



Sen. Patricia Van Pelt

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1 AMENDMENT TO SENATE BILL 400

2 AMENDMENT NO. _____. Amend Senate Bill 400 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Exoneree Assistance Act.

6 Section 5. Definitions. As used in this Act:

7 "Authority" means the Illinois Housing Development
8 Authority.

9 "Department" means the Department of Commerce and Economic
10 Opportunity.

11 "Director" means the Director of Commerce and Economic
12 Opportunity.

13 "Exoneree" means a person who has been discharged from a
14 prison of this State and has received:

15 (1) a pardon from the Governor stating that such pardon
16 is issued on the ground of innocence of the crime for which

1 he or she was imprisoned; or

2 (2) a certificate of innocence from the Circuit Court
3 as provided in Section 2-702 of the Code of Civil
4 Procedure.

5 Section 10. Designation of service centers.

6 (a) The Director of Commerce and Economic Opportunity shall
7 designate multipurpose service centers for exonerees operated
8 by community nonprofit agencies or organizations. To the
9 greatest extent possible, the Director shall rely on such
10 agencies or organizations whose major emphasis has been to
11 provide social services.

12 (b) The Director shall search for such nonprofit agencies
13 or organizations to carry out the programs created under this
14 Section.

15 (c) The Director shall designate the agencies or
16 organizations to carry out such programs.

17 (d) Subject to appropriation, the Director shall begin to
18 provide the necessary funds to the nonprofit agencies or
19 organizations to set up and begin the operation of the
20 multipurpose service centers. Thereafter the Director shall
21 provide the funds appropriated for grants to the centers as the
22 costs of the centers are incurred.

23 (e) The Director shall, with the advice of the staff of the
24 centers, adopt rules to implement this Act with respect to
25 service centers. Such rules shall include eligibility of

1 persons for job training and vocational programs, education
2 programs, the level of stipends for the job training and
3 vocational programs, education programs, housing assistance
4 for exonerees, and a sliding fee scale for the service
5 programs.

6 (f) In performing his or her duties under this Section, the
7 Director shall consult and cooperate with such State agencies
8 as may be appropriate, including, but not limited to, the
9 Department of Employment Security to ensure that there is no
10 duplication of services.

11 Section 15. Service center services.

12 (a) The multipurpose service centers created under Section
13 10 shall, after consulting and in cooperation with the
14 Department of Commerce and Economic Opportunity and the
15 Department of Employment Security, develop assistance services
16 by cooperating with federal, State, and local governmental
17 agencies. The services shall include, but not be limited to,
18 the following:

19 (1) job training and vocational programs;

20 (2) counseling and placement of exonerees with respect
21 to appropriate job opportunities;

22 (3) identifying community needs and seeking funding
23 for new public and private sector jobs in relation to
24 exonerees;

25 (4) providing exonerees with training, skills, and

1 referral services to help them to become gainfully employed
2 and independent;

3 (5) developing plans to include more exonerees in
4 existing training and placement programs;

5 (6) referring exonerees to agencies which provide
6 information and assistance with respect to health care,
7 financial matters, education, housing, and legal problems;
8 and

9 (7) any other assistance or program that the Director
10 may deem useful in assisting exonerees under this Act.

11 (b) To the extent possible, supervisory, technical, and
12 administrative positions relating to the multipurpose service
13 programs shall be filled by exonerees.

14 (c) The director of each center shall submit an annual
15 report to the Director. The report shall include evaluations of
16 the effectiveness of the job training, placement, and other
17 service programs to exonerees, including the number of persons
18 trained, the number of persons placed in employment, follow-up
19 data on such persons, the number of persons served by the
20 various service programs, and estimates of the cost
21 effectiveness of the various components of the center. The
22 Director shall also require quarterly reports and shall by rule
23 specify the information to be included in the quarterly
24 reports.

25 (d) The director of each center may accept, use, and
26 dispose of contributions of money, services and property for

1 the purposes of this Act.

2 Section 20. Sponsoring agencies and organizations.

3 (a) The sponsoring nonprofit agency or organization under
4 Section 15 shall consult and cooperate with the Department and
5 the Department of Employment Security to ensure that there is
6 no duplication of services, and shall cooperate with federal,
7 State, and local agencies to coordinate the multiservice
8 programs established under this Act.

9 (b) The agency or organization and the communities served
10 by programs established under this Act shall provide a total of
11 not less than 5% of the cost of the operation of the centers to
12 supplement moneys appropriated to implement and continue this
13 Act with respect to service centers.

14 Section 25. Exoneree housing assistance.

15 (a) Subject to the application process provided in
16 subsection (c) of this Section, any exoneree who was a resident
17 of this State at the time he or she was imprisoned shall be
18 entitled to receive assistance under this Section for the
19 purpose of acquiring within this State a suitable housing unit.

20 (b) The amount of State assistance granted to acquire a
21 suitable housing unit shall be 25% of the cost of such housing
22 unit, and assistance granted shall be in the form of a single
23 lump-sum payment to the exoneree, but shall in no event exceed
24 the sum of \$15,000.

1 (c) Application for assistance under this Section shall be
2 made by the exoneree to the Illinois Housing Development
3 Authority, and shall be accompanied by proof of a pardon by the
4 Governor stating that such pardon was issued on the ground of
5 innocence of the crime for which he or she was imprisoned or a
6 Certificate of innocence from the Circuit Court, and any other
7 documentation the Authority may deem necessary. The
8 application shall contain such information as will enable the
9 Authority to determine the suitability of the exoneree for
10 assistance, and the amount of assistance to which the exoneree
11 is entitled if deemed suitable. The Authority shall adopt
12 general rules for determining the question of whether an
13 applicant was a resident of this State at the time he or she
14 was imprisoned, and shall prescribe by rule the nature of the
15 proof to be submitted to establish the fact of residence.

16 Section 30. Exoneree Higher Education Grant Program.

17 (a) As used in this Section:

18 "Board" means the Illinois Board of Higher Education.

19 "Eligible exoneree" means an exoneree meeting the
20 following criteria:

21 (1) the exoneree is a resident of this State and can
22 provide proof that he or she was a resident of this State
23 at the time he or she was imprisoned;

24 (2) the exoneree has been accepted into a program of
25 higher education located in this State;

1 (3) the exoneree exhibits financial need as determined
2 by the Board;

3 (4) the exoneree provides proof of a pardon by the
4 Governor stating that such pardon was issued on the ground
5 of innocence of the crime for which he or she was
6 imprisoned or a Certificate of innocence from the Circuit
7 Court, and any other documentation the Board may deem
8 necessary; and

9 (5) the exoneree meets other criteria as may be
10 established by the Board.

11 "Program" means the Exoneree Higher Education Grant
12 Program created under this Section.

13 (b) There is created the Exoneree Higher Education Grant
14 Program to provide financial assistance to eligible exonerees,
15 subject to appropriation, for the costs of attending a
16 community college, college, or university in this State.

17 (c) The Board shall have the following powers and duties
18 under this Section:

19 (1) to award grants to eligible exonerees;

20 (2) to establish a program of exoneree grants and to
21 make grants to eligible exonerees;

22 (3) to determine criteria and standards of financial
23 need for making grants, including the grant amount to be
24 awarded;

25 (4) to determine the procedures for the distribution of
26 grants to eligible exonerees, giving preference to

1 eligible exonerees whose financial resources are such
2 that, in the absence of a Program grant, the exoneree will
3 be prevented from attending an institution of higher
4 education; and

5 (5) to adopt rules which are necessary for the
6 establishment and maintenance of the Program required by
7 this Section.

8 Section 35. Exoneree Discount Program.

9 (a) The Department of Commerce and Economic Opportunity
10 shall establish and administer an Exoneree Discount Program
11 that enables an exoneree to use his or her valid Illinois
12 driver's license or Illinois Identification Card at
13 participating merchants to receive a discount on goods and
14 services or to receive another appropriate money-saving
15 promotion of a merchant's choice.

16 (b) The Department shall develop and implement an outreach
17 program, subject to resources, to ensure that exonerees and
18 potential merchant-participants in the State are made aware of
19 the Exoneree Discount Program. The Secretary of State may also
20 assist in promoting and disseminating information on the
21 Exoneree Discount Program.

22 (c) The Department shall adopt any rules necessary to
23 implement this Act.

24 Section 40. Construction.

1 (a) Nothing in this Act shall be construed to conflict with
2 Section 2 of the Public Employment Office Act concerning job
3 search and placement services to persons unjustly imprisoned,
4 or any other employment services offered by the Department of
5 Employment Security under that Act.

6 (b) Nothing in this Act shall be construed to conflict with
7 the provisions of any federal or State statute, program, or
8 service assisting in providing housing for wrongfully
9 imprisoned persons.

10 (c) Nothing in this Act shall be construed to conflict with
11 the provisions of any federal or State loan or grant program
12 offering financial assistance for the costs of attending an
13 institution of higher education.

14 (d) Nothing in this Act shall prevent an exoneree, as
15 defined under this Act, from seeking and using services or
16 benefits not otherwise provided under this Act.

17 Section 100. The Personnel Code is amended by adding
18 Section 8b.21 as follows:

19 (20 ILCS 415/8b.21 new)

20 Sec. 8b.21. Exoneree preference. For the granting of
21 appropriate preference in entrance examinations to qualified
22 persons who have been wrongfully imprisoned in this State.

23 (a) As used in this Section:

24 "Exoneree" has the same meaning as defined in Section 5

1 of the Exoneree Assistance Act.

2 (b) The preference granted under this Section shall be in
3 the form of points added to the final grades of exonerees if
4 they otherwise qualify and are entitled to appear on the list
5 of those eligible for appointments. The exoneree preference
6 additional point total shall be determined by the Director of
7 Central Management Services, but shall be no less than 3
8 points.

9 (c) The rank order of persons entitled to a preference on
10 eligible lists shall be determined on the basis of their
11 augmented ratings. When the Director establishes eligible
12 lists on the basis of category ratings such as "superior",
13 "excellent", "well-qualified", and "qualified", the exoneree
14 eligibles in each such category shall be preferred for
15 appointment before the non-exoneree eligibles in the same
16 category.

17 (d) The Department of Central Management Services shall
18 adopt rules and implement procedures to verify that any person
19 seeking a preference under this Section is entitled to the
20 preference. A person seeking a preference under this Section
21 shall provide documentation or execute any consents or other
22 documents required by the Department of Central Management
23 Services or any other State department or agency to enable the
24 department or agency to verify that the person is entitled to
25 the preference.

26 (e) If an applicant claims to be an exoneree for purposes

1 of receiving the preference, the Department of Central
2 Management Services must verify that status before granting an
3 exoneree preference by requiring proof of a pardon by the
4 Governor stating that such pardon was issued on the ground of
5 innocence of the crime for which he or she was imprisoned or a
6 Certificate of innocence from the Circuit Court, or any other
7 evidence of the applicant's release from wrongful imprisonment
8 that is determined to be acceptable by the Department of
9 Central Management Services.

10 Section 105. The Department of Commerce and Economic
11 Opportunity Law of the Civil Administrative Code of Illinois is
12 amended by changing Section 605-416 as follows:

13 (20 ILCS 605/605-416)

14 Sec. 605-416. Loans to qualified ex-offenders.

15 (a) The Department of Commerce and Economic Opportunity may
16 establish an ex-offender business ownership grant and loan
17 program. Funding for this program shall come from the
18 Ex-Offender Fund. The Department shall provide grants to
19 organizations and entities that work with ex-offenders and
20 facilitate the reentry of ex-offenders into society.
21 Organizations wishing to participate in the program must
22 present an application to the Department in order to receive
23 funding.

24 (b) Funding distributed from the Ex-Offender Fund may be

1 used only for the following purposes:

2 (1) For the awarding of grants to organizations and
3 entities to provide low interest loans to ex-offenders so
4 that these individuals may start and operate their own
5 businesses that have a positive impact on society. The
6 maximum amount of a loan funded by a grant under this
7 Section that an ex-offender may receive is \$5,000.

8 (2) For the awarding of grants to entities or
9 organizations assisting ex-offenders, so that individual
10 ex-offenders may develop business plans to start up their
11 own businesses. These grants are to be used for the sole
12 purpose of acquiring a business plan developed by a
13 credible source. In order to receive these grants,
14 qualified ex-offenders must submit an application and
15 provide 50% of the cost to develop the business plan.

16 (3) For the administration costs of the program.

17 (c) For purposes of this Section, "qualified ex-offender"
18 means any person who:

19 (1) is an eligible offender, as defined under Section
20 5-5.5-5 of the Unified Code of Corrections;

21 (2) was sentenced to a period of incarceration in an
22 Illinois adult correctional center; and

23 (3) presents an application and a professional
24 business plan to the organization or entity that is making
25 the loan.

26 (c-5) For the purposes of this Section, "qualified

1 ex-offender" includes any person defined as an "exoneree" under
2 Section 5 of the Exoneree Assistance Act. Such a person shall
3 be required to present an application and a professional
4 business plan to the organization or entity that is making the
5 loan under this Section.

6 (Source: P.A. 96-656, eff. 1-1-10.)

7 Section 110. The Illinois Income Tax Act is amended by
8 changing Section 216 as follows:

9 (35 ILCS 5/216)

10 Sec. 216. Credit for wages paid to ex-felons.

11 (a) For each taxable year beginning on or after January 1,
12 2007, each taxpayer is entitled to a credit against the tax
13 imposed by subsections (a) and (b) of Section 201 of this Act
14 in an amount equal to 5% of qualified wages paid by the
15 taxpayer during the taxable year to one or more Illinois
16 residents who are qualified ex-offenders. The total credit
17 allowed to a taxpayer with respect to each qualified
18 ex-offender may not exceed \$1,500 for all taxable years. For
19 partners, shareholders of Subchapter S corporations, and
20 owners of limited liability companies, if the liability company
21 is treated as a partnership for purposes of federal and State
22 income taxation, there shall be allowed a credit under this
23 Section to be determined in accordance with the determination
24 of income and distributive share of income under Sections 702

1 and 704 and Subchapter S of the Internal Revenue Code.

2 (b) For purposes of this Section, "qualified wages":

3 (1) includes only wages that are subject to federal
4 unemployment tax under Section 3306 of the Internal Revenue
5 Code, without regard to any dollar limitation contained in
6 that Section;

7 (2) does not include any amounts paid or incurred by an
8 employer for any period to any qualified ex-offender for
9 whom the employer receives federally funded payments for
10 on-the-job training of that qualified ex-offender for that
11 period; and

12 (3) includes only wages attributable to service
13 rendered during the one-year period beginning with the day
14 the qualified ex-offender begins work for the employer.

15 If the taxpayer has received any payment from a program
16 established under Section 482(e)(1) of the federal Social
17 Security Act with respect to a qualified ex-offender, then, for
18 purposes of calculating the credit under this Section, the
19 amount of the qualified wages paid to that qualified
20 ex-offender must be reduced by the amount of the payment.

21 (c) For purposes of this Section, "qualified ex-offender"
22 means any person who:

23 (1) has been convicted of a crime in this State or of
24 an offense in any other jurisdiction, not including any
25 offense or attempted offense that would subject a person to
26 registration under the Sex Offender Registration Act;

1 (2) was sentenced to a period of incarceration in an
2 Illinois adult correctional center; and

3 (3) was hired by the taxpayer within 3 years after
4 being released from an Illinois adult correctional center.

5 (c-5) For the purposes of this Section, "qualified
6 ex-offender" includes any person defined as an "exoneree" under
7 Section 5 of the Exoneree Assistance Act who was hired by the
8 taxpayer within 3 years after being exonerated.

9 (d) In no event shall a credit under this Section reduce
10 the taxpayer's liability to less than zero. If the amount of
11 the credit exceeds the tax liability for the year, the excess
12 may be carried forward and applied to the tax liability of the
13 5 taxable years following the excess credit year. The tax
14 credit shall be applied to the earliest year for which there is
15 a tax liability. If there are credits for more than one year
16 that are available to offset a liability, the earlier credit
17 shall be applied first.

18 (e) This Section is exempt from the provisions of Section
19 250.

20 (Source: P.A. 98-165, eff. 8-5-13.)".