

Rep. La Shawn K. Ford

Filed: 10/26/2021

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LRB102 04626 HLH 30190 a

1 AMENDMENT TO SENATE BILL 828 2 AMENDMENT NO. . Amend Senate Bill 828, AS AMENDED, by replacing everything after the enacting clause with the 3 4 following: "Section 5. The Illinois Administrative Procedure Act is 5 amended by adding Section 5-45.8 as follows: 6 7 (5 ILCS 100/5-45.8 new)Sec. 5-45.8. Emergency rulemaking; Election Code; Unified 8

Sec. 5-45.8. Emergency rulemaking; Election Code; Unified Code of Corrections. To provide for the expeditious and timely implementation of the changes made to the Election Code and the Unified Code of Corrections by this amendatory Act of the 102nd General Assembly, emergency rules implementing those changes may be adopted in accordance with Section 5-45 by the State Board of Elections, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under

- 1 this Section. The adoption of emergency rules authorized by
- Section 5-45 and this Section is deemed to be necessary for the 2
- public interest, safety, and welfare. 3
- 4 This Section is repealed on January 1, 2027.
- 5 Section 10. The Election Code is amended by changing
- Sections 3-5 and 19A-20 and by adding Sections 1-19 and 1-21 as 6
- 7 follows:
- 8 (10 ILCS 5/1-19 new)
- 9 Sec. 1-19. Post-conviction voting.
- (a) As used in this Section, "correctional institution" 10
- 11 means any place used to house persons under state supervision
- 12 or custody, including, but not limited to, state, federal, or
- 13 juvenile facilities, adult transition centers, halfway houses,
- 14 and other reentry or rehabilitation programs.
- (b) A person convicted of a felony or otherwise under 15
- sentence in a correctional institution or jail shall have his 16
- 17 or her right to vote restored and shall be eligible to vote not
- 18 later than 14 days following his or her conviction. Persons
- under any form of state supervision or custody who are 19
- 20 disqualified from voting shall have their right to vote
- restored under this Section, including, but not limited to: 21
- 22 persons incarcerated in State, federal, or juvenile
- 23 facilities; persons on probation or parole; persons on
- 24 mandatory supervised release; persons on work release; persons

- 1 furlough; persons released on electronic monitoring;
- 2 persons housed in adult transition centers, halfway houses, or
- 3 other reentry or rehabilitation programs; and persons owing
- 4 court fines or fees. Persons may not be denied the right to
- 5 vote because of a past criminal conviction.
- (c) Each local election authority shall coordinate with 6
- the correctional institution, Illinois Department of 7
- Corrections, and other correctional agencies incarcerating 8
- eligible voters in order to facilitate an opportunity for 9
- 10 voting by mail for those voters eligible to vote in that
- 11 election jurisdiction who are incarcerated in the correctional
- 12 institution.
- 13 (d) Any person completing a voter registration application
- 14 or submitting a change of address shall be notified of the
- 15 option to receive a vote by mail ballot. Upon request of the
- 16 elector, the voter registration application shall serve as an
- application to receive an official vote by mail ballot and the 17
- individual need not complete a separate vote by mail 18
- 19 application. An elector who is a resident of a location
- covered by Section 203 of the federal Voting Rights Act of 1965 20
- 21 or local language access requirements must be offered a voter
- 22 registration application in a covered language and must be
- 23 able to request a vote by mail ballot in the covered language.
- 24 Upon processing the voter registration application and
- accepting the application without rejection, the election 25
- 26 authority shall provide the individual with an official vote

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- by mail ballot for the next occurring election.
- (e) All requirements of the federal Voting Rights Act of 2 1965, including Sections 203 and 208, State and local language 3 4 access requirements, and the federal Americans with 5 Disabilities Act and State and local disability access 6 requirements shall apply to this Section. The correctional institution shall make available to persons in its custody 7 voter registration applications, vote by mail ballot 8 applications, vote by mail ballots received at the institution 9 10 from the local election authority, and other election 11 materials in the languages provided by the State Board of 12 Elections and local election authorities.
 - (f) The correctional institution shall make available to a person in its custody resource materials current to an election, maintained by the State Board of Elections, containing detailed information regarding the voting rights of a person with a criminal conviction in the following formats: (1) in print; (2) on the correctional institution's website; and (3) in a visible location on the premises of each correctional institution where notices are customarily posted. The correctional institution shall provide resource materials to a person in its custody upon intake and release of the person on parole, mandatory supervised release, final discharge, or pardon from the correctional institution.
 - (q) Compliance with this Section shall be monitored by a report published annually, beginning December 31, 2023 and by

- 1 December 31 of each year thereafter, by the State Board of
- 2 <u>Elections</u>, in coordination and cooperation with correctional
- 3 institutions and local election authorities, containing data,
- 4 including the number of voter registrations, vote by mail
- 5 ballot applications, vote by mail ballots completed, and voter
- 6 education packets delivered.
- 7 (h) A person who has left the place of the person's
- 8 residence as part of the person's confinement in a
- 9 correctional institution and who has not established another
- 10 residence for voter registration purposes may not be
- 11 considered to have changed or lost residence. The person may
- register to vote at the address of the person's last place of
- 13 residence before the person's confinement in a correctional
- 14 institution.
- 15 (i) The provisions of this Section shall apply to all
- 16 elections beginning with the general election in 2022.
- 17 (j) The State Board of Elections may adopt rules,
- including emergency rules, to implement the provisions of this
- 19 Section.
- 20 (10 ILCS 5/1-21 new)
- 21 Sec. 1-21. Post-Conviction Task Force.
- 22 <u>(a) The Post-Conviction Task Force is created to</u>
- 23 <u>strengthen and improve implementation of the provisions of</u>
- 24 Section 1-19 that restore the right to vote for a person
- 25 convicted of a felony or otherwise under sentence in a

1	correctional institution or jail and provide access to vote
2	while under sentence in a correctional institution.
3	(b) The members of the Task Force shall be as follows:
4	(1) the chair of the State Board of Elections, or his
5	or her designee, who shall serve as chair of the Task
6	Force;
7	(2) the Director of Corrections, or his or her
8	designee;
9	(3) the Secretary of State, or his or her designee;
10	(4) a representative from a statewide organization
11	that represents county clerks, appointed by the chair of
12	the State Board of Elections;
13	(5) a representative from 2 separate Illinois
14	organizations advocating against voter
15	disenfranchisement, with one representative appointed by
16	the President of the Senate and one representative
17	appointed by the Speaker of the House of Representatives;
18	and
19	(6) 4 members from the General Assembly, with one
20	member appointed by the President of the Senate, one
21	member appointed by the Senate Minority Leader, one member
22	appointed by the Speaker of the House of Representatives,
23	and one member appointed by the House Minority Leader.
24	(c) The State Board of Elections shall provide
25	administrative and other support to the Task Force.
26	(d) On or before July 1, 2022, the Task Force members shall

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be appointed. On or before September 1, 2022, the Task Force shall prepare a status report that summarizes its work and makes recommendations on the implementation of provisions restoring voting rights to a person convicted of a felony or otherwise under sentence in a correctional institution or jail and providing access to vote while under sentence in a correctional institution. On or before January 1, 2023, the Task Force shall prepare a comprehensive report that summarizes its work and the implementation and administration of the 2022 general election. The report shall include recommendations for strengthening and improving implementation of restoring voting rights to a person convicted of a felony or otherwise under sentence in a correctional institution or jail and providing access to vote while under sentence in a correctional institution.

(e) The Task Force is dissolved and this Section is repealed on January 1, 2025.

(10 ILCS 5/3-5) (from Ch. 46, par. 3-5) 18

> Sec. 3-5. Confinement or detention in a jail. No person who has been legally convicted, in this or another state or in any federal court, of any crime, and is serving a sentence of confinement in any penal institution, or who has been convicted under any Section of this Code and is serving a sentence of confinement in any penal institution, shall offer to vote, attempt to vote or be permitted to vote at any

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election until his release from confinement.

Confinement for purposes of this Section shall include any person convicted and imprisoned but granted a furlough as provided by Section 3-11-1 of the Unified Code of Corrections, or admitted to a work release program as provided by Section 3-13-2 of the Unified Code of Corrections. Confinement shall not include any person convicted and imprisoned but released on parole.

Confinement or detention in a jail pending acquittal or conviction of a crime is not a disqualification for voting.

- 11 (Source: P.A. 100-863, eff. 8-14-18.)
- 12 (10 ILCS 5/19A-20)
- 13 Sec. 19A-20. Temporary branch polling places.
- 14 (a) In addition to permanent polling places for early
 15 voting, the election authority may establish temporary branch
 16 polling places for early voting.
 - (b) The provisions of subsection (b) of Section 19A-15 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance that are determined by the election authority.
- 23 (c) The schedules for conducting voting do not need to be 24 uniform among the temporary branch polling places.
- 25 (d) The legal rights and remedies which inure to the owner

or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

(e) In a county with a population of:

- (1) 3,000,000 or more, the election authority in the county shall establish a temporary branch polling place under this Section in the county jail. Only a resident of a county who is in custody at the county jail and who has not been convicted of the offense for which the resident is in custody is eligible to vote at a temporary branch polling place established under this paragraph (1). The temporary branch polling place established under this paragraph (1) shall allow a voter to vote in the same elections that the voter would be entitled to vote in where the voter resides. To the maximum extent feasible, voting booths or screens shall be provided to ensure the privacy of the voter.
- (2) less than 3,000,000, the sheriff may establish a temporary branch polling place at the county jail. Only a resident of a county who is in custody at the county jail and who has not been convicted of the offense for which the resident is in custody is eligible to vote at a temporary branch polling place established under this paragraph (2). A temporary branch polling place established under this paragraph (2) shall allow a voter to vote in the same

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elections that the voter would be entitled to vote in 1 where the voter resides. To the maximum extent feasible, 2 voting booths or screens shall be provided to ensure the 3 4 privacy of the voter.

All provisions of this Code applicable to pollwatchers shall apply to a temporary branch polling place under this subsection (e), subject to approval from the election authority and the county jail, except that nonpartisan pollwatchers shall be limited to one per division within the jail instead of one per precinct. A county that establishes a temporary branch polling place inside a county jail in accordance with this subsection (e) shall adhere to all requirements of this subsection (e). All requirements of the federal Voting Rights Act of 1965 and Sections 203 and 208 of the federal Americans with Disabilities Act shall apply to this subsection (e).

(Source: P.A. 101-442, eff. 1-1-20; 102-15, eff. 6-17-21.) 17

Section 15. The Unified Code of Corrections is amended by changing Sections 3-14-1 and 5-5-5 as follows:

- (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1) 20
- 21 Sec. 3-14-1. Release from the institution.
- 22 (a) Upon release of a person on parole, mandatory release, 23 final discharge or pardon the Department shall return all 24 property held for him, provide him with suitable clothing and

- procure necessary transportation for him to his designated 1
- place of residence and employment. It may provide such person 2
- with a grant of money for travel and expenses which may be paid 3
- in installments. The amount of the money grant shall be 4
- 5 determined by the Department.
- (a-1) The Department shall, before a wrongfully imprisoned 6
- person, as defined in Section 3-1-2 of this Code, is 7
- discharged from the Department, provide him or her with any 8
- 9 documents necessary after discharge.
- 10 (a-2) The Department of Corrections may establish and
- 11 maintain, in any institution it administers, revolving funds
- to be known as "Travel and Allowances Revolving Funds". These 12
- 13 revolving funds shall be used for advancing travel and expense
- allowances to committed, paroled, and discharged prisoners. 14
- 15 The moneys paid into such revolving funds shall be from
- 16 appropriations to the Department for Committed, Paroled, and
- Discharged Prisoners. 17
- 18 (a-3) (Blank). Upon release of a person who is eligible to
- 19 vote on parole, mandatory release, final discharge, or pardon,
- 20 the Department shall provide the person with a form that
- 2.1 informs him or her that his or her voting rights have been
- 22 restored and a voter registration application. The Department
- 23 shall have available voter registration applications in the
- 24 languages provided by the Illinois State Board of Elections.
- The form that informs the person that his or her rights have 25
- 26 been restored shall include the following information:

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3 (2) A person who is eligible to vote must 4 order to be able to vote.

The Department of Corrections shall confirm that the person received the voter registration application and has been informed that his or her voting rights have been restored.

(a-4) Prior to release of a person on parole, mandatory supervised release, final discharge, or pardon, the Department shall screen every person for Medicaid eligibility. Officials of the correctional institution or facility where the committed person is assigned shall assist an eligible person to complete a Medicaid application to ensure that the person begins receiving benefits as soon as possible after his or her release. The application must include the eligible person's address associated with his or her residence upon release from the facility. If the residence is temporary, the eligible person must notify the Department of Human Services of his or her change in address upon transition to permanent housing.

- (b) (Blank).
- Except as otherwise provided in this Code, Department shall establish procedures to provide written notification of any release of any person who has been convicted of a felony to the State's Attorney and sheriff of

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the county from which the offender was committed, and the State's Attorney and sheriff of the county into which the offender is to be paroled or released. Except as otherwise provided in this Code, the Department shall establish procedures to provide written notification to the proper law enforcement agency for any municipality of any release of any person who has been convicted of a felony if the arrest of the offender or the commission of the offense took place in the municipality, if the offender is to be paroled or released into the municipality, or if the offender resided in the municipality at the time of the commission of the offense. If a person convicted of a felony who is in the custody of the Department of Corrections or on parole or mandatory supervised release informs the Department that he or she has resided, resides, or will reside at an address that is a housing facility owned, managed, operated, or leased by a public housing agency, the Department must send written notification of that information to the public housing agency that owns, manages, operates, or leases the housing facility. The written notification shall, when possible, be given at least 14 days before release of the person from custody, or as soon thereafter as possible. The written notification shall be provided electronically if the State's Attorney, sheriff, proper law enforcement agency, or public housing agency has provided the Department with an accurate and up to date email address.

- 1 (c-1) (Blank).
- (c-2) The Department shall establish procedures to provide 2 3 notice to the Department of State Police of the release or 4 discharge of persons convicted of violations of 5 Methamphetamine Control and Community Protection Act or a violation of the Methamphetamine Precursor Control Act. The 6 Department of State Police shall make this information 7 available to local, State, or federal law enforcement agencies 8 9 upon request.
- 10 (c-5) If a person on parole or mandatory supervised 11 release becomes a resident of a facility licensed or regulated by the Department of Public Health, the Illinois Department of 12 13 Public Aid, or the Illinois Department of Human Services, the 14 Department of Corrections shall provide copies 15 following information to the appropriate licensing 16 regulating Department and the licensed or regulated facility 17 where the person becomes a resident:
- 18 (1) The mittimus and any pre-sentence investigation 19 reports.
- 20 (2) The social evaluation prepared pursuant to Section 3-8-2. 2.1
- 22 (3) Any pre-release evaluation conducted pursuant to 23 subsection (j) of Section 3-6-2.
- 24 Reports of disciplinary infractions (4)and 25 dispositions.
- (5) Any parole plan, including orders issued by the 26

- 1 Prisoner Review Board, and any violation reports and 2 dispositions.
- (6) The name and contact information for the assigned 3 4 parole agent and parole supervisor.
- 5 This information shall be provided within 3 days of the person becoming a resident of the facility. 6
- (c-10) If a person on parole or mandatory supervised 7 8 release becomes a resident of a facility licensed or regulated 9 by the Department of Public Health, the Illinois Department of 10 Public Aid, or the Illinois Department of Human Services, the 11 Department of Corrections shall provide written notification of such residence to the following: 12
- 13 (1) The Prisoner Review Board.
- the 14 The chief of police and sheriff in 15 municipality and county in which the licensed facility is 16 located.
- The notification shall be provided within 3 days of the 17 18 person becoming a resident of the facility.
- 19 (d) Upon the release of a committed person on parole, 20 mandatory supervised release, final discharge or pardon, the 2.1 Department shall provide such person with information 22 concerning programs and services of the Illinois Department of 23 Public Health to ascertain whether such person has been 24 exposed to the human immunodeficiency virus (HIV) or any 25 identified causative agent of Acquired Immunodeficiency 26 Syndrome (AIDS).

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- (e) Upon the release of a committed person on parole, mandatory supervised release, final discharge, pardon, or who has been wrongfully imprisoned, the Department shall verify the released person's full name, date of birth, and social security number. If verification is made by the Department by obtaining a certified copy of the released person's birth certificate and the released person's social security card or other documents authorized by the Secretary, the Department shall provide the birth certificate and social security card or other documents authorized by the Secretary to the released person. If verification by the Department is done by means other than obtaining a certified copy of the released person's birth certificate and the released person's social security card or other documents authorized by the Secretary, the Department shall complete a verification form, prescribed by the Secretary of State, and shall provide that verification form to the released person.
- (f) Forty-five days prior to the scheduled discharge of a person committed to the custody of the Department of Corrections, the Department shall give the person who is otherwise uninsured an opportunity to apply for health care coverage including medical assistance under Article V of the Illinois Public Aid Code in accordance with subsection (b) of Section 1-8.5 of the Illinois Public Aid Code, and the Department of Corrections shall provide assistance with completion of the application for health care coverage

- 1 including medical assistance. The Department may adopt rules
- 2 to implement this Section.
- 3 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;
- 4 revised 9-9-19.)
- 5 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)
- 6 Sec. 5-5-5. Loss and restoration of rights.
- 7 (a) Conviction and disposition shall not entail the loss
- 8 by the defendant of any civil rights, except under this
- 9 Section and Sections 29-6 and 29-10 of The Election Code, as
- 10 now or hereafter amended.
- 11 (b) A person convicted of a felony shall be ineligible to
- 12 hold an office created by the Constitution of this State until
- 13 the completion of his sentence.
- 14 (c) A person convicted of a felony or otherwise under
- sentence in a correctional institution or jail shall have his
- or her right to vote restored not later than 14 days following
- 17 <u>his or her conviction</u> sentenced to imprisonment shall lose his
- 18 right to vote until released from imprisonment.
- 19 (d) On completion of sentence of imprisonment or upon
- 20 discharge from probation, conditional discharge or periodic
- 21 imprisonment, or at any time thereafter, all license rights
- 22 and privileges granted under the authority of this State which
- 23 have been revoked or suspended because of conviction of an
- 24 offense shall be restored unless the authority having
- 25 jurisdiction of such license rights finds after investigation

- 1 and hearing that restoration is not in the public interest.
- This paragraph (d) shall not apply to the suspension or 2
- 3 revocation of a license to operate a motor vehicle under the
- 4 Illinois Vehicle Code.
- 5 (e) Upon a person's discharge from incarceration or
- parole, or upon a person's discharge from probation or at any 6
- time thereafter, the committing court may enter an order 7
- 8 certifying that the sentence has been satisfactorily completed
- 9 when the court believes it would assist in the rehabilitation
- 10 of the person and be consistent with the public welfare. Such
- 11 order may be entered upon the motion of the defendant or the
- State or upon the court's own motion. 12
- 13 (f) Upon entry of the order, the court shall issue to the
- person in whose favor the order has been entered a certificate 14
- 15 stating that his behavior after conviction has warranted the
- 16 issuance of the order.
- 17 (g) This Section shall not affect the right of a defendant
- to collaterally attack his conviction or to rely on it in bar 18
- 19 of subsequent proceedings for the same offense.
- 20 (h) No application for any license specified in subsection
- 2.1 (i) of this Section granted under the authority of this State
- 22 shall be denied by reason of an eligible offender who has
- obtained a certificate of relief from disabilities, as defined 23
- 24 in Article 5.5 of this Chapter, having been previously
- 25 convicted of one or more criminal offenses, or by reason of a
- 26 finding of lack of "good moral character" when the finding is

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1	based	upon	the	fact	that	the	applicant	has	previously	been
2	convic	cted o	f one	e or mo	ore cr	imina	al offenses	un.	less:	

- (1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or
- (2) the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making such a determination, the licensing agency shall consider the following factors:

- (1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;
- the specific duties and responsibilities (2) necessarily related to the license being sought;
- (3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;
- (4) the time which has elapsed since the occurrence of the criminal offense or offenses;
- (5) the age of the person at the time of occurrence of the criminal offense or offenses;
 - (6) the seriousness of the offense or offenses;
 - (7) any information produced by the person or produced

on his or her behalf in regard to his or her rehabilitation
and good conduct, including a certificate of relief from
disabilities issued to the applicant, which certificate
shall create a presumption of rehabilitation in regard to
the offense or offenses specified in the certificate; and

- (8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.
- (i) A certificate of relief from disabilities shall be issued only for a license or certification issued under the following Acts:
 - (1) the Animal Welfare Act; except that a certificate of relief from disabilities may not be granted to provide for the issuance or restoration of a license under the Animal Welfare Act for any person convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for Animals Act or Section 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012;
 - (2) the Illinois Athletic Trainers Practice Act;
- 20 (3) the Barber, Cosmetology, Esthetics, Hair Braiding, 21 and Nail Technology Act of 1985;
- 22 (4) the Boiler and Pressure Vessel Repairer Regulation 23 Act;
 - (5) the Boxing and Full-contact Martial Arts Act;
- 25 (6) the Illinois Certified Shorthand Reporters Act of 1984;

1	(7) the Illinois Farm Labor Contractor Certification
2	Act;
3	(8) the Registered Interior Designers Act;
4	(9) the Illinois Professional Land Surveyor Act of
5	1989;
6	(10) the Landscape Architecture Registration Act;
7	(11) the Marriage and Family Therapy Licensing Act;
8	(12) the Private Employment Agency Act;
9	(13) the Professional Counselor and Clinical
10	Professional Counselor Licensing and Practice Act;
11	(14) the Real Estate License Act of 2000;
12	(15) the Illinois Roofing Industry Licensing Act;
13	(16) the Professional Engineering Practice Act of
14	1989;
15	(17) the Water Well and Pump Installation Contractor's
16	License Act;
17	(18) the Electrologist Licensing Act;
18	(19) the Auction License Act;
19	(20) the Illinois Architecture Practice Act of 1989;
20	(21) the Dietitian Nutritionist Practice Act;
21	(22) the Environmental Health Practitioner Licensing
22	Act;
23	(23) the Funeral Directors and Embalmers Licensing
24	Code;
25	(24) (blank);
26	(25) the Professional Geologist Licensing Act;

- 1 (26) the Illinois Public Accounting Act; and
- (27) the Structural Engineering Practice Act of 1989. 2
- (Source: P.A. 102-284, eff. 8-6-21.) 3
- Section 99. Effective date. This Act takes effect June 1, 4
- 5 2022.".