



Rep. Curtis J. Tarver, II

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10200HB0014ham001

LRB102 02640 SPS 23599 a

1 AMENDMENT TO HOUSE BILL 14

2 AMENDMENT NO. _____. Amend House Bill 14 by replacing
3 everything after the enacting clause with the following:

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,

1 instead they provide guidance for the Department when
2 considering licensure, registration, or certification for an
3 applicant with criminal history.

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

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

24 (2) any mitigating factors from the point of arrest or
25 indictment when determined to be appropriate, unless
26 otherwise specified and including, but not limited to,

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

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

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

10 (4.5) if, due to the applicant's criminal conviction
11 history, the applicant would be explicitly prohibited by
12 federal rules or regulations from working in the position
13 for which a license is sought;

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 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
3 the person's potential and current ability to perform the
4 job duties.

5 (b) If the Department refuses to issue a license or
6 certificate or grant registration to an applicant based upon a
7 conviction or convictions, in whole or in part, the Department
8 shall notify the applicant of the denial in writing with the
9 following included in the notice of denial:

10 (1) a statement about the decision to refuse to grant
11 a license, certificate, or registration, including an
12 explanation of how the conviction directly relates to and
13 would prevent the person from effectively engaging in the
14 position for which a license, registration, or certificate
15 is sought;

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

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

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

26 (c) The Department shall post on its website a list of all

1 State licensing restrictions that would prohibit an applicant
2 from working in a position for which a license is sought.

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

4 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

5 Sec. 2105-205. Publication of disciplinary actions; annual
6 report.

7 (a) The Department shall publish on its website, at least
8 monthly, final disciplinary actions taken by the Department
9 against a licensee or applicant pursuant to any licensing Act
10 administered by the Department. The specific disciplinary
11 action and the name of the applicant or licensee shall be
12 listed.

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

18 (1) the number of applicants for each new license,
19 certificate, or registration administered by the
20 Department in the previous calendar year;

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

24 (3) the number of applicants for a new license,
25 certificate, or registration in the previous calendar year

1 who were granted a license, registration, or certificate;

2 (4) the number of applicants for a new license,
3 certificate, or registration within the previous calendar
4 year with a criminal conviction who were granted a
5 license, certificate, or registration in the previous
6 calendar year;

7 (5) the number of applicants for a new license,
8 certificate, or registration in the previous calendar year
9 who were denied a license, registration, or certificate;

10 (6) the number of applicants for new license,
11 certificate, or registration in the previous calendar year
12 with a criminal conviction who were denied a license,
13 certificate, or registration in part or in whole because
14 of such conviction, including the types of criminal
15 convictions;

16 (7) the number of licenses issued on probation within
17 the previous calendar year to applicants with a criminal
18 conviction; and

19 (8) the number of licensees or certificate holders who
20 were granted expungement for a record of discipline based
21 on a conviction predating licensure, certification, or
22 registration or a criminal charge, arrest, or conviction
23 that was dismissed, sealed, or expunged or did not arise
24 from the regulated activity, as a share of the total such
25 expungement requests.

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