: P.A. 77-1626.)

4 (225 ILCS 345/15.1 new)

5 Sec. 15.1. Applicant convictions.

6 (a) The Department shall not require an applicant to
7 provide the following information and shall not consider the
8 following criminal history records in connection with an
9 application for licensure:

10 (1) Juvenile adjudications of delinquent minors as
11 defined in Section 5-105 of the Juvenile Court Act of 1987,
12 subject to the exclusions set forth in Section 5-130 of the
13 Juvenile Court Act of 1987.

14 (2) Law enforcement records, court records, and
15 conviction records of an individual who was 17 years old at
16 the time of the offense and before January 1, 2014, unless
17 the nature of the offense required the individual to be
18 tried as an adult.

19 (3) Records of arrest not followed by a charge or
20 conviction.

21 (4) Records of arrest where charges were dismissed
22 unless related to the practice of the profession. However,
23 applicants shall not be asked to report any arrests, and
24 any arrest not followed by a conviction shall not be the
25 basis of a denial and may be used only to assess an

1 applicant's rehabilitation.

2 (5) Convictions overturned by a higher court.

3 (6) Convictions or arrests that have been sealed or
4 expunged.

5 (b) The Department, upon a finding that an applicant for a
6 license was previously convicted of any felony or a misdemeanor
7 directly related to the practice of the profession, shall
8 consider any evidence of rehabilitation and mitigating factors
9 contained in the applicant's record, including any of the
10 following factors and evidence, to determine if the prior
11 conviction will impair the ability of the applicant to engage
12 in the position for which a license is sought:

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

17 (2) whether 5 years since a felony conviction or 3
18 years since release from confinement for the conviction,
19 whichever is later, have passed without a subsequent
20 conviction;

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

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

1 (5) successful completion of sentence and, for
2 applicants serving a term of parole or probation, a
3 progress report provided by the applicant's probation or
4 parole officer that documents the applicant's compliance
5 with conditions of supervision;

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

8 (7) evidence of rehabilitation or rehabilitative
9 effort during or after incarceration, or during or after a
10 term of supervision, including, but not limited to, a
11 certificate of good conduct under Section 5-5.5-25 of the
12 Unified Code of Corrections or a certificate of relief from
13 disabilities under Section 5-5.5-10 of the Unified Code of
14 Corrections; and

15 (8) any other mitigating factors that contribute to the
16 person's potential and current ability to perform the job
17 duties.

18 (c) If the Department refuses to issue a license to an
19 applicant, then the Department shall notify the applicant of
20 the denial in writing with the following included in the notice
21 of denial:

22 (1) a statement about the decision to refuse to issue a
23 license;

24 (2) a list of the convictions that the Department
25 determined will impair the applicant's ability to engage in
26 the position for which a license is sought;

1 (3) a list of convictions that formed the sole or
2 partial basis for the refusal to issue a license; and

3 (4) a summary of the appeal process or the earliest the
4 applicant may reapply for a license, whichever is
5 applicable.

6 (d) No later than May 1 of each year, the Department must
7 prepare, publicly announce, and publish a report of summary
8 statistical information relating to new and renewal license
9 applications during the preceding calendar year. Each report
10 shall show, at a minimum:

11 (1) the number of applicants for a new or renewal
12 license under this Act within the previous calendar year;

13 (2) the number of applicants for a new or renewal
14 license under this Act within the previous calendar year
15 who had any criminal conviction;

16 (3) the number of applicants for a new or renewal
17 license under this Act in the previous calendar year who
18 were granted a license;

19 (4) the number of applicants for a new or renewal
20 license with a criminal conviction who were granted a
21 license under this Act within the previous calendar year;

22 (5) the number of applicants for a new or renewal
23 license under this Act within the previous calendar year
24 who were denied a license;

25 (6) the number of applicants for a new or renewal
26 license with a criminal conviction who were denied a

1 license under this Act in the previous calendar year in
2 part or in full because of a prior conviction;

3 (7) the number of licenses issued on probation without
4 monitoring under this Act in the previous calendar year to
5 applicants with a criminal conviction; and

6 (8) the number of licenses issued on probation with
7 monitoring under this Act in the previous calendar year to
8 applicants with a criminal conviction.

9 Section 80. The Illinois Athlete Agents Act is amended by
10 changing Section 75 and by adding Section 74 as follows:

11 (225 ILCS 401/74 new)

12 Sec. 74. Applicant convictions.

13 (a) The Department shall not require the applicant to
14 report the following information and shall not consider the
15 following criminal history records in connection with an
16 application for licensure:

17 (1) Juvenile adjudications of delinquent minors as
18 defined in Section 5-105 of the Juvenile Court Act of 1987,
19 subject to the restrictions set forth in Section 5-130 of
20 the Juvenile Court Act of 1987.

21 (2) Law enforcement records, court records, and
22 conviction records of an individual who was 17 years old at
23 the time of the offense and before January 1, 2014, unless
24 the nature of the offense required the individual to be

1 tried as an adult.

2 (3) Records of arrest not followed by a charge or
3 conviction.

4 (4) Records of arrest where charges were dismissed
5 unless related to the practice of the profession. However,
6 applicants shall not be asked to report any arrests, and
7 any arrest not followed by a conviction shall not be the
8 basis of a denial and may be used only to assess an
9 applicant's rehabilitation.

10 (5) Convictions overturned by a higher court.

11 (6) Convictions or arrests that have been sealed or
12 expunged.

13 (b) The Department, upon a finding that an applicant for a
14 license was previously convicted of any felony or a misdemeanor
15 directly related to the practice of the profession, shall
16 consider any evidence of rehabilitation and mitigating factors
17 contained in the applicant's record, including any of the
18 following factors and evidence, to determine if the conviction
19 will impair the ability of the applicant to engage in the
20 position for which a license is sought:

21 (1) the lack of direct relation of the offense for
22 which the applicant was previously convicted to the duties,
23 functions, and responsibilities of the position for which a
24 license is sought;

25 (2) whether 5 years since a felony conviction or 3
26 years since release from confinement for the conviction,

1 whichever is later, have passed without a subsequent
2 conviction;

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

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

9 (5) successful completion of sentence and, for
10 applicants serving a term of parole or probation, a
11 progress report provided by the applicant's probation or
12 parole officer that documents the applicant's compliance
13 with conditions of supervision;

14 (6) evidence of the applicant's present fitness and
15 professional character;

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

23 (8) any other mitigating factors that contribute to the
24 person's potential and current ability to perform the
25 duties and responsibilities of the position for which a
26 license or employment is sought.

1 (c) If the Department refuses to issue a license to an
2 applicant based, in whole or in part, upon a conviction or
3 convictions, then the Department shall notify the applicant of
4 the denial in writing with the following included in the notice
5 of denial:

6 (1) a statement about the decision to refuse to issue a
7 license;

8 (2) a list of the convictions that the Department
9 determined will impair the applicant's ability to engage in
10 the position for which a license is sought;

11 (3) a list of convictions that formed the sole or
12 partial basis for the refusal to issue a license; and

13 (4) a summary of the appeal process or the earliest the
14 applicant may reapply for a license, whichever is
15 applicable.

16 (d) No later than May 1 of each year, the Department must
17 prepare, publicly announce, and publish a report of summary
18 statistical information relating to new license applications
19 during the preceding calendar year. Each report shall show, at
20 a minimum:

21 (1) the number of applicants for a new license under
22 this Act within the previous calendar year;

23 (2) the number of applicants for a new license under
24 this Act within the previous calendar year who had any
25 criminal conviction;

26 (3) the number of applicants for a new license under

1 this Act in the previous calendar year who were granted a
2 license;

3 (4) the number of applicants for a new license with a
4 criminal conviction who were granted a license under this
5 Act within the previous calendar year;

6 (5) the number of applicants for a new license under
7 this Act within the previous calendar year who were denied
8 a license;

9 (6) the number of applicants for a new license with a
10 criminal conviction who were denied a license under this
11 Act in the previous calendar year in part or in whole
12 because of a prior conviction; and

13 (7) the number of licenses issued on probation under
14 this Act in the previous calendar year to applicants with a
15 criminal conviction.

16 (225 ILCS 401/75)

17 Sec. 75. Grounds for disciplinary action.

18 (a) The Department may refuse to issue or renew, or may
19 revoke, suspend, place on probation, reprimand, or take other
20 disciplinary or non-disciplinary action as the Department may
21 deem appropriate, including imposing fines not to exceed
22 \$10,000 for each violation, with regard to any license for any
23 one or combination of the following:

24 (1) Making a material misstatement in furnishing
25 information to the Department.

1 (2) Violating this Act, or the rules adopted pursuant
2 to this Act.

3 (3) For licensees, conviction ~~Conviction~~ of or entry of
4 a plea of guilty or nolo contendere, finding of guilt, jury
5 verdict, or entry of judgment or by sentencing of any
6 crime, including but not limited to convictions, preceding
7 sentences of supervision, conditional discharge or first
8 offender probation, to any crime that is a felony under the
9 laws of the United States or any state or territory thereof
10 or that is a misdemeanor of which as essential element is
11 dishonesty, or any crime that is directly related to the
12 practice of the profession. For applicants, the provisions
13 of Section 74 of this Act apply.

14 (4) Making any misrepresentation for the purpose of
15 obtaining licensure or violating any provision of this Act
16 or the rules adopted under this Act pertaining to
17 advertising.

18 (5) Professional incompetence.

19 (6) Gross malpractice.

20 (7) Aiding or assisting another person in violating any
21 provision of this Act or rules adopted under this Act.

22 (8) Failing, within 60 days, to provide information in
23 response to a written request made by the Department.

24 (9) Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public.

1 (10) Inability to practice with reasonable judgment,
2 skill or safety as a result of habitual or excessive use or
3 addiction to alcohol, narcotics, stimulants or any other
4 chemical agent or drug.

5 (11) Denial of any application as an athlete agent or
6 discipline by another state, District of Columbia,
7 territory, or foreign nation, if at least one of the
8 grounds for the discipline is the same or substantially
9 equivalent to those set forth in this Section.

10 (12) A finding by the Department that the licensee,
11 after having his or her license placed on probationary
12 status, has violated the terms of probation.

13 (13) Willfully making or filing false records or
14 reports in his or her practice, including but not limited
15 to, false records filed with State agencies or departments.

16 (14) Inability to practice the profession with
17 reasonable judgment, skill, or safety as a result of a
18 physical illness, including but not limited to
19 deterioration through the aging process or loss of motor
20 skill, or a mental illness or disability.

21 (15) Solicitation of professional services other than
22 permitted advertising.

23 (16) Conviction of or cash compromise of a charge or
24 violation of the Illinois Controlled Substances Act
25 regulating narcotics.

26 (17) Gross, willful, or continued overcharging for

1 professional services, including filing false statements
2 for collection of fees for which services are not rendered.

3 (18) Practicing under a false or, except as provided by
4 law, an assumed name.

5 (19) Fraud or misrepresentation in applying for, or
6 procuring, a license under this Act or in connection with
7 applying for renewal of a license under this Act.

8 (20) Any instance in which the conduct of the applicant
9 or any person named pursuant to item (5) of subsection (a)
10 of Section 45 resulted in the imposition of a sanction,
11 suspension, or declaration of ineligibility to participate
12 in an interscholastic or intercollegiate athletic event on
13 a student-athlete or educational institution.

14 (21) Any instance in which the conduct of any person
15 named pursuant to item (5) of subsection (a) of Section 45
16 resulted in the denial of an application as an athlete
17 agent or discipline of a license as an athlete agent by
18 another state, District of Columbia, territory, or foreign
19 nation, if at least one of the grounds for the discipline
20 is the same or substantially equivalent to those set forth
21 in this Section.

22 (22) Committing any of the activities set forth in
23 subsection (b) of Section 175 of this Act.

24 (b) A person holding a license under this Act or has
25 applied for licensure under this Act who, because of a physical
26 or mental illness or disability, including but not limited to

1 deterioration through the aging process or loss of motor skill,
2 is unable to practice the profession with reasonable judgment,
3 skill, or safety may be required by the Department to submit to
4 care, counseling or treatment by physicians approved or
5 designated by the Department as a condition, term or
6 restriction for continued, reinstated or renewed licensure to
7 practice. Submission to care, counseling or treatment as
8 required by the Department shall not be considered discipline
9 of the license. If the licensee refuses to enter into a care,
10 counseling, or treatment agreement or fails to abide by the
11 terms of the agreement, then the Department may file a
12 complaint to suspend, revoke, or otherwise discipline the
13 license of the individual. The Secretary may order the license
14 suspended immediately, pending a hearing by the Department.
15 Fines shall not be assessed in disciplinary actions involving
16 physical or mental illness or impairment.

17 (c) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission as
19 provided in the Mental Health and Developmental Disabilities
20 Code, as amended, operates as an automatic suspension. The
21 suspension will end only upon a finding by a court that the
22 licensee is no longer subject to the involuntary admission or
23 judicial admission and issues an order so finding and
24 discharging the licensee; and upon review of the order by the
25 Secretary or his or her designee, the licensee may be allowed
26 to resume his or her practice.

1 (d) The Department may refuse to issue or may suspend
2 without hearing as provided for in the Code of Civil Procedure
3 the license of any person who fails to file a return, or to pay
4 the tax, penalty or interest shown in a filed return, or to pay
5 any final assessment of the tax, penalty, or interest as
6 required by any tax Act administered by the Illinois Department
7 of Revenue, until such time as the requirements of any such tax
8 Act are satisfied.

9 (e) In enforcing this Section, the Department upon a
10 showing of a possible violation may compel an individual
11 licensed to practice under this Act, or who has applied for
12 licensure under this Act, to submit to a mental or physical
13 examination, or both, as required by and at the expense of the
14 Department. The Department may order the examining physician to
15 present testimony concerning the mental or physical
16 examination of the licensee or applicant. No information shall
17 be excluded by reason of any common law or statutory privilege
18 relating to communications between the licensee or applicant
19 and the examining physician. The examining physicians shall be
20 specifically designated by the Department. The individual to be
21 examined may have, at his or her own expense, another physician
22 of his or her choice present during all aspects of this
23 examination. Failure of an individual to submit to a mental or
24 physical examination, when directed, shall be grounds for the
25 immediate suspension of his or her license until the individual
26 submits to the examination if the Department finds that the

1 refusal to submit to the examination was without reasonable
2 cause as defined by rule.

3 In instances in which the Secretary immediately suspends a
4 person's license for his or her failure to submit to a mental
5 or physical examination, when directed, a hearing on that
6 person's license must be convened by the Department within 15
7 days after the suspension and completed without appreciable
8 delay.

9 In instances in which the Secretary otherwise suspends a
10 person's license pursuant to the results of a compelled mental
11 or physical examination a hearing on that person's license must
12 be convened by the Department within 15 days after the
13 suspension and completed without appreciable delay. The
14 Department shall have the authority to review the subject
15 individual's record of treatment and counseling regarding the
16 impairment to the extent permitted by applicable federal
17 statutes and regulations safeguarding the confidentiality of
18 medical records.

19 An individual licensed under this Act and affected under
20 this Section shall be afforded an opportunity to demonstrate to
21 the Department that he or she can resume practice in compliance
22 with acceptable and prevailing standards under the provisions
23 of his or her license.

24 (Source: P.A. 96-1030, eff. 1-1-11.)

25 Section 85. The Auction License Act is amended by changing

1 Section 20-15 and by adding Section 20-11 as follows:

2 (225 ILCS 407/20-11 new)

3 Sec. 20-11. Applicant convictions.

4 (a) The Department shall not require the applicant to
5 report information about the following, and shall not consider
6 the following criminal history records in connection with an
7 application for a license under this Act:

8 (1) Juvenile adjudications of delinquent minors as
9 defined in Section 5-105 of the Juvenile Court Act of 1987,
10 subject to the restrictions set forth in Section 5-130 of
11 the Juvenile Court Act of 1987.

12 (2) Law enforcement records, court records, and
13 conviction records of an individual who was 17 years old at
14 the time of the offense and before January 1, 2014, unless
15 the nature of the offense required the individual to be
16 tried as an adult.

17 (3) Records of arrest not followed by a charge or
18 conviction.

19 (4) Records of arrest where charges were dismissed
20 unless related to the practice of the profession. However,
21 applicants shall not be asked to report any arrests, and
22 any arrest not followed by a conviction shall not be the
23 basis of a denial and may be used only to assess an
24 applicant's rehabilitation.

25 (5) Convictions overturned by a higher court.

1 (6) Convictions or arrests that have been sealed or
2 expunged.

3 (b) The Department, upon a finding that an applicant for a
4 license was previously convicted of any felony or a misdemeanor
5 directly related to the practice of the profession, shall
6 consider any evidence of rehabilitation and mitigating factors
7 contained in the applicant's record, including any of the
8 following factors and evidence, to determine if the conviction
9 will impair the ability of the applicant to engage in the
10 position for which a license is sought:

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

15 (2) whether 5 years since a felony conviction or 3
16 years since release from confinement for the conviction,
17 whichever is later, have passed without a subsequent
18 conviction;

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

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

25 (5) successful completion of sentence and, for
26 applicants serving a term of parole or probation, a

1 progress report provided by the applicant's probation or
2 parole officer that documents the applicant's compliance
3 with conditions of supervision;

4 (6) evidence of the applicant's present fitness and
5 professional character;

6 (7) evidence of rehabilitation or rehabilitative
7 effort during or after incarceration, or during or after a
8 term of supervision, including, but not limited to, a
9 certificate of good conduct under Section 5-5.5-25 of the
10 Unified Code of Corrections or a certificate of relief from
11 disabilities under Section 5-5.5-10 of the Unified Code of
12 Corrections; and

13 (8) any other mitigating factors that contribute to the
14 person's potential and current ability to perform the
15 duties and responsibilities of the position for which a
16 license or employment is sought.

17 (c) If the Department refuses to issue a license to an
18 applicant based, in whole or in part, upon a conviction or
19 convictions, then the Department shall notify the applicant of
20 the denial in writing with the following included in the notice
21 of denial:

22 (1) a statement about the decision to refuse to issue a
23 license;

24 (2) a list of the convictions that the Department
25 determined will impair the applicant's ability to engage in
26 the position for which a license is sought;

1 (3) a list of convictions that formed the sole or
2 partial basis for the refusal to issue a license; and

3 (4) a summary of the appeal process or the earliest the
4 applicant may reapply for a license, whichever is
5 applicable.

6 (d) No later than May 1 of each year, the Department must
7 prepare, publicly announce, and publish a report of summary
8 statistical information relating to new license applications
9 during the preceding calendar year. Each report shall show, at
10 a minimum:

11 (1) the number of applicants for a new license under
12 this Act within the previous calendar year;

13 (2) the number of applicants for a new license under
14 this Act within the previous calendar year who had any
15 criminal conviction;

16 (3) the number of applicants for a new license under
17 this Act in the previous calendar year who were granted a
18 license;

19 (4) the number of applicants for a new license with a
20 criminal conviction who were granted a license under this
21 Act within the previous calendar year;

22 (5) the number of applicants for a new license under
23 this Act within the previous calendar year who were denied
24 a license;

25 (6) the number of applicants for a new license with a
26 criminal conviction who were denied a license under this

1 Act in the previous calendar year in part or in whole
2 because of a prior conviction; and

3 (7) the number of licenses issued on probation under
4 this Act in the previous calendar year to applicants with a
5 criminal conviction.

6 (225 ILCS 407/20-15)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 20-15. Disciplinary actions; grounds. The Department
9 may refuse to issue or renew a license, may place on probation
10 or administrative supervision, suspend, or revoke any license
11 or may reprimand or take other disciplinary or non-disciplinary
12 action as the Department may deem proper, including the
13 imposition of fines not to exceed \$10,000 for each violation
14 upon anyone licensed under this Act for any of the following
15 reasons:

16 (1) False or fraudulent representation or material
17 misstatement in furnishing information to the Department
18 in obtaining or seeking to obtain a license.

19 (2) Violation of any provision of this Act or the rules
20 promulgated pursuant to this Act.

21 (3) For licensees, conviction ~~Conviction~~ of or entry of
22 a plea of guilty or nolo contendere to any crime that is a
23 felony under the laws of the United States or any state or
24 territory thereof, or that is a misdemeanor, an essential
25 element of which is dishonesty, or any crime that is

1 directly related to the practice of the profession. For
2 applicants, the provisions of Section 20-11 apply.

3 (4) Being adjudged to be a person under legal
4 disability or subject to involuntary admission or to meet
5 the standard for judicial admission as provided in the
6 Mental Health and Developmental Disabilities Code.

7 (5) Discipline of a licensee by another state, the
8 District of Columbia, a territory of the United States, a
9 foreign nation, a governmental agency, or any other entity
10 authorized to impose discipline if at least one of the
11 grounds for that discipline is the same as or the
12 equivalent to one of the grounds for discipline set forth
13 in this Act or for failing to report to the Department,
14 within 30 days, any adverse final action taken against the
15 licensee by any other licensing jurisdiction, government
16 agency, law enforcement agency, or court, or liability for
17 conduct that would constitute grounds for action as set
18 forth in this Act.

19 (6) Engaging in the practice of auctioneering,
20 conducting an auction, or providing an auction service
21 without a license or after the license was expired,
22 revoked, suspended, or terminated or while the license was
23 inoperative.

24 (7) Attempting to subvert or cheat on the auctioneer
25 exam or any continuing education exam, or aiding or
26 abetting another to do the same.

1 (8) Directly or indirectly giving to or receiving from
2 a person, firm, corporation, partnership, or association a
3 fee, commission, rebate, or other form of compensation for
4 professional service not actually or personally rendered,
5 except that an auctioneer licensed under this Act may
6 receive a fee from another licensed auctioneer from this
7 State or jurisdiction for the referring of a client or
8 prospect for auction services to the licensed auctioneer.

9 (9) Making any substantial misrepresentation or
10 untruthful advertising.

11 (10) Making any false promises of a character likely to
12 influence, persuade, or induce.

13 (11) Pursuing a continued and flagrant course of
14 misrepresentation or the making of false promises through a
15 licensee, agent, employee, advertising, or otherwise.

16 (12) Any misleading or untruthful advertising, or
17 using any trade name or insignia of membership in any
18 auctioneer association or organization of which the
19 licensee is not a member.

20 (13) Commingling funds of others with his or her own
21 funds or failing to keep the funds of others in an escrow
22 or trustee account.

23 (14) Failure to account for, remit, or return any
24 moneys, property, or documents coming into his or her
25 possession that belong to others, acquired through the
26 practice of auctioneering, conducting an auction, or

1 providing an auction service within 30 days of the written
2 request from the owner of said moneys, property, or
3 documents.

4 (15) Failure to maintain and deposit into a special
5 account, separate and apart from any personal or other
6 business accounts, all moneys belonging to others
7 entrusted to a licensee while acting as an auctioneer,
8 associate auctioneer, auction firm, or as a temporary
9 custodian of the funds of others.

10 (16) Failure to make available to Department personnel
11 during normal business hours all escrow and trustee records
12 and related documents maintained in connection with the
13 practice of auctioneering, conducting an auction, or
14 providing an auction service within 24 hours after a
15 request from Department personnel.

16 (17) Making or filing false records or reports in his
17 or her practice, including but not limited to false records
18 or reports filed with State agencies.

19 (18) Failing to voluntarily furnish copies of all
20 written instruments prepared by the auctioneer and signed
21 by all parties to all parties at the time of execution.

22 (19) Failing to provide information within 30 days in
23 response to a written request made by the Department.

24 (20) Engaging in any act that constitutes a violation
25 of Section 2-102, 3-103, or 3-105 of the Illinois Human
26 Rights Act.

1 (21) (Blank).

2 (22) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public.

5 (23) Offering or advertising real estate for sale or
6 lease at auction without a valid broker or managing
7 broker's license under the Real Estate License Act of 1983,
8 or any successor Act, unless exempt from licensure under
9 the terms of the Real Estate License Act of 2000, or any
10 successor Act, except as provided for in Section 5-32 of
11 the Real Estate License Act of 2000.

12 (24) Inability to practice the profession with
13 reasonable judgment, skill, or safety as a result of a
14 physical illness, including, but not limited to,
15 deterioration through the aging process or loss of motor
16 skill, or a mental illness or disability.

17 (25) A pattern of practice or other behavior that
18 demonstrates incapacity or incompetence to practice under
19 this Act.

20 (26) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act and upon
23 proof by clear and convincing evidence that the licensee
24 has caused a child to be an abused child or a neglected
25 child as defined in the Abused and Neglected Child
26 Reporting Act.

1 (27) Inability to practice with reasonable judgment,
2 skill, or safety as a result of habitual or excessive use
3 or addiction to alcohol, narcotics, stimulants, or any
4 other chemical agent or drug.

5 (28) Wilfully failing to report an instance of
6 suspected child abuse or neglect as required by the Abused
7 and Neglected Child Reporting Act.

8 The entry of an order by a circuit court establishing that
9 any person holding a license under this Act is subject to
10 involuntary admission or judicial admission, as provided for in
11 the Mental Health and Developmental Disabilities Code,
12 operates as an automatic suspension of that license. That
13 person may have his or her license restored only upon the
14 determination by a circuit court that the patient is no longer
15 subject to involuntary admission or judicial admission and the
16 issuance of an order so finding and discharging the patient and
17 upon the Board's recommendation to the Department that the
18 license be restored. Where circumstances so indicate, the Board
19 may recommend to the Department that it require an examination
20 prior to restoring a suspended license.

21 If the Department or Board finds an individual unable to
22 practice because of the reasons set forth in this Section, the
23 Department or Board may require that individual to submit to
24 care, counseling, or treatment by physicians approved or
25 designated by the Department or Board, as a condition, term, or
26 restriction for continued, reinstated, or renewed licensure to

1 practice; or, in lieu of care, counseling, or treatment, the
2 Department may file, or the Board may recommend to the
3 Department to file, a complaint to immediately suspend, revoke,
4 or otherwise discipline the license of the individual. An
5 individual whose license was granted, continued, reinstated,
6 renewed, disciplined or supervised subject to such terms,
7 conditions, or restrictions, and who fails to comply with such
8 terms, conditions, or restrictions, shall be referred to the
9 Secretary for a determination as to whether the individual
10 shall have his or her license suspended immediately, pending a
11 hearing by the Department. In instances in which the Secretary
12 immediately suspends a person's license under this Section, a
13 hearing on that person's license must be convened by the
14 Department within 21 days after the suspension and completed
15 without appreciable delay. The Department and Board shall have
16 the authority to review the subject individual's record of
17 treatment and counseling regarding the impairment to the extent
18 permitted by applicable federal statutes and regulations
19 safeguarding the confidentiality of medical records.

20 An individual licensed under this Act and affected under
21 this Section shall be afforded an opportunity to demonstrate to
22 the Department or Board that he or she can resume practice in
23 compliance with acceptable and prevailing standards under the
24 provisions of his or her license.

25 In enforcing this Section, the Department or Board, upon a
26 showing of a possible violation, may compel an individual

1 licensed to practice under this Act, or who has applied for
2 licensure under this Act, to submit to a mental or physical
3 examination, or both, as required by and at the expense of the
4 Department. The Department or Board may order the examining
5 physician to present testimony concerning the mental or
6 physical examination of the licensee or applicant. No
7 information shall be excluded by reason of any common law or
8 statutory privilege relating to communications between the
9 licensee or applicant and the examining physician. The
10 examining physicians shall be specifically designated by the
11 Board or Department. The individual to be examined may have, at
12 his or her own expense, another physician of his or her choice
13 present during all aspects of this examination. Failure of an
14 individual to submit to a mental or physical examination when
15 directed shall be grounds for suspension of his or her license
16 until the individual submits to the examination, if the
17 Department finds that, after notice and hearing, the refusal to
18 submit to the examination was without reasonable cause.

19 (Source: P.A. 98-553, eff. 1-1-14.)

20 Section 90. The Electrologist Licensing Act is amended by
21 changing Section 75 and by adding Section 76 as follows:

22 (225 ILCS 412/75)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 75. Grounds for discipline.

1 (a) The Department may refuse to issue or renew and may
2 revoke or suspend a license under this Act, and may place on
3 probation, reprimand, or take other disciplinary or
4 non-disciplinary action with regard to any licensee under this
5 Act, as the Department may consider appropriate, including
6 imposing fines not to exceed \$10,000 for each violation and
7 assess costs as provided for under Section 95 of this Act, for
8 one or any combination of the following causes:

9 (1) Material misstatement in furnishing information to
10 the Department.

11 (2) Violation of this Act or rules adopted under this
12 Act.

13 (3) For licensees, conviction ~~Conviction~~ by plea of
14 guilty or nolo contendere, finding of guilt, jury verdict,
15 or entry of judgment or sentencing, including, but not
16 limited to, convictions, preceding sentences of
17 supervision, conditional discharge, or first offender
18 probation, under the laws of any jurisdiction of the United
19 States that is (i) a felony or (ii) a misdemeanor, an
20 essential element of which is dishonesty, or that is
21 directly related to the practice of electrology. For
22 applicants, the provisions of Section 76 of this Act apply.

23 (4) Fraud or misrepresentation in applying for or
24 procuring a license under this Act, or in connection with
25 applying for renewal of a license under this Act.

26 (5) Aiding or assisting another person in violating any

1 provision of this Act or its rules.

2 (6) Failing to provide information within 60 days in
3 response to a written request made by the Department.

4 (7) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 (8) Habitual or excessive use or abuse of drugs defined
8 in law as controlled substances, alcohol, or any other
9 substance that results in an electrologist's inability to
10 practice with reasonable judgment, skill, or safety.

11 (9) Discipline by another governmental agency, unit of
12 government, U.S. jurisdiction, or foreign nation if at
13 least one of the grounds for discipline is the same as or
14 substantially equivalent to any of those set forth in this
15 Act.

16 (10) Directly or indirectly giving to or receiving from
17 any person, firm, corporation, partnership, or association
18 any fee, commission, rebate, or other form of compensation
19 for any professional services not actually or personally
20 rendered. Nothing in this paragraph (10) affects any bona
21 fide independent contractor or employment arrangements
22 among health care professionals, health facilities, health
23 care providers, or other entities, except as otherwise
24 prohibited by law. Any employment arrangements with health
25 care providers may include provisions for compensation,
26 health insurance, pension, or other employment benefits

1 for the provision of services within the scope of the
2 licensee's practice under this Act. Nothing in this
3 paragraph (10) shall be construed to require an employment
4 arrangement to receive professional fees for services
5 rendered.

6 (11) A finding by the Department that the licensee,
7 after having his or her license placed on probationary
8 status, has violated the terms of probation.

9 (12) Abandonment of a patient.

10 (13) Willfully making or filing false records or
11 reports in the licensee's practice, including, but not
12 limited to, false records filed with State agencies or
13 departments.

14 (14) Mental or physical illness or disability,
15 including, but not limited to, deterioration through the
16 aging process or loss of motor skill that results in the
17 inability to practice the profession with reasonable
18 judgment, skill, or safety.

19 (15) Negligence in his or her practice under this Act.

20 (16) Use of fraud, deception, or any unlawful means in
21 applying for and securing a license as an electrologist.

22 (17) Immoral conduct in the commission of any act, such
23 as sexual abuse, sexual misconduct, or sexual
24 exploitation, related to the licensee's practice.

25 (18) Failure to comply with standards of sterilization
26 and sanitation as defined in the rules of the Department.

1 (19) Charging for professional services not rendered,
2 including filing false statements for the collection of
3 fees for which services are not rendered.

4 (20) Allowing one's license under this Act to be used
5 by an unlicensed person in violation of this Act.

6 (b) The Department may refuse to issue or renew or may
7 suspend without hearing the license of any person who fails to
8 file a return, to pay the tax, penalty or interest shown in a
9 filed return, or to pay any final assessment of the tax,
10 penalty, or interest as required by any tax Act administered by
11 the Illinois Department of Revenue until the requirements of
12 the tax Act are satisfied in accordance with subsection (g) of
13 Section 2105-15 of the Department of Professional Regulation
14 Law of the Civil Administrative Code of Illinois.

15 (c) The determination by a circuit court that a licensee is
16 subject to involuntary admission or judicial admission as
17 provided in the Mental Health and Developmental Disabilities
18 Code operates as an automatic suspension. The suspension will
19 end only upon a finding by a court that the patient is no
20 longer subject to involuntary admission or judicial admission,
21 the issuance of an order so finding and discharging the
22 patient, and the filing of a petition for restoration
23 demonstrating fitness to practice.

24 (d) In enforcing this Section, the Department, upon a
25 showing of a possible violation, may compel any individual who
26 is licensed to practice under this Act or any individual who

1 has applied for licensure to submit to a mental or physical
2 examination and evaluation, or both, that may include a
3 substance abuse or sexual offender evaluation, at the expense
4 of the Department. The Department shall specifically designate
5 the examining physician licensed to practice medicine in all of
6 its branches or, if applicable, the multidisciplinary team
7 involved in providing the mental or physical examination and
8 evaluation, or both. The multidisciplinary team shall be led by
9 a physician licensed to practice medicine in all of its
10 branches and may consist of one or more or a combination of
11 physicians licensed to practice medicine in all of its
12 branches, licensed chiropractic physicians, licensed clinical
13 psychologists, licensed clinical social workers, licensed
14 clinical professional counselors, and other professional and
15 administrative staff. Any examining physician or member of the
16 multidisciplinary team may require any person ordered to submit
17 to an examination and evaluation pursuant to this Section to
18 submit to any additional supplemental testing deemed necessary
19 to complete any examination or evaluation process, including,
20 but not limited to, blood testing, urinalysis, psychological
21 testing, or neuropsychological testing.

22 The Department may order the examining physician or any
23 member of the multidisciplinary team to provide to the
24 Department any and all records, including business records,
25 that relate to the examination and evaluation, including any
26 supplemental testing performed. The Department may order the

1 examining physician or any member of the multidisciplinary team
2 to present testimony concerning this examination and
3 evaluation of the licensee, permit holder, or applicant,
4 including testimony concerning any supplemental testing or
5 documents relating to the examination and evaluation. No
6 information, report, record, or other documents in any way
7 related to the examination and evaluation shall be excluded by
8 reason of any common law or statutory privilege relating to
9 communication between the licensee or applicant and the
10 examining physician or any member of the multidisciplinary
11 team. No authorization is necessary from the licensee or
12 applicant ordered to undergo an evaluation and examination for
13 the examining physician or any member of the multidisciplinary
14 team to provide information, reports, records, or other
15 documents or to provide any testimony regarding the examination
16 and evaluation. The individual to be examined may have, at his
17 or her own expense, another physician of his or her choice
18 present during all aspects of the examination.

19 Failure of any individual to submit to mental or physical
20 examination and evaluation, or both, when directed, shall
21 result in an automatic suspension without hearing, until such
22 time as the individual submits to the examination. If the
23 Department finds a licensee unable to practice because of the
24 reasons set forth in this Section, the Department shall require
25 the licensee to submit to care, counseling, or treatment by
26 physicians approved or designated by the Department as a

1 condition for continued, reinstated, or renewed licensure to
2 practice.

3 When the Secretary immediately suspends a license under
4 this Section, a hearing upon the person's license must be
5 convened by the Department within 15 days after the suspension
6 and completed without appreciable delay. The Department shall
7 have the authority to review the licensee's record of treatment
8 and counseling regarding the impairment to the extent permitted
9 by applicable federal statutes and regulations safeguarding
10 the confidentiality of medical records.

11 Individuals licensed under this Act affected under this
12 Section shall be afforded an opportunity to demonstrate to the
13 Department that they can resume practice in compliance with
14 acceptable and prevailing standards under the provisions of
15 their license.

16 (e) The Department shall deny a license or renewal
17 authorized by this Act to a person who has defaulted on an
18 educational loan or scholarship provided or guaranteed by the
19 Illinois Student Assistance Commission or any governmental
20 agency of this State in accordance with item (5) of subsection
21 (a) of Section 2105-15 of the Department of Professional
22 Regulation Law of the Civil Administrative Code of Illinois.

23 (f) In cases where the Department of Healthcare and Family
24 Services has previously determined a licensee or a potential
25 licensee is more than 30 days delinquent in the payment of
26 child support and has subsequently certified the delinquency to

1 the Department, the Department may refuse to issue or renew or
2 may revoke or suspend that person's license or may take other
3 disciplinary action against that person based solely upon the
4 certification of delinquency made by the Department of
5 Healthcare and Family Services in accordance with item (5) of
6 subsection (a) of Section 2105-15 of the Department of
7 Professional Regulation Law of the Civil Administrative Code of
8 Illinois.

9 (g) All fines or costs imposed under this Section shall be
10 paid within 60 days after the effective date of the order
11 imposing the fine or costs or in accordance with the terms set
12 forth in the order imposing the fine.

13 (Source: P.A. 98-363, eff. 8-16-13.)

14 (225 ILCS 412/76 new)

15 Sec. 76. Applicant convictions.

16 (a) The Department shall not require the applicant to
17 report the following information and shall not consider the
18 following criminal history records in connection with an
19 application for licensure:

20 (1) Juvenile adjudications of delinquent minors as
21 defined in Section 5-105 of the Juvenile Court Act of 1987,
22 subject to the restrictions set forth in Section 5-130 of
23 the Juvenile Court Act of 1987.

24 (2) Law enforcement records, court records, and
25 conviction records of an individual who was 17 years old at

1 the time of the offense and before January 1, 2014, unless
2 the nature of the offense required the individual to be
3 tried as an adult.

4 (3) Records of arrest not followed by a charge or
5 conviction.

6 (4) Records of arrest where charges were dismissed
7 unless related to the practice of the profession. However,
8 applicants shall not be asked to report any arrests, and
9 any arrest not followed by a conviction shall not be the
10 basis of a denial and may be used only to assess an
11 applicant's rehabilitation.

12 (5) Convictions overturned by a higher court.

13 (6) Convictions or arrests that have been sealed or
14 expunged.

15 (b) The Department, upon a finding that an applicant for a
16 license was previously convicted of a felony by plea of guilty
17 or nolo contendere, finding of guilt, jury verdict, or entry of
18 judgment or by sentencing, shall consider any evidence of
19 rehabilitation and mitigating factors contained in the
20 applicant's record, including any of the following factors and
21 evidence, to determine if the conviction will impair the
22 ability of the applicant to engage in the position for which a
23 license is sought:

24 (1) the lack of direct relation of the offense for
25 which the applicant was previously convicted to the duties,
26 functions, and responsibilities of the position for which a

1 license is sought;

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

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

10 (4) the age of the person at the time of the criminal
11 offense;

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

17 (6) evidence of the applicant's present fitness and
18 professional character;

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

26 (8) any other mitigating factors that contribute to the

1 person's potential and current ability to perform the
2 duties and responsibilities of the position for which a
3 license or employment is sought.

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

9 (1) a statement about the decision to refuse to issue a
10 license;

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

14 (3) a list of convictions that formed the sole or
15 partial basis for the refusal to issue a license; and

16 (4) a summary of the appeal process or the earliest the
17 applicant may reapply for a license, whichever is
18 applicable.

19 (d) No later than May 1 of each year, the Department must
20 prepare, publicly announce, and publish a report of summary
21 statistical information relating to new license applications
22 during the preceding calendar year. Each report shall show, at
23 a minimum:

24 (1) the number of applicants for a new license under
25 this Act within the previous calendar year;

26 (2) the number of applicants for a new license under

1 this Act within the previous calendar year who had any
2 criminal conviction;

3 (3) the number of applicants for a new license under
4 this Act in the previous calendar year who were granted a
5 license;

6 (4) the number of applicants for a new license with a
7 criminal conviction who were granted a license under this
8 Act within the previous calendar year;

9 (5) the number of applicants for a new license under
10 this Act within the previous calendar year who were denied
11 a license;

12 (6) the number of applicants for a new license with a
13 criminal conviction who were denied a license under this
14 Act in the previous calendar year in part or in whole
15 because of a prior conviction; and

16 (7) the number of licenses issued on probation under
17 this Act in the previous calendar year to applicants with a
18 criminal conviction.

19 Section 95. The Illinois Certified Shorthand Reporters Act
20 of 1984 is amended by changing Sections 11 and 23 and by adding
21 Section 11.1 as follows:

22 (225 ILCS 415/11) (from Ch. 111, par. 6211)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 11. Qualifications; application. A person shall be

1 qualified for certification as a certified shorthand reporter
2 if:

3 A. That person has applied in writing in form and substance
4 to the Department; and

5 (1) (Blank);

6 (2) Is of good moral character, the determination of
7 which, when based on a prior felony conviction, shall be
8 made in accordance with Section 11.1 of this Act ~~shall take~~
9 ~~into account but not be totally based upon any felony~~
10 ~~conviction of the applicant; and~~

11 (3) Has graduated from a high school or secondary
12 school or its equivalent; and

13 B. That person has successfully completed the examination
14 authorized by the Department.

15 (Source: P.A. 98-445, eff. 12-31-13.)

16 (225 ILCS 415/11.1 new)

17 Sec. 11.1. Applicant convictions.

18 (a) The Department shall not require the applicant to
19 report the following information and shall not consider the
20 following criminal history records in connection with an
21 application for a license under this Act:

22 (1) Juvenile adjudications of delinquent minors as
23 defined in Section 5-105 of the Juvenile Court Act of 1987,
24 subject to the restrictions set forth in Section 5-130 of
25 the Juvenile Court Act of 1987.

1 (2) Law enforcement records, court records, and
2 conviction records of an individual who was 17 years old at
3 the time of the offense and before January 1, 2014, unless
4 the nature of the offense required the individual to be
5 tried as an adult.

6 (3) Records of arrest not followed by a charge or
7 conviction.

8 (4) Records of arrest where charges were dismissed
9 unless related to the practice of the profession. However,
10 applicants shall not be asked to report any arrests, and
11 any arrest not followed by a conviction shall not be the
12 basis of a denial and may be used only to assess an
13 applicant's rehabilitation.

14 (5) Convictions overturned by a higher court.

15 (6) Convictions or arrests that have been sealed or
16 expunged.

17 (b) No applicant for license under this Act shall be denied
18 a license based on a finding of a lack of "good moral
19 character" when a finding is based on the fact that an
20 applicant was previously convicted of a criminal offense or
21 offenses. The Department, upon a finding that an applicant for
22 a license was previously convicted of any felony or a
23 misdemeanor directly related to the practice of the profession,
24 shall consider any evidence of rehabilitation and mitigating
25 factors contained in the applicant's record, including any of
26 the following factors and evidence, to determine if the

1 conviction will impair the ability of the applicant to engage
2 in the position for which a license is sought:

3 (1) the lack of direct relation of the offense for
4 which the applicant was previously convicted to the duties,
5 functions, and responsibilities of the position for which a
6 license is sought;

7 (2) whether 5 years since a felony conviction or 3
8 years since release from confinement for the conviction,
9 whichever is later, have passed without a subsequent
10 conviction;

11 (3) if the applicant was previously licensed or
12 employed in this State or other state or jurisdictions,
13 then the lack of prior misconduct arising from or related
14 to the licensed position or position of employment;

15 (4) the age of the person at the time of the criminal
16 offense;

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

22 (6) evidence of the applicant's present fitness and
23 professional character;

24 (7) evidence of rehabilitation or rehabilitative
25 effort during or after incarceration, or during or after a
26 term of supervision, including, but not limited to, a

1 certificate of good conduct under Section 5-5.5-25 of the
2 Unified Code of Corrections or a certificate of relief from
3 disabilities under Section 5-5.5-10 of the Unified Code of
4 Corrections; and

5 (8) any other mitigating factors that contribute to the
6 person's potential and current ability to perform the
7 duties and responsibilities of the position for which a
8 license or employment is sought.

9 (c) If the Department refuses to issue a license to an
10 applicant based, in whole or in part, upon a conviction or
11 convictions, then the Department shall notify the applicant of
12 the denial in writing with the following included in the notice
13 of denial:

14 (1) a statement about the decision to refuse to issue a
15 license;

16 (2) a list of the convictions that the Department
17 determined will impair the applicant's ability to engage in
18 the position for which a license is sought;

19 (3) a list of convictions that formed the sole or
20 partial basis for the refusal to issue a license; and

21 (4) a summary of the appeal process or the earliest the
22 applicant may reapply for a license, whichever is
23 applicable.

24 (d) No later than May 1 of each year, the Department must
25 prepare, publicly announce, and publish a report of summary
26 statistical information relating to new license applications

1 during the preceding calendar year. Each report shall show, at
2 a minimum:

3 (1) the number of applicants for a new license under
4 this Act within the previous calendar year;

5 (2) the number of applicants for a new license under
6 this Act within the previous calendar year who had any
7 criminal conviction;

8 (3) the number of applicants for a new license under
9 this Act in the previous calendar year who were granted a
10 license;

11 (4) the number of applicants for a new license with a
12 criminal conviction who were granted a license under this
13 Act within the previous calendar year;

14 (5) the number of applicants for a new license under
15 this Act within the previous calendar year who were denied
16 a license;

17 (6) the number of applicants for a new license with a
18 criminal conviction who were denied a license under this
19 Act in the previous calendar year in part or in whole
20 because of a prior conviction; and

21 (7) the number of licenses issued on probation under
22 this Act in the previous calendar year to applicants with a
23 criminal conviction.

24 (225 ILCS 415/23) (from Ch. 111, par. 6223)

25 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 23. Grounds for disciplinary action.

2 (a) The Department may refuse to issue or renew, or may
3 revoke, suspend, place on probation, reprimand or take other
4 disciplinary or non-disciplinary action as the Department may
5 deem appropriate, including imposing fines not to exceed
6 \$10,000 for each violation and the assessment of costs as
7 provided for in Section 23.3 of this Act, with regard to any
8 license for any one or combination of the following:

9 (1) Material misstatement in furnishing information to
10 the Department;

11 (2) Violations of this Act, or of the rules promulgated
12 thereunder;

13 (3) For licensees, conviction ~~Conviction~~ by plea of
14 guilty or nolo contendere, finding of guilt, jury verdict,
15 or entry of judgment or by sentencing of any crime,
16 including, but not limited to, convictions, preceding
17 sentences of supervision, conditional discharge, or first
18 offender probation under the laws of any jurisdiction of
19 the United States: (i) that is a felony or (ii) that is a
20 misdemeanor, an essential element of which is dishonesty,
21 or that is directly related to the practice of the
22 profession; for applicants, the provisions of Section 11.1
23 apply;

24 (4) Fraud or any misrepresentation in applying for or
25 procuring a license under this Act or in connection with
26 applying for renewal of a license under this Act;

1 (5) Professional incompetence;

2 (6) Aiding or assisting another person, firm,
3 partnership or corporation in violating any provision of
4 this Act or rules;

5 (7) Failing, within 60 days, to provide information in
6 response to a written request made by the Department;

7 (8) Engaging in dishonorable, unethical or
8 unprofessional conduct of a character likely to deceive,
9 defraud or harm the public;

10 (9) Habitual or excessive use or abuse of drugs defined
11 in law as controlled substances, alcohol, or any other
12 substances that results in the inability to practice with
13 reasonable judgment, skill, or safety;

14 (10) Discipline by another state, unit of government,
15 government agency, the District of Columbia, a territory,
16 or foreign nation, if at least one of the grounds for the
17 discipline is the same or substantially equivalent to those
18 set forth herein;

19 (11) Charging for professional services not rendered,
20 including filing false statements for the collection of
21 fees for which services were not rendered, or giving,
22 directly or indirectly, any gift or anything of value to
23 attorneys or their staff or any other persons or entities
24 associated with any litigation, that exceeds \$100 total per
25 year; for the purposes of this Section, pro bono services,
26 as defined by State law, are permissible in any amount;

1 (12) A finding by the Board that the certificate
2 holder, after having his certificate placed on
3 probationary status, has violated the terms of probation;

4 (13) Willfully making or filing false records or
5 reports in the practice of shorthand reporting, including
6 but not limited to false records filed with State agencies
7 or departments;

8 (14) Physical illness, including but not limited to,
9 deterioration through the aging process, or loss of motor
10 skill which results in the inability to practice under this
11 Act with reasonable judgment, skill or safety;

12 (15) Solicitation of professional services other than
13 by permitted advertising;

14 (16) Willful failure to take full and accurate
15 stenographic notes of any proceeding;

16 (17) Willful alteration of any stenographic notes
17 taken at any proceeding;

18 (18) Willful failure to accurately transcribe verbatim
19 any stenographic notes taken at any proceeding;

20 (19) Willful alteration of a transcript of
21 stenographic notes taken at any proceeding;

22 (20) Affixing one's signature to any transcript of his
23 stenographic notes or certifying to its correctness unless
24 the transcript has been prepared by him or under his
25 immediate supervision;

26 (21) Willful failure to systematically retain

1 stenographic notes or transcripts on paper or any
2 electronic media for 10 years from the date that the notes
3 or transcripts were taken;

4 (22) Failure to deliver transcripts in a timely manner
5 or in accordance with contractual agreements;

6 (23) Establishing contingent fees as a basis of
7 compensation;

8 (24) Mental illness or disability that results in the
9 inability to practice under this Act with reasonable
10 judgment, skill, or safety;

11 (25) Practicing under a false or assumed name, except
12 as provided by law;

13 (26) Cheating on or attempting to subvert the licensing
14 examination administered under this Act;

15 (27) Allowing one's license under this Act to be used
16 by an unlicensed person in violation of this Act.

17 All fines imposed under this Section shall be paid within
18 60 days after the effective date of the order imposing the fine
19 or in accordance with the terms set forth in the order imposing
20 the fine.

21 (b) The determination by a circuit court that a certificate
22 holder is subject to involuntary admission or judicial
23 admission as provided in the Mental Health and Developmental
24 Disabilities Code, operates as an automatic suspension. Such
25 suspension will end only upon a finding by a court that the
26 patient is no longer subject to involuntary admission or

1 judicial admission, an order by the court so finding and
2 discharging the patient. In any case where a license is
3 suspended under this Section, the licensee may file a petition
4 for restoration and shall include evidence acceptable to the
5 Department that the licensee can resume practice in compliance
6 with acceptable and prevailing standards of the profession.

7 (c) In cases where the Department of Healthcare and Family
8 Services has previously determined a licensee or a potential
9 licensee is more than 30 days delinquent in the payment of
10 child support and has subsequently certified the delinquency to
11 the Department, the Department may refuse to issue or renew or
12 may revoke or suspend that person's license or may take other
13 disciplinary action against that person based solely upon the
14 certification of delinquency made by the Department of
15 Healthcare and Family Services in accordance with item (5) of
16 subsection (a) of Section 2105-15 of the Civil Administrative
17 Code of Illinois.

18 (d) In enforcing this Section, the Department, upon a
19 showing of a possible violation, may compel any individual who
20 is certified under this Act or any individual who has applied
21 for certification under this Act to submit to a mental or
22 physical examination and evaluation, or both, which may include
23 a substance abuse or sexual offender evaluation, at the expense
24 of the Department. The Department shall specifically designate
25 the examining physician licensed to practice medicine in all of
26 its branches or, if applicable, the multidisciplinary team

1 involved in providing the mental or physical examination and
2 evaluation, or both. The multidisciplinary team shall be led by
3 a physician licensed to practice medicine in all of its
4 branches and may consist of one or more or a combination of
5 physicians licensed to practice medicine in all of its
6 branches, licensed chiropractic physicians, licensed clinical
7 psychologists, licensed clinical social workers, licensed
8 clinical professional counselors, and other professional and
9 administrative staff. Any examining physician or member of the
10 multidisciplinary team may require any person ordered to submit
11 to an examination and evaluation pursuant to this Section to
12 submit to any additional supplemental testing deemed necessary
13 to complete any examination or evaluation process, including,
14 but not limited to, blood testing, urinalysis, psychological
15 testing, or neuropsychological testing.

16 The Department may order the examining physician or any
17 member of the multidisciplinary team to provide to the
18 Department any and all records, including business records,
19 that relate to the examination and evaluation, including any
20 supplemental testing performed. The Department may order the
21 examining physician or any member of the multidisciplinary team
22 to present testimony concerning this examination and
23 evaluation of the certified shorthand reporter or applicant,
24 including testimony concerning any supplemental testing or
25 documents relating to the examination and evaluation. No
26 information, report, record, or other documents in any way

1 related to the examination and evaluation shall be excluded by
2 reason of any common law or statutory privilege relating to
3 communication between the licensee or applicant and the
4 examining physician or any member of the multidisciplinary
5 team. No authorization is necessary from the certified
6 shorthand reporter or applicant ordered to undergo an
7 evaluation and examination for the examining physician or any
8 member of the multidisciplinary team to provide information,
9 reports, records, or other documents or to provide any
10 testimony regarding the examination and evaluation. The
11 individual to be examined may have, at his or her own expense,
12 another physician of his or her choice present during all
13 aspects of the examination.

14 Failure of any individual to submit to mental or physical
15 examination and evaluation, or both, when directed, shall
16 result in an automatic suspension, without hearing, until such
17 time as the individual submits to the examination. If the
18 Department finds a certified shorthand reporter unable to
19 practice because of the reasons set forth in this Section, the
20 Department shall require the certified shorthand reporter to
21 submit to care, counseling, or treatment by physicians approved
22 or designated by the Department, as a condition for continued,
23 reinstated, or renewed certification.

24 When the Secretary immediately suspends a certificate
25 under this Section, a hearing upon the person's certificate
26 must be convened by the Department within 15 days after the

1 suspension and completed without appreciable delay. The
2 Department shall have the authority to review the certified
3 shorthand reporter's record of treatment and counseling
4 regarding the impairment, to the extent permitted by applicable
5 federal statutes and regulations safeguarding the
6 confidentiality of medical records.

7 Individuals certified under this Act, affected under this
8 Section, shall be afforded an opportunity to demonstrate to the
9 Department that they can resume practice in compliance with
10 acceptable and prevailing standards under the provisions of
11 their certification.

12 (e) The Department shall deny a license or renewal
13 authorized by this Act to a person who has defaulted on an
14 educational loan or scholarship provided or guaranteed by the
15 Illinois Student Assistance Commission or any governmental
16 agency of this State in accordance with item (5) of subsection
17 (a) of Section 2105-15 of the Civil Administrative Code of
18 Illinois.

19 (f) The Department may refuse to issue or may suspend
20 without hearing, as provided for in the Code of Civil
21 Procedure, the license of any person who fails to file a
22 return, to pay the tax, penalty, or interest shown in a filed
23 return, or to pay any final assessment of tax, penalty, or
24 interest as required by any tax Act administered by the
25 Illinois Department of Revenue, until such time as the
26 requirements of any such tax Act are satisfied in accordance

1 with subsection (g) of Section 2105-15 of the Civil
2 Administrative Code of Illinois.

3 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

4 Section 100. The Collateral Recovery Act is amended by
5 changing Sections 40, 45, 80, and 85 as follows:

6 (225 ILCS 422/40)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 40. Qualifications for recovery manager;
9 identification card.

10 (a) An applicant is qualified for licensure as a recovery
11 manager if that person meets all of the following requirements:

12 (1) Is 21 years of age or older.

13 (2) If convicted of any felony and less than 7 years
14 have passed from the time of discharge from the sentence
15 imposed, then a finding by the Commission that the
16 conviction will not impair the applicant's ability to
17 engage in the position requiring a license. Has not been
18 convicted in any jurisdiction of any felony or at least 10
19 years has passed from the time of discharge from any
20 sentence imposed for a felony.

21 (3) Has completed no less than 2,500 hours of actual
22 compensated collateral recovery work as an employee of a
23 repossession agency, a financial institution, or a vehicle
24 dealer within the 5 years immediately preceding the filing

1 of an application, acceptable proof of which must be
2 submitted to the Commission.

3 (4) Has submitted to the Commission 2 sets of
4 fingerprints, which shall be checked against the
5 fingerprint records on file with the Illinois State Police
6 and the Federal Bureau of Investigation in the manner set
7 forth in Section 60 of this Act.

8 (5) Has successfully completed a certification program
9 approved by the Commission.

10 (6) Has paid the required application fees.

11 (b) Upon the issuance of a recovery manager license, the
12 Commission shall issue the license holder a suitable pocket
13 identification card that shall include a photograph of the
14 license holder. The identification card must contain the name
15 of the license holder and any other information required by the
16 Commission. An applicant who is 21 years of age or older
17 seeking a religious exemption to the photograph requirement of
18 this subsection shall furnish with his or her application an
19 approved copy of United States Department of the Treasury
20 Internal Revenue Service Form 4029.

21 (c) A recovery manager license is not transferable.

22 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

23 (225 ILCS 422/45)

24 (Section scheduled to be repealed on January 1, 2022)

25 Sec. 45. Repossession agency employee requirements.

1 (a) All employees of a licensed repossession agency whose
2 duties include the actual repossession of collateral must apply
3 for a recovery permit. The holder of a repossession agency
4 license issued under this Act, known in this Section as the
5 "employer", may employ in the conduct of the business under the
6 following provisions:

7 (1) No person may be issued a recovery permit who meets
8 any of the following criteria:

9 (A) Is younger than 21 years of age.

10 (B) Has been determined by the Commission to be
11 unfit by reason of conviction of an offense in this or
12 another state, other than a minor traffic offense, that
13 the Commission determines will impair the ability of
14 the person to engage in the position for which a permit
15 is sought. The Commission shall adopt rules for making
16 those determinations.

17 (C) Has had a license or recovery permit denied,
18 suspended, or revoked under this Act.

19 (D) Has not successfully completed a certification
20 program approved by the Commission.

21 (2) No person may be employed by a repossession agency
22 under this Section until he or she has executed and
23 furnished to the Commission, on forms furnished by the
24 Commission, a verified statement to be known as an
25 "Employee's Statement" setting forth all of the following:

26 (A) The person's full name, age, and residence

1 address.

2 (B) The business or occupation engaged in for the 5
3 years immediately before the date of the execution of
4 the statement, the place where the business or
5 occupation was engaged in, and the names of the
6 employers, if any.

7 (C) That the person has not had a license or
8 recovery permit denied, revoked, or suspended under
9 this Act.

10 (D) Any conviction of a felony, except as provided
11 for in Section 85.

12 (E) Any other information as may be required by any
13 rule of the Commission to show the good character,
14 competency, and integrity of the person executing the
15 statement.

16 (b) Each applicant for a recovery permit shall have his or
17 her fingerprints submitted to the Commission by a Live Scan
18 fingerprint vendor certified by the Illinois State Police under
19 the Private Detective, Private Alarm, Private Security,
20 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic
21 format that complies with the form and manner for requesting
22 and furnishing criminal history record information as
23 prescribed by the Illinois State Police. These fingerprints
24 shall be checked against the Illinois State Police and Federal
25 Bureau of Investigation criminal history record databases now
26 and hereafter filed. The Commission shall charge applicants a

1 fee for conducting the criminal history records check, which
2 shall not exceed the actual cost of the records check. The
3 Illinois Commerce Commission Police shall furnish, pursuant to
4 positive identification, records of Illinois convictions to
5 the Commission. The Commission, in its discretion, may allow an
6 applicant who does not have reasonable access to a designated
7 vendor to provide his or her fingerprints in an alternative
8 manner. The Commission, in its discretion, may also use other
9 procedures in performing or obtaining criminal history records
10 checks of applicants. Instead of submitting his or her
11 fingerprints, an individual may submit proof that is
12 satisfactory to the Commission that an equivalent security
13 clearance has been conducted.

14 (c) Qualified applicants shall purchase a recovery permit
15 from the Commission and in a form that the Commission
16 prescribes. The Commission shall notify the submitting person
17 within 10 days after receipt of the application of its intent
18 to issue or deny the recovery permit. The holder of a recovery
19 permit shall carry the recovery permit at all times while
20 actually engaged in the performance of the duties of his or her
21 employment. No recovery permit shall be effective unless
22 accompanied by a license issued by the Commission. Expiration
23 and requirements for renewal of recovery permits shall be
24 established by rule of the Commission. Possession of a recovery
25 permit does not in any way imply that the holder of the
26 recovery permit is employed by any agency unless the recovery

1 permit is accompanied by the employee identification card
2 required by subsection (e) of this Section.

3 (d) Each employer shall maintain a record of each employee
4 that is accessible to the duly authorized representatives of
5 the Commission. The record shall contain all of the following
6 information:

7 (1) A photograph taken within 10 days after the date
8 that the employee begins employment with the employer. The
9 photograph shall be replaced with a current photograph
10 every 3 calendar years.

11 (2) The Employee's Statement specified in paragraph
12 (2) of subsection (a) of this Section.

13 (3) All correspondence or documents relating to the
14 character and integrity of the employee received by the
15 employer from any official source or law enforcement
16 agency.

17 (4) In the case of former employees, the employee
18 identification card of that person issued under subsection
19 (e) of this Section.

20 (e) Every employer shall furnish an employee
21 identification card to each of his or her employees. This
22 subsection (e) shall not apply to office or clerical personnel.
23 This employee identification card shall contain a recent
24 photograph of the employee, the employee's name, the name and
25 agency license number of the employer, the employee's personal
26 description, the signature of the employer, the signature of

1 that employee, the date of issuance, and an employee
2 identification card number.

3 (f) No employer may issue an employee identification card
4 to any person who is not employed by the employer in accordance
5 with this Section or falsely state or represent that a person
6 is or has been in his or her employ. It is unlawful for an
7 applicant for registration to file with the Commission the
8 fingerprints of a person other than himself or herself or to
9 fail to exercise due diligence in resubmitting replacement
10 fingerprints for those employees who have had original
11 fingerprint submissions returned as unclassifiable. An agency
12 shall inform the Commission within 15 days after contracting or
13 employing a licensed repossession agency employee. The
14 Commission shall develop a registration process by rule.

15 (g) Every employer shall obtain the identification card of
16 every employee who terminates employment with the employer. An
17 employer shall immediately report an identification card that
18 is lost or stolen to the local police department having
19 jurisdiction over the repossession agency location.

20 (h) No agency may employ any person to perform any activity
21 under this Act unless the person possesses a valid license or
22 recovery permit under this Act.

23 (i) If information is discovered affecting the
24 registration of a person whose fingerprints were submitted
25 under this Section, then the Commission shall so notify the
26 agency that submitted the fingerprints on behalf of that

1 person.

2 (j) A person employed under this Section shall have 15
3 business days within which to notify the Commission of any
4 change in employer, but may continue working under any other
5 recovery permits granted as an employee or independent
6 contractor.

7 (k) This Section applies only to those employees of
8 licensed repossession agencies whose duties include actual
9 repossession of collateral.

10 (l) An applicant who is 21 years of age or older seeking a
11 religious exemption to the photograph requirement of this
12 Section shall furnish with his or her application an approved
13 copy of United States Department of the Treasury Internal
14 Revenue Service Form 4029. Regardless of age, an applicant
15 seeking a religious exemption to this photograph requirement
16 shall submit fingerprints in a form and manner prescribed by
17 the Commission with his or her application in lieu of a
18 photograph.

19 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

20 (225 ILCS 422/80)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 80. Refusal, revocation, or suspension.

23 (a) The Commission may refuse to issue or renew or may
24 revoke any license or recovery permit or may suspend, place on
25 probation, fine, or take any disciplinary action that the

1 Commission may deem proper, including fines not to exceed
2 \$2,500 for each violation, with regard to any license holder or
3 recovery permit holder for one or any combination of the
4 following causes:

5 (1) Knowingly making any misrepresentation for the
6 purpose of obtaining a license or recovery permit.

7 (2) Violations of this Act or its rules.

8 (3) For licensees or permit holders, conviction
9 ~~Conviction~~ of any crime under the laws of the United States
10 or any state or territory thereof that is (i) a felony,
11 (ii) a misdemeanor, an essential element of which is
12 dishonesty, or (iii) a crime that is related to the
13 practice of the profession. For license or permit
14 applicants, the provisions of Section 85 of this Act apply.

15 (4) Aiding or abetting another in violating any
16 provision of this Act or its rules.

17 (5) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public as defined by rule.

20 (6) Violation of any court order from any State or
21 public agency engaged in the enforcement of payment of
22 child support arrearages or for noncompliance with certain
23 processes relating to paternity or support proceeding.

24 (7) Solicitation of professional services by using
25 false or misleading advertising.

26 (8) A finding that the license or recovery permit was

1 obtained by fraudulent means.

2 (9) Practicing or attempting to practice under a name
3 other than the full name shown on the license or recovery
4 permit or any other legally authorized name.

5 (b) The Commission may refuse to issue or may suspend the
6 license or recovery permit of any person or entity who fails to
7 file a return, pay the tax, penalty, or interest shown in a
8 filed return, or pay any final assessment of tax, penalty, or
9 interest, as required by any tax Act administered by the
10 Department of Revenue, until the time the requirements of the
11 tax Act are satisfied. The Commission may take into
12 consideration any pending tax disputes properly filed with the
13 Department of Revenue.

14 (Source: P.A. 97-576, eff. 7-1-12.)

15 (225 ILCS 422/85)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 85. Consideration of past crimes.

18 (a) The Commission shall not require the applicant to
19 report the following information and shall not consider the
20 following criminal history records in connection with an
21 application for a license or permit under this Act:

22 (1) Juvenile adjudications of delinquent minors as
23 defined in Section 5-105 of the Juvenile Court Act of 1987,
24 subject to the restrictions set forth in Section 5-130 of
25 the Juvenile Court Act of 1987.

1 (2) Law enforcement records, court records, and
2 conviction records of an individual who was 17 years old at
3 the time of the offense and before January 1, 2014, unless
4 the nature of the offense required the individual to be
5 tried as an adult.

6 (3) Records of arrest not followed by a conviction.

7 (4) Convictions overturned by a higher court.

8 (5) Convictions or arrests that have been sealed or
9 expunged.

10 (b) When ~~(a) Notwithstanding the prohibitions set forth in~~
11 ~~Sections 40 and 45 of this Act, when~~ considering the denial of
12 a license or recovery permit on the grounds of conviction of a
13 crime, the Commission, in evaluating the rehabilitation of the
14 applicant and the applicant's present eligibility for a license
15 or recovery permit, shall consider each of the following
16 criteria:

17 (1) The lack of direct relation of the offense for
18 which the applicant was previously convicted to the duties,
19 functions, and responsibilities of the position for which a
20 license is sought. ~~The nature and severity of the act or~~
21 ~~crime under consideration as grounds for denial.~~

22 (2) Circumstances relative to the offense, including
23 the applicant's age at the time that the offense was
24 committed.

25 (3) ~~(2)~~ Evidence of any act committed subsequent to the
26 act or crime under consideration as grounds for denial,

1 which also could be considered as grounds for disciplinary
2 action under this Act.

3 (4) ~~(3)~~ The amount of time that has lapsed since the
4 commission of the act or crime ~~referred to in item (1) or~~
5 ~~(2) of this subsection (a).~~

6 (5) Successful completion of sentence or for
7 applicants serving a term of parole or probation, a
8 progress report provided by the applicant's probation or
9 parole officer that documents the applicant's compliance
10 with conditions of supervision. ~~(4) The extent to which the~~
11 ~~applicant has complied with any terms of parole, probation,~~
12 ~~restitution, or any other sanctions lawfully imposed~~
13 ~~against the applicant.~~

14 (6) If the applicant was previously licensed or
15 employed in this State or other state or jurisdictions,
16 then the lack of prior misconduct arising from or related
17 to the licensed position or position of employment. ~~(5)~~
18 ~~Evidence, if any, of rehabilitation submitted by the~~
19 ~~applicant.~~

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

1 (8) Any other mitigating factors that contribute to the
2 person's potential and current ability to perform the
3 duties and responsibilities of practices licensed or
4 registered under this Act.

5 (c) ~~(b)~~ When considering the suspension or revocation of a
6 license or recovery permit on the grounds of conviction of a
7 crime, the Commission, in evaluating the rehabilitation of the
8 applicant, whether the conviction will impair the applicant's
9 ability to engage in the position for which a license or permit
10 is sought, and the applicant's present eligibility for a
11 license or recovery permit, shall consider each of the
12 following criteria:

13 (1) The nature and severity of the act or offense.

14 (2) The license holder's or recovery permit holder's
15 criminal record in its entirety.

16 (3) The amount of time that has lapsed since the
17 commission of the act or offense.

18 (4) Whether the license holder or recovery permit
19 holder has complied with any terms of parole, probation,
20 restitution, or any other sanctions lawfully imposed
21 against him or her.

22 (5) If applicable, evidence of expungement
23 proceedings.

24 (6) Evidence, if any, of rehabilitation submitted by
25 the license holder or recovery permit holder.

26 (d) If the Commission refuses to grant a license or permit

1 to an applicant, then the Commission shall notify the applicant
2 of the denial in writing with the following included in the
3 notice of denial:

4 (1) a statement about the decision to refuse to grant a
5 license or permit;

6 (2) a list of the convictions that the Commission
7 determined will impair the applicant's ability to engage in
8 the position for which a license or permit is sought;

9 (3) a list of convictions that formed the sole or
10 partial basis for the refusal to grant a license or permit;

11 and

12 (4) a summary of the appeal process or the earliest the
13 applicant may reapply for a license or permit, whichever is
14 applicable.

15 (e) No later than May 1 of each year, the Commission must
16 prepare, publicly announce, and publish a report of summary
17 statistical information relating to new and renewal license or
18 permit applications during the preceding calendar year. Each
19 report shall show, at a minimum:

20 (1) the number of applicants for a new or renewal
21 license or permit under this Act within the previous
22 calendar year;

23 (2) the number of applicants for a new or renewal
24 license or permit under this Act within the previous
25 calendar year who had any criminal conviction;

26 (3) the number of applicants for a new or renewal

1 license or permit under this Act in the previous calendar
2 year who were granted a license or permit;

3 (4) the number of applicants for a new or renewal
4 license or permit with a criminal conviction who were
5 granted a license or permit under this Act within the
6 previous calendar year;

7 (5) the number of applicants for a new or renewal
8 license or permit under this Act within the previous
9 calendar year who were denied a license or permit;

10 (6) the number of applicants for a new or renewal
11 license or permit with a criminal conviction who were
12 denied a license or permit under this Act in the previous
13 calendar year in whole or in part because of a prior
14 conviction;

15 (7) the number of licenses or permits issued on
16 probation without monitoring under this Act in the previous
17 calendar year to applicants with a criminal conviction; and

18 (8) the number of licenses or permits issued on
19 probation with monitoring under this Act in the previous
20 calendar year to applicants with a criminal conviction.

21 (Source: P.A. 97-576, eff. 7-1-12.)

22 Section 105. The Community Association Manager Licensing
23 and Disciplinary Act is amended by changing Section 85 and by
24 adding Section 43 as follows:

1 (225 ILCS 427/43 new)

2 Sec. 43. Applicant convictions.

3 (a) The Department shall not require the applicant to
4 report the following information and shall not consider the
5 following criminal history records in connection with an
6 application for a license under this Act:

7 (1) Juvenile adjudications of delinquent minors as
8 defined in Section 5-105 of the Juvenile Court Act of 1987,
9 subject to the restrictions set forth in Section 5-130 of
10 the Juvenile Court Act of 1987.

11 (2) Law enforcement records, court records, and
12 conviction records of an individual who was 17 years old at
13 the time of the offense and before January 1, 2014, unless
14 the nature of the offense required the individual to be
15 tried as an adult.

16 (3) Records of arrest not followed by a charge or
17 conviction.

18 (4) Records of arrest where charges were dismissed
19 unless related to the practice of the profession. However,
20 applicants shall not be asked to report any arrests, and
21 any arrest not followed by a conviction shall not be the
22 basis of a denial and may be used only to assess an
23 applicant's rehabilitation.

24 (5) Convictions overturned by a higher court.

25 (6) Convictions or arrests that have been sealed or
26 expunged.

1 (b) The Department, upon a finding that an applicant for a
2 license was previously convicted of any felony or a misdemeanor
3 directly related to the practice of the profession, shall
4 consider any evidence of rehabilitation and mitigating factors
5 contained in the applicant's record, including any of the
6 following factors and evidence, to determine if the conviction
7 will impair the ability of the applicant to engage in the
8 position for which a license is sought:

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

13 (2) whether 5 years since a felony conviction or 3
14 years since release from confinement for the conviction,
15 whichever is later, have passed without a subsequent
16 conviction;

17 (3) if the applicant was previously licensed or
18 employed in this State or other state or jurisdictions,
19 then the lack of prior misconduct arising from or related
20 to the licensed position or position of employment;

21 (4) the age of the person at the time of the criminal
22 offense;

23 (5) successful completion of sentence and, for
24 applicants serving a term of parole or probation, a
25 progress report provided by the applicant's probation or
26 parole officer that documents the applicant's compliance

1 with conditions of supervision;

2 (6) evidence of the applicant's present fitness and
3 professional character;

4 (7) evidence of rehabilitation or rehabilitative
5 effort during or after incarceration, or during or after a
6 term of supervision, including, but not limited to, a
7 certificate of good conduct under Section 5-5.5-25 of the
8 Unified Code of Corrections or a certificate of relief from
9 disabilities under Section 5-5.5-10 of the Unified Code of
10 Corrections; and

11 (8) any other mitigating factors that contribute to the
12 person's potential and current ability to perform the
13 duties and responsibilities of the position for which a
14 license or employment is sought.

15 (c) If the Department refuses to grant a license to an
16 applicant based upon a conviction or convictions in whole or in
17 part, then the Department shall notify the applicant of the
18 denial in writing with the following included in the notice of
19 denial:

20 (1) a statement about the decision to refuse to issue a
21 license;

22 (2) a list of convictions that the Department
23 determined will impair the applicant's ability to engage in
24 the position for which a license is sought;

25 (3) a list of convictions that formed the sole or
26 partial basis for the refusal to issue a license; and

1 (4) a summary of the appeal process or the earliest the
2 applicant may reapply for a license, whichever is
3 applicable.

4 (d) No later than May 1 of each year, the Department must
5 prepare, publicly announce, and publish a report of summary
6 statistical information relating to new license applications
7 during the preceding calendar year. Each report shall show, at
8 a minimum:

9 (1) the number of applicants for a new license under
10 this Act within the previous calendar year;

11 (2) the number of applicants for a new license under
12 this Act within the previous calendar year who had any
13 criminal conviction;

14 (3) the number of applicants for a new license under
15 this Act in the previous calendar year who were granted a
16 license;

17 (4) the number of applicants for a new license with a
18 criminal conviction who were granted a license under this
19 Act within the previous calendar year;

20 (5) the number of applicants for a new license under
21 this Act within the previous calendar year who were denied
22 a license;

23 (6) the number of applicants for a new license with a
24 criminal conviction who were denied a license under this
25 Act in the previous calendar year in part or in whole
26 because of a prior conviction; and

1 (7) the number of licenses issued on probation under
2 this Act in the previous calendar year to applicants with a
3 criminal conviction.

4 (225 ILCS 427/85)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 85. Grounds for discipline; refusal, revocation, or
7 suspension.

8 (a) The Department may refuse to issue or renew a license,
9 or may place on probation, reprimand, suspend, or revoke any
10 license, or take any other disciplinary or non-disciplinary
11 action as the Department may deem proper and impose a fine not
12 to exceed \$10,000 for each violation upon any licensee or
13 applicant under this Act or any person or entity who holds
14 himself, herself, or itself out as an applicant or licensee for
15 any one or combination of the following causes:

16 (1) Material misstatement in furnishing information to
17 the Department.

18 (2) Violations of this Act or its rules.

19 (3) For licensees, conviction ~~Conviction~~ of or entry of
20 a plea of guilty or plea of nolo contendere to a felony or
21 a misdemeanor under the laws of the United States, any
22 state, or any other jurisdiction or entry of an
23 administrative sanction by a government agency in this
24 State or any other jurisdiction. Action taken under this
25 paragraph (3) for a misdemeanor or an administrative

1 sanction is limited to a misdemeanor or administrative
2 sanction that has as an essential element dishonesty or
3 fraud, that involves larceny, embezzlement, or obtaining
4 money, property, or credit by false pretenses or by means
5 of a confidence game, or that is directly related to the
6 practice of the profession; for applicants, the provisions
7 of Section 43 apply.

8 (4) Making any misrepresentation for the purpose of
9 obtaining a license or violating any provision of this Act
10 or its rules.

11 (5) Professional incompetence.

12 (6) Gross negligence.

13 (7) Aiding or assisting another person in violating any
14 provision of this Act or its rules.

15 (8) Failing, within 30 days, to provide information in
16 response to a request made by the Department.

17 (9) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud or harm the public as defined by the rules of the
20 Department, or violating the rules of professional conduct
21 adopted by the Department.

22 (10) Habitual or excessive use or addiction to alcohol,
23 narcotics, stimulants, or any other chemical agent or drug
24 that results in the inability to practice with reasonable
25 judgment, skill, or safety.

26 (11) Having been disciplined by another state, the

1 District of Columbia, a territory, a foreign nation, or a
2 governmental agency authorized to impose discipline if at
3 least one of the grounds for the discipline is the same or
4 substantially equivalent of one of the grounds for which a
5 licensee may be disciplined under this Act. A certified
6 copy of the record of the action by the other state or
7 jurisdiction shall be prima facie evidence thereof.

8 (12) Directly or indirectly giving to or receiving from
9 any person, firm, corporation, partnership or association
10 any fee, commission, rebate, or other form of compensation
11 for any professional services not actually or personally
12 rendered.

13 (13) A finding by the Department that the licensee,
14 after having his, her, or its license placed on
15 probationary status, has violated the terms of probation.

16 (14) Willfully making or filing false records or
17 reports relating to a licensee's practice, including but
18 not limited to false records filed with any State or
19 federal agencies or departments.

20 (15) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act and upon
23 proof by clear and convincing evidence that the licensee
24 has caused a child to be an abused child or neglected child
25 as defined in the Abused and Neglected Child Reporting Act.

26 (16) Physical illness or mental illness or impairment,

1 including, but not limited to, deterioration through the
2 aging process or loss of motor skill that results in the
3 inability to practice the profession with reasonable
4 judgment, skill, or safety.

5 (17) Solicitation of professional services by using
6 false or misleading advertising.

7 (18) A finding that licensure has been applied for or
8 obtained by fraudulent means.

9 (19) Practicing or attempting to practice under a name
10 other than the full name as shown on the license or any
11 other legally authorized name.

12 (20) Gross overcharging for professional services
13 including, but not limited to, (i) collection of fees or
14 moneys for services that are not rendered; and (ii)
15 charging for services that are not in accordance with the
16 contract between the licensee and the community
17 association.

18 (21) Improper commingling of personal and client funds
19 in violation of this Act or any rules promulgated thereto.

20 (22) Failing to account for or remit any moneys or
21 documents coming into the licensee's possession that
22 belong to another person or entity.

23 (23) Giving differential treatment to a person that is
24 to that person's detriment because of race, color, creed,
25 sex, religion, or national origin.

26 (24) Performing and charging for services without

1 reasonable authorization to do so from the person or entity
2 for whom service is being provided.

3 (25) Failing to make available to the Department, upon
4 request, any books, records, or forms required by this Act.

5 (26) Purporting to be a supervising community
6 association manager of a firm without active participation
7 in the firm.

8 (27) Failing to make available to the Department at the
9 time of the request any indicia of licensure or
10 registration issued under this Act.

11 (28) Failing to maintain and deposit funds belonging to
12 a community association in accordance with subsection (b)
13 of Section 55 of this Act.

14 (29) Violating the terms of a disciplinary order issued
15 by the Department.

16 (b) In accordance with subdivision (a)(5) of Section
17 2105-15 of the Department of Professional Regulation Law of the
18 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15),
19 the Department shall deny a license or renewal authorized by
20 this Act to a person who has defaulted on an educational loan
21 or scholarship provided or guaranteed by the Illinois Student
22 Assistance Commission or any governmental agency of this State.

23 (c) The determination by a circuit court that a licensee is
24 subject to involuntary admission or judicial admission, as
25 provided in the Mental Health and Developmental Disabilities
26 Code, operates as an automatic suspension. The suspension will

1 terminate only upon a finding by a court that the patient is no
2 longer subject to involuntary admission or judicial admission
3 and the issuance of an order so finding and discharging the
4 patient, and upon the recommendation of the Board to the
5 Secretary that the licensee be allowed to resume his or her
6 practice as a licensed community association manager.

7 (d) In accordance with subsection (g) of Section 2105-15 of
8 the Department of Professional Regulation Law of the Civil
9 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
10 Department may refuse to issue or renew or may suspend the
11 license of any person who fails to file a return, to pay the
12 tax, penalty, or interest shown in a filed return, or to pay
13 any final assessment of tax, penalty, or interest, as required
14 by any tax Act administered by the Department of Revenue, until
15 such time as the requirements of that tax Act are satisfied.

16 (e) In accordance with subdivision (a)(5) of Section
17 2105-15 of the Department of Professional Regulation Law of the
18 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)
19 and in cases where the Department of Healthcare and Family
20 Services (formerly Department of Public Aid) has previously
21 determined that a licensee or a potential licensee is more than
22 30 days delinquent in the payment of child support and has
23 subsequently certified the delinquency to the Department may
24 refuse to issue or renew or may revoke or suspend that person's
25 license or may take other disciplinary action against that
26 person based solely upon the certification of delinquency made

1 by the Department of Healthcare and Family Services.

2 (f) In enforcing this Section, the Department or Board upon
3 a showing of a possible violation may compel a licensee or an
4 individual licensed to practice under this Act, or who has
5 applied for licensure under this Act, to submit to a mental or
6 physical examination, or both, as required by and at the
7 expense of the Department. The Department or Board may order
8 the examining physician to present testimony concerning the
9 mental or physical examination of the licensee or applicant. No
10 information shall be excluded by reason of any common law or
11 statutory privilege relating to communications between the
12 licensee or applicant and the examining physician. The
13 examining physicians shall be specifically designated by the
14 Board or Department. The individual to be examined may have, at
15 his or her own expense, another physician of his or her choice
16 present during all aspects of this examination. Failure of an
17 individual to submit to a mental or physical examination, when
18 directed, shall be grounds for suspension of his or her license
19 or denial of his or her application or renewal until the
20 individual submits to the examination if the Department finds,
21 after notice and hearing, that the refusal to submit to the
22 examination was without reasonable cause.

23 If the Department or Board finds an individual unable to
24 practice because of the reasons set forth in this Section, the
25 Department or Board may require that individual to submit to
26 care, counseling, or treatment by physicians approved or

1 designated by the Department or Board, as a condition, term, or
2 restriction for continued, reinstated, or renewed licensure to
3 practice; or, in lieu of care, counseling, or treatment, the
4 Department may file, or the Board may recommend to the
5 Department to file, a complaint to immediately suspend, revoke,
6 deny, or otherwise discipline the license of the individual. An
7 individual whose license was granted, continued, reinstated,
8 renewed, disciplined or supervised subject to such terms,
9 conditions, or restrictions, and who fails to comply with such
10 terms, conditions, or restrictions, shall be referred to the
11 Secretary for a determination as to whether the individual
12 shall have his or her license suspended immediately, pending a
13 hearing by the Department.

14 In instances in which the Secretary immediately suspends a
15 person's license under this Section, a hearing on that person's
16 license must be convened by the Department within 30 days after
17 the suspension and completed without appreciable delay. The
18 Department and Board shall have the authority to review the
19 subject individual's record of treatment and counseling
20 regarding the impairment to the extent permitted by applicable
21 federal statutes and regulations safeguarding the
22 confidentiality of medical records.

23 An individual licensed under this Act and affected under
24 this Section shall be afforded an opportunity to demonstrate to
25 the Department or Board that he or she can resume practice in
26 compliance with acceptable and prevailing standards under the

1 provisions of his or her license.

2 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
3 98-756, eff. 7-16-14.)

4 Section 110. The Interpreter for the Deaf Licensure Act of
5 2007 is amended by changing Sections 45 and 115 and by adding
6 Section 47 as follows:

7 (225 ILCS 443/45)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 45. Qualifications for licensure. A person shall be
10 qualified to be licensed as an interpreter for the deaf and the
11 Commission shall issue a license to an applicant who:

12 (1) has applied in writing on the prescribed forms and
13 paid the required fees;

14 (2) is of good moral character; in determining good
15 moral character, the Commission shall take into
16 consideration whether the applicant has engaged in conduct
17 or activities that would constitute grounds for discipline
18 under Section 115 of this Act, except consideration of
19 prior convictions shall be in accordance with Section 47 of
20 this Act;

21 (3) is an accepted certificate holder;

22 (4) has a high school diploma or equivalent; and

23 (5) has met any other requirements established by the
24 Commission by rule.

1 (Source: P.A. 95-617, eff. 9-12-07.)

2 (225 ILCS 443/47 new)

3 Sec. 47. Applicant convictions.

4 (a) The Commission shall not require applicants to report
5 the following information and shall not consider the following
6 criminal history records in connection with an application for
7 a license under this Act:

8 (1) Juvenile adjudications of delinquent minors as
9 defined in Section 5-105 of the Juvenile Court Act of 1987,
10 subject to the restrictions set forth in Section 5-130 of
11 the Juvenile Court Act of 1987.

12 (2) Law enforcement records, court records, and
13 conviction records of an individual who was 17 years old at
14 the time of the offense and before January 1, 2014, unless
15 the nature of the offense required the individual to be
16 tried as an adult.

17 (3) Records of arrest not followed by a conviction.

18 (4) Convictions overturned by a higher court.

19 (5) Convictions or arrests that have been sealed or
20 expunged.

21 (b) No application for any license under this Act shall be
22 denied by reason of a finding of lack of "good moral character"
23 when the finding is based upon the fact that the applicant has
24 previously been convicted of one or more criminal offenses. The
25 Commission, upon a finding that an applicant for a license was

1 previously convicted of a felony or a misdemeanor an essential
2 element of which is dishonesty or that is directly related to
3 the practice of interpreting, shall consider any evidence of
4 rehabilitation and mitigating factors contained in the
5 applicant's record, including any of the following factors and
6 evidence, to determine if the conviction will impair the
7 ability of the applicant to engage in the position for which a
8 license is sought:

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

13 (2) whether 5 years since a felony conviction or 3
14 years since release from confinement for the conviction,
15 whichever is later, have passed without a subsequent
16 conviction;

17 (3) if the applicant was previously licensed or
18 employed in this State or other state or jurisdictions,
19 then the lack of prior misconduct arising from or related
20 to the licensed position or position of employment;

21 (4) the age of the person at the time of the criminal
22 offense;

23 (5) successful completion of sentence and, for
24 applicants serving a term of parole or probation, a
25 progress report provided by the applicant's probation or
26 parole officer that documents the applicant's compliance

1 with conditions of supervision;

2 (6) evidence of the applicant's present fitness and
3 professional character;

4 (7) evidence of rehabilitation or rehabilitative
5 effort during or after incarceration, or during or after a
6 term of supervision, including, but not limited to, a
7 certificate of good conduct under Section 5-5.5-25 of the
8 Unified Code of Corrections or a certificate of relief from
9 disabilities under Section 5-5.5-10 of the Unified Code of
10 Corrections; and

11 (8) any other mitigating factors that contribute to the
12 person's potential and current ability to perform the
13 duties and responsibilities of the position for which a
14 license or employment is sought.

15 (c) If the Commission refuses to issue a license to an
16 applicant, then the Commission shall notify the applicant of
17 the denial in writing with the following included in the notice
18 of denial:

19 (1) a statement about the decision to refuse to issue a
20 license;

21 (2) a list of the convictions that the Commission
22 determined will impair the applicant's ability to engage in
23 the position for which a license is sought;

24 (3) a list of convictions that formed the sole or
25 partial basis for the refusal to issue a license; and

26 (4) a summary of the appeal process or the earliest the

1 applicant may reapply for a license, whichever is
2 applicable.

3 (d) No later than May 1 of each year, the Commission must
4 prepare, publicly announce, and publish a report of summary
5 statistical information relating to new and renewal license
6 applications during the preceding calendar year. Each report
7 shall show, at a minimum:

8 (1) the number of applicants for a new or renewal
9 license under this Act within the previous calendar year;

10 (2) the number of applicants for a new or renewal
11 license under this Act within the previous calendar year
12 who had any criminal conviction;

13 (3) the number of applicants for a new or renewal
14 license under this Act in the previous calendar year who
15 were granted a license;

16 (4) the number of applicants for a new or renewal
17 license with a criminal conviction who were granted a
18 license under this Act within the previous calendar year;

19 (5) the number of applicants for a new or renewal
20 license under this Act within the previous calendar year
21 who were denied a license;

22 (6) the number of applicants for a new or renewal
23 license with a criminal conviction who were denied a
24 license under this Act in the previous calendar year in
25 whole or in part because of a prior conviction;

26 (7) the number of licenses issued on probation without

1 monitoring under this Act in the previous calendar year to
2 applicants with a criminal conviction; and

3 (8) the number of licenses issued on probation with
4 monitoring under this Act in the previous calendar year to
5 applicants with a criminal conviction.

6 (225 ILCS 443/115)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 115. Grounds for disciplinary action.

9 (a) The Commission may refuse to issue or renew any license
10 and the Department may suspend or revoke any license or may
11 place on probation, censure, reprimand, or take other
12 disciplinary action deemed appropriate by the Department,
13 including the imposition of fines not to exceed \$2,500 for each
14 violation, with regard to any license issued under this Act for
15 any one or more of the following reasons:

16 (1) Material deception in furnishing information to
17 the Commission or the Department.

18 (2) Violations or negligent or intentional disregard
19 of any provision of this Act or its rules.

20 (3) For licensees, conviction ~~Conviction~~ of any crime
21 under the laws of any jurisdiction of the United States
22 that is a felony or a misdemeanor, an essential element of
23 which is dishonesty, or that is directly related to the
24 practice of interpreting. For applicants, the provisions
25 of Section 47 apply.

1 (4) A pattern of practice or other behavior that
2 demonstrates incapacity or incompetence to practice under
3 this Act.

4 (5) Knowingly aiding or assisting another person in
5 violating any provision of this Act or rules adopted
6 thereunder.

7 (6) Failing, within 60 days, to provide a response to a
8 request for information in response to a written request
9 made by the Commission or the Department by certified mail.

10 (7) Engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public.

13 (8) Habitual use of or addiction to alcohol, narcotics,
14 stimulants, or any other chemical agent or drug that
15 results in a licensee's inability to practice with
16 reasonable judgment, skill, or safety.

17 (9) Discipline by another jurisdiction or foreign
18 nation, if at least one of the grounds for the discipline
19 is the same or substantially equivalent to those set forth
20 in this Section.

21 (10) A finding that the licensee, after having his or
22 her license placed on probationary status, has violated the
23 terms of probation.

24 (11) Being named as a perpetrator in an indicated
25 report by the Department of Children and Family Services
26 under the Abused and Neglected Child Reporting Act and upon

1 proof by clear and convincing evidence that the licensee
2 has caused a child to be an abused child or a neglected
3 child, as defined in the Abused and Neglected Child
4 Reporting Act.

5 (12) Gross negligence in the practice of interpreting.

6 (13) Holding oneself out to be a practicing interpreter
7 for the deaf under any name other than one's own.

8 (14) Knowingly allowing another person or organization
9 to use the licensee's license to deceive the public.

10 (15) Attempting to subvert or cheat on an
11 interpreter-related examination or evaluation.

12 (16) Immoral conduct in the commission of an act, such
13 as sexual abuse, sexual misconduct, or sexual
14 exploitation, related to the licensee's practice.

15 (17) Willfully violating State or federal
16 confidentiality laws or the confidentiality between an
17 interpreter and client, except as required by State or
18 federal law.

19 (18) Practicing or attempting to practice interpreting
20 under a name other than one's own.

21 (19) The use of any false, fraudulent, or deceptive
22 statement in any document connected with the licensee's
23 practice.

24 (20) Failure of a licensee to report to the Commission
25 any adverse final action taken against him or her by
26 another licensing jurisdiction, any peer review body, any

1 professional deaf or hard of hearing interpreting
2 association, any governmental Commission, by law
3 enforcement Commission, or any court for a deaf or hard of
4 hearing interpreting liability claim related to acts or
5 conduct similar to acts or conduct that would constitute
6 grounds for action as provided in this Section.

7 (21) Failure of a licensee to report to the Commission
8 surrender by the licensee of his or her license or
9 authorization to practice interpreting in another state or
10 jurisdiction or current surrender by the licensee of
11 membership in any deaf or hard of hearing interpreting
12 association or society while under disciplinary
13 investigation by any of those authorities or bodies for
14 acts or conduct similar to acts or conduct that would
15 constitute grounds for action as provided by this Section.

16 (22) Physical illness or injury including, but not
17 limited to, deterioration through the aging process or loss
18 of motor skill, mental illness, or disability that results
19 in the inability to practice the profession with reasonable
20 judgment, skill, or safety.

21 (23) Gross and willful overcharging for interpreter
22 services, including filing false statements for collection
23 of fees for which services have not been rendered.

24 (b) The Commission may refuse to issue or the Department
25 may suspend the license of any person who fails to file a
26 return, to pay the tax, penalty, or interest shown in a filed

1 return, or to pay any final assessment of the tax, penalty, or
2 interest as required by any tax Act administered by the
3 Illinois Department of Revenue, until such time as the
4 requirements of any such tax Act are satisfied.

5 (c) In enforcing this Section, the Commission, upon a
6 showing of a possible violation, may compel an individual
7 licensed under this Act, or who has applied for licensure under
8 this Act, to submit to a mental or physical examination, or
9 both, as required by and at the expense of the Commission. The
10 Commission may order the examining physician to present
11 testimony concerning the mental or physical examination of the
12 licensee or applicant. No information shall be excluded by
13 reason of any common law or statutory privilege relating to
14 communications between the licensee or applicant and the
15 examining physician. The Commission shall specifically
16 designate the examining physicians. The individual to be
17 examined may have, at his or her own expense, another physician
18 of his or her choice present during all aspects of this
19 examination. Failure of an individual to submit to a mental or
20 physical examination, when directed, shall be grounds for
21 suspension of his or her license until the individual submits
22 to the examination if the Commission finds, after notice and
23 hearing, that the refusal to submit to the examination was
24 without reasonable cause.

25 If the Commission finds an individual unable to practice
26 because of the reasons set forth in this subsection (c), the

1 Commission may require that individual to submit to care,
2 counseling, or treatment by physicians approved or designated
3 by the Commission as a condition, term, or restriction for
4 continued, reinstated, or renewed licensure to practice or, in
5 lieu of care, counseling, or treatment, the Commission may file
6 a complaint to immediately suspend, revoke, or otherwise
7 discipline the license of the individual. An individual whose
8 license was granted, continued, reinstated, renewed,
9 disciplined, or supervised subject to such terms, conditions,
10 or restrictions and who fails to comply with such terms,
11 conditions, or restrictions, shall be referred to the Director
12 for a determination as to whether the individual shall have his
13 or her license suspended immediately, pending a hearing by the
14 Department.

15 In instances in which the Director immediately suspends a
16 person's license under this subsection (c), a hearing on that
17 person's license must be convened by the Department within 15
18 days after the suspension and completed without appreciable
19 delay. The Commission or the Department shall have the
20 authority to review the subject individual's record of
21 treatment and counseling regarding the impairment to the extent
22 permitted by applicable State and federal statutes and
23 regulations safeguarding the confidentiality of medical
24 records.

25 An individual licensed under this Act and affected under
26 this subsection (c) shall be afforded an opportunity to

1 demonstrate to the Commission that he or she can resume
2 practice in compliance with acceptable and prevailing
3 standards under the provisions of his or her license.

4 (Source: P.A. 95-617, eff. 9-12-07.)

5 Section 120. The Animal Welfare Act is amended by changing
6 Section 10 and by adding Section 4 as follows:

7 (225 ILCS 605/4 new)

8 Sec. 4. Applicant convictions.

9 (a) The Department shall not require applicants to report
10 the following information and shall not consider the following
11 in connection with an application for a license under this Act:

12 (1) Juvenile adjudications of delinquent minors as
13 defined in Section 5-105 of the Juvenile Court Act of 1987,
14 subject to the restrictions set forth in Section 5-130 of
15 the Juvenile Court Act of 1987.

16 (2) Law enforcement records, court records, and
17 conviction records of an individual who was 17 years old at
18 the time of the offense and before January 1, 2014, unless
19 the nature of the offense required the individual to be
20 tried as an adult.

21 (3) Records of arrest not followed by a conviction.

22 (4) Convictions overturned by a higher court.

23 (5) Convictions or arrests that have been sealed or
24 expunged.

1 (b) The Department, upon a finding that an applicant for a
2 license was previously convicted of any felony or a misdemeanor
3 directly related to the practice of the profession, shall
4 consider any evidence of rehabilitation and mitigating factors
5 contained in the applicant's record, including any of the
6 following factors and evidence, to determine if the conviction
7 will impair the ability of the applicant to engage in the
8 position for which a license is sought:

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

13 (2) whether 5 years since a felony conviction or 3
14 years since release from confinement for the conviction,
15 whichever is later, have passed without a subsequent
16 conviction;

17 (3) if the applicant was previously licensed or
18 employed in this State or other state or jurisdictions,
19 then the lack of prior misconduct arising from or related
20 to the licensed position or position of employment;

21 (4) the age of the person at the time of the criminal
22 offense;

23 (5) successful completion of sentence and, for
24 applicants serving a term of parole or probation, a
25 progress report provided by the applicant's probation or
26 parole officer that documents the applicant's compliance

1 with conditions of supervision;

2 (6) evidence of the applicant's present fitness and
3 professional character;

4 (7) evidence of rehabilitation or rehabilitative
5 effort during or after incarceration, or during or after a
6 term of supervision, including, but not limited to, a
7 certificate of good conduct under Section 5-5.5-25 of the
8 Unified Code of Corrections or a certificate of relief from
9 disabilities under Section 5-5.5-10 of the Unified Code of
10 Corrections; and

11 (8) any other mitigating factors that contribute to the
12 person's potential and current ability to perform the
13 duties and responsibilities of the position for which a
14 license or employment is sought.

15 (c) If the Department refuses to grant a license to an
16 applicant, then the Department shall notify the applicant of
17 the denial in writing with the following included in the notice
18 of denial:

19 (1) a statement about the decision to refuse to issue a
20 license;

21 (2) a list of the convictions that the Department
22 determined will impair the applicant's ability to engage in
23 the position for which a license is sought;

24 (3) a list of convictions that formed the sole or
25 partial basis for the refusal to issue a license; and

26 (4) a summary of the appeal process or the earliest the

1 applicant may reapply for a license, whichever is
2 applicable.

3 (d) No later than May 1 of each year, the Department must
4 prepare, publicly announce, and publish a report of summary
5 statistical information relating to new and renewal license
6 applications during the preceding calendar year. Each report
7 shall show, at a minimum:

8 (1) the number of applicants for a new or renewal
9 license under this Act within the previous calendar year;

10 (2) the number of applicants for a new or renewal
11 license under this Act within the previous calendar year
12 who had any criminal conviction;

13 (3) the number of applicants for a new or renewal
14 license under this Act in the previous calendar year who
15 were granted a license;

16 (4) the number of applicants for a new or renewal
17 license with a criminal conviction who were granted a
18 license under this Act within the previous calendar year;

19 (5) the number of applicants for a new or renewal
20 license under this Act within the previous calendar year
21 who were denied a license;

22 (6) the number of applicants for a new or renewal
23 license with a criminal conviction who were denied a
24 license under this Act in the previous calendar year in
25 whole or in part because of a prior conviction;

26 (7) the number of licenses issued on probation without

1 monitoring under this Act in the previous calendar year to
2 applicants with convictions; and

3 (8) the number of licenses issued on probation with
4 monitoring under this Act in the previous calendar year to
5 applicants with convictions.

6 (225 ILCS 605/10) (from Ch. 8, par. 310)

7 Sec. 10. Grounds for discipline. The Department may refuse
8 to issue or renew or may suspend or revoke a license on any one
9 or more of the following grounds:

10 a. Material misstatement in the application for
11 original license or in the application for any renewal
12 license under this Act;

13 b. A violation of this Act or of any regulations or
14 rules issued pursuant thereto;

15 c. Aiding or abetting another in the violation of this
16 Act or of any regulation or rule issued pursuant thereto;

17 d. Allowing one's license under this Act to be used by
18 an unlicensed person;

19 e. For licensees, conviction ~~Conviction~~ of any crime an
20 essential element of which is misstatement, fraud or
21 dishonesty or conviction of any felony, if the Department
22 determines, after investigation, that such person has not
23 been sufficiently rehabilitated to warrant the public
24 trust; for applicants, the provisions of Section 4 of this
25 Act apply;

1 f. Conviction of a violation of any law of Illinois
2 except minor violations such as traffic violations and
3 violations not related to the disposition of dogs, cats and
4 other animals or any rule or regulation of the Department
5 relating to dogs or cats and sale thereof;

6 g. Making substantial misrepresentations or false
7 promises of a character likely to influence, persuade or
8 induce in connection with the business of a licensee under
9 this Act;

10 h. Pursuing a continued course of misrepresentation of
11 or making false promises through advertising, salesman,
12 agents or otherwise in connection with the business of a
13 licensee under this Act;

14 i. Failure to possess the necessary qualifications or
15 to meet the requirements of the Act for the issuance or
16 holding a license; or

17 j. Proof that the licensee is guilty of gross
18 negligence, incompetency, or cruelty with regard to
19 animals.

20 The Department may refuse to issue or may suspend the
21 license of any person who fails to file a return, or to pay the
22 tax, penalty or interest shown in a filed return, or to pay any
23 final assessment of tax, penalty or interest, as required by
24 any tax Act administered by the Illinois Department of Revenue,
25 until such time as the requirements of any such tax Act are
26 satisfied.

1 The Department may order any licensee to cease operation
2 for a period not to exceed 72 hours to correct deficiencies in
3 order to meet licensing requirements.

4 If the Department revokes a license under this Act at an
5 administrative hearing, the licensee and any individuals
6 associated with that license shall be prohibited from applying
7 for or obtaining a license under this Act for a minimum of 3
8 years.

9 (Source: P.A. 99-310, eff. 1-1-16.)

10 Section 125. The Illinois Feeder Swine Dealer Licensing Act
11 is amended by changing Section 9 and by adding Section 9.3 as
12 follows:

13 (225 ILCS 620/9) (from Ch. 111, par. 209)

14 Sec. 9. Grounds for refusal to issue or renew license and
15 for license suspension and revocation. The Department may
16 refuse to issue or renew or may suspend or revoke a license on
17 any one or more of the following grounds:

18 a. Material misstatement in the application for original
19 license or in the application for any renewal license under
20 this Act;

21 b. Disregard or violation of this Act, any other Act
22 relative to the purchase and sale of livestock or any
23 regulation or rule issued pursuant thereto;

24 c. Aiding or abetting another in the violation of this Act

1 or of any regulation or rule issued pursuant thereto;

2 d. Allowing one's license under this Act to be used by an
3 unlicensed person;

4 e. For licensees, conviction ~~Conviction~~ of any crime an
5 essential element of which is misstatement, fraud or dishonesty
6 or conviction of any felony, if the Department determines,
7 after investigation, that such person has not been sufficiently
8 rehabilitated to warrant the public trust; for applicants, the
9 provisions of Section 9.3 apply;

10 f. Conviction of a violation of any law of Illinois or any
11 rule or regulation of the Department relating to feeder swine;

12 g. Making substantial misrepresentations or false promises
13 of a character likely to influence, persuade or induce in
14 connection with the livestock industry;

15 h. Pursuing a continued course of misrepresentation of or
16 making false promises through advertising, salesmen, agents or
17 otherwise in connection with the livestock industry;

18 i. Failure to possess the necessary qualifications or to
19 meet the requirements of this Act for the issuance or holding
20 of a license;

21 j. Operating without the bond or trust fund agreement
22 required by this Act; or

23 k. Failing to file a return, or to pay the tax, penalty or
24 interest shown in a filed return, or to pay any final
25 assessment of tax, penalty or interest, as required by any tax
26 Act administered by the Illinois Department of Revenue.

1 (Source: P.A. 89-154, eff. 7-19-95.)

2 (225 ILCS 620/9.3 new)

3 Sec. 9.3. Applicant convictions.

4 (a) The Department shall not require applicants to report
5 the following information and shall not consider the following
6 criminal history records in connection with an application for
7 a license under this Act:

8 (1) Juvenile adjudications of delinquent minors as
9 defined in Section 5-105 of the Juvenile Court Act of 1987,
10 subject to the restrictions set forth in Section 5-130 of
11 the Juvenile Court Act of 1987.

12 (2) Law enforcement records, court records, and
13 conviction records of an individual who was 17 years old at
14 the time of the offense and before January 1, 2014, unless
15 the nature of the offense required the individual to be
16 tried as an adult.

17 (3) Records of arrest not followed by a conviction.

18 (4) Convictions overturned by a higher court.

19 (5) Convictions or arrests that have been sealed or
20 expunged.

21 (b) The Department, upon a finding that an applicant for a
22 license was previously convicted of any felony or a misdemeanor
23 directly related to the practice of the profession, shall
24 consider any evidence of rehabilitation and mitigating factors
25 contained in the applicant's record, including any of the

1 following factors and evidence, to determine if the conviction
2 will impair the ability of the applicant to engage in the
3 position for which a license is sought:

4 (1) the lack of direct relation of the offense for
5 which the applicant was previously convicted to the duties,
6 functions, and responsibilities of the position for which a
7 license is sought;

8 (2) whether 5 years since a felony conviction or 3
9 years since release from confinement for the conviction,
10 whichever is later, have passed without a subsequent
11 conviction;

12 (3) if the applicant was previously licensed or
13 employed in this State or other state or jurisdictions,
14 then the lack of prior misconduct arising from or related
15 to the licensed position or position of employment;

16 (4) the age of the person at the time of the criminal
17 offense;

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

23 (6) evidence of the applicant's present fitness and
24 professional character;

25 (7) evidence of rehabilitation or rehabilitative
26 effort during or after incarceration, or during or after a

1 term of supervision, including, but not limited to, a
2 certificate of good conduct under Section 5-5.5-25 of the
3 Unified Code of Corrections or a certificate of relief from
4 disabilities under Section 5-5.5-10 of the Unified Code of
5 Corrections; and

6 (8) any other mitigating factors that contribute to the
7 person's potential and current ability to perform the
8 duties and responsibilities of the position for which a
9 license or employment is sought.

10 (c) If the Department refuses to issue a license to an
11 applicant, then the applicant shall be notified of the denial
12 in writing with the following included in the notice of denial:

13 (1) a statement about the decision to refuse to issue a
14 license;

15 (2) a list of the convictions that the Department
16 determined will impair the applicant's ability to engage in
17 the position for which a license is sought;

18 (3) a list of convictions that formed the sole or
19 partial basis for the refusal to issue a license; and

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

23 (d) No later than May 1 of each year, the Department must
24 prepare, publicly announce, and publish a report of summary
25 statistical information relating to new and renewal license
26 applications during the preceding calendar year. Each report

1 shall show, at a minimum:

2 (1) the number of applicants for a new or renewal
3 license under this Act within the previous calendar year;

4 (2) the number of applicants for a new or renewal
5 license under this Act within the previous calendar year
6 who had any criminal conviction;

7 (3) the number of applicants for a new or renewal
8 license under this Act in the previous calendar year who
9 were granted a license;

10 (4) the number of applicants for a new or renewal
11 license with a criminal conviction who were granted a
12 license under this Act within the previous calendar year;

13 (5) the number of applicants for a new or renewal
14 license under this Act within the previous calendar year
15 who were denied a license;

16 (6) the number of applicants for a new or renewal
17 license with a criminal conviction who were denied a
18 license under this Act in the previous calendar year in
19 whole or in part because of a prior conviction;

20 (7) the number of licenses issued on probation without
21 monitoring under this Act in the previous calendar year to
22 applicants with convictions; and

23 (8) the number of licenses issued on probation with
24 monitoring under this Act in the previous calendar year to
25 applicants with convictions.

1 Section 130. The Illinois Horse Meat Act is amended by
2 changing Section 3.2 and by adding Section 3.3 as follows:

3 (225 ILCS 635/3.2) (from Ch. 56 1/2, par. 242.2)

4 Sec. 3.2. The following persons are ineligible for
5 licenses:

6 a. A person who is not a resident of the city, village or
7 county in which the premises covered by the license are
8 located; except in case of railroad or boat licenses.

9 b. A person who is not of good character and reputation in
10 the community in which he resides.

11 c. A person who is not a citizen of the United States.

12 d. A person with a prior conviction ~~who has been convicted~~
13 ~~of a felony or a misdemeanor that is directly related to the~~
14 ~~practice of the profession where such conviction will impair~~
15 ~~the person's ability to engage in the licensed position.~~

16 e. (Blank). ~~A person who has been convicted of a crime or~~
17 ~~misdemeanor opposed to decency and morality.~~

18 f. A person whose license issued under this Act has been
19 revoked for cause.

20 g. A person who at the time of application for renewal of
21 any license issued hereunder would not be eligible for such
22 license upon a first application.

23 h. A co-partnership, unless all of the members of such
24 co-partnership shall be qualified to obtain a license.

25 i. A corporation, if any officer, manager or director

1 thereof or any stockholder or stockholders owning in the
2 aggregate more than five percent (5%) of the stock of such
3 corporation, would not be eligible to receive a license
4 hereunder for any reason other than citizenship and residence
5 within the political subdivision.

6 j. A person whose place of business is conducted by a
7 manager or agent unless said manager or agent possesses the
8 same qualifications required of the licensee.

9 (Source: Laws 1955, p. 388.)

10 (225 ILCS 635/3.3 new)

11 Sec. 3.3. Applicant convictions.

12 (a) The Department shall not require applicants to report
13 the following information and shall not consider the following
14 criminal history records in connection with an application for
15 a license under this Act:

16 (1) Juvenile adjudications of delinquent minors as
17 defined in Section 5-105 of the Juvenile Court Act of 1987,
18 subject to the restrictions set forth in Section 5-130 of
19 the Juvenile Court Act of 1987.

20 (2) Law enforcement records, court records, and
21 conviction records of an individual who was 17 years old at
22 the time of the offense and before January 1, 2014, unless
23 the nature of the offense required the individual to be
24 tried as an adult.

25 (3) Records of arrest not followed by a conviction.

1 (4) Convictions overturned by a higher court.

2 (5) Convictions or arrests that have been sealed or
3 expunged.

4 (b) No application for any license under this Act shall be
5 denied by reason of a finding of lack of moral character when
6 the finding is based upon the fact that the applicant has
7 previously been convicted of one or more criminal offenses.

8 (c) The Department, upon a finding that an applicant for a
9 license was previously convicted of any felony or a misdemeanor
10 directly related to the practice of the profession, shall
11 consider any evidence of rehabilitation and mitigating factors
12 contained in the applicant's record, including any of the
13 following factors and evidence, to determine if the conviction
14 will impair the ability of the applicant to engage in the
15 position for which a license is sought:

16 (1) the lack of direct relation of the offense for
17 which the applicant was previously convicted to the duties,
18 functions, and responsibilities of the position for which a
19 license is sought;

20 (2) whether 5 years since a felony conviction or 3
21 years since release from confinement for the conviction,
22 whichever is later, have passed without a subsequent
23 conviction;

24 (3) if the applicant was previously licensed or
25 employed in this State or other state or jurisdictions,
26 then the lack of prior misconduct arising from or related

1 to the licensed position or position of employment;

2 (4) the age of the person at the time of the criminal
3 offense;

4 (5) successful completion of sentence and, for
5 applicants serving a term of parole or probation, a
6 progress report provided by the applicant's probation or
7 parole officer that documents the applicant's compliance
8 with conditions of supervision;

9 (6) evidence of the applicant's present fitness and
10 professional character;

11 (7) evidence of rehabilitation or rehabilitative
12 effort during or after incarceration, or during or after a
13 term of supervision, including, but not limited to, a
14 certificate of good conduct under Section 5-5.5-25 of the
15 Unified Code of Corrections or a certificate of relief from
16 disabilities under Section 5-5.5-10 of the Unified Code of
17 Corrections; and

18 (8) any other mitigating factors that contribute to the
19 person's potential and current ability to perform the
20 duties and responsibilities of the position for which a
21 license or employment is sought.

22 (d) If the Department refuses to issue a license to an
23 applicant, then the applicant shall be notified of the denial
24 in writing with the following included in the notice of denial:

25 (1) a statement about the decision to refuse to issue a
26 license;

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

4 (3) a list of convictions that formed the sole or
5 partial basis for the refusal to issue a license; and

6 (4) a summary of the appeal process or the earliest the
7 applicant may reapply for a license, whichever is
8 applicable.

9 (e) No later than May 1 of each year, the Department must
10 prepare, publicly announce, and publish a report of summary
11 statistical information relating to new and renewal license
12 applications during the preceding calendar year. Each report
13 shall show, at a minimum:

14 (1) the number of applicants for a new or renewal
15 license under this Act within the previous calendar year;

16 (2) the number of applicants for a new or renewal
17 license under this Act within the previous calendar year
18 who had any criminal conviction;

19 (3) the number of applicants for a new or renewal
20 license under this Act in the previous calendar year who
21 were granted a license;

22 (4) the number of applicants for a new or renewal
23 license with a criminal conviction who were granted a
24 license under this Act within the previous calendar year;

25 (5) the number of applicants for a new or renewal
26 license under this Act within the previous calendar year

1 who were denied a license;

2 (6) the number of applicants for a new or renewal
3 license with a criminal conviction who were denied a
4 license under this Act in the previous calendar year in
5 whole or in part because of a prior conviction;

6 (7) the number of licenses issued on probation without
7 monitoring under this Act in the previous calendar year to
8 applicants with a criminal conviction; and

9 (8) the number of licenses issued on probation with
10 monitoring under this Act in the previous calendar year to
11 applicants with a criminal conviction.

12 Section 135. The Illinois Livestock Dealer Licensing Act is
13 amended by changing Section 9 and by adding Section 9.4 as
14 follows:

15 (225 ILCS 645/9) (from Ch. 111, par. 409)

16 Sec. 9. The Department may refuse to issue or renew or may
17 suspend or revoke a license on any of the following grounds:

18 a. Material misstatement in the application for
19 original license or in the application for any renewal
20 license under this Act;

21 b. Wilful disregard or violation of this Act, or of any
22 other Act relative to the purchase and sale of livestock,
23 feeder swine or horses, or of any regulation or rule issued
24 pursuant thereto;

1 c. Wilfully aiding or abetting another in the violation
2 of this Act or of any regulation or rule issued pursuant
3 thereto;

4 d. Allowing one's license under this Act to be used by
5 an unlicensed person;

6 e. For licensees, conviction ~~Conviction~~ of any felony,
7 if the Department determines, after investigation, that
8 such person has not been sufficiently rehabilitated to
9 warrant the public trust; for applicants, the provisions of
10 Section 9.4 apply;

11 f. For licensees, conviction ~~Conviction~~ of any crime an
12 essential element of which is misstatement, fraud or
13 dishonesty; for applicants, the provisions of Section 9.4
14 apply;

15 g. Conviction of a violation of any law in Illinois or
16 any Departmental rule or regulation relating to livestock;

17 h. Making substantial misrepresentations or false
18 promises of a character likely to influence, persuade or
19 induce in connection with the livestock industry;

20 i. Pursuing a continued course of misrepresentation of
21 or making false promises through advertising, salesmen,
22 agents or otherwise in connection with the livestock
23 industry;

24 j. Failure to possess the necessary qualifications or
25 to meet the requirements of this Act for the issuance or
26 holding a license;

1 k. Failure to pay for livestock after purchase;

2 l. Issuance of checks for payment of livestock when
3 funds are insufficient;

4 m. Determination by a Department audit that the
5 licensee or applicant is insolvent;

6 n. Operating without adequate bond coverage or its
7 equivalent required for licensees;

8 o. Failing to remit the assessment required in Section
9 9 of the Beef Market Development Act upon written complaint
10 of the Checkoff Division of the Illinois Beef Association
11 Board of Governors.

12 The Department may refuse to issue or may suspend the
13 license of any person who fails to file a return, or to pay the
14 tax, penalty or interest shown in a filed return, or to pay any
15 final assessment of tax, penalty or interest, as required by
16 any tax Act administered by the Illinois Department of Revenue,
17 until such time as the requirements of any such tax Act are
18 satisfied.

19 (Source: P.A. 99-389, eff. 8-18-15; 99-642, eff. 7-28-16.)

20 (225 ILCS 645/9.4 new)

21 Sec. 9.4. Applicant convictions.

22 (a) The Department shall not require applicants to report
23 the following information and shall not consider the following
24 criminal history records in connection with an application for
25 a license under this Act:

1 (1) Juvenile adjudications of delinquent minors as
2 defined in Section 5-105 of the Juvenile Court Act of 1987,
3 subject to the restrictions set forth in Section 5-130 of
4 the Juvenile Court Act of 1987.

5 (2) Law enforcement records, court records, and
6 conviction records of an individual who was 17 years old at
7 the time of the offense and before January 1, 2014, unless
8 the nature of the offense required the individual to be
9 tried as an adult.

10 (3) Records of arrest not followed by a conviction.

11 (4) Convictions overturned by a higher court.

12 (5) Convictions or arrests that have been sealed or
13 expunged.

14 (b) The Department, upon a finding that an applicant for a
15 license was previously convicted of any felony or a misdemeanor
16 directly related to the practice of the profession, shall
17 consider any evidence of rehabilitation and mitigating factors
18 contained in the applicant's record, including any of the
19 following factors and evidence, to determine if the conviction
20 will impair the ability of the applicant to engage in the
21 position for which a license is sought:

22 (1) the lack of direct relation of the offense for
23 which the applicant was previously convicted to the duties,
24 functions, and responsibilities of the position for which a
25 license is sought;

26 (2) whether 5 years since a felony conviction or 3

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

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

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

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

15 (6) evidence of the applicant's present fitness and
16 professional character;

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

24 (8) any other mitigating factors that contribute to the
25 person's potential and current ability to perform the
26 duties and responsibilities of the position for which a

1 license or employment is sought.

2 (c) If the Department refuses to issue a license to an
3 applicant, then the applicant shall be notified of the denial
4 in writing with the following included in the notice of denial:

5 (1) a statement about the decision to refuse to issue a
6 license;

7 (2) a list of the convictions that the Department
8 determined will impair the applicant's ability to engage in
9 the position for which a license is sought;

10 (3) a list of convictions that formed the sole or
11 partial basis for the refusal to issue a license; and

12 (4) a summary of the appeal process or the earliest the
13 applicant may reapply for a license, whichever is
14 applicable.

15 (d) No later than May 1 of each year, the Department must
16 prepare, publicly announce, and publish a report of summary
17 statistical information relating to new and renewal license
18 applications during the preceding calendar year. Each report
19 shall show, at a minimum:

20 (1) the number of applicants for a new or renewal
21 license under this Act within the previous calendar year;

22 (2) the number of applicants for a new or renewal
23 license under this Act within the previous calendar year
24 who had any criminal conviction;

25 (3) the number of applicants for a new or renewal
26 license under this Act in the previous calendar year who

1 were granted a license;

2 (4) the number of applicants for a new or renewal
3 license with a criminal conviction who were granted a
4 license under this Act within the previous calendar year;

5 (5) the number of applicants for a new or renewal
6 license under this Act within the previous calendar year
7 who were denied a license;

8 (6) the number of applicants for a new or renewal
9 license with a criminal conviction who were denied a
10 license under this Act in the previous calendar year in
11 whole or in part because of a prior conviction;

12 (7) the number of licenses issued on probation without
13 monitoring under this Act in the previous calendar year to
14 applicants with a criminal conviction; and

15 (8) the number of licenses issued on probation with
16 monitoring under this Act in the previous calendar year to
17 applicants with a criminal conviction.

18 Section 140. The Slaughter Livestock Buyers Act is amended
19 by changing Section 7 and by adding Section 7.1 as follows:

20 (225 ILCS 655/7) (from Ch. 111, par. 508)

21 Sec. 7. The Department may refuse to issue or may suspend
22 or revoke a certificate of registration on any of the following
23 grounds:

24 a. Material misstatement in the application for original

1 registration;

2 b. Wilful disregard or violation of this Act or of any
3 regulation or rule issued pursuant thereto;

4 c. Wilfully aiding or abetting another in the violation of
5 this Act or of any regulation or rule issued pursuant thereto;

6 d. For the certified, conviction ~~Conviction~~ of any felony,
7 if the Department determines, after investigation, that such
8 person has not been sufficiently rehabilitated to warrant the
9 public trust; for applicants for a certificate of registration
10 or license, the provisions of Section 7.1 apply;

11 e. For the certified, conviction ~~Conviction~~ of any crime an
12 essential element of which is misstatement, fraud or
13 dishonesty; for applicants for a certificate of registration or
14 license, the provisions of Section 7.1 apply;

15 f. Conviction of a violation of any law of Illinois
16 relating to the purchase of livestock or any Departmental rule
17 or regulation pertaining thereto;

18 g. Making substantial misrepresentations or false promises
19 of a character likely to influence, persuade or induce in
20 connection with the business conducted under this Act;

21 h. Pursuing a continued course of misrepresentation of or
22 making false promises through advertising, salesman, agent or
23 otherwise in connection with the business conducted under this
24 Act;

25 i. Failure to possess the necessary qualifications or to
26 meet the requirements of this Act;

1 j. Failure to pay for livestock within 24 hours after
2 purchase, except as otherwise provided in Section 16;

3 k. If Department audit determines the registrant to be
4 insolvent; or

5 l. Issuance of checks for payment of livestock when funds
6 are insufficient.

7 (Source: P.A. 80-915.)

8 (225 ILCS 655/7.1 new)

9 Sec. 7.1. Applicant convictions.

10 (a) The Department shall not require applicants to report
11 the following information and shall not consider the following
12 criminal history records in connection with an application for
13 a certificate of registration or license under this Act:

14 (1) Juvenile adjudications of delinquent minors as
15 defined in Section 5-105 of the Juvenile Court Act of 1987,
16 subject to the restrictions set forth in Section 5-130 of
17 the Juvenile Court Act of 1987.

18 (2) Law enforcement records, court records, and
19 conviction records of an individual who was 17 years old at
20 the time of the offense and before January 1, 2014, unless
21 the nature of the offense required the individual to be
22 tried as an adult.

23 (3) Records of arrest not followed by a conviction.

24 (4) Convictions overturned by a higher court.

25 (5) Convictions or arrests that have been sealed or

1 expunged.

2 (b) The Department, upon a finding that an applicant for a
3 license or certificate of registration was previously
4 convicted of any felony or a misdemeanor directly related to
5 the practice of the profession, shall consider any evidence of
6 rehabilitation and mitigating factors contained in the
7 applicant's record, including any of the following factors and
8 evidence, to determine if the conviction will impair the
9 ability of the applicant to engage in the position for which a
10 license or certificate of registration is sought:

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

15 (2) whether 5 years since a felony conviction or 3
16 years since release from confinement for the conviction,
17 whichever is later, have passed without a subsequent
18 conviction;

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

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

25 (5) successful completion of sentence and, for
26 applicants serving a term of parole or probation, a

1 progress report provided by the applicant's probation or
2 parole officer that documents the applicant's compliance
3 with conditions of supervision;

4 (6) evidence of the applicant's present fitness and
5 professional character;

6 (7) evidence of rehabilitation or rehabilitative
7 effort during or after incarceration, or during or after a
8 term of supervision, including, but not limited to, a
9 certificate of good conduct under Section 5-5.5-25 of the
10 Unified Code of Corrections or a certificate of relief from
11 disabilities under Section 5-5.5-10 of the Unified Code of
12 Corrections; and

13 (8) any other mitigating factors that contribute to the
14 person's potential and current ability to perform the
15 duties and responsibilities of the position for which a
16 license or employment is sought.

17 (c) If the Department refuses to issue a certificate of
18 registration or license to an applicant, then the applicant
19 shall be notified of the denial in writing with the following
20 included in the notice of denial:

21 (1) a statement about the decision to refuse to issue a
22 certificate of registration or a license;

23 (2) a list of the convictions that the Department
24 determined will impair the applicant's ability to engage in
25 the position for which a license or certificate of
26 registration is sought;

1 (3) a list of convictions that formed the sole or
2 partial basis for the refusal to issue a certificate of
3 registration or a license; and

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

7 (d) No later than May 1 of each year, the Department must
8 prepare, publicly announce, and publish a report of summary
9 statistical information relating to new and renewal license or
10 certificate of registration applications during the preceding
11 calendar year. Each report shall show, at a minimum:

12 (1) the number of applicants for a new or renewal
13 license or certificate of registration under this Act
14 within the previous calendar year;

15 (2) the number of applicants for a new or renewal
16 license or certificate of registration under this Act
17 within the previous calendar year who had any criminal
18 conviction;

19 (3) the number of applicants for a new or renewal
20 license or certificate of registration under this Act in
21 the previous calendar year who were granted a license;

22 (4) the number of applicants for a new or renewal
23 license with a criminal conviction who were granted a
24 license or certificate of registration under this Act
25 within the previous calendar year;

26 (5) the number of applicants for a new or renewal

1 license under this Act within the previous calendar year
2 who were denied a license or a certificate of registration;

3 (6) the number of applicants for a new or renewal
4 license with a criminal conviction who were denied a
5 license or certificate of registration under this Act in
6 the previous calendar year in whole or in part because of a
7 prior conviction;

8 (7) the number of licenses or certificates of
9 registration issued on probation without monitoring under
10 this Act in the previous calendar year to applicants with a
11 criminal conviction; and

12 (8) the number of licenses or certificates of
13 registration issued on probation with monitoring under
14 this Act in the previous calendar year to applicants with a
15 criminal conviction.

16 Section 145. The Professional Geologist Licensing Act is
17 amended by changing Section 80 and adding Section 77 as
18 follows:

19 (225 ILCS 745/77 new)

20 Sec. 77. Applicant convictions.

21 (a) The Department shall not require the applicant to
22 report information about the following, and shall not consider
23 the following criminal history records in connection with an
24 application for a license under this Act:

1 (1) Juvenile adjudications of delinquent minors as
2 defined in Section 5-105 of the Juvenile Court Act of 1987,
3 subject to the restrictions set forth in Section 5-130 of
4 the Juvenile Court Act of 1987.

5 (2) Law enforcement records, court records, and
6 conviction records of an individual who was 17 years old at
7 the time of the offense and before January 1, 2014, unless
8 the nature of the offense required the individual to be
9 tried as an adult.

10 (3) Records of arrest not followed by a charge or
11 conviction.

12 (4) Records of arrest where charges were dismissed
13 unless related to the practice of the profession. However,
14 applicants shall not be asked to report any arrests, and
15 any arrest not followed by a conviction shall not be the
16 basis of a denial and may be used only to assess an
17 applicant's rehabilitation.

18 (5) Convictions overturned by a higher court.

19 (6) Convictions or arrests that have been sealed or
20 expunged.

21 (b) The Department, upon a finding that an applicant for a
22 license was previously convicted of any felony or a misdemeanor
23 directly related to the practice of the profession by plea of
24 guilty or nolo contendere, finding of guilt, jury verdict, or
25 entry of judgment or by sentencing, shall consider any evidence
26 of rehabilitation and mitigating factors contained in the

1 applicant's record, including any of the following factors and
2 evidence, to determine if the conviction will impair the
3 ability of the applicant to engage in the position for which a
4 license is sought:

5 (1) the lack of direct relation of the offense for
6 which the applicant was previously convicted to the duties,
7 functions, and responsibilities of the position for which a
8 license is sought;

9 (2) whether 5 years since a felony conviction or 3
10 years since release from confinement for the conviction,
11 whichever is later, have passed without a subsequent
12 conviction;

13 (3) if the applicant was previously licensed or
14 employed in this State or other state or jurisdictions,
15 then the lack of prior misconduct arising from or related
16 to the licensed position or position of employment;

17 (4) the age of the person at the time of the criminal
18 offense;

19 (5) successful completion of sentence and, for
20 applicants serving a term of parole or probation, a
21 progress report provided by the applicant's probation or
22 parole officer that documents the applicant's compliance
23 with conditions of supervision;

24 (6) evidence of the applicant's present fitness and
25 professional character;

26 (7) evidence of rehabilitation or rehabilitative

1 effort during or after incarceration, or during or after a
2 term of supervision, including, but not limited to, a
3 certificate of good conduct under Section 5-5.5-25 of the
4 Unified Code of Corrections or a certificate of relief from
5 disabilities under Section 5-5.5-10 of the Unified Code of
6 Corrections; and

7 (8) any other mitigating factors that contribute to the
8 person's potential and current ability to perform the
9 duties and responsibilities of the position for which a
10 license or employment is sought.

11 (c) If the Department refuses to issue a license to an
12 applicant based, in whole or in part, upon a conviction or
13 convictions, then the Department shall notify the applicant of
14 the denial in writing with the following included in the notice
15 of denial:

16 (1) a statement about the decision to refuse to issue a
17 license;

18 (2) a list of the convictions that the Department
19 determined will impair the applicant's ability to engage in
20 the position for which a license is sought;

21 (3) a list of convictions that formed the sole or
22 partial basis for the refusal to issue a license; and

23 (4) a summary of the appeal process or the earliest the
24 applicant may reapply for a license, whichever is
25 applicable.

26 (d) No later than May 1 of each year, the Department must

1 prepare, publicly announce, and publish a report of summary
2 statistical information relating to new license applications
3 during the preceding calendar year. Each report shall show, at
4 a minimum:

5 (1) the number of applicants for a new license under
6 this Act within the previous calendar year;

7 (2) the number of applicants for a new license under
8 this Act within the previous calendar year who had any
9 criminal conviction;

10 (3) the number of applicants for a new license under
11 this Act in the previous calendar year who were granted a
12 license;

13 (4) the number of applicants for a new license with a
14 criminal conviction who were granted a license under this
15 Act within the previous calendar year;

16 (5) the number of applicants for a new license under
17 this Act within the previous calendar year who were denied
18 a license;

19 (6) the number of applicants for a new license with a
20 criminal conviction who were denied a license under this
21 Act in the previous calendar year in part or in whole
22 because of a prior conviction; and

23 (7) the number of licenses issued on probation under
24 this Act in the previous calendar year to applicants with a
25 criminal conviction.

1 (225 ILCS 745/80)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 80. Disciplinary actions.

4 (a) The Department may refuse to issue or renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary or non-disciplinary action as the Department may
7 deem appropriate, including fines not to exceed \$10,000 for
8 each violation, with regard to any license for any one or
9 combination of the following:

10 (1) Material misstatement in furnishing information to
11 the Department.

12 (2) Violations of this Act, or of the rules promulgated
13 under this Act.

14 (3) For licensees, conviction ~~Conviction~~ by plea of
15 guilty or nolo contendere, finding of guilt, jury verdict,
16 or entry of judgment or by sentencing of any crime,
17 including, but not limited to, convictions, preceding
18 sentences of supervision, conditional discharge, or first
19 offender probation, under the laws of any jurisdiction of
20 the United States: (i) that is a felony or (ii) that is a
21 misdemeanor, an essential element of which is dishonesty,
22 or that is directly related to the practice of the
23 profession. For applicants, the provisions of Section 77
24 apply.

25 (4) Making any misrepresentation for the purpose of
26 obtaining licensure or violating any provision of this Act

1 or the rules promulgated under this Act pertaining to
2 advertising.

3 (5) Professional incompetence.

4 (6) Malpractice.

5 (7) Aiding or assisting another person in violating any
6 provision of this Act or rules promulgated under this Act.

7 (8) Failing, within 60 days, to provide information in
8 response to a written request made by the Department.

9 (9) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public.

12 (10) Habitual or excessive use or addiction to alcohol,
13 narcotics, stimulants, or any other chemical agent or drug
14 that results in the inability to practice with reasonable
15 judgment, skill, or safety.

16 (11) Discipline by another state, the District of
17 Columbia, a territory of the United States, or a foreign
18 nation, if at least one of the grounds for the discipline
19 is the same or substantially equivalent to those set forth
20 in this Section.

21 (12) Directly or indirectly giving to or receiving from
22 any person, firm, corporation, partnership, or association
23 any fee, commission, rebate or other form of compensation
24 for professional services not actually or personally
25 rendered.

26 (13) A finding by the Department that the licensee,

1 after having his or her license placed on probationary
2 status, has violated the terms of probation.

3 (14) Willfully making or filing false records or
4 reports in his or her practice, including but not limited
5 to, false records filed with State agencies or departments.

6 (15) Physical illness, including but not limited to,
7 deterioration through the aging process, or loss of motor
8 skill that results in the inability to practice the
9 profession with reasonable judgment, skill, or safety.

10 (16) Solicitation of professional services other than
11 permitted advertising.

12 (17) Conviction of or cash compromise of a charge or
13 violation of the Illinois Controlled Substances Act
14 regulating narcotics.

15 (18) Failure to (i) file a tax return, (ii) pay the
16 tax, penalty, or interest shown in a filed return, or (iii)
17 pay any final assessment of tax, penalty, or interest, as
18 required by any tax Act administered by the Illinois
19 Department of Revenue, until the requirements of that tax
20 Act are satisfied.

21 (19) Conviction by any court of competent
22 jurisdiction, either within or outside this State, of any
23 violation of any law governing the practice of professional
24 geology, if the Department determines, after
25 investigation, that the person has not been sufficiently
26 rehabilitated to warrant the public trust.

1 (20) Gross, willful, or continued overcharging for
2 professional services, including filing false statements
3 for collection of fees for which services are not rendered.

4 (21) Practicing under a false or, except as provided by
5 law, an assumed name.

6 (22) Fraud or misrepresentation in applying for, or
7 procuring, a license to practice as a Licensed Professional
8 Geologist under this Act or in connection with applying for
9 renewal of a license under this Act.

10 (23) Cheating on or attempting to subvert the licensing
11 examination administered under this Act.

12 (b) The determination by a circuit court that a licensee is
13 subject to involuntary admission or judicial admission as
14 provided in the Mental Health and Developmental Disabilities
15 Code operates as an automatic suspension. The suspension will
16 end only upon a finding by a court that the licensee is no
17 longer subject to the involuntary admission or judicial
18 admission and issues an order so finding and discharging the
19 licensee; and upon the recommendation of the Board to the
20 Secretary that the licensee be allowed to resume his or her
21 practice.

22 All fines imposed under this Section shall be paid within
23 60 days after the effective date of the order imposing the fine
24 or in accordance with the terms set forth in the order imposing
25 the fine.

26 (Source: P.A. 99-26, eff. 7-10-15.)

1 Section 150. The Raffles and Poker Runs Act is amended by
2 changing Section 3 and by adding Section 3.1 as follows:

3 (230 ILCS 15/3) (from Ch. 85, par. 2303)

4 Sec. 3. License - Application - Issuance - Restrictions -
5 Persons ineligible. Licenses issued by the governing body of
6 any county or municipality are subject to the following
7 restrictions:

8 (1) No person, firm or corporation shall conduct
9 raffles or chances or poker runs without having first
10 obtained a license therefor pursuant to this Act.

11 (2) The license and application for license must
12 specify the area or areas within the licensing authority in
13 which raffle chances will be sold or issued or a poker run
14 will be conducted, the time period during which raffle
15 chances will be sold or issued or a poker run will be
16 conducted, the time of determination of winning chances and
17 the location or locations at which winning chances will be
18 determined.

19 (3) The license application must contain a sworn
20 statement attesting to the not-for-profit character of the
21 prospective licensee organization, signed by the presiding
22 officer and the secretary of that organization.

23 (4) The application for license shall be prepared in
24 accordance with the ordinance of the local governmental

1 unit.

2 (5) A license authorizes the licensee to conduct
3 raffles or poker runs as defined in this Act.

4 The following are ineligible for any license under this
5 Act:

6 (a) any person whose felony conviction will impair the
7 person's ability to engage in the licensed position ~~who has~~
8 ~~been convicted of a felony;~~

9 (b) any person who is or has been a professional
10 gambler or gambling promoter;

11 (c) any person who is not of good moral character;

12 (d) any firm or corporation in which a person defined
13 in (a), (b) or (c) has a proprietary, equitable or credit
14 interest, or in which such a person is active or employed;

15 (e) any organization in which a person defined in (a),
16 (b) or (c) is an officer, director, or employee, whether
17 compensated or not;

18 (f) any organization in which a person defined in (a),
19 (b) or (c) is to participate in the management or operation
20 of a raffle as defined in this Act.

21 (Source: P.A. 98-644, eff. 6-10-14.)

22 (230 ILCS 15/3.1 new)

23 Sec. 3.1. Applicant convictions.

24 (a) The licensing authority shall not require applicants to
25 report the following information and shall not consider the

1 following criminal history records in connection with an
2 application for licensure:

3 (1) Juvenile adjudications of delinquent minors as
4 defined in Section 5-105 of the Juvenile Court Act of 1987,
5 subject to the restrictions set forth in Section 5-130 of
6 the Juvenile Court Act of 1987.

7 (2) Law enforcement records, court records, and
8 conviction records of an individual who was 17 years old at
9 the time of the offense and before January 1, 2014, unless
10 the nature of the offense required the individual to be
11 tried as an adult.

12 (3) Records of arrest not followed by a conviction.

13 (4) Convictions overturned by a higher court.

14 (5) Convictions or arrests that have been sealed or
15 expunged.

16 (b) The licensing authority, upon a finding that an
17 applicant for a license was previously convicted of a felony
18 shall consider any evidence of rehabilitation and mitigating
19 factors contained in the applicant's record, including any of
20 the following factors and evidence, to determine if the
21 conviction will impair the ability of the applicant to engage
22 in the position for which a license is sought:

23 (1) the lack of direct relation of the offense for
24 which the applicant was previously convicted to the duties,
25 functions, and responsibilities of the position for which a
26 license is sought;

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

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

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

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

16 (6) evidence of the applicant's present fitness and
17 professional character;

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

25 (8) any other mitigating factors that contribute to the
26 person's potential and current ability to perform the

1 duties and responsibilities of the position for which a
2 license or employment is sought.

3 (c) If the licensing authority refuses to issue a license
4 to an applicant, then the applicant shall be notified of the
5 denial in writing with the following included in the notice of
6 denial:

7 (1) a statement about the decision to refuse to issue a
8 license;

9 (2) a list of the convictions that the licensing
10 authority determined will impair the applicant's ability
11 to engage in the position for which a license is sought;

12 (3) a list of convictions that formed the sole or
13 partial basis for the refusal to issue a license; and

14 (4) a summary of the appeal process or the earliest the
15 applicant may reapply for a license, whichever is
16 applicable.

17 (d) No later than May 1 of each year, the licensing
18 authority must prepare, publicly announce, and publish a report
19 of summary statistical information relating to new and renewal
20 license applications during the preceding calendar year. Each
21 report shall show, at a minimum:

22 (1) the number of applicants for a new or renewal
23 license under this Act within the previous calendar year;

24 (2) the number of applicants for a new or renewal
25 license under this Act within the previous calendar year
26 who had any criminal conviction;

1 (3) the number of applicants for a new or renewal
2 license under this Act in the previous calendar year who
3 were granted a license;

4 (4) the number of applicants for a new or renewal
5 license with a criminal conviction who were granted a
6 license under this Act within the previous calendar year;

7 (5) the number of applicants for a new or renewal
8 license under this Act within the previous calendar year
9 who were denied a license;

10 (6) the number of applicants for a new or renewal
11 license with a criminal conviction who were denied a
12 license under this Act in the previous calendar year in
13 whole or in part because of a prior conviction;

14 (7) the number of licenses issued on probation without
15 monitoring under this Act in the previous calendar year to
16 applicants with a criminal conviction; and

17 (8) the number of licenses issued on probation with
18 monitoring under this Act in the previous calendar year to
19 applicants with a criminal conviction.

20 Section 155. The Illinois Pull Tabs and Jar Games Act is
21 amended by changing Section 2.1 and by adding Section 2.2 as
22 follows:

23 (230 ILCS 20/2.1)

24 Sec. 2.1. Ineligibility for a license. The following are

1 ineligible for any license under this Act:

2 (1) Any person convicted of any felony within the last
3 5 years where such conviction will impair the person's
4 ability to engage in the position for which a license is
5 sought. ~~Any person who has been convicted of a felony~~
6 ~~within the last 10 years prior to the date of the~~
7 ~~application.~~

8 (2) Any person ~~who has been~~ convicted of a violation of
9 Article 28 of the Criminal Code of 1961 or the Criminal
10 Code of 2012 who has not been sufficiently rehabilitated
11 following the conviction.

12 (3) Any person who has had a bingo, pull tabs and jar
13 games, or charitable games license revoked by the
14 Department.

15 (4) Any person who is or has been a professional
16 gambler.

17 (5) Any person found gambling in a manner not
18 authorized by the Illinois Pull Tabs and Jar Games Act, the
19 Bingo License and Tax Act, or the Charitable Games Act,
20 participating in such gambling, or knowingly permitting
21 such gambling on premises where pull tabs and jar games are
22 authorized to be conducted.

23 (6) Any firm or corporation in which a person defined
24 in (1), (2), (3), (4), or (5) has any proprietary,
25 equitable, or credit interest or in which such person is
26 active or employed.

1 (7) Any organization in which a person defined in (1),
2 (2), (3), (4), or (5) is an officer, director, or employee,
3 whether compensated or not.

4 (8) Any organization in which a person defined in (1),
5 (2), (3), (4), or (5) is to participate in the management
6 or operation of pull tabs and jar games.

7 The Department of State Police shall provide the criminal
8 background of any supplier as requested by the Department of
9 Revenue.

10 (Source: P.A. 97-1150, eff. 1-25-13.)

11 (230 ILCS 20/2.2 new)

12 Sec. 2.2. Applicant convictions.

13 (a) The Department shall not require applicants to report
14 the following information and shall not consider the following
15 criminal history records in connection with an application for
16 licensure:

17 (1) Juvenile adjudications of delinquent minors as
18 defined in Section 5-105 of the Juvenile Court Act of 1987,
19 subject to the restrictions set forth in Section 5-130 of
20 the Juvenile Court Act of 1987.

21 (2) Law enforcement records, court records, and
22 conviction records of an individual who was 17 years old at
23 the time of the offense and before January 1, 2014, unless
24 the nature of the offense required the individual to be
25 tried as an adult.

1 (3) Records of arrest not followed by a conviction.

2 (4) Convictions overturned by a higher court.

3 (5) Convictions or arrests that have been sealed or
4 expunged.

5 (b) The Department, upon a finding that an applicant for a
6 license was convicted of a felony in the previous 5 years or of
7 a violation of Article 28 of the Criminal Code of 1961 or
8 Criminal Code of 2012, shall consider any evidence of
9 rehabilitation and mitigating factors contained in the
10 applicant's record, including any of the following factors and
11 evidence, to determine if the applicant is sufficiently
12 rehabilitated or whether the conviction will impair the ability
13 of the applicant to engage in the position for which a license
14 is sought:

15 (1) the lack of direct relation of the offense for
16 which the applicant was previously convicted to the duties,
17 functions, and responsibilities of the position for which a
18 license is sought;

19 (2) the amount of time that has elapsed since the
20 offense occurred;

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

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

1 (5) successful completion of sentence and, for
2 applicants serving a term of parole or probation, a
3 progress report provided by the applicant's probation or
4 parole officer that documents the applicant's compliance
5 with conditions of supervision;

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

8 (7) evidence of rehabilitation or rehabilitative
9 effort during or after incarceration, or during or after a
10 term of supervision, including, but not limited to, a
11 certificate of good conduct under Section 5-5.5-25 of the
12 Unified Code of Corrections or a certificate of relief from
13 disabilities under Section 5-5.5-10 of the Unified Code of
14 Corrections; and

15 (8) any other mitigating factors that contribute to the
16 person's potential and current ability to perform the
17 duties and responsibilities of the position for which a
18 license or employment is sought.

19 (c) If the Department refuses to issue a license to an
20 applicant, then the applicant shall be notified of the denial
21 in writing with the following included in the notice of denial:

22 (1) a statement about the decision to refuse to issue a
23 license;

24 (2) a list of the convictions that the Department
25 determined will impair the applicant's ability to engage in
26 the position for which a license is sought;

1 (3) a list of convictions that formed the sole or
2 partial basis for the refusal to issue a license; and

3 (4) a summary of the appeal process or the earliest the
4 applicant may reapply for a license, whichever is
5 applicable.

6 (d) No later than May 1 of each year, the Department must
7 prepare, publicly announce, and publish a report of summary
8 statistical information relating to new and renewal license
9 applications during the preceding calendar year. Each report
10 shall show, at a minimum:

11 (1) the number of applicants for a new or renewal
12 license under this Act within the previous calendar year;

13 (2) the number of applicants for a new or renewal
14 license under this Act within the previous calendar year
15 who had any criminal conviction;

16 (3) the number of applicants for a new or renewal
17 license under this Act in the previous calendar year who
18 were granted a license;

19 (4) the number of applicants for a new or renewal
20 license with a criminal conviction who were granted a
21 license under this Act within the previous calendar year;

22 (5) the number of applicants for a new or renewal
23 license under this Act within the previous calendar year
24 who were denied a license;

25 (6) the number of applicants for a new or renewal
26 license with a criminal conviction who were denied a

1 license under this Act in the previous calendar year in
2 whole or in part because of a prior conviction;

3 (7) the number of licenses issued on probation without
4 monitoring under this Act in the previous calendar year to
5 applicants with a criminal conviction; and

6 (8) the number of licenses issued on probation with
7 monitoring under this Act in the previous calendar year to
8 applicants with a criminal conviction.

9 Section 160. The Bingo License and Tax Act is amended by
10 changing Section 1.2 and by adding Section 1.2a as follows:

11 (230 ILCS 25/1.2)

12 Sec. 1.2. Ineligibility for licensure. The following are
13 ineligible for any license under this Act:

14 (1) Any person convicted of any felony within the last
15 5 years where such conviction will impair the person's
16 ability to engage in the position for which a license is
17 sought. ~~Any person who has been convicted of a felony~~
18 ~~within the last 10 years prior to the date of application.~~

19 (2) Any person ~~who has been~~ convicted of a violation of
20 Article 28 of the Criminal Code of 1961 or the Criminal
21 Code of 2012 who has not been sufficiently rehabilitated
22 following the conviction.

23 (3) Any person who has had a bingo, pull tabs and jar
24 games, or charitable games license revoked by the

1 Department.

2 (4) Any person who is or has been a professional
3 gambler.

4 (5) Any person found gambling in a manner not
5 authorized by the Illinois Pull Tabs and Jar Games Act,
6 Bingo License and Tax Act, or the Charitable Games Act,
7 participating in such gambling, or knowingly permitting
8 such gambling on premises where a bingo event is authorized
9 to be conducted or has been conducted.

10 (6) Any organization in which a person defined in (1),
11 (2), (3), (4), or (5) has a proprietary, equitable, or
12 credit interest, or in which such person is active or
13 employed.

14 (7) Any organization in which a person defined in (1),
15 (2), (3), (4), or (5) is an officer, director, or employee,
16 whether compensated or not.

17 (8) Any organization in which a person defined in (1),
18 (2), (3), (4), or (5) is to participate in the management
19 or operation of a bingo game.

20 The Department of State Police shall provide the criminal
21 background of any person requested by the Department of
22 Revenue.

23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 (230 ILCS 25/1.2a new)

25 Sec. 1.2a. Applicant convictions.

1 (a) The Department, upon a finding that an applicant for a
2 license was convicted of a felony within the previous 5 years
3 or of a violation of Article 28 of the Criminal Code of 1961 or
4 Criminal Code of 2012, shall consider any evidence of
5 rehabilitation and mitigating factors contained in the
6 applicant's record, including any of the following factors and
7 evidence, to determine if the applicant is sufficiently
8 rehabilitated or whether the conviction will impair the ability
9 of the applicant to engage in the position for which a license
10 is sought:

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

15 (2) the amount of time that has elapsed since the
16 offense occurred;

17 (3) if the applicant was previously licensed or
18 employed in this State or other state or jurisdictions,
19 then the lack of prior misconduct arising from or related
20 to the licensed position or position of employment;

21 (4) the age of the person at the time of the criminal
22 offense;

23 (5) successful completion of sentence and, for
24 applicants serving a term of parole or probation, a
25 progress report provided by the applicant's probation or
26 parole officer that documents the applicant's compliance

1 with conditions of supervision;

2 (6) evidence of the applicant's present fitness and
3 professional character;

4 (7) evidence of rehabilitation or rehabilitative
5 effort during or after incarceration, or during or after a
6 term of supervision, including, but not limited to, a
7 certificate of good conduct under Section 5-5.5-25 of the
8 Unified Code of Corrections or a certificate of relief from
9 disabilities under Section 5-5.5-10 of the Unified Code of
10 Corrections; and

11 (8) any other mitigating factors that contribute to the
12 person's potential and current ability to perform the
13 duties and responsibilities of the position for which a
14 license or employment is sought.

15 (b) If the Department refuses to issue a license to an
16 applicant, then the Department shall notify the applicant of
17 the denial in writing with the following included in the notice
18 of denial:

19 (1) a statement about the decision to refuse to issue a
20 license;

21 (2) a list of the convictions that the Department
22 determined will impair the applicant's ability to engage in
23 the position for which a license is sought;

24 (3) a list of convictions that formed the sole or
25 partial basis for the refusal to issue a license; and

26 (4) a summary of the appeal process or the earliest the

1 applicant may reapply for a license, whichever is
2 applicable.

3 (c) No later than May 1 of each year, the Department must
4 prepare, publicly announce, and publish a report of summary
5 statistical information relating to new and renewal license
6 applications during the preceding calendar year. Each report
7 shall show, at a minimum:

8 (1) the number of applicants for a new or renewal
9 license under this Act within the previous calendar year;

10 (2) the number of applicants for a new or renewal
11 license under this Act within the previous calendar year
12 who had any criminal conviction;

13 (3) the number of applicants for a new or renewal
14 license under this Act in the previous calendar year who
15 were granted a license;

16 (4) the number of applicants for a new or renewal
17 license with a criminal conviction who were granted a
18 license under this Act within the previous calendar year;

19 (5) the number of applicants for a new or renewal
20 license under this Act within the previous calendar year
21 who were denied a license;

22 (6) the number of applicants for a new or renewal
23 license with a criminal conviction who were denied a
24 license under this Act in the previous calendar year in
25 whole or in part because of a prior conviction;

26 (7) the number of licenses issued on probation without

1 monitoring under this Act in the previous calendar year to
2 applicants with a criminal conviction; and

3 (8) the number of licenses issued on probation with
4 monitoring under this Act in the previous calendar year to
5 applicants with a criminal conviction.

6 (d) The Department shall not require applicants to report
7 the following information and shall not consider the following
8 criminal history records in connection with an application for
9 licensure:

10 (1) Juvenile adjudications of delinquent minors as
11 defined in Section 5-105 of the Juvenile Court Act of 1987,
12 subject to the exclusions set forth in Section 5-130 of the
13 Juvenile Court Act of 1987.

14 (2) Law enforcement records, court records, and
15 conviction records of an individual who was 17 years old at
16 the time of the offense and before January 1, 2014, unless
17 the nature of the offense required the individual to be
18 tried as an adult.

19 (3) Records of arrest not followed by a conviction.

20 (4) Convictions overturned by a higher court.

21 (5) Convictions or arrests that have been sealed or
22 expunged.

23 Section 165. The Charitable Games Act is amended by
24 changing Section 7 and by adding Section 7.1 as follows:

1 (230 ILCS 30/7) (from Ch. 120, par. 1127)

2 Sec. 7. Ineligible Persons. The following are ineligible
3 for any license under this Act:

4 (a) any person convicted of any felony within the last
5 5 years where such conviction will impair the person's
6 ability to engage in the position for which a license is
7 sought ~~any person who has been convicted of a felony within~~
8 ~~the last 10 years before the date of the application;~~

9 (b) any person ~~who has been~~ convicted of a violation of
10 Article 28 of the Criminal Code of 1961 or the Criminal
11 Code of 2012 who has not been sufficiently rehabilitated
12 following the conviction;

13 (c) any person who has had a bingo, pull tabs and jar
14 games, or charitable games license revoked by the
15 Department;

16 (d) any person who is or has been a professional
17 gambler;

18 (d-1) any person found gambling in a manner not
19 authorized by this Act, the Illinois Pull Tabs and Jar
20 Games Act, or the Bingo License and Tax Act participating
21 in such gambling, or knowingly permitting such gambling on
22 premises where an authorized charitable games event is
23 authorized to be conducted or has been conducted;

24 (e) any organization in which a person defined in (a),
25 (b), (c), (d), or (d-1) has a proprietary, equitable, or
26 credit interest, or in which the person is active or

1 employed;

2 (f) any organization in which a person defined in (a),
3 (b), (c), (d), or (d-1) is an officer, director, or
4 employee, whether compensated or not;

5 (g) any organization in which a person defined in (a),
6 (b), (c), (d), or (d-1) is to participate in the management
7 or operation of charitable games.

8 The Department of State Police shall provide the criminal
9 background of any person requested by the Department of
10 Revenue.

11 (Source: P.A. 97-1150, eff. 1-25-13.)

12 (230 ILCS 30/7.1 new)

13 Sec. 7.1. Applicant convictions.

14 (a) The Department, upon a finding that an applicant for a
15 license was convicted of a felony within the previous 5 years
16 or of a violation of Article 28 of the Criminal Code of 1961 or
17 Criminal Code of 2012, shall consider any evidence of
18 rehabilitation and mitigating factors contained in the
19 applicant's record, including any of the following factors and
20 evidence, to determine if the applicant is sufficiently
21 rehabilitated or whether the conviction will impair the ability
22 of the applicant to engage in the position for which a license
23 is sought:

24 (1) the lack of direct relation of the offense for
25 which the applicant was previously convicted to the duties,

1 functions, and responsibilities of the position for which a
2 license is sought;

3 (2) the amount of time that has elapsed since the
4 offense occurred;

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

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

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

16 (6) evidence of the applicant's present fitness and
17 professional character;

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

25 (8) any other mitigating factors that contribute to the
26 person's potential and current ability to perform the

1 duties and responsibilities of the position for which a
2 license or employment is sought.

3 (b) If the Department refuses to grant a license to an
4 applicant, then the Department shall notify the applicant of
5 the denial in writing with the following included in the notice
6 of denial:

7 (1) a statement about the decision to refuse to issue a
8 license;

9 (2) a list of the convictions that the Department
10 determined will impair the applicant's ability to engage in
11 the position for which a license is sought;

12 (3) a list of convictions that formed the sole or
13 partial basis for the refusal to issue a license; and

14 (4) a summary of the appeal process or the earliest the
15 applicant may reapply for a license, whichever is
16 applicable.

17 (c) No later than May 1 of each year, the Department must
18 prepare, publicly announce, and publish a report of summary
19 statistical information relating to new and renewal license
20 applications during the preceding calendar year. Each report
21 shall show, at a minimum:

22 (1) the number of applicants for a new or renewal
23 license under this Act within the previous calendar year;

24 (2) the number of applicants for a new or renewal
25 license under this Act within the previous calendar year
26 who had any criminal conviction;

1 (3) the number of applicants for a new or renewal
2 license under this Act in the previous calendar year who
3 were granted a license;

4 (4) the number of applicants for a new or renewal
5 license with a criminal conviction who were granted a
6 license under this Act within the previous calendar year;

7 (5) the number of applicants for a new or renewal
8 license under this Act within the previous calendar year
9 who were denied a license;

10 (6) the number of applicants for a new or renewal
11 license with a criminal conviction who were denied a
12 license under this Act in the previous calendar year in
13 whole or in part because of a prior conviction;

14 (7) the number of licenses issued on probation without
15 monitoring under this Act in the previous calendar year to
16 applicants with a criminal conviction; and

17 (8) the number of licenses issued on probation with
18 monitoring under this Act in the previous calendar year to
19 applicants with a criminal conviction.

20 (d) Applicants shall not be required to report the
21 following information and the following shall not be considered
22 in connection with an application for licensure or
23 registration:

24 (1) Juvenile adjudications of delinquent minors as
25 defined in Section 5-105 of the Juvenile Court Act of 1987,
26 subject to the restrictions set forth in Section 5-130 of

1 the Juvenile Court Act of 1987.

2 (2) Law enforcement, court records, and conviction
3 records of an individual who was 17 years old at the time
4 of the offense and before January 1, 2014, unless the
5 nature of the offense required the individual to be tried
6 as an adult.

7 (3) Records of arrest not followed by a conviction.

8 (4) Convictions overturned by a higher court.

9 (5) Convictions or arrests that have been sealed or
10 expunged.

11 Section 170. The Liquor Control Act of 1934 is amended by
12 changing Sections 6-2 and 7-1 and by adding Section 6-2.5 as
13 follows:

14 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

15 Sec. 6-2. Issuance of licenses to certain persons
16 prohibited.

17 (a) Except as otherwise provided in subsection (b) of this
18 Section and in paragraph (1) of subsection (a) of Section 3-12,
19 no license of any kind issued by the State Commission or any
20 local commission shall be issued to:

21 (1) A person who is not a resident of any city, village
22 or county in which the premises covered by the license are
23 located; except in case of railroad or boat licenses.

24 (2) A person who is not of good character and

1 reputation in the community in which he resides.

2 (3) A person who is not a citizen of the United States.

3 (4) A person who has been convicted of a felony under
4 any Federal or State law, unless the Commission determines
5 that such person will not be impaired by the conviction in
6 engaging in the licensed practice ~~has been sufficiently~~
7 ~~rehabilitated to warrant the public trust~~ after
8 considering matters set forth in such person's application
9 in accordance with Section 6-2.5 of this Act and the
10 Commission's investigation. ~~The burden of proof of~~
11 ~~sufficient rehabilitation shall be on the applicant.~~

12 (5) A person who has been convicted of keeping a place
13 of prostitution or keeping a place of juvenile
14 prostitution, promoting prostitution that involves keeping
15 a place of prostitution, or promoting juvenile
16 prostitution that involves keeping a place of juvenile
17 prostitution.

18 (6) A person who has been convicted of pandering ~~or~~
19 ~~other crime or misdemeanor opposed to decency and morality.~~

20 (7) A person whose license issued under this Act has
21 been revoked for cause.

22 (8) A person who at the time of application for renewal
23 of any license issued hereunder would not be eligible for
24 such license upon a first application.

25 (9) A copartnership, if any general partnership
26 thereof, or any limited partnership thereof, owning more

1 than 5% of the aggregate limited partner interest in such
2 copartnership would not be eligible to receive a license
3 hereunder for any reason other than residence within the
4 political subdivision, unless residency is required by
5 local ordinance.

6 (10) A corporation or limited liability company, if any
7 member, officer, manager or director thereof, or any
8 stockholder or stockholders owning in the aggregate more
9 than 5% of the stock of such corporation, would not be
10 eligible to receive a license hereunder for any reason
11 other than citizenship and residence within the political
12 subdivision.

13 (10a) A corporation or limited liability company
14 unless it is incorporated or organized in Illinois, or
15 unless it is a foreign corporation or foreign limited
16 liability company which is qualified under the Business
17 Corporation Act of 1983 or the Limited Liability Company
18 Act to transact business in Illinois. The Commission shall
19 permit and accept from an applicant for a license under
20 this Act proof prepared from the Secretary of State's
21 website that the corporation or limited liability company
22 is in good standing and is qualified under the Business
23 Corporation Act of 1983 or the Limited Liability Company
24 Act to transact business in Illinois.

25 (11) A person whose place of business is conducted by a
26 manager or agent unless the manager or agent possesses the

1 same qualifications required by the licensee.

2 (12) A person who has been convicted of a violation of
3 any Federal or State law concerning the manufacture,
4 possession or sale of alcoholic liquor, subsequent to the
5 passage of this Act or has forfeited his bond to appear in
6 court to answer charges for any such violation, unless the
7 Commission determines, in accordance with Section 6-2.5 of
8 this Act, that the person will not be impaired by the
9 conviction in engaging in the licensed practice.

10 (13) A person who does not beneficially own the
11 premises for which a license is sought, or does not have a
12 lease thereon for the full period for which the license is
13 to be issued.

14 (14) Any law enforcing public official, including
15 members of local liquor control commissions, any mayor,
16 alderman, or member of the city council or commission, any
17 president of the village board of trustees, any member of a
18 village board of trustees, or any president or member of a
19 county board; and no such official shall have a direct
20 interest in the manufacture, sale, or distribution of
21 alcoholic liquor, except that a license may be granted to
22 such official in relation to premises that are not located
23 within the territory subject to the jurisdiction of that
24 official if the issuance of such license is approved by the
25 State Liquor Control Commission and except that a license
26 may be granted, in a city or village with a population of

1 55,000 or less, to any alderman, member of a city council,
2 or member of a village board of trustees in relation to
3 premises that are located within the territory subject to
4 the jurisdiction of that official if (i) the sale of
5 alcoholic liquor pursuant to the license is incidental to
6 the selling of food, (ii) the issuance of the license is
7 approved by the State Commission, (iii) the issuance of the
8 license is in accordance with all applicable local
9 ordinances in effect where the premises are located, and
10 (iv) the official granted a license does not vote on
11 alcoholic liquor issues pending before the board or council
12 to which the license holder is elected. Notwithstanding any
13 provision of this paragraph (14) to the contrary, an
14 alderman or member of a city council or commission, a
15 member of a village board of trustees other than the
16 president of the village board of trustees, or a member of
17 a county board other than the president of a county board
18 may have a direct interest in the manufacture, sale, or
19 distribution of alcoholic liquor as long as he or she is
20 not a law enforcing public official, a mayor, a village
21 board president, or president of a county board. To prevent
22 any conflict of interest, the elected official with the
23 direct interest in the manufacture, sale, or distribution
24 of alcoholic liquor shall not participate in any meetings,
25 hearings, or decisions on matters impacting the
26 manufacture, sale, or distribution of alcoholic liquor.

1 Furthermore, the mayor of a city with a population of
2 55,000 or less or the president of a village with a
3 population of 55,000 or less may have an interest in the
4 manufacture, sale, or distribution of alcoholic liquor as
5 long as the council or board over which he or she presides
6 has made a local liquor control commissioner appointment
7 that complies with the requirements of Section 4-2 of this
8 Act.

9 (15) A person who is not a beneficial owner of the
10 business to be operated by the licensee.

11 (16) A person who has been convicted of a gambling
12 offense as proscribed by any of subsections (a) (3) through
13 (a) (11) of Section 28-1 of, or as proscribed by Section
14 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
15 Criminal Code of 2012, or as proscribed by a statute
16 replaced by any of the aforesaid statutory provisions.

17 (17) A person or entity to whom a federal wagering
18 stamp has been issued by the federal government, unless the
19 person or entity is eligible to be issued a license under
20 the Raffles and Poker Runs Act or the Illinois Pull Tabs
21 and Jar Games Act.

22 (18) A person who intends to sell alcoholic liquors for
23 use or consumption on his or her licensed retail premises
24 who does not have liquor liability insurance coverage for
25 that premises in an amount that is at least equal to the
26 maximum liability amounts set out in subsection (a) of

1 Section 6-21.

2 (19) A person who is licensed by any licensing
3 authority as a manufacturer of beer, or any partnership,
4 corporation, limited liability company, or trust or any
5 subsidiary, affiliate, or agent thereof, or any other form
6 of business enterprise licensed as a manufacturer of beer,
7 having any legal, equitable, or beneficial interest,
8 directly or indirectly, in a person licensed in this State
9 as a distributor or importing distributor. For purposes of
10 this paragraph (19), a person who is licensed by any
11 licensing authority as a "manufacturer of beer" shall also
12 mean a brewer and a non-resident dealer who is also a
13 manufacturer of beer, including a partnership,
14 corporation, limited liability company, or trust or any
15 subsidiary, affiliate, or agent thereof, or any other form
16 of business enterprise licensed as a manufacturer of beer.

17 (20) A person who is licensed in this State as a
18 distributor or importing distributor, or any partnership,
19 corporation, limited liability company, or trust or any
20 subsidiary, affiliate, or agent thereof, or any other form
21 of business enterprise licensed in this State as a
22 distributor or importing distributor having any legal,
23 equitable, or beneficial interest, directly or indirectly,
24 in a person licensed as a manufacturer of beer by any
25 licensing authority, or any partnership, corporation,
26 limited liability company, or trust or any subsidiary,

1 affiliate, or agent thereof, or any other form of business
2 enterprise, except for a person who owns, on or after the
3 effective date of this amendatory Act of the 98th General
4 Assembly, no more than 5% of the outstanding shares of a
5 manufacturer of beer whose shares are publicly traded on an
6 exchange within the meaning of the Securities Exchange Act
7 of 1934. For the purposes of this paragraph (20), a person
8 who is licensed by any licensing authority as a
9 "manufacturer of beer" shall also mean a brewer and a
10 non-resident dealer who is also a manufacturer of beer,
11 including a partnership, corporation, limited liability
12 company, or trust or any subsidiary, affiliate, or agent
13 thereof, or any other form of business enterprise licensed
14 as a manufacturer of beer.

15 (b) A criminal conviction of a corporation is not grounds
16 for the denial, suspension, or revocation of a license applied
17 for or held by the corporation if the criminal conviction was
18 not the result of a violation of any federal or State law
19 concerning the manufacture, possession or sale of alcoholic
20 liquor, the offense that led to the conviction did not result
21 in any financial gain to the corporation and the corporation
22 has terminated its relationship with each director, officer,
23 employee, or controlling shareholder whose actions directly
24 contributed to the conviction of the corporation. The
25 Commission shall determine if all provisions of this subsection
26 (b) have been met before any action on the corporation's

1 license is initiated.

2 (Source: P.A. 97-1059, eff. 8-24-12; 97-1150, eff. 1-25-13;
3 98-10, eff. 5-6-13; 98-21, eff. 6-13-13; 98-644, eff. 6-10-14;
4 98-756, eff. 7-16-14.)

5 (235 ILCS 5/6-2.5 new)

6 Sec. 6-2.5. Applicant convictions.

7 (a) The Commission shall not require applicants to report
8 the following information and shall not consider the following
9 criminal history records in connection with an application for
10 a license under this Act:

11 (1) Juvenile adjudications of delinquent minors as
12 defined in Section 5-105 of the Juvenile Court Act of 1987,
13 subject to the restrictions set forth in Section 5-130 of
14 the Juvenile Court Act of 1987.

15 (2) Law enforcement records, court records, and
16 conviction records of an individual who was 17 years old at
17 the time of the offense and before January 1, 2014, unless
18 the nature of the offense required the individual to be
19 tried as an adult.

20 (3) Records of arrest not followed by a conviction.

21 (4) Convictions overturned by a higher court.

22 (5) Convictions or arrests that have been sealed or
23 expunged.

24 (b) The Commission, upon a finding that an applicant for a
25 license was convicted of a felony or a violation of any federal

1 or State law concerning the manufacture, possession or sale of
2 alcoholic liquor, shall consider any evidence of
3 rehabilitation and mitigating factors contained in the
4 applicant's record, including any of the following factors and
5 evidence, to determine if the conviction will impair the
6 ability of the applicant to engage in the position for which a
7 license is sought:

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

12 (2) whether 5 years since a felony conviction or 3
13 years since release from confinement for the conviction,
14 whichever is later, have passed without a subsequent
15 conviction;

16 (3) if the applicant was previously licensed or
17 employed in this State or other state or jurisdictions,
18 then the lack of prior misconduct arising from or related
19 to the licensed position or position of employment;

20 (4) the age of the person at the time of the criminal
21 offense;

22 (5) successful completion of sentence and, for
23 applicants serving a term of parole or probation, a
24 progress report provided by the applicant's probation or
25 parole officer that documents the applicant's compliance
26 with conditions of supervision;

1 (6) evidence of the applicant's present fitness and
2 professional character;

3 (7) evidence of rehabilitation or rehabilitative
4 effort during or after incarceration, or during or after a
5 term of supervision, including, but not limited to, a
6 certificate of good conduct under Section 5-5.5-25 of the
7 Unified Code of Corrections or a certificate of relief from
8 disabilities under Section 5-5.5-10 of the Unified Code of
9 Corrections; and

10 (8) any other mitigating factors that contribute to the
11 person's potential and current ability to perform the
12 duties and responsibilities of the position for which a
13 license or employment is sought.

14 (c) If the Commission refuses to issue a license to an
15 applicant, then the Commission shall notify the applicant of
16 the denial in writing with the following included in the notice
17 of denial:

18 (1) a statement about the decision to refuse to issue a
19 license;

20 (2) a list of the convictions that the Commission
21 determined will impair the applicant's ability to engage in
22 the position for which a license is sought;

23 (3) a list of convictions that formed the sole or
24 partial basis for the refusal; and

25 (4) a summary of the appeal process or the earliest the
26 applicant may reapply for a license, whichever is

1 applicable.

2 (d) No later than May 1 of each year, the Commission must
3 prepare, publicly announce, and publish a report of summary
4 statistical information relating to new and renewal license
5 applications during the preceding calendar year. Each report
6 shall show, at a minimum:

7 (1) the number of applicants for a new or renewal
8 license under this Act within the previous calendar year;

9 (2) the number of applicants for a new or renewal
10 license under this Act within the previous calendar year
11 who had any criminal conviction;

12 (3) the number of applicants for a new or renewal
13 license under this Act in the previous calendar year who
14 were granted a license;

15 (4) the number of applicants for a new or renewal
16 license with a criminal conviction who were granted a
17 license under this Act within the previous calendar year;

18 (5) the number of applicants for a new or renewal
19 license under this Act within the previous calendar year
20 who were denied a license;

21 (6) the number of applicants for a new or renewal
22 license with a criminal conviction who were denied a
23 license under this Act in the previous calendar year in
24 whole or in part because of a prior conviction;

25 (7) the number of licenses issued on probation without
26 monitoring under this Act in the previous calendar year to

1 applicants with a criminal conviction; and

2 (8) the number of licenses issued on probation with
3 monitoring under this Act in the previous calendar year to
4 applicants with a criminal conviction.

5 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

6 Sec. 7-1. An applicant for a retail license from the State
7 Commission shall submit to the State Commission an application
8 in writing under oath stating:

9 (1) The applicant's name and mailing address;

10 (2) The name and address of the applicant's business;

11 (3) If applicable, the date of the filing of the
12 "assumed name" of the business with the County Clerk;

13 (4) In case of a copartnership, the date of the
14 formation of the partnership; in the case of an Illinois
15 corporation, the date of its incorporation; or in the case
16 of a foreign corporation, the State where it was
17 incorporated and the date of its becoming qualified under
18 the Business Corporation Act of 1983 to transact business
19 in the State of Illinois;

20 (5) The number, the date of issuance and the date of
21 expiration of the applicant's current local retail liquor
22 license;

23 (6) The name of the city, village, or county that
24 issued the local retail liquor license;

25 (7) The name and address of the landlord if the

1 premises are leased;

2 (8) The date of the applicant's first request for a
3 State liquor license and whether it was granted, denied or
4 withdrawn;

5 (9) The address of the applicant when the first
6 application for a State liquor license was made;

7 (10) The applicant's current State liquor license
8 number;

9 (11) The date the applicant began liquor sales at his
10 place of business;

11 (12) The address of the applicant's warehouse if he
12 warehouses liquor;

13 (13) The applicant's Retailers' Occupation Tax (ROT)
14 Registration Number;

15 (14) The applicant's document locator number on his
16 Federal Special Tax Stamp;

17 (15) Whether the applicant is delinquent in the payment
18 of the Retailers' Occupation Tax (Sales Tax), and if so,
19 the reasons therefor;

20 (16) Whether the applicant is delinquent under the cash
21 beer law, and if so, the reasons therefor;

22 (17) In the case of a retailer, whether he is
23 delinquent under the 30-day credit law, and if so, the
24 reasons therefor;

25 (18) In the case of a distributor, whether he is
26 delinquent under the 15-day credit law, and if so, the

1 reasons therefor;

2 (19) Whether the applicant has made an application for
3 a liquor license which has been denied, and if so, the
4 reasons therefor;

5 (20) Whether the applicant has ever had any previous
6 liquor license suspended or revoked, and if so, the reasons
7 therefor;

8 (21) Whether the applicant has ever been convicted of a
9 gambling offense or felony, and if so, the particulars
10 thereof;

11 (22) Whether the applicant possesses a current Federal
12 Wagering Stamp, and if so, the reasons therefor;

13 (23) Whether the applicant, or any other person,
14 directly in his place of business is a public official, and
15 if so, the particulars thereof;

16 (24) The applicant's name, sex, date of birth, social
17 security number, position and percentage of ownership in
18 the business; and the name, sex, date of birth, social
19 security number, position and percentage of ownership in
20 the business of every sole owner, partner, corporate
21 officer, director, manager and any person who owns 5% or
22 more of the shares of the applicant business entity or
23 parent corporations of the applicant business entity; and

24 (25) That he has not received or borrowed money or
25 anything else of value, and that he will not receive or
26 borrow money or anything else of value (other than

1 merchandising credit in the ordinary course of business for
2 a period not to exceed 90 days as herein expressly
3 permitted under Section 6-5 hereof), directly or
4 indirectly, from any manufacturer, importing distributor
5 or distributor or from any representative of any such
6 manufacturer, importing distributor or distributor, nor be
7 a party in any way, directly or indirectly, to any
8 violation by a manufacturer, distributor or importing
9 distributor of Section 6-6 of this Act.

10 In addition to any other requirement of this Section, an
11 applicant for a special use permit license and a special event
12 retailer's license shall also submit (A) proof satisfactory to
13 the Commission that the applicant has a resale number issued
14 under Section 2c of the Retailers' Occupation Tax Act or that
15 the applicant is registered under Section 2a of the Retailers'
16 Occupation Tax Act, (B) proof satisfactory to the Commission
17 that the applicant has a current, valid exemption
18 identification number issued under Section 1g of the Retailers'
19 Occupation Tax Act and a certification to the Commission that
20 the purchase of alcoholic liquors will be a tax-exempt
21 purchase, or (C) a statement that the applicant is not
22 registered under Section 2a of the Retailers' Occupation Tax
23 Act, does not hold a resale number under Section 2c of the
24 Retailers' Occupation Tax Act, and does not hold an exemption
25 number under Section 1g of the Retailers' Occupation Tax Act.
26 The applicant shall also submit proof of adequate dram shop

1 insurance for the special event prior to being issued a
2 license.

3 In addition to the foregoing information, such application
4 shall contain such other and further information as the State
5 Commission and the local commission may, by rule or regulation
6 not inconsistent with law, prescribe.

7 If the applicant reports a felony conviction as required
8 under paragraph (21) of this Section, such conviction may be
9 considered by the Commission in accordance with Section 6-2.5
10 of this Act in determining qualifications for licensing, but
11 shall not operate as a bar to licensing.

12 If said application is made in behalf of a partnership,
13 firm, association, club or corporation, then the same shall be
14 signed by one member of such partnership or the president or
15 secretary of such corporation or an authorized agent of said
16 partnership or corporation.

17 All other applications shall be on forms prescribed by the
18 State Commission, and which may exclude any of the above
19 requirements which the State Commission rules to be
20 inapplicable.

21 (Source: P.A. 98-756, eff. 7-16-14.)

22 Section 175. The Radon Industry Licensing Act is amended by
23 changing Section 45 and by adding Section 46 as follows:

24 (420 ILCS 44/45)

1 Sec. 45. Grounds for disciplinary action. The Agency may
2 refuse to issue or to renew, or may revoke, suspend, or take
3 other disciplinary action as the Agency may deem proper,
4 including fines not to exceed \$1,000 for each violation, with
5 regard to any license for any one or combination of the
6 following causes:

7 (a) Violation of this Act or its rules.

8 (b) For licensees, conviction ~~Conviction~~ of a crime
9 under the laws of any United States jurisdiction that is a
10 felony or of any crime that directly relates to the
11 practice of detecting or reducing the presence of radon or
12 radon progeny. For applicants, the provisions of Section 46
13 apply.

14 (c) Making a misrepresentation for the purpose of
15 obtaining a license.

16 (d) Professional incompetence or gross negligence in
17 the practice of detecting or reducing the presence of radon
18 or radon progeny.

19 (e) Gross malpractice, prima facie evidence of which
20 may be a conviction or judgment of malpractice in a court
21 of competent jurisdiction.

22 (f) Aiding or assisting another person in violating a
23 provision of this Act or its rules.

24 (g) Failing, within 60 days, to provide information in
25 response to a written request made by the Agency that has
26 been sent by mail to the licensee's last known address.

1 (h) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public.

4 (i) Habitual or excessive use or addiction to alcohol,
5 narcotics, stimulants, or any other chemical agent or drug
6 that results in the inability to practice with reasonable
7 judgment, skill, or safety.

8 (j) Discipline by another United States jurisdiction
9 or foreign nation, if at least one of the grounds for the
10 discipline is the same or substantially equivalent to those
11 set forth in this Section.

12 (k) Directly or indirectly giving to or receiving from
13 a person any fee, commission, rebate, or other form of
14 compensation for a professional service not actually or
15 personally rendered.

16 (l) A finding by the Agency that the licensee has
17 violated the terms of a license.

18 (m) Conviction by a court of competent jurisdiction,
19 either within or outside of this State, of a violation of a
20 law governing the practice of detecting or reducing the
21 presence of radon or radon progeny if the Agency determines
22 after investigation that the person has not been
23 sufficiently rehabilitated to warrant the public trust.

24 (n) A finding by the Agency that a license has been
25 applied for or obtained by fraudulent means.

26 (o) Practicing or attempting to practice under a name

1 other than the full name as shown on the license or any
2 other authorized name.

3 (p) Gross and willful overcharging for professional
4 services, including filing false statements for collection
5 of fees or moneys for which services are not rendered.

6 (q) Failure to file a return or to pay the tax,
7 penalty, or interest shown in a filed return, or to pay any
8 final assessment of tax, penalty, or interest, as required
9 by a tax Act administered by the Department of Revenue,
10 until such time as the requirements of any such tax Act are
11 satisfied.

12 (r) Failure to repay educational loans guaranteed by
13 the Illinois Student Assistance Commission, as provided in
14 Section 80 of the Nuclear Safety Law of 2004. However, the
15 Agency may issue an original or renewal license if the
16 person in default has established a satisfactory repayment
17 record as determined by the Illinois Student Assistance
18 Commission.

19 (s) Failure to meet child support orders, as provided
20 in Section 10-65 of the Illinois Administrative Procedure
21 Act.

22 (t) Failure to pay a fee or civil penalty properly
23 assessed by the Agency.

24 (Source: P.A. 94-369, eff. 7-29-05.)

25 (420 ILCS 44/46 new)

1 Sec. 46. Applicant convictions.

2 (a) The Agency shall not require applicants to report the
3 following information and shall not consider the following
4 criminal history records in connection with an application for
5 a license under this Act:

6 (1) Juvenile adjudications of delinquent minors as
7 defined in Section 5-105 of the Juvenile Court Act of 1987,
8 subject to the restrictions set forth in Section 5-130 of
9 the Juvenile Court Act of 1987.

10 (2) Law enforcement records, court records, and
11 conviction records of an individual who was 17 years old at
12 the time of the offense and before January 1, 2014, unless
13 the nature of the offense required the individual to be
14 tried as an adult.

15 (3) Records of arrest not followed by a conviction.

16 (4) Convictions overturned by a higher court.

17 (5) Convictions or arrests that have been sealed or
18 expunged.

19 (b) The Agency, upon a finding that an applicant for a
20 license was convicted of a felony or a crime that relates to
21 the practice of detecting or reducing the presence of radon or
22 radon progeny, shall consider any evidence of rehabilitation
23 and mitigating factors contained in the applicant's record,
24 including any of the following factors and evidence, to
25 determine if the conviction will impair the ability of the
26 applicant to engage in the position for which a license is

1 sought:

2 (1) the lack of direct relation of the offense for
3 which the applicant was previously convicted to the duties,
4 functions, and responsibilities of the position for which a
5 license is sought;

6 (2) whether 5 years since a felony conviction or 3
7 years since release from confinement for the conviction,
8 whichever is later, have passed without a subsequent
9 conviction;

10 (3) if the applicant was previously licensed or
11 employed in this State or other state or jurisdictions,
12 then the lack of prior misconduct arising from or related
13 to the licensed position or position of employment;

14 (4) the age of the person at the time of the criminal
15 offense;

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

21 (6) evidence of the applicant's present fitness and
22 professional character;

23 (7) evidence of rehabilitation or rehabilitative
24 effort during or after incarceration, or during or after a
25 term of supervision, including, but not limited to, a
26 certificate of good conduct under Section 5-5.5-25 of the

1 Unified Code of Corrections or a certificate of relief from
2 disabilities under Section 5-5.5-10 of the Unified Code of
3 Corrections; and

4 (8) any other mitigating factors that contribute to the
5 person's potential and current ability to perform the
6 duties and responsibilities of the position for which a
7 license or employment is sought.

8 (c) If the Agency refuses to issue a license to an
9 applicant, then the Agency shall notify the applicant of the
10 denial in writing with the following included in the notice of
11 denial:

12 (1) a statement about the decision to refuse to grant a
13 license;

14 (2) a list of the convictions that the Agency
15 determined will impair the applicant's ability to engage in
16 the position for which a license is sought;

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

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

22 (d) No later than May 1 of each year, the Agency must
23 prepare, publicly announce, and publish a report of summary
24 statistical information relating to new and renewal license
25 applications during the preceding calendar year. Each report
26 shall show, at a minimum:

1 (1) the number of applicants for a new or renewal
2 license under this Act within the previous calendar year;

3 (2) the number of applicants for a new or renewal
4 license under this Act within the previous calendar year
5 who had any criminal conviction;

6 (3) the number of applicants for a new or renewal
7 license under this Act in the previous calendar year who
8 were granted a license;

9 (4) the number of applicants for a new or renewal
10 license with a criminal conviction who were granted a
11 license under this Act within the previous calendar year;

12 (5) the number of applicants for a new or renewal
13 license under this Act within the previous calendar year
14 who were denied a license;

15 (6) the number of applicants for a new or renewal
16 license with a criminal conviction who were denied a
17 license under this Act in the previous calendar year in
18 whole or in part because of a prior conviction;

19 (7) the number of licenses issued on probation without
20 monitoring under this Act in the previous calendar year to
21 applicants with a criminal conviction; and

22 (8) the number of licenses issued on probation with
23 monitoring under this Act in the previous calendar year to
24 applicants with a criminal conviction.

25 Section 999. Effective date. This Act takes effect January

1 1, 2018.".