



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2496

Introduced 2/26/2021, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

See Index

Amends the Collateral Recovery Act. Provides that each individual, partner of a partnership, officer of a corporation, or member of a limited liability company shall submit with the application for licensure as a repossession agency a copy of one form of personal identification upon which must appear a recent photograph (rather than a photograph taken within one year immediately preceding the date of the filing of the application). Requires the Illinois Commerce Commission to notify the submitting person within a reasonable time period (rather than 10 days) after receipt of the application of its intent to issue or deny a recovery permit. Provides that a recovery employee may work under a recovery permit for multiple licensed repossession agencies. Provides that applications for renewal of a license or permit shall be filed with the Commission no earlier than 90 days and not later than 45 days prior to the expiration of a license or permit. Provides that when a license holder or permit holder has made a timely and sufficient application for the renewal of a license or recovery permit, the existing license or recovery permit shall continue in full force and effect until the final agency decision on the application has been made, unless a later date is fixed by order of a reviewing court. Provides that the Commission shall not require the license or permit holder or applicant to report and shall not consider law enforcement records, court records, and conviction records of an individual who was 17 years old (rather than 18 years old) or younger at the time of the conviction. Makes other changes. Amends the Regulatory Sunset Act. Extends the repeal date of the Collateral Recovery Act to January 1, 2032. Effective January 1, 2022, except provisions amending the Regulatory Sunset Act take effect immediately.

LRB102 16942 SPS 22358 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.32 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Cemetery Oversight Act.

11 ~~The Collateral Recovery Act.~~

12 The Community Association Manager Licensing and
13 Disciplinary Act.

14 The Crematory Regulation Act.

15 The Detection of Deception Examiners Act.

16 The Home Inspector License Act.

17 The Illinois Health Information Exchange and Technology
18 Act.

19 The Medical Practice Act of 1987.

20 The Registered Interior Designers Act.

21 The Massage Licensing Act.

22 The Petroleum Equipment Contractors Licensing Act.

23 The Radiation Protection Act of 1990.

1 The Real Estate Appraiser Licensing Act of 2002.

2 The Water Well and Pump Installation Contractor's License
3 Act.

4 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;
5 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

6 (5 ILCS 80/4.41 new)

7 Sec. 4.41. Act repealed on January 1, 2032. The following
8 Act is repealed on January 1, 2032:

9 The Collateral Recovery Act.

10 Section 10. The Collateral Recovery Act is amended by
11 changing Sections 35, 45, 50, 75, and 85 as follows:

12 (225 ILCS 422/35)

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

14 Sec. 35. Application for repossession agency licensure.

15 (a) Application for original licensure as a repossession
16 agency shall be made to the Commission in writing on forms
17 prescribed by the Commission and shall be accompanied by the
18 appropriate documentation and the required fee, and the fee is
19 nonrefundable.

20 (b) Every application shall state, in addition to any
21 other requirements, (i) the name of the applicant, (ii) the
22 name under which the applicant shall do business, (iii) the
23 proposed location of the agency by number, street, and city,

1 and (iv) the proposed location of the agency's remote storage
2 location or locations by number, street, and city, (v) the
3 proposed location of the Agency's branch office or branch
4 offices by number, street, and city, and (vi) the usual
5 business hours that the agency shall maintain.

6 (c) No license may be issued (i) in any fictitious name
7 that may be confused with or is similar to any federal, state,
8 county, or municipal government function or agency, (ii) in
9 any name that may tend to describe any business function or
10 enterprise not actually engaged in by the applicant, (iii) in
11 any name that is the same as or similar to any existing
12 licensed company and that would tend to deceive the public,
13 (iv) in any name that would tend to be deceptive or misleading,
14 or (v) to any repossession agency applicant without that
15 agency's location or branch office location maintaining a
16 secured storage facility as defined in Section 10 of this Act.

17 (d) If the applicant for repossession agency licensure is
18 an individual, then his or her application shall include (i)
19 the full residential address of the applicant and (ii) either
20 the sworn statement of the applicant declaring that he or she
21 is the licensed recovery manager who shall be personally in
22 control of the agency for which the licensure is sought, or the
23 name and signed sworn statement of the licensed recovery
24 manager who shall be in control or management of the agency.

25 (e) If the applicant for repossession agency licensure is
26 a partnership, then the application shall include (i) a

1 statement of the names and full residential addresses of all
2 partners in the business and (ii) a sworn statement signed by
3 each partner verifying the name of the person who is a licensed
4 recovery manager and shall be in control or management of the
5 business. If a licensed recovery manager who is not a partner
6 shall be in control or management of the agency, then he or she
7 must also sign the sworn statement. The application shall also
8 state whether any of the partners has ever used an alias.

9 (f) If the applicant for licensure as a repossession
10 agency is a corporation, then the application shall include
11 (i) the names and full residential addresses of all
12 corporation officers and (ii) a sworn statement signed by a
13 duly authorized officer of the corporation verifying the name
14 of the person who is a licensed recovery manager and shall be
15 in control or management of the agency. If a licensed recovery
16 manager who is not an officer shall be in control or management
17 of the agency, then he or she must also sign the sworn
18 statement. The application shall also state whether any of the
19 officers has ever used an alias.

20 (g) If the applicant for licensure as a repossession
21 agency is a limited liability company, then the application
22 shall include (i) the names and full residential addresses of
23 all members and (ii) a sworn statement signed by each member
24 verifying the name of the person who is a licensed recovery
25 manager and shall be in control or management of the agency. If
26 a licensed recovery manager who is not a member shall be in

1 control or management of the agency, then he or she must also
2 sign the sworn statement. The application shall also state
3 whether any of the members has ever used an alias.

4 (h) Each individual, partner of a partnership, officer of
5 a corporation, or member of a limited liability company shall
6 submit with the application a copy of one form of personal
7 identification upon which must appear a recent photograph
8 ~~taken within one year immediately preceding the date of the~~
9 ~~filing of the application.~~ An applicant who is 21 years of age
10 or older seeking a religious exemption to the photograph
11 requirement of this subsection shall furnish with the
12 application an approved copy of United States Department of
13 the Treasury Internal Revenue Service Form 4029. Regardless of
14 age, an applicant seeking a religious exemption to this
15 photograph requirement shall submit fingerprints in a form and
16 manner prescribed by the Commission with his or her
17 application in lieu of a photograph.

18 (i) No examination shall be required for licensure as a
19 repossession agency by the Commission.

20 (j) The Commission may require any additional information
21 that, in the judgment of the Commission, shall enable the
22 Commission to determine the qualifications of the applicant
23 for licensure.

24 (k) Applicants have 90 days from the date of application
25 to complete the application process. If the application has
26 not been completed within 90 days, then the application shall

1 be denied, the fee shall be forfeited, and the applicant must
2 reapply and meet the requirements in effect at the time of
3 reapplication.

4 (l) Nothing in this Section precludes a domestic or
5 foreign limited liability company being licensed as a
6 repossession agency.

7 (m) A repossession agency license may be transferable upon
8 prior notice to the Commission and upon completion of all
9 requirements relative to the application process for
10 repossession agency licensure.

11 (n) Repossessions performed in this State must be
12 performed by repossession agencies, their employees, or agents
13 licensed by the Commission, with the exception of financial
14 institutions or the employees of a financial institution that
15 are exempt under subsection (d) of Section 30 of this Act.

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

17 (225 ILCS 422/45)

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

19 Sec. 45. Repossession agency employee requirements.

20 (a) All employees of a licensed repossession agency whose
21 duties include the actual repossession of collateral must
22 apply for a recovery permit. The holder of a repossession
23 agency license issued under this Act, known in this Section as
24 the "employer", may employ in the conduct of the business
25 under the following provisions:

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

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

4 (B) Has been convicted of a crime identified in
5 paragraph (3) of subsection (a) of Section 80 of this
6 Act and the Commission determines the ability of the
7 person to engage in the position for which a permit is
8 sought is impaired as a result of the conviction.

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

11 (D) Has not successfully completed a certification
12 program approved by the Commission.

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

18 (A) The person's full name, age, and residence
19 address.

20 (B) The business or occupation engaged in for the
21 5 years immediately before the date of the execution
22 of the statement, the place where the business or
23 occupation was engaged in, and the names of the
24 employers, if any.

25 (C) That the person has not had a license or
26 recovery permit denied, revoked, or suspended under

1 this Act.

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

4 (E) Any other information as may be required by
5 any rule of the Commission to show the good character,
6 competency, and integrity of the person executing the
7 statement.

8 (b) Each applicant for a recovery permit shall have his or
9 her fingerprints submitted to the Commission by a Live Scan
10 fingerprint vendor certified by the Illinois State Police
11 under the Private Detective, Private Alarm, Private Security,
12 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic
13 format that complies with the form and manner for requesting
14 and furnishing criminal history record information as
15 prescribed by the Illinois State Police. These fingerprints
16 shall be checked against the Illinois State Police and Federal
17 Bureau of Investigation criminal history record databases now
18 and hereafter filed. The Commission shall charge applicants a
19 fee for conducting the criminal history records check, which
20 shall not exceed the actual cost of the records check. The
21 Illinois Commerce Commission Police shall furnish, pursuant to
22 positive identification, records of Illinois convictions to
23 the Commission. The Commission, in its discretion, may allow
24 an applicant who does not have reasonable access to a
25 designated vendor to provide his or her fingerprints in an
26 alternative manner. The Commission, in its discretion, may

1 also use other procedures in performing or obtaining criminal
2 history records checks of applicants. Instead of submitting
3 his or her fingerprints, an individual may submit proof that
4 is satisfactory to the Commission that an equivalent security
5 clearance has been conducted.

6 (c) Qualified applicants shall purchase a recovery permit
7 from the Commission and in a form that the Commission
8 prescribes. The Commission shall notify the submitting person
9 within reasonable time period ~~10 days~~ after receipt of the
10 application of its intent to issue or deny the recovery
11 permit. The holder of a recovery permit shall carry the
12 recovery permit at all times while actually engaged in the
13 performance of the duties of his or her employment. No
14 recovery permit shall be effective unless accompanied by a
15 license issued by the Commission. Expiration and requirements
16 for renewal of recovery permits shall be established by rule
17 of the Commission. Possession of a recovery permit does not in
18 any way imply that the holder of the recovery permit is
19 employed by any agency unless the recovery permit is
20 accompanied by the employee identification card required by
21 subsection (e) of this Section.

22 (d) Each employer shall maintain a record of each employee
23 that is accessible to the duly authorized representatives of
24 the Commission. The record shall contain all of the following
25 information:

26 (1) A photograph taken within 10 days after the date

1 that the employee begins employment with the employer. The
2 photograph shall be replaced with a current photograph
3 every 3 calendar years.

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

6 (3) All correspondence or documents relating to the
7 character and integrity of the employee received by the
8 employer from any official source or law enforcement
9 agency.

10 (4) In the case of former employees, the employee
11 identification card of that person issued under subsection
12 (e) of this Section.

13 (e) Every employer shall furnish an employee
14 identification card to each of his or her employees. This
15 subsection (e) shall not apply to office or clerical
16 personnel. This employee identification card shall contain a
17 recent photograph of the employee, the employee's name, the
18 name and agency license number of the employer, the employee's
19 personal description, the signature of the employer, the
20 signature of that employee, the date of issuance, and an
21 employee identification card number.

22 (f) No employer may issue an employee identification card
23 to any person who is not employed by the employer in accordance
24 with this Section or falsely state or represent that a person
25 is or has been in his or her employ. It is unlawful for an
26 applicant for registration to file with the Commission the

1 fingerprints of a person other than himself or herself or to
2 fail to exercise due diligence in resubmitting replacement
3 fingerprints for those employees who have had original
4 fingerprint submissions returned as unclassifiable. An agency
5 shall inform the Commission within 15 days after contracting
6 or employing a licensed repossession agency employee. The
7 Commission shall develop a registration process by rule.

8 (g) Every employer shall obtain the identification card of
9 every employee who terminates employment with the employer. An
10 employer shall immediately report an identification card that
11 is lost or stolen to the local police department having
12 jurisdiction over the repossession agency location.

13 (h) No agency may employ any person to perform any
14 activity under this Act unless the person possesses a valid
15 license or recovery permit under this Act.

16 (i) If information is discovered affecting the
17 registration of a person whose fingerprints were submitted
18 under this Section, then the Commission shall so notify the
19 agency that submitted the fingerprints on behalf of that
20 person.

21 (j) A person employed under this Section shall have 15
22 business days within which to notify the Commission of any
23 change in employer, ~~but may continue working under any other~~
24 ~~recovery permits granted as an employee or independent~~
25 ~~contractor.~~ A recovery employee may work under the recovery
26 permit for multiple licensed repossession agencies.

1 (k) This Section applies only to those employees of
2 licensed repossession agencies whose duties include actual
3 repossession of collateral.

4 (1) An applicant who is 21 years of age or older seeking a
5 religious exemption to the photograph requirement of this
6 Section shall furnish with his or her application an approved
7 copy of United States Department of the Treasury Internal
8 Revenue Service Form 4029. Regardless of age, an applicant
9 seeking a religious exemption to this photograph requirement
10 shall submit fingerprints in a form and manner prescribed by
11 the Commission with his or her application in lieu of a
12 photograph.

13 (Source: P.A. 100-286, eff. 1-1-18; 100-948, eff. 1-1-19.)

14 (225 ILCS 422/50)

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

16 Sec. 50. Fees.

17 (a) The license and permit fees required under this Act
18 are as follows:

19 (1) Class "R" license (recovery agency), \$825.

20 (2) Class "RR" license (branch office), \$425.

21 (3) Class "MR" license (recovery agency manager),
22 \$325.

23 (4) Class "E" recovery permit, \$75.

24 (5) Class "EE" recovery permit (recovery agent
25 intern), \$75.

1 An agency shall submit an application to register any
2 remote storage location or locations. The Commission shall
3 develop by rule the requirements for registering remote
4 storage locations. The fee for each registration shall not
5 exceed \$300 as set by the Commission.

6 (b) The Commission may establish by rule a fee for the
7 replacement or revision of a license or recovery permit.

8 (c) The fees set forth in this Act or by rule ~~Section~~ must
9 be paid by certified check or money order, or at the discretion
10 of the Commission, by agency check at the time of application.
11 The Commission, at its discretion, may also allow for the
12 submission of electronic payments. An applicant filing an
13 application, registration, or form that carries a fee must pay
14 the associated fee at the time the application, registration,
15 or form is filed. Once paid, all fees are nonrefundable ~~An~~
16 ~~applicant for a Class "E", Class "EE", or Class "MR" license or~~
17 ~~permit must pay the license or permit fee at the time the~~
18 ~~application is made. If a license or permit is revoked or~~
19 ~~denied, or if an application is withdrawn, then the license or~~
20 ~~permit fee shall not be refunded.~~

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

22 (225 ILCS 422/75)

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

24 Sec. 75. Licenses and recovery permits; renewals;
25 restoration; person in military service.

1 (a) An original Class "R" license, Class "RR" license, and
2 Class "MR" license shall expire 2 years after the date of
3 issuance.

4 (b) An original Class "E" recovery permit and Class "EE"
5 recovery permit shall expire one year after the date of
6 issuance.

7 (c) A renewal Class "R" license, Class "RR" license and
8 Class "MR" license shall expire 2 years after the date of
9 renewal.

10 (d) A renewal Class "E" recovery permit and Class "EE"
11 recovery permit shall expire one year after the date of
12 renewal.

13 (e) The following are guidelines for the classes of
14 licensure and registration:

15 (1) Any person, firm, company, partnership, or
16 corporation that engages in business as a recovery agency
17 shall have a Class "R" license. A Class "R" license is
18 valid for only one location.

19 (2) Each branch office of a Class "R" agency shall
20 have a Class "RR" license.

21 (3) Any individual who performs the services of a
22 manager for a Class "R" recovery agency or a Class "RR"
23 branch office must have a Class "MR" license.

24 (4) Any individual who performs recovery services as a
25 repossession agency employee for a Class "R" recovery
26 agency or a Class "RR" branch office must have a Class "E"

1 recovery permit.

2 (5) Any individual who performs repossessions as an
3 intern under the direction and control of a designated,
4 sponsoring Class "E" recovery permit or a designated,
5 sponsoring Class "MR" license shall have a Class "EE"
6 recovery permit.

7 (6) An individual shall have a Class "MR" or Class "E"
8 recovery permit if he or she owns or is an employee of a
9 Class "R" agency or Class "RR" branch office.

10 (7) Class "MR", Class "E", and Class "EE" licenses and
11 recovery permits are not transferable.

12 (f) At least 90 days prior to the expiration of a license
13 or recovery permit, the Commission shall send mail to the
14 license or permit holder a renewal notice form ~~in the form and~~
15 ~~manner prescribed by the Commission~~. The license holder or
16 recovery permit holder must complete and submit mail the
17 renewal form to the Commission, pay any fines assessed, and
18 pay any renewal fee required by the Commission. Applications
19 for renewal of a license or permit shall be filed with the
20 Commission no earlier than 90 days and not later than 45 days
21 prior to the expiration of a license or permit. When a license
22 holder or permit holder has made such timely and sufficient
23 application for the renewal of a license or recovery permit,
24 the existing license or recovery permit shall continue in full
25 force and effect until the final agency decision on the
26 application has been made, unless a later date is fixed by

1 order of a reviewing court.

2 (g) Any person or entity that has permitted a license or
3 recovery permit to expire may have that license or recovery
4 permit restored by making an application to the Commission
5 within one year after the expiration of a repossession
6 agency's license or a qualified manager license or within 30
7 days after the expiration of a recovery permit, filing proof
8 acceptable to the Commission of fitness to have the license or
9 recovery permit restored, and paying the required restoration
10 fee. However, any person whose license or recovery permit
11 expired while (i) in federal service on active duty with the
12 Armed Forces of the United States or called into service or
13 training with the State militia or (ii) in training or
14 education under the supervision of the United States
15 preliminary to induction into military service may have his or
16 her license or recovery permit renewed or restored without
17 paying any lapsed renewal fees, if within 2 years after
18 honorable termination of the service, training, or education,
19 except under condition other than honorable, he or she
20 furnishes the Commission with satisfactory evidence to the
21 effect that he or she has been so engaged and that the service,
22 training, or education has been so terminated.

23 (h) A suspended repossession agency license, recovery
24 manager license, or recovery permit is subject to expiration
25 as set forth in this Section. Renewal of a certificate or
26 registration card does not entitle the license holder or

1 recovery permit holder, while the license or recovery permit
2 remains suspended and until it is reinstated, to engage in the
3 licensed or permitted activity.

4 (i) A revoked repossession agency license, recovery
5 manager license, or recovery permit is subject to expiration
6 as set forth in this Section; however, it may not be renewed.
7 If a revoked license or recovery permit is reinstated after
8 its expiration, then the license holder or recovery permit
9 holder, as a condition of reinstatement, shall pay a
10 reinstatement fee in an amount equal to the renewal fee in
11 effect on the last regular renewal date prior to the date on
12 which the license or recovery permit is reinstated and any
13 additional delinquency fee required by the Commission.

14 (j) Any person or entity that notifies the Commission, in
15 writing on forms prescribed by the Commission, may place a
16 license or recovery permit on inactive status and shall be
17 excused from the payment of renewal fees until the person or
18 entity notifies the Commission in writing of the intention to
19 resume active practice. Any person or entity requesting that a
20 license or recovery permit be changed from inactive to active
21 status shall be required to pay the current renewal fee.

22 (k) Any repossession agency license holder, recovery
23 manager license holder, or recovery permit holder whose
24 license or recovery permit is nonrenewed or on inactive status
25 shall not engage in the practice of recovery in this State or
26 use the title or advertise that he, she, or it performs the

1 services of a licensed repossession agency, licensed recovery
2 manager, or repossession agency employee.

3 (l) Any person violating subsection (k) of this Section
4 shall be considered to be operating a repossession agency
5 without a license, acting as a recovery manager without a
6 license, or acting as a repossession agency employee without a
7 recovery permit and is subject to the disciplinary provisions
8 of this Act.

9 (m) A repossession agency license, recovery manager
10 license, or recovery permit that is not renewed within 3 years
11 after its expiration may not be renewed, restored, reinstated,
12 or reissued thereafter. The holder of the license or recovery
13 permit may obtain a new license or recovery permit only upon
14 compliance with all of the provisions of this Act concerning
15 the issuance of original licenses or recovery permits.

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

17 (225 ILCS 422/85)

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

19 Sec. 85. Consideration of past crimes.

20 (a) The Commission shall not require the license or permit
21 holder or applicant to report the following information and
22 shall not consider the following criminal history records in
23 connection with an application for a license or permit under
24 this Act:

25 (1) Juvenile adjudications of delinquent minors as

1 defined in Section 5-105 of the Juvenile Court Act of
2 1987, subject to the restrictions set forth in Section
3 5-130 of the Juvenile Court Act of 1987.

4 (2) Law enforcement records, court records, and
5 conviction records of an individual who was 17 ~~18~~ years
6 old or younger at the time of the conviction for the
7 offense and before January 1, 2014, unless the nature of
8 the offense required the individual to be tried as an
9 adult.

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

11 (4) Convictions overturned by a higher court.

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

14 (b) When considering the denial of a license or recovery
15 permit on the grounds of conviction of a crime, the
16 Commission, in evaluating whether the conviction will impair
17 the license or permit holder's or applicant's ability to
18 engage in the position for which a license or permit is sought
19 and the license or permit holder's or applicant's present
20 eligibility for a license or recovery permit, shall consider
21 each of the following criteria:

22 (1) The lack of direct relation of the offense for
23 which the license or permit holder or applicant was
24 previously convicted to the duties, functions, and
25 responsibilities of the position for which a license or
26 permit is sought.

1 (2) Circumstances relative to the offense, including
2 the license or permit holder's or applicant's age at the
3 time that the offense was committed.

4 (3) Evidence of any act committed subsequent to the
5 act or crime under consideration as grounds for denial,
6 which also could be considered as grounds for disciplinary
7 action under this Act.

8 (4) Whether 5 years since a conviction or 3 years
9 since successful completion of the imposed sentence for
10 the conviction, whichever is later, have passed without a
11 subsequent conviction.

12 (5) Successful completion of sentence or for license
13 or permit holders or applicants serving a term of parole
14 or probation, a progress report provided by the license or
15 permit holder's or applicant's probation or parole officer
16 that documents the license or permit holder's or
17 applicant's compliance with conditions of supervision.

18 (6) If the license or permit holder or applicant was
19 previously licensed or employed in this State or other
20 states or jurisdictions, then the lack of prior misconduct
21 arising from or related to the licensed position or
22 position of employment.

23 (7) Evidence of rehabilitation or rehabilitative
24 effort during or after incarceration, or during or after a
25 term of supervision, including, but not limited to, a
26 certificate of good conduct under Section 5-5.5-25 of the

1 Unified Code of Corrections or a certificate of relief
2 from disabilities under Section 5-5.5-10 of the Unified
3 Code of Corrections.

4 (8) Any other mitigating factors that contribute to
5 the license or permit holder's or applicant's potential
6 and current ability to perform the duties and
7 responsibilities of practices licensed or registered under
8 this Act.

9 (c) When considering the suspension or revocation of a
10 license or recovery permit on the grounds of conviction of a
11 crime, the Commission, in evaluating the rehabilitation of the
12 license or permit holder, whether the conviction will impair
13 the license or permit holder's ability to engage in the
14 position for which a license or permit is sought, and the
15 license or permit holder's present eligibility for a license
16 or recovery permit, shall consider each of the following
17 criteria:

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

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

21 (3) The amount of time that has elapsed since the
22 commission of the act or offense.

23 (4) Whether the license holder or recovery permit
24 holder has complied with any terms of parole, probation,
25 restitution, or any other sanctions lawfully imposed
26 against him or her.

1 (5) If applicable, evidence of expungement
2 proceedings.

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

5 (d) If the Commission refuses to issue or renew a license
6 or permit, or suspends, revokes, places on probation, or takes
7 any disciplinary action that the Commission may deem proper
8 against a license or permit, then the Commission shall notify
9 the license or permit holder or applicant of the decision in
10 writing with the following included in the notice of decision:

11 (1) a statement about the decision;

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

16 (3) a list of convictions that formed the sole or
17 partial basis for the decision; and

18 (4) a summary of the appeal process or the earliest
19 reapplication for a license or permit is permissible,
20 whichever is applicable.

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

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

1 license or permit under this Act within the previous
2 calendar year;

3 (2) the number of applicants for a new or renewal
4 license or permit under this Act within the previous
5 calendar year who had a criminal conviction identified in
6 paragraph (3) of subsection (a) of Section 80;

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

10 (4) the number of applicants for a new or renewal
11 license or permit with a criminal conviction identified in
12 paragraph (3) of subsection (a) of Section 80 who were
13 granted a license or permit under this Act within the
14 previous calendar year;

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

18 (6) the number of applicants for a new or renewal
19 license or permit with a criminal conviction identified in
20 paragraph (3) of subsection (a) of Section 80 who were
21 denied a license or permit under this Act in the previous
22 calendar year in whole or in part because of the prior
23 conviction;

24 (7) the number of licenses or permits issued with a
25 condition of probation without monitoring imposed by the
26 Commission under this Act in the previous calendar year to

1 applicants with a criminal conviction identified in
2 paragraph (3) of subsection (a) of Section 80; and

3 (8) the number of licenses or permits issued with a
4 condition of probation with monitoring imposed by the
5 Commission under this Act in the previous calendar year to
6 applicants with a criminal conviction identified in
7 paragraph (3) of subsection (a) of Section 80.

8 (Source: P.A. 100-286, eff. 1-1-18; 100-948, eff. 1-1-19;
9 101-81, eff. 7-12-19.)

10 Section 99. Effective date. This Act takes effect January
11 1, 2022, except that this Section and Section 5 take effect
12 upon becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 80/4.32

4 5 ILCS 80/4.41 new

5 225 ILCS 422/35

6 225 ILCS 422/45

7 225 ILCS 422/50

8 225 ILCS 422/75

9 225 ILCS 422/85