



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2474

by Rep. Curtis J. Tarver II

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-131
20 ILCS 2105/2105-205

was 20 ILCS 2105/60.3

Amends the Civil Administrative Code of Illinois. Provides that, if the Department of Financial and Professional Regulation refuses to issue a license or certificate or grant registration to an applicant based upon a criminal conviction or convictions, the Department shall include in its notification to the applicant an explanation of how the conviction directly relates to and would prevent the person from effectively engaging in the position for which a license, registration, or certificate is sought. Provides that the Department shall post on its website a list of all State and federal licensing restrictions that would prohibit an applicant from working in a position for which a license is sought. In provisions concerning an annual report summarizing statistical information relating to new license, certification, or registration applications during the preceding calendar year, requires the Department to include the types of criminal convictions that contributed to the denial of a license, certificate, or registration.

LRB101 08875 JRG 53965 b

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 2105-131 and 2105-205 as follows:

7 (20 ILCS 2105/2105-131)

8 Sec. 2105-131. Applicants with criminal convictions;
9 notice of denial.

10 (a) Except as provided in Section 2105-165 of this Act
11 regarding licensing restrictions based on enumerated offenses
12 for health care workers as defined in the Health Care Worker
13 Self-Referral Act and except as provided in any licensing Act
14 administered by the Department in which convictions of certain
15 enumerated offenses are a bar to licensure, the Department,
16 upon a finding that an applicant for a license, certificate, or
17 registration was previously convicted of a felony or
18 misdemeanor that may be grounds for refusing to issue a license
19 or certificate or granting registration, shall consider any
20 mitigating factors and evidence of rehabilitation contained in
21 the applicant's record, including any of the following, to
22 determine whether a prior conviction will impair the ability of
23 the applicant to engage in the practice for which a license,

1 certificate, or registration is sought:

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

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

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

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

16 (4.5) if, due to the applicant's criminal conviction
17 history, the applicant would be explicitly prohibited by
18 federal rules or regulations from working in the position
19 for which a license is sought;

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 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 job
10 duties.

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

16 (1) a statement about the decision to refuse to grant a
17 license, certificate, or registration, including an
18 explanation of how the conviction directly relates to and
19 would prevent the person from effectively engaging in the
20 position for which a license, registration, or certificate
21 is sought;

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

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

1 partial basis for the refusal to issue a license or
2 certificate or grant registration; and

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

6 (c) The Department shall post on its website a list of all
7 State and federal licensing restrictions that would prohibit an
8 applicant from working in a position for which a license is
9 sought.

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

11 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

12 Sec. 2105-205. Publication of disciplinary actions; annual
13 report.

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

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

25 (1) the number of applicants for each new license,

1 certificate, or registration administered by the
2 Department in the previous calendar year;

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

6 (3) the number of applicants for a new license,
7 certificate, or registration in the previous calendar year
8 who were granted a license, registration, or certificate;

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

14 (5) the number of applicants for a new license,
15 certificate, or registration in the previous calendar year
16 who were denied a license, registration, or certificate;

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

23 (7) the number of licenses issued on probation within
24 the previous calendar year to applicants with a criminal
25 conviction; and

26 (8) the number of licensees or certificate holders who

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

7 (Source: P.A. 99-227, eff. 8-3-15; 100-286, eff. 1-1-18.)