



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0014

Introduced 1/14/2021, 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.

LRB102 02640 SPS 12643 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
5 of 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) For the purposes of this Section, "mitigating factors"
11 means any information, evidence, conduct, or circumstances
12 before, during, or after the offense or offenses reviewed by
13 the Department that may reflect on an applicant's request for
14 licensure, registration, or certification through the
15 Department, such as 3 years having passed since release from
16 confinement. Mitigating factors are not a bar to licensure,
17 instead they provide guidance for the Department when
18 considering licensure, registration, or certification for an
19 applicant with criminal history.

20 Except as provided in Section 2105-165 of this Act
21 regarding licensing restrictions based on enumerated offenses
22 for health care workers as defined in the Health Care Worker
23 Self-Referral Act and except as provided in any licensing Act

1 administered by the Department in which convictions of certain
2 enumerated offenses are a bar to licensure, the Department,
3 upon a finding that an applicant for a license, certificate,
4 or registration was previously convicted of a felony or
5 misdemeanor that may be grounds for refusing to issue a
6 license or certificate or to grant a registration, shall
7 consider any mitigating factors and evidence of rehabilitation
8 contained in the applicant's record, including the
9 circumstances surrounding the offense or offenses and any of
10 the following, to determine whether a prior conviction will
11 impair the ability of the applicant to engage in the practice
12 for which a license, certificate, or registration is sought:

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

17 (2) any mitigating factors from the point of arrest or
18 indictment when determined to be appropriate, unless
19 otherwise specified and including, but not limited to,
20 whether 5 years since a felony conviction or 3 years since
21 release from confinement for the conviction, whichever is
22 later, have passed without a subsequent conviction;

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

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

3 (4.5) if, due to the applicant's criminal conviction
4 history, the applicant would be explicitly prohibited by
5 federal rules or regulations from working in the position
6 for which a license is sought;

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 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
22 the person's potential and current ability to perform the
23 job duties.

24 (b) If the Department refuses to issue a license or
25 certificate or grant registration to an applicant based upon a
26 conviction or convictions, in whole or in part, the Department

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

3 (1) a statement about the decision to refuse to grant
4 a license, certificate, or registration, including an
5 explanation of how the conviction directly relates to and
6 would prevent the person from effectively engaging in the
7 position for which a license, registration, or certificate
8 is sought;

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

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

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

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

23 (Source: P.A. 100-286, eff. 1-1-18; 101-388, eff. 1-1-20.)

24 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

25 Sec. 2105-205. Publication of disciplinary actions; annual

1 report.

2 (a) The Department shall publish on its website, at least
3 monthly, final disciplinary actions taken by the Department
4 against a licensee or applicant pursuant to any licensing Act
5 administered by the Department. The specific disciplinary
6 action and the name of the applicant or licensee shall be
7 listed.

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

13 (1) the number of applicants for each new license,
14 certificate, or registration administered by the
15 Department in the previous calendar year;

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

19 (3) the number of applicants for a new license,
20 certificate, or registration in the previous calendar year
21 who were granted a license, registration, or certificate;

22 (4) the number of applicants for a new license,
23 certificate, or registration within the previous calendar
24 year with a criminal conviction who were granted a
25 license, certificate, or registration in the previous
26 calendar year;

1 (5) the number of applicants for a new license,
2 certificate, or registration in the previous calendar year
3 who were denied a license, registration, or certificate;

4 (6) the number of applicants for new license,
5 certificate, or registration in the previous calendar year
6 with a criminal conviction who were denied a license,
7 certificate, or registration in part or in whole because
8 of such conviction, including the types of criminal
9 convictions;

10 (7) the number of licenses issued on probation within
11 the previous calendar year to applicants with a criminal
12 conviction; and

13 (8) the number of licensees or certificate holders who
14 were granted expungement for a record of discipline based
15 on a conviction predating licensure, certification, or
16 registration or a criminal charge, arrest, or conviction
17 that was dismissed, sealed, or expunged or did not arise
18 from the regulated activity, as a share of the total such
19 expungement requests.

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