

1 AN ACT concerning State government.

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

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Sections 2105-130, 2105-135, 2105-205, and 2105-207
7 and by adding Section 2105-131 as follows:

8 (20 ILCS 2105/2105-130)

9 Sec. 2105-130. Determination of disciplinary sanctions.

10 (a) Following disciplinary proceedings as authorized in
11 any licensing Act administered by the Department, upon a
12 finding by the Department that a person has committed a
13 violation of the licensing Act with regard to licenses,
14 certificates, or authorities of persons exercising the
15 respective professions, trades, or occupations, the Department
16 may revoke, suspend, refuse to renew, place on probationary
17 status, fine, or take any other disciplinary action as
18 authorized in the licensing Act with regard to those licenses,
19 certificates, or authorities. When making a determination of
20 the appropriate disciplinary sanction to be imposed, the
21 Department shall consider only evidence contained in the
22 record. The Department shall consider any aggravating or
23 mitigating factors contained in the record when determining the

1 appropriate disciplinary sanction to be imposed.

2 (b) When making a determination of the appropriate
3 disciplinary sanction to be imposed on a licensee, the
4 Department shall consider, but is not limited to, the following
5 aggravating factors contained in the record:

6 (1) the seriousness of the offenses;

7 (2) the presence of multiple offenses;

8 (3) prior disciplinary history, including actions
9 taken by other agencies in this State, by other states or
10 jurisdictions, hospitals, health care facilities,
11 residency programs, employers, or professional liability
12 insurance companies or by any of the armed forces of the
13 United States or any state;

14 (4) the impact of the offenses on any injured party;

15 (5) the vulnerability of any injured party, including,
16 but not limited to, consideration of the injured party's
17 age, disability, or mental illness;

18 (6) the motive for the offenses;

19 (7) the lack of contrition for the offenses;

20 (8) financial gain as a result of committing the
21 offenses; and

22 (9) the lack of cooperation with the Department or
23 other investigative authorities.

24 (c) When making a determination of the appropriate
25 disciplinary sanction to be imposed on a licensee, the
26 Department shall consider, but is not limited to, the following

1 mitigating factors contained in the record:

2 (1) the lack of prior disciplinary action by the
3 Department or by other agencies in this State, by other
4 states or jurisdictions, hospitals, health care
5 facilities, residency programs, employers, insurance
6 providers, or by any of the armed forces of the United
7 States or any state;

8 (2) contrition for the offenses;

9 (3) cooperation with the Department or other
10 investigative authorities;

11 (4) restitution to injured parties;

12 (5) whether the misconduct was self-reported; and

13 (6) any voluntary remedial actions taken.

14 (Source: P.A. 98-1047, eff. 1-1-15.)

15 (20 ILCS 2105/2105-131 new)

16 Sec. 2105-131. Applicants with criminal convictions;
17 notice of denial.

18 (a) Except as provided in Section 2105-165 of this Act
19 regarding licensing restrictions based on enumerated offenses
20 for health care workers as defined in the Health Care Worker
21 Self-Referral Act and except as provided in any licensing Act
22 administered by the Department in which convictions of certain
23 enumerated offenses are a bar to licensure, the Department,
24 upon a finding that an applicant for a license, certificate, or
25 registration was previously convicted of a felony or

1 misdemeanor that may be grounds for refusing to issue a license
2 or certificate or granting registration, shall consider any
3 mitigating factors and evidence of rehabilitation contained in
4 the applicant's record, including any of the following, to
5 determine whether a prior conviction will impair the ability of
6 the applicant to engage in the practice for which a license,
7 certificate, or registration 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) unless otherwise specified, whether 5 years since a
13 felony conviction or 3 years since release from confinement
14 for the conviction, whichever is later, have passed without
15 a subsequent conviction;

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

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

22 (4.5) if, due to the applicant's criminal conviction
23 history, the applicant would be explicitly prohibited by
24 federal rules or regulations from working in the position
25 for which a license is sought;

26 (5) successful completion of sentence and, for

1 applicants serving a term of parole or probation, a
2 progress report provided by the applicant's probation or
3 parole officer that documents the applicant's compliance
4 with conditions of supervision;

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

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

14 (8) any other mitigating factors that contribute to the
15 person's potential and current ability to perform the job
16 duties.

17 (b) If the Department refuses to issue a license or
18 certificate or grant registration to an applicant based upon a
19 conviction or convictions, in whole or in part, the Department
20 shall notify the applicant of the denial in writing with the
21 following included in the notice of denial:

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

24 (2) a list of convictions that the Department
25 determined will impair the applicant's ability to engage in
26 the position for which a license, registration, or

1 certificate is sought;

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

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

8 (20 ILCS 2105/2105-135)

9 Sec. 2105-135. Qualification for licensure or
10 registration; good moral character; applicant conviction
11 records.

12 (a) The practice of professions licensed or registered by
13 the Department is hereby declared to affect the public health,
14 safety, and welfare and to be subject to regulation and control
15 in the public interest. It is further declared to be a matter
16 of public interest and concern that persons who are licensed or
17 registered to engage in any of the professions licensed or
18 registered by the Department are of good moral character, which
19 shall be a continuing requirement of licensure or registration
20 so as to merit and receive the confidence and trust of the
21 public. Upon a finding by the Department that a person has
22 committed a violation of the disciplinary grounds of any
23 licensing Act administered by the Department with regard to
24 licenses, certificates, or authorities of persons exercising
25 the respective professions, trades, or occupations, the

1 Department is authorized to revoke, suspend, refuse to renew,
2 place on probationary status, fine, or take any other
3 disciplinary action it deems warranted against any licensee or
4 registrant whose conduct violates the continuing requirement
5 of good moral character.

6 (b) No application for licensure or registration shall be
7 denied by reason of a finding of lack of good moral character
8 when the finding is based solely upon the fact that the
9 applicant has previously been convicted of one or more criminal
10 offenses. When reviewing a prior conviction of an initial
11 applicant for the purpose of determining good moral character,
12 the Department shall consider evidence of rehabilitation and
13 mitigating factors in the applicant's record, including those
14 set forth in subsection (a) of Section 2105-131 of this Act.

15 (c) The Department shall not require applicants to report
16 the following information and shall not consider the following
17 criminal history records in connection with an application for
18 licensure or registration:

19 (1) juvenile adjudications of delinquent minors as
20 defined in Section 5-105 of the Juvenile Court Act of 1987
21 subject to the restrictions set forth in Section 5-130 of
22 that Act;

23 (2) law enforcement records, court records, and
24 conviction records of an individual who was 17 years old at
25 the time of the offense and before January 1, 2014, unless
26 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 the charges were dismissed
5 unless related to the practice of the profession; however,
6 applicants shall not be asked to report any arrests, and an
7 arrest not followed by a conviction shall not be the basis
8 of a denial and may be used only to assess an applicant's
9 rehabilitation;

10 (5) convictions overturned by a higher court; or

11 (6) convictions or arrests that have been sealed or
12 expunged.

13 (Source: P.A. 98-1047, eff. 1-1-15.)

14 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

15 Sec. 2105-205. Publication of disciplinary actions; annual
16 report.

17 (a) The Department shall publish on its website, at least
18 monthly, final disciplinary actions taken by the Department
19 against a licensee or applicant pursuant to any licensing Act
20 administered by the Department. The specific disciplinary
21 action and the name of the applicant or licensee shall be
22 listed.

23 (b) 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 license,

1 certification, or registration applications during the
2 preceding calendar year. Each report shall show at minimum:

3 (1) the number of applicants for each new license,
4 certificate, or registration administered by the
5 Department in the previous calendar year;

6 (2) the number of applicants for a new license,
7 certificate, or registration within the previous calendar
8 year who had any criminal conviction;

9 (3) the number of applicants for a new license,
10 certificate, or registration in the previous calendar year
11 who were granted a license, registration, or certificate;

12 (4) the number of applicants for a new license,
13 certificate, or registration within the previous calendar
14 year with a criminal conviction who were granted a license,
15 certificate, or registration in the previous calendar
16 year;

17 (5) the number of applicants for a new license,
18 certificate, or registration in the previous calendar year
19 who were denied a license, registration, or certificate;

20 (6) the number of applicants for new license,
21 certificate, or registration in the previous calendar year
22 with a criminal conviction who were denied a license,
23 certificate, or registration in part or in whole because of
24 such conviction;

25 (7) the number of licenses issued on probation within
26 the previous calendar year to applicants with a criminal

1 conviction; and
2 (8) the number of licensees or certificate holders who
3 were granted expungement for a record of discipline based
4 on a conviction predating licensure, certification, or
5 registration or a criminal charge, arrest, or conviction
6 that was dismissed, sealed, or expunged or did not arise
7 from the regulated activity, as a share of the total such
8 expungement requests.

9 (Source: P.A. 99-227, eff. 8-3-15.)

10 (20 ILCS 2105/2105-207)

11 Sec. 2105-207. Records of Department actions.

12 (a) Any licensee subject to a licensing Act administered by
13 the Division of Professional Regulation and who has been
14 subject to disciplinary action by the Department may file an
15 application with the Department on forms provided by the
16 Department, along with the required fee of \$175 ~~\$200~~, to have
17 the records classified as confidential, not for public release,
18 and considered expunged for reporting purposes if:

19 (1) the application is submitted more than 3 ~~7~~ years
20 after the disciplinary offense or offenses occurred or
21 after restoration of the license, whichever is later;

22 (2) the licensee has had no incidents of discipline
23 under the licensing Act since the disciplinary offense or
24 offenses identified in the application occurred;

25 (3) the Department has no pending investigations

1 against the licensee; and

2 (4) the licensee is not currently in a disciplinary
3 status.

4 (b) An application to make disciplinary records
5 confidential shall only be considered by the Department for an
6 offense or action relating to:

7 (1) failure to pay taxes or student loans;

8 (2) continuing education;

9 (3) failure to renew a license on time;

10 (4) failure to obtain or renew a certificate of
11 registration or ancillary license;

12 (5) advertising; ~~or~~

13 (5.1) discipline based on criminal charges or
14 convictions:

15 (A) that did not arise from the licensed activity
16 and was unrelated to the licensed activity; or

17 (B) that were dismissed or for which records have
18 been sealed or expunged.

19 (5.2) past probationary status of a license issued to
20 new applicants on the sole or partial basis of prior
21 convictions; or

22 (6) any grounds for discipline removed from the
23 licensing Act.

24 (c) An application shall be submitted to and considered by
25 the Director of the Division of Professional Regulation upon
26 submission of an application and the required non-refundable

1 fee. The Department may establish additional requirements by
2 rule. The Department is not required to report the removal of
3 any disciplinary record to any national database. Nothing in
4 this Section shall prohibit the Department from using a
5 previous discipline for any regulatory purpose or from
6 releasing records of a previous discipline upon request from
7 law enforcement, or other governmental body as permitted by
8 law. Classification of records as confidential shall result in
9 removal of records of discipline from records kept pursuant to
10 Sections 2105-200 and 2105-205 of this Act.

11 (Source: P.A. 98-816, eff. 8-1-14.)

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 application
4 for licensure, certification, or registration specific
5 language stating that the applicant is not obligated to
6 disclose sealed or expunged records of a conviction or arrest;
7 however, if the inclusion of that language in an application
8 for licensure, certification, or registration is not
9 practical, the entity shall publish on its website instructions
10 specifying that applicants are not obligated to disclose sealed
11 or expunged records of a conviction or arrest. Employers may
12 not ask if an applicant has had records expunged or sealed.

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

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

23 Section 15. The Cigarette Tax Act is amended by changing
24 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
26 license shall file with his application a joint and several

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

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

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

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

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

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

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

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

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

23 (c) manufactures cigarettes, whether in this
24 State or out of this State, and who is neither (i)
25 a participating manufacturer as defined in
26 subsection II(jj) of the "Master Settlement

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

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

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

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

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

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

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

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

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

6 (35 ILCS 130/4b) (from Ch. 120, par. 453.4b)

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

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

22 (1) a person who is not of good character and
23 reputation in the community in which he resides; the
24 Department may consider past conviction of a felony but the
25 conviction shall not operate as an absolute bar to

1 receiving a permit;

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

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

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

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

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

24 All permits issued by the Department under this Act shall
25 be valid for not to exceed one year after issuance unless
26 sooner revoked, canceled or suspended as in this Act provided.

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

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

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

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

1 the conviction will impair the ability of the person to
2 engage in the position for which a permit is sought; and

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

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

25 With respect to cigarettes that the permittee delivers or
26 causes to be delivered in Illinois to Illinois licensed

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

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

1 discretion, to issue a new permit after such suspension,
2 cancellation, or revocation, except when the person who would
3 receive the permit is ineligible to receive a distributor's
4 permit under this Act.

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

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

10 (35 ILCS 130/4c)

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

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

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

24 (3) such other additional information as the
25 Department may reasonably require.

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

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

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

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

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

26 (3) a corporation, if any officer, manager, or director

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

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

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

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

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

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

24 (D) has been found by the Department, after notice
25 and a hearing, to have imported or caused to be
26 imported into the United States for sale or

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

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

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

24 A licensed secondary distributor shall notify the
25 Department of any change in the information contained on the
26 application form, including any change in ownership, and shall

1 do so within 30 days after any such change.

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

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

14 (35 ILCS 130/4i new)

15 Sec. 4i. Applicant convictions.

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

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 conviction.

5 (4) Convictions overturned by a higher court.

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

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

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 or permit is sought;

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

25 (3) if the applicant was previously licensed or
26 employed in this State or other states or jurisdictions,

1 then the lack of prior misconduct arising from or related
2 to the licensed position or position of employment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (4) the number of applicants for a new or renewal

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

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

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

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

14 (55 ILCS 5/5-10004) (from Ch. 34, par. 5-10004)

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

18 (1) Submits a written application for a license, which
19 application shall state, and the applicant shall state under
20 oath:

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

23 (b) The place of birth of the applicant, and if the
24 applicant is a naturalized citizen, the time and place of

1 such naturalization;

2 (c) Whether the applicant has a prior felony
3 conviction; and ~~That the applicant has never been convicted~~
4 ~~of a felony, or of a misdemeanor punishable under the laws~~
5 ~~of this State by a minimum imprisonment of six months or~~
6 ~~longer.~~

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

9 (2) And who establishes:

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

11 (b) that the place or building where the dance hall or
12 road house is to be operated or maintained, reasonably
13 conforms to all laws, and health and fire regulations
14 applicable thereto, and is properly ventilated and
15 supplied with separate and sufficient toilet arrangements
16 for each sex, and is a safe and proper place or building
17 for a public dance hall or road house.

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

19 (55 ILCS 5/5-10004a new)

20 Sec. 5-10004a. Applicant convictions.

21 (a) Applicants shall not be required to report the
22 following information and the following information shall not
23 be considered in connection with an application for a license
24 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) No application for a license under this Division shall
14 be denied by reason of a finding of lack of good moral
15 character when the finding is based upon the fact that the
16 applicant has previously been convicted of one or more criminal
17 offenses.

18 (c) The county board, upon finding that an applicant for a
19 license under this Act has a prior conviction for a felony,
20 shall consider any evidence of rehabilitation and mitigating
21 factors contained in the applicant's record, including any of
22 the following factors and evidence, to determine if a license
23 may be denied because the conviction will impair the ability of
24 the applicant to engage in the position for which a license is
25 sought:

26 (1) the lack of direct relation of the offense for

1 which the applicant was previously convicted to the duties,
2 functions, and responsibilities of the position for which a
3 license is sought;

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

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

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

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

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

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

1 Corrections; and

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

6 (d) If the county board refuses to issue a license to an
7 applicant, then the county board shall notify the applicant of
8 the denial in writing with the following included in the notice
9 of denial:

10 (1) a statement about the decision to refuse to issue a
11 license;

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

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

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

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

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

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

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

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

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

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

17 Section 25. The Illinois Insurance Code is amended by
18 changing Sections 500-30, 500-70, 1525, and 1555 and by adding
19 Sections 500-76 and 1550 as follows:

20 (215 ILCS 5/500-30)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 500-30. Application for license.

23 (a) An individual applying for a resident insurance
24 producer license must make application on a form specified by

1 the Director and declare under penalty of refusal, suspension,
2 or revocation of the license that the statements made in the
3 application are true, correct, and complete to the best of the
4 individual's knowledge and belief. Before approving the
5 application, the Director must find that the individual:

6 (1) is at least 18 years of age;

7 (2) is sufficiently rehabilitated in cases in which the
8 applicant has not committed any act that is a ground for
9 denial, suspension, or revocation set forth in Section
10 500-70, other than convictions set forth in paragraph (6)
11 of subsection (a) of Section 500-70; with respect to
12 applicants with convictions set forth in paragraph (6) of
13 subsection (a) of Section 500-70, the Director shall
14 determine in accordance with Section 500-76 that the
15 conviction will not impair the ability of the applicant to
16 engage in the position for which a license is sought;

17 (3) has completed, if required by the Director, a
18 pre-licensing course of study before the insurance exam for
19 the lines of authority for which the individual has applied
20 (an individual who successfully completes the Fire and
21 Casualty pre-licensing courses also meets the requirements
22 for Personal Lines-Property and Casualty);

23 (4) has paid the fees set forth in Section 500-135; and

24 (5) has successfully passed the examinations for the
25 lines of authority for which the person has applied.

26 (b) A pre-licensing course of study for each class of

1 insurance for which an insurance producer license is requested
2 must be established in accordance with rules prescribed by the
3 Director and must consist of the following minimum hours:

4 Class of Insurance	Number of
5	Hours
6 Life (Class 1 (a))	20
7 Accident and Health (Class 1(b) or 2(a))	20
8 Fire (Class 3)	20
9 Casualty (Class 2)	20
10 Personal Lines-Property Casualty	20
11 Motor Vehicle (Class 2(b) or 3(e))	12.5

12 7.5 hours of each pre-licensing course must be completed in
13 a classroom setting, except Motor Vehicle, which would require
14 5 hours in a classroom setting.

15 (c) A business entity acting as an insurance producer must
16 obtain an insurance producer license. Application must be made
17 using the Uniform Business Entity Application. Before
18 approving the application, the Director must find that:

19 (1) the business entity has paid the fees set forth in
20 Section 500-135; and

21 (2) the business entity has designated a licensed
22 producer responsible for the business entity's compliance
23 with the insurance laws and rules of this State.

24 (d) The Director may require any documents reasonably
25 necessary to verify the information contained in an
26 application.

1 (Source: P.A. 96-839, eff. 1-1-10.)

2 (215 ILCS 5/500-70)

3 (Section scheduled to be repealed on January 1, 2027)

4 Sec. 500-70. License denial, nonrenewal, or revocation.

5 (a) The Director may place on probation, suspend, revoke,
6 or refuse to issue or renew an insurance producer's license or
7 may levy a civil penalty in accordance with this Section or
8 take any combination of actions, for any one or more of the
9 following causes:

10 (1) providing incorrect, misleading, incomplete, or
11 materially untrue information in the license application;

12 (2) violating any insurance laws, or violating any
13 rule, subpoena, or order of the Director or of another
14 state's insurance commissioner;

15 (3) obtaining or attempting to obtain a license through
16 misrepresentation or fraud;

17 (4) improperly withholding, misappropriating or
18 converting any moneys or properties received in the course
19 of doing insurance business;

20 (5) intentionally misrepresenting the terms of an
21 actual or proposed insurance contract or application for
22 insurance;

23 (6) having been convicted of a felony, unless the
24 individual demonstrates to the Director sufficient
25 rehabilitation to warrant the public trust; consideration

1 of such conviction of an applicant shall be in accordance
2 with Section 500-76;

3 (7) having admitted or been found to have committed any
4 insurance unfair trade practice or fraud;

5 (8) using fraudulent, coercive, or dishonest
6 practices, or demonstrating incompetence,
7 untrustworthiness or financial irresponsibility in the
8 conduct of business in this State or elsewhere;

9 (9) having an insurance producer license, or its
10 equivalent, denied, suspended, or revoked in any other
11 state, province, district or territory;

12 (10) forging a name to an application for insurance or
13 to a document related to an insurance transaction;

14 (11) improperly using notes or any other reference
15 material to complete an examination for an insurance
16 license;

17 (12) knowingly accepting insurance business from an
18 individual who is not licensed;

19 (13) failing to comply with an administrative or court
20 order imposing a child support obligation;

21 (14) failing to pay state income tax or penalty or
22 interest or comply with any administrative or court order
23 directing payment of state income tax or failed to file a
24 return or to pay any final assessment of any tax due to the
25 Department of Revenue;

26 (15) failing to make satisfactory repayment to the

1 Illinois Student Assistance Commission for a delinquent or
2 defaulted student loan; or

3 (16) failing to comply with any provision of the
4 Viatical Settlements Act of 2009.

5 (b) If the action by the Director is to nonrenew, suspend,
6 or revoke a license or to deny an application for a license,
7 the Director shall notify the applicant or licensee and advise,
8 in writing, the applicant or licensee of the reason for the
9 suspension, revocation, denial or nonrenewal of the
10 applicant's or licensee's license. The applicant or licensee
11 may make written demand upon the Director within 30 days after
12 the date of mailing for a hearing before the Director to
13 determine the reasonableness of the Director's action. The
14 hearing must be held within not fewer than 20 days nor more
15 than 30 days after the mailing of the notice of hearing and
16 shall be held pursuant to 50 Ill. Adm. Code 2402.

17 (c) The license of a business entity may be suspended,
18 revoked, or refused if the Director finds, after hearing, that
19 an individual licensee's violation was known or should have
20 been known by one or more of the partners, officers, or
21 managers acting on behalf of the partnership, corporation,
22 limited liability company, or limited liability partnership
23 and the violation was neither reported to the Director nor
24 corrective action taken.

25 (d) In addition to or instead of any applicable denial,
26 suspension, or revocation of a license, a person may, after

1 hearing, be subject to a civil penalty of up to \$10,000 for
2 each cause for denial, suspension, or revocation, however, the
3 civil penalty may total no more than \$100,000.

4 (e) The Director has the authority to enforce the
5 provisions of and impose any penalty or remedy authorized by
6 this Article against any person who is under investigation for
7 or charged with a violation of this Code or rules even if the
8 person's license or registration has been surrendered or has
9 lapsed by operation of law.

10 (f) Upon the suspension, denial, or revocation of a
11 license, the licensee or other person having possession or
12 custody of the license shall promptly deliver it to the
13 Director in person or by mail. The Director shall publish all
14 suspensions, denials, or revocations after the suspensions,
15 denials, or revocations become final in a manner designed to
16 notify interested insurance companies and other persons.

17 (g) A person whose license is revoked or whose application
18 is denied pursuant to this Section is ineligible to apply for
19 any license for 3 years after the revocation or denial. A
20 person whose license as an insurance producer has been revoked,
21 suspended, or denied may not be employed, contracted, or
22 engaged in any insurance related capacity during the time the
23 revocation, suspension, or denial is in effect.

24 (Source: P.A. 96-736, eff. 7-1-10.)

25 (215 ILCS 5/500-76 new)

1 Sec. 500-76. Applicant convictions.

2 (a) The Director and the Department shall not require
3 applicants to report the following information and shall not
4 collect and consider the following criminal history records in
5 connection with an insurance producer license application:

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 that Act.

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 charge or
16 conviction.

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

23 (5) Convictions overturned by a higher court.

24 (6) Convictions or arrests that have been sealed or
25 expunged.

26 (b) The Director, upon a finding that an applicant for a

1 license under this Act was previously convicted of a felony,
2 shall consider any mitigating factors and evidence of
3 rehabilitation contained in the applicant's record, including
4 any of the following factors and evidence, to determine if a
5 license may be denied because the prior conviction will impair
6 the ability of the applicant to engage in the position for
7 which a license is sought:

8 (1) the bearing, if any, of the offense for which the
9 applicant was previously convicted on the duties and
10 functions of the position for which a license is sought;

11 (2) whether the conviction suggests a future
12 propensity to endanger the safety and property of others
13 while performing the duties and responsibilities for which
14 a license is sought;

15 (3) 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 (4) if the applicant was previously licensed or
20 employed in this State or other states or jurisdictions,
21 then the lack of prior misconduct arising from or related
22 to the licensed position or position of employment;

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

25 (6) 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 (7) evidence of the applicant's present fitness and
5 professional character;

6 (8) 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 certificate of relief from
11 disabilities under Section 5-5.5-10 of the Unified Code of
12 Corrections; and

13 (9) any other mitigating factors that contribute to the
14 person's potential and current ability to perform the
15 duties and responsibilities of an insurance producer.

16 (c) If a nonresident licensee meets the standards set forth
17 in items (1) through (4) of subsection (a) of Section 500-40
18 and has received consent pursuant to 18 U.S.C. 1033(e) (2) from
19 his or her home state, the Director shall grant the nonresident
20 licensee a license.

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

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

1 license;

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

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

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

10 (215 ILCS 5/1525)

11 Sec. 1525. Resident license.

12 (a) Before issuing a public adjuster license to an
13 applicant under this Section, the Director shall find that the
14 applicant:

15 (1) is eligible to designate this State as his or her
16 home state or is a nonresident who is not eligible for a
17 license under Section 1540;

18 (2) is sufficiently rehabilitated in cases in which the
19 applicant has ~~not~~ committed any act that is a ground for
20 denial, suspension, or revocation of a license as set forth
21 in Section 1555, other than convictions set forth in
22 paragraph (6) of subsection (a) of Section 1555; with
23 respect to applicants with convictions set forth in
24 paragraph (6) of subsection (a) of Section 1555, the
25 Director shall determine in accordance with Section 1550

1 that the conviction will not impair the ability of the
2 applicant to engage in the position for which a license is
3 sought;

4 (3) is trustworthy, reliable, competent, and of good
5 reputation, evidence of which may be determined by the
6 Director;

7 (4) is financially responsible to exercise the license
8 and has provided proof of financial responsibility as
9 required in Section 1560 of this Article; and

10 (5) maintains an office in the home state of residence
11 with public access by reasonable appointment or regular
12 business hours. This includes a designated office within a
13 home state of residence.

14 (b) In addition to satisfying the requirements of
15 subsection (a) of this Section, an individual shall:

16 (1) be at least 18 years of age;

17 (2) have successfully passed the public adjuster
18 examination;

19 (3) designate a licensed individual public adjuster
20 responsible for the business entity's compliance with the
21 insurance laws, rules, and regulations of this State; and

22 (4) designate only licensed individual public
23 adjusters to exercise the business entity's license.

24 (c) The Director may require any documents reasonably
25 necessary to verify the information contained in the
26 application.

1 (Source: P.A. 96-1332, eff. 1-1-11.)

2 (215 ILCS 5/1550 new)

3 Sec. 1550. Applicant convictions.

4 (a) The Director and the Department shall not require
5 applicants to report the following information and shall not
6 collect or consider the following criminal history records in
7 connection with a public adjuster license application:

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 that Act.

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 formal charge
18 or conviction.

19 (4) Records of arrest where charges were dismissed
20 unless related to the duties and responsibilities of a
21 public adjuster. However, applicants shall not be asked to
22 report any arrests, and any arrest not followed by a
23 conviction shall not be the basis of a denial and may be
24 used only to assess an 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 Director, upon a finding that an applicant for a
4 license under this Act was previously convicted of a felony or
5 misdemeanor involving dishonesty or fraud, shall consider any
6 mitigating factors and evidence of rehabilitation contained in
7 the applicant's record, including any of the following factors
8 and evidence, to determine if a license may be denied because
9 the prior conviction will impair the ability of the applicant
10 to engage in the position for which a license is sought:

11 (1) the bearing, if any, of the offense for which the
12 applicant was previously convicted on the duties,
13 functions, and responsibilities of the position for which a
14 license is sought;

15 (2) whether the conviction suggests a future
16 propensity to endanger the safety and property of others
17 while performing the duties and responsibilities for which
18 a license is sought;

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

23 (4) 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 (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 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 a public adjuster.

18 (c) If a nonresident licensee meets the standards set forth
19 in items (1) through (4) of subsection (a) of Section 1540 and
20 has received consent pursuant to 18 U.S.C. 1033(e) (2) from his
21 or her home state, the Director shall grant the nonresident
22 licensee a license.

23 (d) If the Director refuses to issue a license to an
24 applicant based on a conviction or convictions, in whole or in
25 part, then the Director shall notify the applicant of the
26 denial in writing with the following included in the notice of

1 denial:

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

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

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

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

12 (215 ILCS 5/1555)

13 Sec. 1555. License denial, nonrenewal, or revocation.

14 (a) The Director may place on probation, suspend, revoke,
15 deny, or refuse to issue or renew a public adjuster's license
16 or may levy a civil penalty or any combination of actions, for
17 any one or more of the following causes:

18 (1) providing incorrect, misleading, incomplete, or
19 materially untrue information in the license application;

20 (2) violating any insurance laws, or violating any
21 regulation, subpoena, or order of the Director or of
22 another state's Director;

23 (3) obtaining or attempting to obtain a license through
24 misrepresentation or fraud;

25 (4) improperly withholding, misappropriating, or

1 converting any monies or properties received in the course
2 of doing insurance business;

3 (5) intentionally misrepresenting the terms of an
4 actual or proposed insurance contract or application for
5 insurance;

6 (6) having been convicted of a felony or misdemeanor
7 involving dishonesty or fraud, unless the individual
8 demonstrates to the Director sufficient rehabilitation to
9 warrant the public trust; consideration of such conviction
10 of an applicant shall be in accordance with Section 1550;

11 (7) having admitted or been found to have committed any
12 insurance unfair trade practice or insurance fraud;

13 (8) using fraudulent, coercive, or dishonest
14 practices; or demonstrating incompetence,
15 untrustworthiness, or financial irresponsibility in the
16 conduct of business in this State or elsewhere;

17 (9) having an insurance license or public adjuster
18 license or its equivalent, denied, suspended, or revoked in
19 any other state, province, district, or territory;

20 (10) forging another's name to an application for
21 insurance or to any document related to an insurance
22 transaction;

23 (11) cheating, including improperly using notes or any
24 other reference material, to complete an examination for an
25 insurance license or public adjuster license;

26 (12) knowingly accepting insurance business from or

1 transacting business with an individual who is not licensed
2 but who is required to be licensed by the Director;

3 (13) failing to comply with an administrative or court
4 order imposing a child support obligation;

5 (14) failing to pay State income tax or comply with any
6 administrative or court order directing payment of State
7 income tax;

8 (15) failing to comply with or having violated any of
9 the standards set forth in Section 1590 of this Law; or

10 (16) failing to maintain the records required by
11 Section 1585 of this Law.

12 (b) If the action by the Director is to nonrenew, suspend,
13 or revoke a license or to deny an application for a license,
14 the Director shall notify the applicant or licensee and advise,
15 in writing, the applicant or licensee of the reason for the
16 suspension, revocation, denial, or nonrenewal of the
17 applicant's or licensee's license. The applicant or licensee
18 may make written demand upon the Director within 30 days after
19 the date of mailing for a hearing before the Director to
20 determine the reasonableness of the Director's action. The
21 hearing must be held within not fewer than 20 days nor more
22 than 30 days after the mailing of the notice of hearing and
23 shall be held pursuant to 50 Ill. Adm. Code 2402.

24 (c) The license of a business entity may be suspended,
25 revoked, or refused if the Director finds, after hearing, that
26 an individual licensee's violation was known or should have

1 been known by one or more of the partners, officers, or
2 managers acting on behalf of the business entity and the
3 violation was neither reported to the Director, nor corrective
4 action taken.

5 (d) In addition to or in lieu of any applicable denial,
6 suspension or revocation of a license, a person may, after
7 hearing, be subject to a civil penalty. In addition to or
8 instead of any applicable denial, suspension, or revocation of
9 a license, a person may, after hearing, be subject to a civil
10 penalty of up to \$10,000 for each cause for denial, suspension,
11 or revocation, however, the civil penalty may total no more
12 than \$100,000.

13 (e) The Director shall retain the authority to enforce the
14 provisions of and impose any penalty or remedy authorized by
15 this Article against any person who is under investigation for
16 or charged with a violation of this Article even if the
17 person's license or registration has been surrendered or has
18 lapsed by operation of law.

19 (f) Any individual whose public adjuster's license is
20 revoked or whose application is denied pursuant to this Section
21 shall be ineligible to apply for a public adjuster's license
22 for 5 years. A suspension pursuant to this Section may be for
23 any period of time up to 5 years.

24 (Source: P.A. 96-1332, eff. 1-1-11.)

25 Section 30. The Pyrotechnic Distributor and Operator

1 Licensing Act is amended by changing Section 35 and by adding
2 Section 36 as follows:

3 (225 ILCS 227/35)

4 Sec. 35. Licensure requirements and fees.

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

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

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

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

17 (2) Proof of \$1,000,000 in product liability
18 insurance.

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

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

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

24 (6) Proof of a current United States Department of
25 Transportation (DOT) Identification Number.

1 (7) Proof of a current USDOT Hazardous Materials
2 Registration Number.

3 (8) Proof of having the requisite knowledge, either
4 through training, examination, or continuing education, as
5 established by Office rule.

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

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

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

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

22 (4) Proof of a current USDOT Identification Number,
23 unless:

24 (A) proof of such is provided by the lead
25 pyrotechnic operator employed by the production
26 company or insured as an additional named insured on

1 the production company's general liability insurance,
2 as required under paragraph (1) of this subsection; or

3 (B) the production company certifies under penalty
4 of perjury that it engages only in flame effects or
5 never transports materials in quantities that require
6 registration with USDOT, or both.

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

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

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

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

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

1 (c-5) After January 1, 2006, no individual may act as a
2 lead operator in a pyrotechnic display without first applying
3 for and obtaining a lead pyrotechnic operator's license from
4 the Office. The Office shall establish separate licenses for
5 lead pyrotechnic operators for indoor and outdoor pyrotechnic
6 displays. Applicants for a license must:

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

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

10 (3) (Blank).

11 (d) A person is qualified to receive a license under this
12 Act if the person meets all of the following minimum
13 requirements:

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

15 (2) Has not willfully violated any provisions of this
16 Act.

17 (3) Has not made any material misstatement or knowingly
18 withheld information in connection with any original or
19 renewal application.

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

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

26 (6) If convicted ~~Has not been convicted~~ in any

1 jurisdiction of any felony within the prior 5 years, will
2 not, by the Office's determination, be impaired by such
3 conviction in engaging in the position for which a license
4 is sought.

5 (7) Is not a fugitive from justice.

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

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

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

26 (e) A person is qualified to assist a lead pyrotechnic

1 operator if the person meets all of the following minimum
2 requirements:

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

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

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

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

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

17 (6) Is not a fugitive from justice.

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

1 (8) Has been registered with the Office by the licensed
2 distributor or the licensed production company on a form
3 provided by the Office prior to the time when the assistant
4 begins work on the pyrotechnic display or pyrotechnic
5 service.

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

7 (225 ILCS 227/36 new)

8 Sec. 36. Applicant convictions.

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

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

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

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

23 (4) Convictions overturned by a higher court.

24 (5) Convictions or arrests that have been sealed or
25 expunged.

1 (b) When reviewing, for the purpose of licensure, a
2 conviction of any felony within the previous 5 years, the
3 Office shall consider any evidence of rehabilitation and
4 mitigating factors contained in the applicant's record,
5 including any of the following factors and evidence, to
6 determine if such conviction will impair the ability of the
7 applicant to engage in the position for which a license is
8 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) the amount of time that has elapsed since the
14 offense occurred;

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

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

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

26 (6) evidence of the applicant's present fitness and

1 professional character;

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

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

13 (c) If the Office refuses to issue a license to an
14 applicant, then the applicant shall be notified of the denial
15 in writing with the following included in the notice 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 Office
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 Office 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 35. The Solid Waste Site Operator Certification Law
4 is amended by changing Section 1005 and by adding Section
5 1005-1 as follows:

6 (225 ILCS 230/1005) (from Ch. 111, par. 7855)

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

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

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

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

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

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

22 (2) Negligence or misconduct in the operation of a
23 sanitary landfill;

24 (3) Repeated failure to comply with any of the

1 requirements applicable to the operation of a sanitary
2 landfill, except for Board requirements applicable to the
3 collection of litter;

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

7 (5) For a holder of a certificate, conviction
8 ~~Conviction~~ in this or another State of any crime which is a
9 felony under the laws of this State or conviction of a
10 felony in a federal court; for an applicant, consideration
11 of such conviction shall be in accordance with Section
12 1005-1;

13 (6) Proof of gross carelessness or incompetence in
14 handling, storing, processing, transporting, or disposing
15 of any hazardous waste; or

16 (7) Being declared to be a person under a legal
17 disability by a court of competent jurisdiction and not
18 thereafter having been lawfully declared to be a person not
19 under legal disability or to have recovered.

20 (e) To adopt rules necessary to perform its functions,
21 powers, and duties with respect to solid waste site operator
22 certifications.

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

24 (225 ILCS 230/1005-1 new)

25 Sec. 1005-1. Applicant convictions.

1 (a) The Agency shall not require applicants to report the
2 following information and shall not consider the following
3 criminal history records in connection with an application for
4 certification under this Act:

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

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

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

15 (4) Convictions overturned by a higher court.

16 (5) Convictions or arrests that have been sealed or
17 expunged.

18 (b) When reviewing a conviction of any felony, the Agency
19 shall consider any evidence of rehabilitation and mitigating
20 factors contained in the applicant's record, including any of
21 the following factors and evidence, to determine if a
22 certificate may be denied because such conviction will impair
23 the ability of the applicant to engage in the position for
24 which a certificate is sought:

25 (1) the lack of direct relation of the offense for
26 which the applicant was previously convicted to the duties,

1 functions, and responsibilities of the position for which
2 certification is sought;

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

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

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

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

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

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; and

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 the position for which a
4 certificate or employment is sought.

5 (c) If the Agency refuses to issue a certificate to an
6 applicant, then the Agency shall notify the applicant of the
7 denial in writing with the following included in the notice of
8 denial:

9 (1) a statement about the decision to refuse to grant
10 certification;

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

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

16 (4) a summary of the appeal process or the earliest the
17 applicant may reapply for a certificate, whichever is
18 applicable.

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

24 (1) the number of applicants for a new or renewal
25 certification under this Act within the previous calendar
26 year;

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

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

7 (4) the number of applicants for a new or renewal
8 certification with a criminal conviction who were granted
9 certification under this Act within the previous calendar
10 year;

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

14 (6) the number of applicants for a new or renewal
15 certification with a criminal conviction who were denied
16 certification under this Act in the previous calendar year
17 in whole or in part because of a prior conviction.

18 Section 40. The Water Well and Pump Installation
19 Contractor's License Act is amended by changing Section 15 and
20 by adding Section 15.1 as follows:

21 (225 ILCS 345/15) (from Ch. 111, par. 7116)

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

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

1 following grounds:

2 (1) Material misstatement in the application for license;

3 (2) Failure to have or retain the qualifications required
4 by Section 9 of this Act;

5 (3) Wilful disregard or violation of this Act or of any
6 rule or regulation promulgated by the Department pursuant
7 thereto; or disregard or violation of any law of the state of
8 Illinois or of any rule or regulation promulgated pursuant
9 thereto relating to water well drilling or the installation of
10 water pumps and equipment or any rule or regulation adopted
11 pursuant thereto;

12 (4) Wilfully aiding or abetting another in the violation of
13 this Act or any rule or regulation promulgated by the
14 Department pursuant thereto;

15 (5) Incompetence in the performance of the work of a water
16 well contractor or of a water well pump installation
17 contractor;

18 (6) Allowing the use of a license by someone other than the
19 person in whose name it was issued;

20 (7) For licensees, conviction ~~Conviction~~ of any crime an
21 essential element of which is misstatement, fraud or
22 dishonesty, conviction in this or another State of any crime
23 which is a felony under the laws of this State or the
24 conviction in a federal court of any felony; for applicants,
25 the Department may deny a license based on a conviction of any
26 felony or a misdemeanor directly related to the practice of the

1 profession if the Department determines in accordance with
2 Section 15.1 that such conviction will impair the ability of
3 the applicant to engage in the position for which a license is
4 sought;

5 (8) Making substantial misrepresentations or false
6 promises of a character likely to influence, persuade or induce
7 in connection with the occupation of a water well contractor or
8 a water well pump installation contractor.

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

10 (225 ILCS 345/15.1 new)

11 Sec. 15.1. Applicant convictions.

12 (a) The Department shall not require an applicant to
13 provide the following information and shall not consider the
14 following criminal history records in connection with an
15 application for licensure:

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 exclusions set forth in Section 5-130 of the
19 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 charge or

1 conviction.

2 (4) Records of arrest where charges were dismissed
3 unless related to the practice of the profession. However,
4 applicants shall not be asked to report any arrests, and
5 any arrest not followed by a conviction shall not be the
6 basis of a denial and may be used only to assess an
7 applicant's rehabilitation.

8 (5) Convictions overturned by a higher court.

9 (6) Convictions or arrests that have been sealed or
10 expunged.

11 (b) The Department, upon a finding that an applicant for a
12 license was previously convicted of any felony or a misdemeanor
13 directly related to the practice of the profession, shall
14 consider any evidence of rehabilitation and mitigating factors
15 contained in the applicant's record, including any of the
16 following factors and evidence, to determine if the prior
17 conviction will impair the ability of the applicant to engage
18 in the position for 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 states 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 job
23 duties.

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

1 of denial:

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

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 is sought;

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

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

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

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

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

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

25 (4) the number of applicants for a new or renewal
26 license with a criminal conviction who were granted a

1 license under this Act within the previous calendar year;

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

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

9 Section 45. The Collateral Recovery Act is amended by
10 changing Sections 40, 45, 80, and 85 as follows:

11 (225 ILCS 422/40)

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

13 Sec. 40. Qualifications for recovery manager;
14 identification card.

15 (a) An applicant is qualified for licensure as a recovery
16 manager if that person meets all of the following requirements:

17 (1) Is 21 years of age or older.

18 (2) If convicted of any felony and less than 7 years
19 have passed from the time of discharge from the sentence
20 imposed, then a finding by the Commission in accordance
21 with Section 85 that the conviction will not impair the
22 applicant's ability to engage in the position requiring a
23 license. ~~Has not been convicted in any jurisdiction of any~~
24 ~~felony or at least 10 years has passed from the time of~~

1 ~~discharge from any sentence imposed for a felony.~~

2 (3) Has completed no less than 2,500 hours of actual
3 compensated collateral recovery work as an employee of a
4 repossession agency, a financial institution, or a vehicle
5 dealer within the 5 years immediately preceding the filing
6 of an application, acceptable proof of which must be
7 submitted to the Commission.

8 (4) Has submitted to the Commission 2 sets of
9 fingerprints, which shall be checked against the
10 fingerprint records on file with the Illinois State Police
11 and the Federal Bureau of Investigation in the manner set
12 forth in Section 60 of this Act.

13 (5) Has successfully completed a certification program
14 approved by the Commission.

15 (6) Has paid the required application fees.

16 (b) Upon the issuance of a recovery manager license, the
17 Commission shall issue the license holder a suitable pocket
18 identification card that shall include a photograph of the
19 license holder. The identification card must contain the name
20 of the license holder and any other information required by the
21 Commission. An applicant who is 21 years of age or older
22 seeking a religious exemption to the photograph requirement of
23 this subsection shall furnish with his or her application an
24 approved copy of United States Department of the Treasury
25 Internal Revenue Service Form 4029.

26 (c) A recovery manager license is not transferable.

1 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

2 (225 ILCS 422/45)

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

4 Sec. 45. Repossession agency employee requirements.

5 (a) All employees of a licensed repossession agency whose
6 duties include the actual repossession of collateral must apply
7 for a recovery permit. The holder of a repossession agency
8 license issued under this Act, known in this Section as the
9 "employer", may employ in the conduct of the business under the
10 following provisions:

11 (1) No person may be issued a recovery permit who meets
12 any of the following criteria:

13 (A) Is younger than 21 years of age.

14 (B) Has been determined by the Commission to be
15 unfit by reason of conviction of an offense in this or
16 another state, other than a minor traffic offense, that
17 the Commission determines in accordance with Section
18 85 will impair the ability of the person to engage in
19 the position for which a permit is sought. The
20 Commission shall adopt rules for making those
21 determinations.

22 (C) Has had a license or recovery permit denied,
23 suspended, or revoked under this Act.

24 (D) Has not successfully completed a certification
25 program approved by the Commission.

1 (2) No person may be employed by a repossession agency
2 under this Section until he or she has executed and
3 furnished to the Commission, on forms furnished by the
4 Commission, a verified statement to be known as an
5 "Employee's Statement" setting forth all of the following:

6 (A) The person's full name, age, and residence
7 address.

8 (B) The business or occupation engaged in for the 5
9 years immediately before the date of the execution of
10 the statement, the place where the business or
11 occupation was engaged in, and the names of the
12 employers, if any.

13 (C) That the person has not had a license or
14 recovery permit denied, revoked, or suspended under
15 this Act.

16 (D) Any conviction of a felony, except as provided
17 for in Section 85.

18 (E) Any other information as may be required by any
19 rule of the Commission to show the good character,
20 competency, and integrity of the person executing the
21 statement.

22 (b) Each applicant for a recovery permit shall have his or
23 her fingerprints submitted to the Commission by a Live Scan
24 fingerprint vendor certified by the Illinois State Police under
25 the Private Detective, Private Alarm, Private Security,
26 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic

1 format that complies with the form and manner for requesting
2 and furnishing criminal history record information as
3 prescribed by the Illinois State Police. These fingerprints
4 shall be checked against the Illinois State Police and Federal
5 Bureau of Investigation criminal history record databases now
6 and hereafter filed. The Commission shall charge applicants a
7 fee for conducting the criminal history records check, which
8 shall not exceed the actual cost of the records check. The
9 Illinois Commerce Commission Police shall furnish, pursuant to
10 positive identification, records of Illinois convictions to
11 the Commission. The Commission, in its discretion, may allow an
12 applicant who does not have reasonable access to a designated
13 vendor to provide his or her fingerprints in an alternative
14 manner. The Commission, in its discretion, may also use other
15 procedures in performing or obtaining criminal history records
16 checks of applicants. Instead of submitting his or her
17 fingerprints, an individual may submit proof that is
18 satisfactory to the Commission that an equivalent security
19 clearance has been conducted.

20 (c) Qualified applicants shall purchase a recovery permit
21 from the Commission and in a form that the Commission
22 prescribes. The Commission shall notify the submitting person
23 within 10 days after receipt of the application of its intent
24 to issue or deny the recovery permit. The holder of a recovery
25 permit shall carry the recovery permit at all times while
26 actually engaged in the performance of the duties of his or her

1 employment. No recovery permit shall be effective unless
2 accompanied by a license issued by the Commission. Expiration
3 and requirements for renewal of recovery permits shall be
4 established by rule of the Commission. Possession of a recovery
5 permit does not in any way imply that the holder of the
6 recovery permit is employed by any agency unless the recovery
7 permit is accompanied by the employee identification card
8 required by subsection (e) of this Section.

9 (d) Each employer shall maintain a record of each employee
10 that is accessible to the duly authorized representatives of
11 the Commission. The record shall contain all of the following
12 information:

13 (1) A photograph taken within 10 days after the date
14 that the employee begins employment with the employer. The
15 photograph shall be replaced with a current photograph
16 every 3 calendar years.

17 (2) The Employee's Statement specified in paragraph
18 (2) of subsection (a) of this Section.

19 (3) All correspondence or documents relating to the
20 character and integrity of the employee received by the
21 employer from any official source or law enforcement
22 agency.

23 (4) In the case of former employees, the employee
24 identification card of that person issued under subsection
25 (e) of this Section.

26 (e) Every employer shall furnish an employee

1 identification card to each of his or her employees. This
2 subsection (e) shall not apply to office or clerical personnel.
3 This employee identification card shall contain a recent
4 photograph of the employee, the employee's name, the name and
5 agency license number of the employer, the employee's personal
6 description, the signature of the employer, the signature of
7 that employee, the date of issuance, and an employee
8 identification card number.

9 (f) No employer may issue an employee identification card
10 to any person who is not employed by the employer in accordance
11 with this Section or falsely state or represent that a person
12 is or has been in his or her employ. It is unlawful for an
13 applicant for registration to file with the Commission the
14 fingerprints of a person other than himself or herself or to
15 fail to exercise due diligence in resubmitting replacement
16 fingerprints for those employees who have had original
17 fingerprint submissions returned as unclassifiable. An agency
18 shall inform the Commission within 15 days after contracting or
19 employing a licensed repossession agency employee. The
20 Commission shall develop a registration process by rule.

21 (g) Every employer shall obtain the identification card of
22 every employee who terminates employment with the employer. An
23 employer shall immediately report an identification card that
24 is lost or stolen to the local police department having
25 jurisdiction over the repossession agency location.

26 (h) No agency may employ any person to perform any activity

1 under this Act unless the person possesses a valid license or
2 recovery permit under this Act.

3 (i) If information is discovered affecting the
4 registration of a person whose fingerprints were submitted
5 under this Section, then the Commission shall so notify the
6 agency that submitted the fingerprints on behalf of that
7 person.

8 (j) A person employed under this Section shall have 15
9 business days within which to notify the Commission of any
10 change in employer, but may continue working under any other
11 recovery permits granted as an employee or independent
12 contractor.

13 (k) This Section applies only to those employees of
14 licensed repossession agencies whose duties include actual
15 repossession of collateral.

16 (l) An applicant who is 21 years of age or older seeking a
17 religious exemption to the photograph requirement of this
18 Section shall furnish with his or her application an approved
19 copy of United States Department of the Treasury Internal
20 Revenue Service Form 4029. Regardless of age, an applicant
21 seeking a religious exemption to this photograph requirement
22 shall submit fingerprints in a form and manner prescribed by
23 the Commission with his or her application in lieu of a
24 photograph.

25 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

1 (225 ILCS 422/80)

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

3 Sec. 80. Refusal, revocation, or suspension.

4 (a) The Commission may refuse to issue or renew or may
5 revoke any license or recovery permit or may suspend, place on
6 probation, fine, or take any disciplinary action that the
7 Commission may deem proper, including fines not to exceed
8 \$2,500 for each violation, with regard to any license holder or
9 recovery permit holder for one or any combination of the
10 following causes:

11 (1) Knowingly making any misrepresentation for the
12 purpose of obtaining a license or recovery permit.

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

14 (3) For licensees or permit holders, conviction
15 ~~Conviction~~ of any crime under the laws of the United States
16 or any state or territory thereof that is (i) a felony,
17 (ii) a misdemeanor, an essential element of which is
18 dishonesty, or (iii) a crime that is related to the
19 practice of the profession. For license or permit
20 applicants, the Commission may refuse to issue a license or
21 permit based on restrictions set forth in paragraph (2) of
22 subsection (a) of Section 40 and subparagraph (B) of
23 paragraph (1) of subsection (a) of Section 45,
24 respectively, if the Commission determines in accordance
25 with Section 85 that such conviction will impair the
26 ability of the applicant to engage in the position for

1 which a license or permit is sought.

2 (4) Aiding or abetting another in violating any
3 provision of this Act or its rules.

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

7 (6) Violation of any court order from any State or
8 public agency engaged in the enforcement of payment of
9 child support arrearages or for noncompliance with certain
10 processes relating to paternity or support proceeding.

11 (7) Solicitation of professional services by using
12 false or misleading advertising.

13 (8) A finding that the license or recovery permit was
14 obtained by fraudulent means.

15 (9) Practicing or attempting to practice under a name
16 other than the full name shown on the license or recovery
17 permit or any other legally authorized name.

18 (b) The Commission may refuse to issue or may suspend the
19 license or recovery permit of any person or entity who fails to
20 file a return, pay the tax, penalty, or interest shown in a
21 filed return, or pay any final assessment of tax, penalty, or
22 interest, as required by any tax Act administered by the
23 Department of Revenue, until the time the requirements of the
24 tax Act are satisfied. The Commission may take into
25 consideration any pending tax disputes properly filed with the
26 Department of Revenue.

1 (Source: P.A. 97-576, eff. 7-1-12.)

2 (225 ILCS 422/85)

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

4 Sec. 85. Consideration of past crimes.

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

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

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

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

19 (4) Convictions overturned by a higher court.

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

22 (b) When ~~(a) Notwithstanding the prohibitions set forth in~~
23 ~~Sections 40 and 45 of this Act, when~~ considering the denial of
24 a license or recovery permit on the grounds of conviction of a
25 crime, including those set forth in paragraph (2) of subsection

1 (a) of Section 40 and subparagraph (B) of paragraph (1) of
2 subsection (a) of Section 45, respectively, the Commission, in
3 evaluating whether the conviction will impair the applicant's
4 ability to engage in the position for which a license or permit
5 is sought ~~the rehabilitation of the applicant~~ and the
6 applicant's present eligibility for a license or recovery
7 permit, shall consider each of the following criteria:

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. ~~The nature and severity of the act or~~
12 ~~crime under consideration as grounds for denial.~~

13 (2) Circumstances relative to the offense, including
14 the applicant's age at the time that the offense was
15 committed.

16 (3) ~~(2)~~ Evidence of any act committed subsequent to the
17 act or crime under consideration as grounds for denial,
18 which also could be considered as grounds for disciplinary
19 action under this Act.

20 (4) Whether 5 years since a conviction or 3 years since
21 release from confinement for the conviction, whichever is
22 later, have passed without a subsequent conviction. ~~(3) The~~
23 ~~amount of time that has lapsed since the commission of the~~
24 ~~act or crime referred to in item (1) or (2) of this~~
25 ~~subsection (a).~~

26 (5) Successful completion of sentence or for

1 applicants serving a term of parole or probation, a
2 progress report provided by the applicant's probation or
3 parole officer that documents the applicant's compliance
4 with conditions of supervision. ~~(4) The extent to which the~~
5 applicant has complied with any terms of parole, probation,
6 restitution, or any other sanctions lawfully imposed
7 against the applicant.

8 (6) If the applicant was previously licensed or
9 employed in this State or other states or jurisdictions,
10 then the lack of prior misconduct arising from or related
11 to the licensed position or position of employment. ~~(5)~~
12 Evidence, if any, of rehabilitation submitted by the
13 applicant.

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.

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 practices licensed or
24 registered under this Act.

25 (c) ~~(b)~~ When considering the suspension or revocation of a
26 license or recovery permit on the grounds of conviction of a

1 crime, the Commission, in evaluating the rehabilitation of the
2 applicant, whether the conviction will impair the applicant's
3 ability to engage in the position for which a license or permit
4 is sought, and the applicant's present eligibility for a
5 license or recovery permit, shall consider each of the
6 following criteria:

7 (1) The nature and severity of the act or offense.

8 (2) The license holder's or recovery permit holder's
9 criminal record in its entirety.

10 (3) The amount of time that has lapsed since the
11 commission of the act or offense.

12 (4) Whether the license holder or recovery permit
13 holder has complied with any terms of parole, probation,
14 restitution, or any other sanctions lawfully imposed
15 against him or her.

16 (5) If applicable, evidence of expungement
17 proceedings.

18 (6) Evidence, if any, of rehabilitation submitted by
19 the license holder or recovery permit holder.

20 (d) If the Commission refuses to grant a license or permit
21 to an applicant, then the Commission shall notify the applicant
22 of the denial in writing with the following included in the
23 notice of denial:

24 (1) a statement about the decision to refuse to grant a
25 license or permit;

26 (2) a list of the convictions that the Commission

1 determined will impair the applicant's ability to engage in
2 the position for which a license or permit is sought;

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

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

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

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

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

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

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

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

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

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

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

15 (Source: P.A. 97-576, eff. 7-1-12.)

16 Section 50. The Interpreter for the Deaf Licensure Act of
17 2007 is amended by changing Sections 45 and 115 and by adding
18 Section 47 as follows:

19 (225 ILCS 443/45)

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

21 Sec. 45. Qualifications for licensure. A person shall be
22 qualified to be licensed as an interpreter for the deaf and the
23 Commission shall issue a license to an applicant who:

24 (1) has applied in writing on the prescribed forms and

1 paid the required fees;

2 (2) is of good moral character; in determining good
3 moral character, the Commission shall take into
4 consideration whether the applicant has engaged in conduct
5 or activities that would constitute grounds for discipline
6 under Section 115 of this Act, except consideration of
7 prior convictions shall be in accordance with Section 47 of
8 this Act;

9 (3) is an accepted certificate holder;

10 (4) has a high school diploma or equivalent; and

11 (5) has met any other requirements established by the
12 Commission by rule.

13 (Source: P.A. 95-617, eff. 9-12-07.)

14 (225 ILCS 443/47 new)

15 Sec. 47. Applicant convictions.

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

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 conviction.

5 (4) Convictions overturned by a higher court.

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

8 (b) No application for any license under this Act shall be
9 denied by reason of a finding of lack of "good moral character"
10 when the finding is based upon the fact that the applicant has
11 previously been convicted of one or more criminal offenses. The
12 Commission, upon a finding that an applicant for a license was
13 previously convicted of a felony or a misdemeanor an essential
14 element of which is dishonesty or that is directly related to
15 the practice of interpreting, shall consider any evidence of
16 rehabilitation and mitigating factors contained in the
17 applicant's record, including any of the following factors and
18 evidence, to determine if a license may be denied because the
19 conviction will impair the ability of the applicant to engage
20 in the 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 states 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 Commission refuses to issue a license to an
2 applicant, then the Commission shall notify the applicant of
3 the denial in writing with the following included in the notice
4 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 Commission
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 Commission 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 (225 ILCS 443/115)

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

20 Sec. 115. Grounds for disciplinary action.

21 (a) The Commission may refuse to issue or renew any license
22 and the Department may suspend or revoke any license or may
23 place on probation, censure, reprimand, or take other
24 disciplinary action deemed appropriate by the Department,
25 including the imposition of fines not to exceed \$2,500 for each

1 violation, with regard to any license issued under this Act for
2 any one or more of the following reasons:

3 (1) Material deception in furnishing information to
4 the Commission or the Department.

5 (2) Violations or negligent or intentional disregard
6 of any provision of this Act or its rules.

7 (3) For licensees, conviction ~~Conviction~~ of any crime
8 under the laws of any jurisdiction of the United States
9 that is a felony or a misdemeanor, an essential element of
10 which is dishonesty, or that is directly related to the
11 practice of interpreting. For applicants, consideration of
12 such convictions shall be in accordance with Section 47.

13 (4) A pattern of practice or other behavior that
14 demonstrates incapacity or incompetence to practice under
15 this Act.

16 (5) Knowingly aiding or assisting another person in
17 violating any provision of this Act or rules adopted
18 thereunder.

19 (6) Failing, within 60 days, to provide a response to a
20 request for information in response to a written request
21 made by the Commission or the Department by certified mail.

22 (7) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public.

25 (8) Habitual use of or addiction to alcohol, narcotics,
26 stimulants, or any other chemical agent or drug that

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

3 (9) Discipline by another jurisdiction or foreign
4 nation, if at least one of the grounds for the discipline
5 is the same or substantially equivalent to those set forth
6 in this Section.

7 (10) A finding that the licensee, after having his or
8 her license placed on probationary status, has violated the
9 terms of probation.

10 (11) Being named as a perpetrator in an indicated
11 report by the Department of Children and Family Services
12 under the Abused and Neglected Child Reporting Act and upon
13 proof by clear and convincing evidence that the licensee
14 has caused a child to be an abused child or a neglected
15 child, as defined in the Abused and Neglected Child
16 Reporting Act.

17 (12) Gross negligence in the practice of interpreting.

18 (13) Holding oneself out to be a practicing interpreter
19 for the deaf under any name other than one's own.

20 (14) Knowingly allowing another person or organization
21 to use the licensee's license to deceive the public.

22 (15) Attempting to subvert or cheat on an
23 interpreter-related examination or evaluation.

24 (16) Immoral conduct in the commission of an act, such
25 as sexual abuse, sexual misconduct, or sexual
26 exploitation, related to the licensee's practice.

1 (17) Willfully violating State or federal
2 confidentiality laws or the confidentiality between an
3 interpreter and client, except as required by State or
4 federal law.

5 (18) Practicing or attempting to practice interpreting
6 under a name other than one's own.

7 (19) The use of any false, fraudulent, or deceptive
8 statement in any document connected with the licensee's
9 practice.

10 (20) Failure of a licensee to report to the Commission
11 any adverse final action taken against him or her by
12 another licensing jurisdiction, any peer review body, any
13 professional deaf or hard of hearing interpreting
14 association, any governmental Commission, by law
15 enforcement Commission, or any court for a deaf or hard of
16 hearing interpreting liability claim related to acts or
17 conduct similar to acts or conduct that would constitute
18 grounds for action as provided in this Section.

19 (21) Failure of a licensee to report to the Commission
20 surrender by the licensee of his or her license or
21 authorization to practice interpreting in another state or
22 jurisdiction or current surrender by the licensee of
23 membership in any deaf or hard of hearing interpreting
24 association or society while under disciplinary
25 investigation by any of those authorities or bodies for
26 acts or conduct similar to acts or conduct that would

1 constitute grounds for action as provided by this Section.

2 (22) Physical illness or injury including, but not
3 limited to, deterioration through the aging process or loss
4 of motor skill, mental illness, or disability that results
5 in the inability to practice the profession with reasonable
6 judgment, skill, or safety.

7 (23) Gross and willful overcharging for interpreter
8 services, including filing false statements for collection
9 of fees for which services have not been rendered.

10 (b) The Commission may refuse to issue or the Department
11 may suspend the license of any person who fails to file a
12 return, to pay the tax, penalty, or interest shown in a filed
13 return, or to pay any final assessment of the tax, penalty, or
14 interest as required by any tax Act administered by the
15 Illinois Department of Revenue, until such time as the
16 requirements of any such tax Act are satisfied.

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

1 examining physician. The Commission shall specifically
2 designate the examining physicians. The individual to be
3 examined may have, at his or her own expense, another physician
4 of his or her choice present during all aspects of this
5 examination. Failure of an individual to submit to a mental or
6 physical examination, when directed, shall be grounds for
7 suspension of his or her license until the individual submits
8 to the examination if the Commission finds, after notice and
9 hearing, that the refusal to submit to the examination was
10 without reasonable cause.

11 If the Commission finds an individual unable to practice
12 because of the reasons set forth in this subsection (c), the
13 Commission may require that individual to submit to care,
14 counseling, or treatment by physicians approved or designated
15 by the Commission as a condition, term, or restriction for
16 continued, reinstated, or renewed licensure to practice or, in
17 lieu of care, counseling, or treatment, the Commission may file
18 a complaint to immediately suspend, revoke, or otherwise
19 discipline the license of the individual. An individual whose
20 license was granted, continued, reinstated, renewed,
21 disciplined, or supervised subject to such terms, conditions,
22 or restrictions and who fails to comply with such terms,
23 conditions, or restrictions, shall be referred to the Director
24 for a determination as to whether the individual shall have his
25 or her license suspended immediately, pending a hearing by the
26 Department.

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

11 An individual licensed under this Act and affected under
12 this subsection (c) shall be afforded an opportunity to
13 demonstrate to the Commission that he or she can resume
14 practice in compliance with acceptable and prevailing
15 standards under the provisions of his or her license.

16 (Source: P.A. 95-617, eff. 9-12-07.)

17 Section 55. The Animal Welfare Act is amended by changing
18 Section 10 and by adding Section 4 as follows:

19 (225 ILCS 605/4 new)

20 Sec. 4. Applicant convictions.

21 (a) The Department shall not require applicants to report
22 the following information and shall not consider the following
23 in connection with an application for a license under this Act:

24 (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) 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 states 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 grant a license to an
2 applicant, then the Department shall notify the applicant of
3 the denial in writing with the following included in the notice
4 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 convictions; 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 convictions.

18 (225 ILCS 605/10) (from Ch. 8, par. 310)

19 Sec. 10. Grounds for discipline. The Department may refuse
20 to issue or renew or may suspend or revoke a license on any one
21 or more of the following grounds:

22 a. Material misstatement in the application for
23 original license or in the application for any renewal
24 license under this Act;

25 b. A violation of this Act or of any regulations or

1 rules issued pursuant thereto;

2 c. Aiding or abetting another in the violation of this
3 Act or of any regulation or rule issued pursuant 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 crime an
7 essential element of which is misstatement, fraud or
8 dishonesty or conviction of any felony, if the Department
9 determines, after investigation, that such person has not
10 been sufficiently rehabilitated to warrant the public
11 trust; for applicants, the Department may refuse to issue a
12 license based on a conviction of any felony or a
13 misdemeanor directly related to the practice of the
14 profession if the Department determines in accordance with
15 Section 4 that such conviction will impair the ability of
16 the applicant to engage in the position for which a license
17 is sought;

18 f. Conviction of a violation of any law of Illinois
19 except minor violations such as traffic violations and
20 violations not related to the disposition of dogs, cats and
21 other animals or any rule or regulation of the Department
22 relating to dogs or cats and sale thereof;

23 g. Making substantial misrepresentations or false
24 promises of a character likely to influence, persuade or
25 induce in connection with the business of a licensee under
26 this Act;

1 h. Pursuing a continued course of misrepresentation of
2 or making false promises through advertising, salesman,
3 agents or otherwise in connection with the business of a
4 licensee under this Act;

5 i. Failure to possess the necessary qualifications or
6 to meet the requirements of the Act for the issuance or
7 holding a license; or

8 j. Proof that the licensee is guilty of gross
9 negligence, incompetency, or cruelty with regard to
10 animals.

11 The Department may refuse to issue or may suspend the
12 license of any person who fails to file a return, or to pay the
13 tax, penalty or interest shown in a filed return, or to pay any
14 final assessment of tax, penalty or interest, as required by
15 any tax Act administered by the Illinois Department of Revenue,
16 until such time as the requirements of any such tax Act are
17 satisfied.

18 The Department may order any licensee to cease operation
19 for a period not to exceed 72 hours to correct deficiencies in
20 order to meet licensing requirements.

21 If the Department revokes a license under this Act at an
22 administrative hearing, the licensee and any individuals
23 associated with that license shall be prohibited from applying
24 for or obtaining a license under this Act for a minimum of 3
25 years.

26 (Source: P.A. 99-310, eff. 1-1-16.)

1 Section 60. The Illinois Feeder Swine Dealer Licensing Act
2 is amended by changing Section 9 and by adding Section 9.3 as
3 follows:

4 (225 ILCS 620/9) (from Ch. 111, par. 209)

5 Sec. 9. Grounds for refusal to issue or renew license and
6 for license suspension and revocation. The Department may
7 refuse to issue or renew or may suspend or revoke a license on
8 any one or more of the following grounds:

9 a. Material misstatement in the application for original
10 license or in the application for any renewal license under
11 this Act;

12 b. Disregard or violation of this Act, any other Act
13 relative to the purchase and sale of livestock or any
14 regulation or rule issued pursuant thereto;

15 c. Aiding or abetting another in the violation of this Act
16 or of any regulation or rule issued pursuant thereto;

17 d. Allowing one's license under this Act to be used by an
18 unlicensed person;

19 e. For licensees, conviction ~~Conviction~~ of any crime an
20 essential element of which is misstatement, fraud or dishonesty
21 or conviction of any felony, if the Department determines,
22 after investigation, that such person has not been sufficiently
23 rehabilitated to warrant the public trust; for applicants, the
24 Department may refuse to issue a license based on a conviction

1 of any felony or a misdemeanor directly related to the practice
2 of the profession if the Department determines in accordance
3 with Section 9.3 that such conviction will impair the ability
4 of the applicant to engage in the position for which a license
5 is sought;

6 f. Conviction of a violation of any law of Illinois or any
7 rule or regulation of the Department relating to feeder swine;

8 g. Making substantial misrepresentations or false promises
9 of a character likely to influence, persuade or induce in
10 connection with the livestock industry;

11 h. Pursuing a continued course of misrepresentation of or
12 making false promises through advertising, salesmen, agents or
13 otherwise in connection with the livestock industry;

14 i. Failure to possess the necessary qualifications or to
15 meet the requirements of this Act for the issuance or holding
16 of a license;

17 j. Operating without the bond or trust fund agreement
18 required by this Act; or

19 k. Failing to file a return, or to pay the tax, penalty or
20 interest shown in a filed return, or to pay any final
21 assessment of tax, penalty or interest, as required by any tax
22 Act administered by the Illinois Department of Revenue.

23 (Source: P.A. 89-154, eff. 7-19-95.)

24 (225 ILCS 620/9.3 new)

25 Sec. 9.3. Applicant convictions.

1 (a) The Department shall not require applicants to report
2 the following information and shall not consider the following
3 criminal history records in connection with an application for
4 a license under this Act:

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

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

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

15 (4) Convictions overturned by a higher court.

16 (5) Convictions or arrests that have been sealed or
17 expunged.

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

26 (1) the lack of direct relation of the offense for

1 which the applicant was previously convicted to the duties,
2 functions, and responsibilities of the position for which a
3 license is sought;

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

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

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

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

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

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

1 Corrections; and

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

6 (c) If the Department refuses to issue a license to an
7 applicant, then the applicant shall be notified of the denial
8 in writing with the following included in the notice 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 and renewal license
22 applications during the preceding calendar year. Each report
23 shall show, at a minimum:

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

26 (2) the number of applicants for a new or renewal

1 license under this Act within the previous calendar year
2 who had any criminal conviction;

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

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

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

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

16 Section 65. The Illinois Horse Meat Act is amended by
17 changing Section 3.2 and by adding Section 3.3 as follows:

18 (225 ILCS 635/3.2) (from Ch. 56 1/2, par. 242.2)

19 Sec. 3.2. The following persons are ineligible for
20 licenses:

21 a. A person who is not a resident of the city, village or
22 county in which the premises covered by the license are
23 located; except in case of railroad or boat licenses.

24 b. A person who is not of good character and reputation in

1 the community in which he resides.

2 c. A person who is not a citizen of the United States.

3 d. A person with a prior conviction ~~who has been convicted~~
4 ~~of a felony or a misdemeanor that is directly related to the~~
5 ~~practice of the profession where such conviction will impair~~
6 ~~the person's ability to engage in the licensed position.~~

7 e. (Blank). ~~A person who has been convicted of a crime or~~
8 ~~misdemeanor opposed to decency and morality.~~

9 f. A person whose license issued under this Act has been
10 revoked for cause.

11 g. A person who at the time of application for renewal of
12 any license issued hereunder would not be eligible for such
13 license upon a first application.

14 h. A co-partnership, unless all of the members of such
15 co-partnership shall be qualified to obtain a license.

16 i. A corporation, if any officer, manager or director
17 thereof or any stockholder or stockholders owning in the
18 aggregate more than five percent (5%) of the stock of such
19 corporation, would not be eligible to receive a license
20 hereunder for any reason other than citizenship and residence
21 within the political subdivision.

22 j. A person whose place of business is conducted by a
23 manager or agent unless said manager or agent possesses the
24 same qualifications required of the licensee.

25 (Source: Laws 1955, p. 388.)

1 (225 ILCS 635/3.3 new)

2 Sec. 3.3. Applicant convictions.

3 (a) The Department shall not require applicants to report
4 the following information and shall not consider the following
5 criminal history records in connection with an application for
6 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 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 any license under this Act shall be
21 denied by reason of a finding of lack of moral character when
22 the finding is based upon the fact that the applicant has
23 previously been convicted of one or more criminal offenses.

24 (c) The Department, upon a finding that an applicant for a
25 license was previously convicted of any felony or a misdemeanor
26 directly related to the practice of the profession, shall

1 consider any evidence of rehabilitation and mitigating factors
2 contained in the applicant's record, including any of the
3 following factors and evidence, to determine if the conviction
4 will impair the ability of the applicant to engage in the
5 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 states 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 Department refuses to issue a license to an
13 applicant, then the applicant shall be notified of the denial
14 in writing with the following included in the notice of denial:

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

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

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

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

25 (e) 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 and renewal license
2 applications during the preceding calendar year. Each report
3 shall show, at a minimum:

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

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

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

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

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

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

22 Section 70. The Illinois Livestock Dealer Licensing Act is
23 amended by changing Section 9 and by adding Section 9.4 as
24 follows:

1 (225 ILCS 645/9) (from Ch. 111, par. 409)

2 Sec. 9. The Department may refuse to issue or renew or may
3 suspend or revoke a license on any of the following grounds:

4 a. Material misstatement in the application for
5 original license or in the application for any renewal
6 license under this Act;

7 b. Wilful disregard or violation of this Act, or of any
8 other Act relative to the purchase and sale of livestock,
9 feeder swine or horses, or of any regulation or rule issued
10 pursuant thereto;

11 c. Wilfully aiding or abetting another in the violation
12 of this Act or of any regulation or rule issued pursuant
13 thereto;

14 d. Allowing one's license under this Act to be used by
15 an unlicensed person;

16 e. For licensees, conviction ~~Conviction~~ of any felony,
17 if the Department determines, after investigation, that
18 such person has not been sufficiently rehabilitated to
19 warrant the public trust; for applicants, the Department
20 may refuse to issue a license based on a conviction of a
21 felony if the Department determines in accordance with
22 Section 9.4 that such conviction will impair the ability of
23 the applicant to engage in the position for which a license
24 is sought;

25 f. For licensees, conviction ~~Conviction~~ of any crime an
26 essential element of which is misstatement, fraud or

1 dishonesty; for applicants, the Department may refuse to
2 issue a license based on a conviction of a misdemeanor
3 directly related to the practice of the profession if the
4 Department determines in accordance with Section 9.4 that
5 such conviction will impair the ability of the applicant to
6 engage in the position for which a license is sought;

7 g. Conviction of a violation of any law in Illinois or
8 any Departmental rule or regulation relating to livestock;

9 h. Making substantial misrepresentations or false
10 promises of a character likely to influence, persuade or
11 induce in connection with the livestock industry;

12 i. Pursuing a continued course of misrepresentation of
13 or making false promises through advertising, salesmen,
14 agents or otherwise in connection with the livestock
15 industry;

16 j. Failure to possess the necessary qualifications or
17 to meet the requirements of this Act for the issuance or
18 holding a license;

19 k. Failure to pay for livestock after purchase;

20 l. Issuance of checks for payment of livestock when
21 funds are insufficient;

22 m. Determination by a Department audit that the
23 licensee or applicant is insolvent;

24 n. Operating without adequate bond coverage or its
25 equivalent required for licensees;

26 o. Failing to remit the assessment required in Section

1 9 of the Beef Market Development Act upon written complaint
2 of the Checkoff Division of the Illinois Beef Association
3 Board of Governors.

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

11 (Source: P.A. 99-389, eff. 8-18-15; 99-642, eff. 7-28-16.)

12 (225 ILCS 645/9.4 new)

13 Sec. 9.4. Applicant convictions.

14 (a) The Department shall not require applicants to report
15 the following information and shall not consider the following
16 criminal history records in connection with an application for
17 a license under this Act:

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

22 (2) Law enforcement records, court records, and
23 conviction records of an individual who was 17 years old at
24 the time of the offense and before January 1, 2014, unless
25 the nature of the offense required the individual to be

1 tried as an adult.

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

3 (4) Convictions overturned by a higher court.

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

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

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

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

22 (3) if the applicant was previously licensed or
23 employed in this State or other states 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, then the applicant shall be notified of the denial
22 in writing with the following included in the notice of denial:

23 (1) a statement about the decision to refuse to issue a
24 license;

25 (2) a list of the convictions that the Department
26 determined will impair the applicant's ability to engage in

1 the position for which a license is sought;

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

4 (4) a summary of the appeal process or the earliest the
5 applicant may reapply for a license, whichever is
6 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
10 applications during the preceding calendar year. Each report
11 shall show, at a minimum:

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

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

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

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

23 (5) the number of applicants for a new or renewal
24 license under this Act within the previous calendar year
25 who were denied a license; and

26 (6) the number of applicants for a new or renewal

1 license with a criminal conviction who were denied a
2 license under this Act in the previous calendar year in
3 whole or in part because of a prior conviction.

4 Section 75. The Slaughter Livestock Buyers Act is amended
5 by changing Section 7 and by adding Section 7.1 as follows:

6 (225 ILCS 655/7) (from Ch. 111, par. 508)

7 Sec. 7. The Department may refuse to issue or may suspend
8 or revoke a certificate of registration on any of the following
9 grounds:

10 a. Material misstatement in the application for original
11 registration;

12 b. Wilful disregard or violation of this Act or of any
13 regulation or rule issued pursuant thereto;

14 c. Wilfully aiding or abetting another in the violation of
15 this Act or of any regulation or rule issued pursuant thereto;

16 d. For a holder of a certificate of registration,
17 conviction ~~Conviction~~ of any felony, if the Department
18 determines, after investigation, that such person has not been
19 sufficiently rehabilitated to warrant the public trust; for an
20 applicant for a certificate of registration, the Department may
21 refuse to issue a certificate of registration based on a
22 conviction of a felony if the Department determines in
23 accordance with Section 7.1 that such conviction will impair
24 the ability of the applicant to engage in the position for

1 which a certificate of registration is sought;

2 e. For a holder of a certificate of registration,
3 conviction ~~Conviction~~ of any crime an essential element of
4 which is misstatement, fraud or dishonesty; for an applicant
5 for a certificate of registration, the Department may refuse to
6 issue a certificate of registration based on conviction of a
7 misdemeanor directly related to the practice of the profession
8 if the Department determines in accordance with Section 7.1
9 that such conviction will impair the ability of the applicant
10 to engage in the position for which a certificate of
11 registration is sought;

12 f. Conviction of a violation of any law of Illinois
13 relating to the purchase of livestock or any Departmental rule
14 or regulation pertaining thereto;

15 g. Making substantial misrepresentations or false promises
16 of a character likely to influence, persuade or induce in
17 connection with the business conducted under this Act;

18 h. Pursuing a continued course of misrepresentation of or
19 making false promises through advertising, salesman, agent or
20 otherwise in connection with the business conducted under this
21 Act;

22 i. Failure to possess the necessary qualifications or to
23 meet the requirements of this Act;

24 j. Failure to pay for livestock within 24 hours after
25 purchase, except as otherwise provided in Section 16;

26 k. If Department audit determines the registrant to be

1 insolvent; or

2 1. Issuance of checks for payment of livestock when funds
3 are insufficient.

4 (Source: P.A. 80-915.)

5 (225 ILCS 655/7.1 new)

6 Sec. 7.1. Applicant convictions.

7 (a) The Department 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 certificate of registration or 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 Department, upon a finding that an applicant for a
25 license or certificate of registration was previously

1 convicted of any felony or a misdemeanor directly related to
2 the practice of the profession, 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 or certificate of registration 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 states 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 Department refuses to issue a certificate of
15 registration or license to an applicant, then the applicant
16 shall be notified of the denial in writing with the following
17 included in the notice of denial:

18 (1) a statement about the decision to refuse to issue a
19 certificate of registration or a license;

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

24 (3) a list of convictions that formed the sole or
25 partial basis for the refusal to issue a certificate of
26 registration or a license; and

1 (4) a summary of the appeal process or the earliest the
2 applicant may reapply for a license or certificate of
3 registration, whichever is 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 and renewal license or
7 certificate of registration applications during the preceding
8 calendar year. Each report shall show, at a minimum:

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

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

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

19 (4) the number of applicants for a new or renewal
20 license or certificate of registration with a criminal
21 conviction who were granted a license or certificate of
22 registration under this Act within the previous calendar
23 year;

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

1 or a certificate of registration; and

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

7 Section 80. The Raffles and Poker Runs Act is amended by
8 changing Section 3 and by adding Section 3.1 as follows:

9 (230 ILCS 15/3) (from Ch. 85, par. 2303)

10 Sec. 3. License - Application - Issuance - Restrictions -
11 Persons ineligible. Licenses issued by the governing body of
12 any county or municipality are subject to the following
13 restrictions:

14 (1) No person, firm or corporation shall conduct
15 raffles or chances or poker runs without having first
16 obtained a license therefor pursuant to this Act.

17 (2) The license and application for license must
18 specify the area or areas within the licensing authority in
19 which raffle chances will be sold or issued or a poker run
20 will be conducted, the time period during which raffle
21 chances will be sold or issued or a poker run will be
22 conducted, the time of determination of winning chances and
23 the location or locations at which winning chances will be
24 determined.

1 (3) The license application must contain a sworn
2 statement attesting to the not-for-profit character of the
3 prospective licensee organization, signed by the presiding
4 officer and the secretary of that organization.

5 (4) The application for license shall be prepared in
6 accordance with the ordinance of the local governmental
7 unit.

8 (5) A license authorizes the licensee to conduct
9 raffles or poker runs as defined in this Act.

10 The following are ineligible for any license under this
11 Act:

12 (a) any person whose felony conviction will impair the
13 person's ability to engage in the licensed position ~~who has~~
14 ~~been convicted of a felony;~~

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

17 (c) any person who is not of good moral character;

18 (d) any firm or corporation in which a person defined
19 in (a), (b) or (c) has a proprietary, equitable or credit
20 interest, or in which such a person is active or employed;

21 (e) any organization in which a person defined in (a),
22 (b) or (c) is an officer, director, or employee, whether
23 compensated or not;

24 (f) any organization in which a person defined in (a),
25 (b) or (c) is to participate in the management or operation
26 of a raffle as defined in this Act.

1 (Source: P.A. 98-644, eff. 6-10-14.)

2 (230 ILCS 15/3.1 new)

3 Sec. 3.1. Applicant convictions.

4 (a) The licensing authority shall not require applicants 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 conviction.

18 (4) Convictions overturned by a higher court.

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

21 (b) The licensing authority, upon a finding that an
22 applicant for a license was previously convicted of a felony
23 shall consider any evidence of rehabilitation and mitigating
24 factors contained in the applicant's record, including any of
25 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 states 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 licensing authority refuses to issue a license
10 to an applicant, then the applicant shall be notified of the
11 denial in writing with the following included in the notice of
12 denial:

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

15 (2) a list of the convictions that the licensing
16 authority determined will impair the applicant's ability
17 to engage in 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 licensing
24 authority must prepare, publicly announce, and publish a report
25 of summary statistical information relating to new and renewal
26 license applications during the preceding calendar year. Each

1 report 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; and

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 Section 85. 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 states 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; and

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 Section 90. The Bingo License and Tax Act is amended by
4 changing Section 1.2 and by adding Section 1.2a as follows:

5 (230 ILCS 25/1.2)

6 Sec. 1.2. Ineligibility for licensure. The following are
7 ineligible for any license under this Act:

8 (1) Any person convicted of any felony within the last
9 5 years where such conviction will impair the person's
10 ability to engage in the position for which a license is
11 sought. Any person who has been convicted of a felony
12 ~~within the last 10 years prior to the date of application.~~

13 (2) Any person ~~who has been~~ convicted of a violation of
14 Article 28 of the Criminal Code of 1961 or the Criminal
15 Code of 2012 who has not been sufficiently rehabilitated
16 following the conviction.

17 (3) Any person who has had a bingo, pull tabs and jar
18 games, or charitable games license revoked by the
19 Department.

20 (4) Any person who is or has been a professional
21 gambler.

22 (5) Any person found gambling in a manner not
23 authorized by the Illinois Pull Tabs and Jar Games Act,
24 Bingo License and Tax Act, or the Charitable Games Act,

1 participating in such gambling, or knowingly permitting
2 such gambling on premises where a bingo event is authorized
3 to be conducted or has been conducted.

4 (6) Any organization in which a person defined in (1),
5 (2), (3), (4), or (5) has a proprietary, equitable, or
6 credit interest, or in which such person is active or
7 employed.

8 (7) Any organization in which a person defined in (1),
9 (2), (3), (4), or (5) is an officer, director, or employee,
10 whether compensated or not.

11 (8) Any organization in which a person defined in (1),
12 (2), (3), (4), or (5) is to participate in the management
13 or operation of a bingo game.

14 The Department of State Police shall provide the criminal
15 background of any person requested by the Department of
16 Revenue.

17 (Source: P.A. 97-1150, eff. 1-25-13.)

18 (230 ILCS 25/1.2a new)

19 Sec. 1.2a. Applicant convictions.

20 (a) The Department, upon a finding that an applicant for a
21 license was convicted of a felony within the previous 5 years
22 or of a violation of Article 28 of the Criminal Code of 1961 or
23 Criminal Code of 2012, shall consider any evidence of
24 rehabilitation and mitigating factors contained in the
25 applicant's record, including any of the following factors and

1 evidence, to determine if the applicant is sufficiently
2 rehabilitated or whether the conviction will impair the ability
3 of the applicant to engage in the position for which a license
4 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) the amount of time that has elapsed since the
10 offense occurred;

11 (3) if the applicant was previously licensed or
12 employed in this State or other states 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 (b) If the Department refuses to issue a license to an
10 applicant, then the Department shall notify the applicant of
11 the denial in writing with the following included in the notice
12 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 (c) 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; and

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

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 exclusions set forth in Section 5-130 of the

1 Juvenile Court Act of 1987.

2 (2) Law enforcement records, court records, and
3 conviction records of an individual who was 17 years old at
4 the time of the offense and before January 1, 2014, unless
5 the nature of the offense required the individual to be
6 tried 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 95. The Charitable Games Act is amended by changing
12 Section 7 and by adding Section 7.1 as follows:

13 (230 ILCS 30/7) (from Ch. 120, par. 1127)

14 Sec. 7. Ineligible Persons. The following are ineligible
15 for any license under this Act:

16 (a) any person convicted of any felony within the last
17 5 years where such conviction will impair the person's
18 ability to engage in the position for which a license is
19 sought ~~any person who has been convicted of a felony within~~
20 ~~the last 10 years before the date of the application;~~

21 (b) any person ~~who has been~~ convicted of a violation of
22 Article 28 of the Criminal Code of 1961 or the Criminal
23 Code of 2012 who has not been sufficiently rehabilitated
24 following the conviction;

1 (c) any person who has had a bingo, pull tabs and jar
2 games, or charitable games license revoked by the
3 Department;

4 (d) any person who is or has been a professional
5 gambler;

6 (d-1) any person found gambling in a manner not
7 authorized by this Act, the Illinois Pull Tabs and Jar
8 Games Act, or the Bingo License and Tax Act participating
9 in such gambling, or knowingly permitting such gambling on
10 premises where an authorized charitable games event is
11 authorized to be conducted or has been conducted;

12 (e) any organization in which a person defined in (a),
13 (b), (c), (d), or (d-1) has a proprietary, equitable, or
14 credit interest, or in which the person is active or
15 employed;

16 (f) any organization in which a person defined in (a),
17 (b), (c), (d), or (d-1) is an officer, director, or
18 employee, whether compensated or not;

19 (g) any organization in which a person defined in (a),
20 (b), (c), (d), or (d-1) is to participate in the management
21 or operation of charitable games.

22 The Department of State Police shall provide the criminal
23 background of any person requested by the Department of
24 Revenue.

25 (Source: P.A. 97-1150, eff. 1-25-13.)

1 (230 ILCS 30/7.1 new)

2 Sec. 7.1. Applicant convictions.

3 (a) The Department, upon a finding that an applicant for a
4 license was convicted of a felony within the previous 5 years
5 or of a violation of Article 28 of the Criminal Code of 1961 or
6 Criminal Code of 2012, shall consider any evidence of
7 rehabilitation and mitigating factors contained in the
8 applicant's record, including any of the following factors and
9 evidence, to determine if the applicant is sufficiently
10 rehabilitated or whether the conviction will impair the ability
11 of the applicant to engage in the position for which a license
12 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) the amount of time that has elapsed since the
18 offense occurred;

19 (3) if the applicant was previously licensed or
20 employed in this State or other states 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 (b) If the Department refuses to grant a license to an
18 applicant, then the Department shall notify the applicant of
19 the denial in writing with the following included in the notice
20 of denial:

21 (1) a statement about the decision to refuse to issue a
22 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 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 (c) 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 and renewal license
8 applications during the preceding calendar year. Each report
9 shall show, at a minimum:

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

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

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

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

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

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

1 whole or in part because of a prior conviction.

2 (d) Applicants shall not be required to report the
3 following information and the following shall not be considered
4 in connection with an application for licensure or
5 registration:

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 Section 100. The Liquor Control Act of 1934 is amended by
20 changing Sections 6-2 and 7-1 and by adding Section 6-2.5 as
21 follows:

22 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

23 Sec. 6-2. Issuance of licenses to certain persons
24 prohibited.

1 (a) Except as otherwise provided in subsection (b) of this
2 Section and in paragraph (1) of subsection (a) of Section 3-12,
3 no license of any kind issued by the State Commission or any
4 local commission shall be issued to:

5 (1) A person who is not a resident of any city, village
6 or county in which the premises covered by the license are
7 located; except in case of railroad or boat licenses.

8 (2) A person who is not of good character and
9 reputation in the community in which he resides.

10 (3) A person who is not a citizen of the United States.

11 (4) A person who has been convicted of a felony under
12 any Federal or State law, unless the Commission determines
13 that such person will not be impaired by the conviction in
14 engaging in the licensed practice ~~has been sufficiently~~
15 ~~rehabilitated to warrant the public trust~~ after
16 considering matters set forth in such person's application
17 in accordance with Section 6-2.5 of this Act and the
18 Commission's investigation. ~~The burden of proof of~~
19 ~~sufficient rehabilitation shall be on the applicant.~~

20 (5) A person who has been convicted of keeping a place
21 of prostitution or keeping a place of juvenile
22 prostitution, promoting prostitution that involves keeping
23 a place of prostitution, or promoting juvenile
24 prostitution that involves keeping a place of juvenile
25 prostitution.

26 (6) A person who has been convicted of pandering ~~or~~

1 ~~other crime or misdemeanor opposed to decency and morality.~~

2 (7) A person whose license issued under this Act has
3 been revoked for cause.

4 (8) A person who at the time of application for renewal
5 of any license issued hereunder would not be eligible for
6 such license upon a first application.

7 (9) A copartnership, if any general partnership
8 thereof, or any limited partnership thereof, owning more
9 than 5% of the aggregate limited partner interest in such
10 copartnership would not be eligible to receive a license
11 hereunder for any reason other than residence within the
12 political subdivision, unless residency is required by
13 local ordinance.

14 (10) A corporation or limited liability company, if any
15 member, officer, manager or director thereof, or any
16 stockholder or stockholders owning in the aggregate more
17 than 5% of the stock of such corporation, would not be
18 eligible to receive a license hereunder for any reason
19 other than citizenship and residence within the political
20 subdivision.

21 (10a) A corporation or limited liability company
22 unless it is incorporated or organized in Illinois, or
23 unless it is a foreign corporation or foreign limited
24 liability company which is qualified under the Business
25 Corporation Act of 1983 or the Limited Liability Company
26 Act to transact business in Illinois. The Commission shall

1 permit and accept from an applicant for a license under
2 this Act proof prepared from the Secretary of State's
3 website that the corporation or limited liability company
4 is in good standing and is qualified under the Business
5 Corporation Act of 1983 or the Limited Liability Company
6 Act to transact business in Illinois.

7 (11) A person whose place of business is conducted by a
8 manager or agent unless the manager or agent possesses the
9 same qualifications required by the licensee.

10 (12) A person who has been convicted of a violation of
11 any Federal or State law concerning the manufacture,
12 possession or sale of alcoholic liquor, subsequent to the
13 passage of this Act or has forfeited his bond to appear in
14 court to answer charges for any such violation, unless the
15 Commission determines, in accordance with Section 6-2.5 of
16 this Act, that the person will not be impaired by the
17 conviction in engaging in the licensed practice.

18 (13) A person who does not beneficially own the
19 premises for which a license is sought, or does not have a
20 lease thereon for the full period for which the license is
21 to be issued.

22 (14) Any law enforcing public official, including
23 members of local liquor control commissions, any mayor,
24 alderman, or member of the city council or commission, any
25 president of the village board of trustees, any member of a
26 village board of trustees, or any president or member of a

1 county board; and no such official shall have a direct
2 interest in the manufacture, sale, or distribution of
3 alcoholic liquor, except that a license may be granted to
4 such official in relation to premises that are not located
5 within the territory subject to the jurisdiction of that
6 official if the issuance of such license is approved by the
7 State Liquor Control Commission and except that a license
8 may be granted, in a city or village with a population of
9 55,000 or less, to any alderman, member of a city council,
10 or member of a village board of trustees in relation to
11 premises that are located within the territory subject to
12 the jurisdiction of that official if (i) the sale of
13 alcoholic liquor pursuant to the license is incidental to
14 the selling of food, (ii) the issuance of the license is
15 approved by the State Commission, (iii) the issuance of the
16 license is in accordance with all applicable local
17 ordinances in effect where the premises are located, and
18 (iv) the official granted a license does not vote on
19 alcoholic liquor issues pending before the board or council
20 to which the license holder is elected. Notwithstanding any
21 provision of this paragraph (14) to the contrary, an
22 alderman or member of a city council or commission, a
23 member of a village board of trustees other than the
24 president of the village board of trustees, or a member of
25 a county board other than the president of a county board
26 may have a direct interest in the manufacture, sale, or

1 distribution of alcoholic liquor as long as he or she is
2 not a law enforcing public official, a mayor, a village
3 board president, or president of a county board. To prevent
4 any conflict of interest, the elected official with the
5 direct interest in the manufacture, sale, or distribution
6 of alcoholic liquor shall not participate in any meetings,
7 hearings, or decisions on matters impacting the
8 manufacture, sale, or distribution of alcoholic liquor.
9 Furthermore, the mayor of a city with a population of
10 55,000 or less or the president of a village with a
11 population of 55,000 or less may have an interest in the
12 manufacture, sale, or distribution of alcoholic liquor as
13 long as the council or board over which he or she presides
14 has made a local liquor control commissioner appointment
15 that complies with the requirements of Section 4-2 of this
16 Act.

17 (15) A person who is not a beneficial owner of the
18 business to be operated by the licensee.

19 (16) A person who has been convicted of a gambling
20 offense as proscribed by any of subsections (a) (3) through
21 (a) (11) of Section 28-1 of, or as proscribed by Section
22 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
23 Criminal Code of 2012, or as proscribed by a statute
24 replaced by any of the aforesaid statutory provisions.

25 (17) A person or entity to whom a federal wagering
26 stamp has been issued by the federal government, unless the

1 person or entity is eligible to be issued a license under
2 the Raffles and Poker Runs Act or the Illinois Pull Tabs
3 and Jar Games Act.

4 (18) A person who intends to sell alcoholic liquors for
5 use or consumption on his or her licensed retail premises
6 who does not have liquor liability insurance coverage for
7 that premises in an amount that is at least equal to the
8 maximum liability amounts set out in subsection (a) of
9 Section 6-21.

10 (19) A person who is licensed by any licensing
11 authority as a manufacturer of beer, or any partnership,
12 corporation, limited liability company, or trust or any
13 subsidiary, affiliate, or agent thereof, or any other form
14 of business enterprise licensed as a manufacturer of beer,
15 having any legal, equitable, or beneficial interest,
16 directly or indirectly, in a person licensed in this State
17 as a distributor or importing distributor. For purposes of
18 this paragraph (19), a person who is licensed by any
19 licensing authority as a "manufacturer of beer" shall also
20 mean a brewer and a non-resident dealer who is also a
21 manufacturer of beer, including a partnership,
22 corporation, limited liability company, or trust or any
23 subsidiary, affiliate, or agent thereof, or any other form
24 of business enterprise licensed as a manufacturer of beer.

25 (20) A person who is licensed in this State as a
26 distributor or importing distributor, or any partnership,

1 corporation, limited liability company, or trust or any
2 subsidiary, affiliate, or agent thereof, or any other form
3 of business enterprise licensed in this State as a
4 distributor or importing distributor having any legal,
5 equitable, or beneficial interest, directly or indirectly,
6 in a person licensed as a manufacturer of beer by any
7 licensing authority, or any partnership, corporation,
8 limited liability company, or trust or any subsidiary,
9 affiliate, or agent thereof, or any other form of business
10 enterprise, except for a person who owns, on or after the
11 effective date of this amendatory Act of the 98th General
12 Assembly, no more than 5% of the outstanding shares of a
13 manufacturer of beer whose shares are publicly traded on an
14 exchange within the meaning of the Securities Exchange Act
15 of 1934. For the purposes of this paragraph (20), a person
16 who is licensed by any licensing authority as a
17 "manufacturer of beer" shall also mean a brewer and a
18 non-resident dealer who is also a manufacturer of beer,
19 including a partnership, corporation, limited liability
20 company, or trust or any subsidiary, affiliate, or agent
21 thereof, or any other form of business enterprise licensed
22 as a manufacturer of beer.

23 (b) A criminal conviction of a corporation is not grounds
24 for the denial, suspension, or revocation of a license applied
25 for or held by the corporation if the criminal conviction was
26 not the result of a violation of any federal or State law

1 concerning the manufacture, possession or sale of alcoholic
2 liquor, the offense that led to the conviction did not result
3 in any financial gain to the corporation and the corporation
4 has terminated its relationship with each director, officer,
5 employee, or controlling shareholder whose actions directly
6 contributed to the conviction of the corporation. The
7 Commission shall determine if all provisions of this subsection
8 (b) have been met before any action on the corporation's
9 license is initiated.

10 (Source: P.A. 97-1059, eff. 8-24-12; 97-1150, eff. 1-25-13;
11 98-10, eff. 5-6-13; 98-21, eff. 6-13-13; 98-644, eff. 6-10-14;
12 98-756, eff. 7-16-14.)

13 (235 ILCS 5/6-2.5 new)

14 Sec. 6-2.5. Applicant convictions.

15 (a) The Commission shall not require applicants to report
16 the following information and shall not consider the following
17 criminal history records in connection with an application for
18 a license under this Act:

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

23 (2) Law enforcement records, court records, and
24 conviction records of an individual who was 17 years old at
25 the time of the offense and before January 1, 2014, unless

1 the nature of the offense required the individual to be
2 tried as an adult.

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

4 (4) Convictions overturned by a higher court.

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

7 (b) The Commission, upon a finding that an applicant for a
8 license was convicted of a felony or a violation of any federal
9 or State law concerning the manufacture, possession or sale of
10 alcoholic liquor, shall consider any evidence of
11 rehabilitation and mitigating factors contained in the
12 applicant's record, including any of the following factors and
13 evidence, to determine if the conviction will impair the
14 ability of the applicant to engage in the position for which a
15 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 states 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 (c) If the Commission refuses to issue a license to an
23 applicant, then the Commission shall notify the applicant of
24 the denial in writing with the following included in the notice
25 of denial:

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

1 license;

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

5 (3) a list of convictions that formed the sole or
6 partial basis for the refusal; and

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

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

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

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

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

23 (4) the number of applicants for a new or renewal
24 license with a criminal conviction who were granted a
25 license under this Act 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; and

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

7 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

8 Sec. 7-1. An applicant for a retail license from the State
9 Commission shall submit to the State Commission an application
10 in writing under oath stating:

11 (1) The applicant's name and mailing address;

12 (2) The name and address of the applicant's business;

13 (3) If applicable, the date of the filing of the
14 "assumed name" of the business with the County Clerk;

15 (4) In case of a copartnership, the date of the
16 formation of the partnership; in the case of an Illinois
17 corporation, the date of its incorporation; or in the case
18 of a foreign corporation, the State where it was
19 incorporated and the date of its becoming qualified under
20 the Business Corporation Act of 1983 to transact business
21 in the State of Illinois;

22 (5) The number, the date of issuance and the date of
23 expiration of the applicant's current local retail liquor
24 license;

25 (6) The name of the city, village, or county that

1 issued the local retail liquor license;

2 (7) The name and address of the landlord if the
3 premises are leased;

4 (8) The date of the applicant's first request for a
5 State liquor license and whether it was granted, denied or
6 withdrawn;

7 (9) The address of the applicant when the first
8 application for a State liquor license was made;

9 (10) The applicant's current State liquor license
10 number;

11 (11) The date the applicant began liquor sales at his
12 place of business;

13 (12) The address of the applicant's warehouse if he
14 warehouses liquor;

15 (13) The applicant's Retailers' Occupation Tax (ROT)
16 Registration Number;

17 (14) The applicant's document locator number on his
18 Federal Special Tax Stamp;

19 (15) Whether the applicant is delinquent in the payment
20 of the Retailers' Occupation Tax (Sales Tax), and if so,
21 the reasons therefor;

22 (16) Whether the applicant is delinquent under the cash
23 beer law, and if so, the reasons therefor;

24 (17) In the case of a retailer, whether he is
25 delinquent under the 30-day credit law, and if so, the
26 reasons therefor;

1 (18) In the case of a distributor, whether he is
2 delinquent under the 15-day credit law, and if so, the
3 reasons therefor;

4 (19) Whether the applicant has made an application for
5 a liquor license which has been denied, and if so, the
6 reasons therefor;

7 (20) Whether the applicant has ever had any previous
8 liquor license suspended or revoked, and if so, the reasons
9 therefor;

10 (21) Whether the applicant has ever been convicted of a
11 gambling offense or felony, and if so, the particulars
12 thereof;

13 (22) Whether the applicant possesses a current Federal
14 Wagering Stamp, and if so, the reasons therefor;

15 (23) Whether the applicant, or any other person,
16 directly in his place of business is a public official, and
17 if so, the particulars thereof;

18 (24) The applicant's name, sex, date of birth, social
19 security number, position and percentage of ownership in
20 the business; and the name, sex, date of birth, social
21 security number, position and percentage of ownership in
22 the business of every sole owner, partner, corporate
23 officer, director, manager and any person who owns 5% or
24 more of the shares of the applicant business entity or
25 parent corporations of the applicant business entity; and

26 (25) That he has not received or borrowed money or

1 anything else of value, and that he will not receive or
2 borrow money or anything else of value (other than
3 merchandising credit in the ordinary course of business for
4 a period not to exceed 90 days as herein expressly
5 permitted under Section 6-5 hereof), directly or
6 indirectly, from any manufacturer, importing distributor
7 or distributor or from any representative of any such
8 manufacturer, importing distributor or distributor, nor be
9 a party in any way, directly or indirectly, to any
10 violation by a manufacturer, distributor or importing
11 distributor of Section 6-6 of this Act.

12 In addition to any other requirement of this Section, an
13 applicant for a special use permit license and a special event
14 retailer's license shall also submit (A) proof satisfactory to
15 the Commission that the applicant has a resale number issued
16 under Section 2c of the Retailers' Occupation Tax Act or that
17 the applicant is registered under Section 2a of the Retailers'
18 Occupation Tax Act, (B) proof satisfactory to the Commission
19 that the applicant has a current, valid exemption
20 identification number issued under Section 1g of the Retailers'
21 Occupation Tax Act and a certification to the Commission that
22 the purchase of alcoholic liquors will be a tax-exempt
23 purchase, or (C) a statement that the applicant is not
24 registered under Section 2a of the Retailers' Occupation Tax
25 Act, does not hold a resale number under Section 2c of the
26 Retailers' Occupation Tax Act, and does not hold an exemption

1 number under Section 1g of the Retailers' Occupation Tax Act.
2 The applicant shall also submit proof of adequate dram shop
3 insurance for the special event prior to being issued a
4 license.

5 In addition to the foregoing information, such application
6 shall contain such other and further information as the State
7 Commission and the local commission may, by rule or regulation
8 not inconsistent with law, prescribe.

9 If the applicant reports a felony conviction as required
10 under paragraph (21) of this Section, such conviction may be
11 considered by the Commission in accordance with Section 6-2.5
12 of this Act in determining qualifications for licensing, but
13 shall not operate as a bar to licensing.

14 If said application is made in behalf of a partnership,
15 firm, association, club or corporation, then the same shall be
16 signed by one member of such partnership or the president or
17 secretary of such corporation or an authorized agent of said
18 partnership or corporation.

19 All other applications shall be on forms prescribed by the
20 State Commission, and which may exclude any of the above
21 requirements which the State Commission rules to be
22 inapplicable.

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

24 Section 105. The Radon Industry Licensing Act is amended by
25 changing Section 45 and by adding Section 46 as follows:

1 (420 ILCS 44/45)

2 Sec. 45. Grounds for disciplinary action. The Agency may
3 refuse to issue or to renew, or may revoke, suspend, or take
4 other disciplinary action as the Agency may deem proper,
5 including fines not to exceed \$1,000 for each violation, with
6 regard to any license for any one or combination of the
7 following causes:

8 (a) Violation of this Act or its rules.

9 (b) Conviction of a crime under the laws of any United
10 States jurisdiction that is a felony or of any crime that
11 directly relates to the practice of detecting or reducing
12 the presence of radon or radon progeny. Consideration of
13 such conviction of an applicant shall be in accordance with
14 Section 46.

15 (c) Making a misrepresentation for the purpose of
16 obtaining a license.

17 (d) Professional incompetence or gross negligence in
18 the practice of detecting or reducing the presence of radon
19 or radon progeny.

20 (e) Gross malpractice, prima facie evidence of which
21 may be a conviction or judgment of malpractice in a court
22 of competent jurisdiction.

23 (f) Aiding or assisting another person in violating a
24 provision of this Act or its rules.

25 (g) Failing, within 60 days, to provide information in

1 response to a written request made by the Agency that has
2 been sent by mail to the licensee's last known address.

3 (h) Engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public.

6 (i) Habitual or excessive use or addiction to alcohol,
7 narcotics, stimulants, or any other chemical agent or drug
8 that results in the inability to practice with reasonable
9 judgment, skill, or safety.

10 (j) Discipline by another United States jurisdiction
11 or foreign nation, if at least one of the grounds for the
12 discipline is the same or substantially equivalent to those
13 set forth in this Section.

14 (k) Directly or indirectly giving to or receiving from
15 a person any fee, commission, rebate, or other form of
16 compensation for a professional service not actually or
17 personally rendered.

18 (l) A finding by the Agency that the licensee has
19 violated the terms of a license.

20 (m) Conviction by a court of competent jurisdiction,
21 either within or outside of this State, of a violation of a
22 law governing the practice of detecting or reducing the
23 presence of radon or radon progeny if the Agency determines
24 after investigation that the person has not been
25 sufficiently rehabilitated to warrant the public trust.

26 (n) A finding by the Agency that a license has been

1 applied for or obtained by fraudulent means.

2 (o) Practicing or attempting to practice under a name
3 other than the full name as shown on the license or any
4 other authorized name.

5 (p) Gross and willful overcharging for professional
6 services, including filing false statements for collection
7 of fees or moneys for which services are not rendered.

8 (q) Failure to file a return or to pay the tax,
9 penalty, or interest shown in a filed return, or to pay any
10 final assessment of tax, penalty, or interest, as required
11 by a tax Act administered by the Department of Revenue,
12 until such time as the requirements of any such tax Act are
13 satisfied.

14 (r) Failure to repay educational loans guaranteed by
15 the Illinois Student Assistance Commission, as provided in
16 Section 80 of the Nuclear Safety Law of 2004. However, the
17 Agency may issue an original or renewal license if the
18 person in default has established a satisfactory repayment
19 record as determined by the Illinois Student Assistance
20 Commission.

21 (s) Failure to meet child support orders, as provided
22 in Section 10-65 of the Illinois Administrative Procedure
23 Act.

24 (t) Failure to pay a fee or civil penalty properly
25 assessed by the Agency.

26 (Source: P.A. 94-369, eff. 7-29-05.)

1 (420 ILCS 44/46 new)

2 Sec. 46. Applicant convictions.

3 (a) The Agency shall not require applicants to report the
4 following information and shall not consider the following
5 criminal history records in connection with an application for
6 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 conviction.

17 (4) Convictions overturned by a higher court.

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

20 (b) The Agency, upon a finding that an applicant for a
21 license was convicted of a felony or a crime that relates to
22 the practice of detecting or reducing the presence of radon or
23 radon progeny, shall consider any evidence of rehabilitation
24 and mitigating factors contained in the applicant's record,
25 including any of the following factors and evidence, to

1 determine if the conviction will impair the ability of the
2 applicant to engage in the position for which a license is
3 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 states 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 Agency refuses to issue a license to an
11 applicant, then the Agency shall notify the applicant of the
12 denial in writing with the following included in the notice of
13 denial:

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

16 (2) a list of the convictions that the Agency
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 Agency must
25 prepare, publicly announce, and publish a report of summary
26 statistical information relating to new and renewal license

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

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

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

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

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

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

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

21 Section 999. Effective date. This Act takes effect January
22 1, 2018.