



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB0989

Introduced 1/12/2023, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.35 new	
10 ILCS 5/1-22 new	
10 ILCS 5/1-23 new	
10 ILCS 5/3-5	from Ch. 46, par. 3-5
10 ILCS 5/19-2.5	
10 ILCS 5/19A-20	
730 ILCS 5/3-14-1	from Ch. 38, par. 1003-14-1
730 ILCS 5/5-5-5	from Ch. 38, par. 1005-5-5

Amends the Election Code. Provides that 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 and shall be eligible to vote not later than 14 days following his or her conviction. In provisions concerning temporary branch polling places at county jails, provides that a voter entitled to vote in another county, other than the county in which the jail is located, shall be allowed to vote only by mail. Provides that a correctional institution shall make available to a person in its custody current election resource material from the State Board of Elections and current election resource material that is requested by a person in custody and received at the correctional institution from a local election authority in response to the request. Creates the Post-Conviction Task Force to strengthen and improve provisions that restore the right to vote to a person convicted of a felony or otherwise under sentence in a correctional institution or jail. Makes other changes. Amends the Unified Code of Corrections to make conforming changes. Effective June 1, 2023.

LRB103 03473 AWJ 48479 b

1 AN ACT concerning elections.

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

4 Section 5. The Illinois Administrative Procedure Act is  
5 amended by adding Section 5-45.35 as follows:

6 (5 ILCS 100/5-45.35 new)

7 Sec. 5-45.35. Emergency rulemaking. To provide for the  
8 expeditious and timely implementation of the changes made to  
9 the Election Code and the Unified Code of Corrections by this  
10 amendatory Act of the 102nd General Assembly, emergency rules  
11 implementing those changes may be adopted in accordance with  
12 Section 5-45 by the State Board of Elections, except that the  
13 24-month limitation on the adoption of emergency rules and the  
14 provisions of Sections 5-115 and 5-125 do not apply to rules  
15 adopted under this Section. The adoption of emergency rules  
16 authorized by Section 5-45 and this Section is deemed to be  
17 necessary for the public interest, safety, and welfare.

18 This Section is repealed one year after the effective date  
19 of this amendatory Act of the 103rd General Assembly.

20 Section 10. The Election Code is amended by changing  
21 Sections 3-5, 19-2.5, and 19A-20 and by adding Sections 1-22  
22 and 1-23 as follows:

1 (10 ILCS 5/1-22 new)

2 Sec. 1-22. Post-conviction voting.

3 (a) As used in this Section, "correctional institution"  
4 means any place used to house persons under state supervision  
5 or custody, including, but not limited to, state, federal, or  
6 juvenile facilities, adult transition centers, halfway houses,  
7 and other reentry or rehabilitation programs.

8 (b) A person convicted of a felony, or otherwise under  
9 sentence in a correctional institution or jail, shall have his  
10 or her right to vote restored and shall be eligible to vote not  
11 later than 14 days following his or her conviction. Persons  
12 under any form of state supervision or custody who are  
13 disqualified from voting shall have their right to vote  
14 restored under this Section, including, but not limited to:  
15 persons incarcerated in State, federal, or juvenile  
16 facilities; persons on probation or parole; persons on  
17 mandatory supervised release; persons on work release; persons  
18 on furlough; persons released on electronic monitoring;  
19 persons housed in adult transition centers, halfway houses, or  
20 other reentry or rehabilitation programs; and persons owing  
21 court fines or fees. Persons may not be denied the right to  
22 vote because of a past criminal conviction.

23 (c) Each local election authority shall coordinate with  
24 the correctional institution, Illinois Department of  
25 Corrections, and other correctional agencies incarcerating

1 eligible voters to facilitate voting by mail for those voters  
2 eligible to vote in that election jurisdiction who are  
3 incarcerated in the correctional institution.

4 (d) All requirements of the federal Voting Rights Act of  
5 1965, including Sections 203 and 208, State and local language  
6 access requirements, and the federal Americans with  
7 Disabilities Act and State and local disability access  
8 requirements shall also apply to voting under this Section.  
9 The correctional institution shall make available to persons  
10 in its custody voter registration applications, vote by mail  
11 ballot applications, vote by mail ballots received at the  
12 institution from the local election authority, and other  
13 election materials in the languages provided by the State  
14 Board of Elections and local election authorities.

15 (e) The correctional institution shall make available to a  
16 person in its custody current election resource material,  
17 maintained by the State Board of Elections, containing  
18 detailed information regarding the voting rights of a person  
19 with a criminal conviction in the following formats: (1) in  
20 print; (2) on the correctional institution's website; and (3)  
21 in a visible location on the premises of each correctional  
22 institution where notices are customarily posted. The  
23 correctional institution shall also make available to a person  
24 in its custody current election resource material from a local  
25 election authority that is requested by that person in its  
26 custody and received at the correctional institution from the

1 local election authority in response to that person's request.  
2 The correctional institution shall provide resource materials  
3 to a person in its custody upon intake and release of the  
4 person on parole, mandatory supervised release, final  
5 discharge, or pardon from the correctional institution.

6 (f) By December 31, 2023 and by December 31 of each year  
7 thereafter, the State Board of Elections, in coordination and  
8 cooperation with correctional institutions and local election  
9 authorities, shall prepare a report containing data concerning  
10 compliance with this Section, including the number of voter  
11 registrations, vote by mail ballot applications, vote by mail  
12 ballots completed, and voter education packets delivered.

13 (g) A person who has left the person's residence as part of  
14 the person's confinement in a correctional institution and who  
15 has not established another residence for voter registration  
16 purposes may not be considered to have changed or lost  
17 residence. The person may register to vote at the address of  
18 the person's last place of residence before the person's  
19 confinement in a correctional institution.

20 (h) The provisions of this Section shall apply to all  
21 elections beginning with the general election in 2024.

22 (i) The State Board of Elections may adopt rules,  
23 including emergency rules, to implement the provisions of this  
24 Section.

1       Sec. 1-23. Post-Conviction Task Force.

2       (a) The Post-Conviction Task Force is created to  
3 strengthen and improve implementation of the provisions of  
4 Section 1-22 that restore the right to vote to a person  
5 convicted of a felony, or otherwise under sentence in a  
6 correctional institution or jail, and to provide voting access  
7 while under sentence in a correctional institution or jail.

8       (b) The members of the Task Force shall be as follows:

9           (1) the Chair of the State Board of Elections, or the  
10 Chair's designee, who shall serve as Chair of the Task  
11 Force;

12           (2) the Director of Corrections, or the Director's  
13 designee;

14           (3) the Secretary of State, or the Secretary of  
15 State's designee;

16           (4) a representative from a statewide organization  
17 that represents county clerks, appointed by the chair of  
18 the State Board of Elections;

19           (5) a representative from 2 separate Illinois  
20 organizations advocating against voter  
21 disenfranchisement, with one representative appointed by  
22 the President of the Senate and one representative  
23 appointed by the Speaker of the House of Representatives;  
24 and

25           (6) 4 members from the General Assembly, with one  
26 member appointed by the President of the Senate, one

1 member appointed by the Senate Minority Leader, one member  
2 appointed by the Speaker of the House of Representatives,  
3 and one member appointed by the House Minority Leader.

4 (c) The State Board of Elections shall provide  
5 administrative and other support to the Task Force.

6 (d) On or before July 1, 2023, the Task Force members shall  
7 be appointed. On or before September 1, 2023, the Task Force  
8 shall prepare a status report that summarizes its work and  
9 makes recommendations on the implementation of provisions  
10 restoring voting rights to a person convicted of a felony or  
11 otherwise under sentence in a correctional institution or jail  
12 and providing access to vote while under sentence in a  
13 correctional institution or jail. On or before January 1,  
14 2024, the Task Force shall prepare a comprehensive report that  
15 summarizes its work and the implementation and administration  
16 of the 2024 general election. The report shall include  
17 recommendations for strengthening and improving implementation  
18 of restoring voting rights to a person convicted of a felony or  
19 otherwise under sentence in a correctional institution or jail  
20 and providing access to vote while under sentence in a  
21 correctional institution.

22 (e) The Task Force is dissolved and this Section is  
23 repealed on January 1, 2026.

24 (10 ILCS 5/3-5) (from Ch. 46, par. 3-5)

25 Sec. 3-5. Confinement or detention in a jail. ~~No person~~

1 ~~who has been legally convicted, in this or another state or in~~  
2 ~~any federal court, of any crime, and is serving a sentence of~~  
3 ~~confinement in any penal institution, or who has been~~  
4 ~~convicted under any Section of this Code and is serving a~~  
5 ~~sentence of confinement in any penal institution, shall vote,~~  
6 ~~offer to vote, attempt to vote or be permitted to vote at any~~  
7 ~~election until his release from confinement.~~

8 ~~Confinement for purposes of this Section shall include any~~  
9 ~~person convicted and imprisoned but granted a furlough as~~  
10 ~~provided by Section 3-11-1 of the Unified Code of Corrections,~~  
11 ~~or admitted to a work release program as provided by Section~~  
12 ~~3-13-2 of the Unified Code of Corrections. Confinement shall~~  
13 ~~not include any person convicted and imprisoned but released~~  
14 ~~on parole.~~

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

17 (Source: P.A. 100-863, eff. 8-14-18.)

18 (10 ILCS 5/19-2.5)

19 Sec. 19-2.5. Notice for vote by mail ballot.

20 (a) An election authority shall notify all qualified  
21 voters, not more than 90 days nor less than 45 days before a  
22 general or consolidated election, of the option for permanent  
23 vote by mail status using the following notice and including  
24 the application for permanent vote by mail status in  
25 subsection (b) of Section 19-3:



1 "You may apply to permanently be placed on vote by mail  
2 status using the attached application."

3 (b) A person completing a voter registration application  
4 or submitting a change of address shall be notified of the  
5 option to receive a vote by mail ballot. Upon request of the  
6 person, the voter registration application or change of  
7 address form shall serve as an application to receive an  
8 official vote by mail ballot, and the individual need not  
9 complete a separate vote by mail application. An elector who  
10 is a resident of a location covered by Section 203 of the  
11 federal Voting Rights Act of 1965 or local language access  
12 requirements must be offered a voter registration application  
13 in a language of the applicable minority group and must be able  
14 to request a vote by mail ballot in the language of the  
15 applicable minority group. Upon processing the voter  
16 registration application and accepting the application without  
17 rejection, the election authority shall provide the individual  
18 with an official vote by mail ballot for the next occurring  
19 election.

20 (Source: P.A. 102-15, eff. 6-17-21; 102-668, eff. 11-15-21.)

21 (10 ILCS 5/19A-20)

22 Sec. 19A-20. Temporary branch polling places.

23 (a) In addition to permanent polling places for early  
24 voting, the election authority may establish temporary branch  
25 polling places for early voting.

1 (b) The provisions of subsection (b) of Section 19A-15 do  
2 not apply to a temporary polling place. Voting at a temporary  
3 branch polling place may be conducted on any one or more days  
4 and during any hours within the period for early voting by  
5 personal appearance that are determined by the election  
6 authority.

7 (c) The schedules for conducting voting do not need to be  
8 uniform among the temporary branch polling places.

9 (d) The legal rights and remedies which inure to the owner  
10 or lessor of private property are not impaired or otherwise  
11 affected by the leasing of the property for use as a temporary  
12 branch polling place for early voting, except to the extent  
13 necessary to conduct early voting at that location.

14 (e) In a county with a population of:

15 (1) 3,000,000 or more, the election authority in the  
16 county shall establish a temporary branch polling place  
17 under this Section in the county jail. ~~Only a resident of a~~  
18 ~~county who is in custody at the county jail and who has not~~  
19 ~~been convicted of the offense for which the resident is in~~  
20 ~~custody is eligible to vote at a temporary branch polling~~  
21 ~~place established under this paragraph (1).~~ The temporary  
22 branch polling place established under this paragraph (1)  
23 shall allow a voter to vote in the same elections that the  
24 voter would be entitled to vote in where the voter  
25 resides, except that a voter entitled to vote in another  
26 county, other than the county in which the jail is

1       located, shall be allowed to vote only by mail. To the  
2       maximum extent feasible, voting booths or screens shall be  
3       provided to ensure the privacy of the voter.

4               (2) less than 3,000,000, the sheriff may establish a  
5       temporary branch polling place at the county jail. ~~Only a~~  
6       ~~resident of a county who is in custody at the county jail~~  
7       ~~and who has not been convicted of the offense for which the~~  
8       ~~resident is in custody is eligible to vote at a temporary~~  
9       ~~branch polling place established under this paragraph (2).~~

10       A temporary branch polling place established under this  
11       paragraph (2) shall allow a voter to vote in the same  
12       elections that the voter would be entitled to vote in  
13       where the voter resides, except that a voter entitled to  
14       vote in another county, other than the county in which the  
15       jail is located, shall be allowed to vote only by mail. To  
16       the maximum extent feasible, voting booths or screens  
17       shall be provided to ensure the privacy of the voter.

18       All provisions of this Code applicable to pollwatchers  
19       shall apply to a temporary branch polling place under this  
20       subsection (e), subject to approval from the election  
21       authority and the county jail, except that nonpartisan  
22       pollwatchers shall be limited to one per division within the  
23       jail instead of one per precinct. A county that establishes a  
24       temporary branch polling place inside a county jail in  
25       accordance with this subsection (e) shall adhere to all  
26       requirements of this subsection (e). All requirements of the

1 federal Voting Rights Act of 1965 and Sections 203 and 208 of  
2 the federal Americans with Disabilities Act shall apply to  
3 this subsection (e).

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

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

7 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

8 Sec. 3-14-1. Release from the institution.

9 (a) Upon release of a person on parole, mandatory release,  
10 final discharge, or pardon, the Department shall return all  
11 property held for him, provide him with suitable clothing and  
12 procure necessary transportation for him to his designated  
13 place of residence and employment. It may provide such person  
14 with a grant of money for travel and expenses which may be paid  
15 in installments. The amount of the money grant shall be  
16 determined by the Department.

17 (a-1) The Department shall, before a wrongfully imprisoned  
18 person, as defined in Section 3-1-2 of this Code, is  
19 discharged from the Department, provide him or her with any  
20 documents necessary after discharge.

21 (a-2) The Department of Corrections may establish and  
22 maintain, in any institution it administers, revolving funds  
23 to be known as "Travel and Allowances Revolving Funds". These  
24 revolving funds shall be used for advancing travel and expense

1 allowances to committed, paroled, and discharged prisoners.  
2 The moneys paid into such revolving funds shall be from  
3 appropriations to the Department for Committed, Paroled, and  
4 Discharged Prisoners.

5 (a-3) (Blank). ~~Upon release of a person who is eligible to~~  
6 ~~vote on parole, mandatory release, final discharge, or pardon,~~  
7 ~~the Department shall provide the person with a form that~~  
8 ~~informs him or her that his or her voting rights have been~~  
9 ~~restored and a voter registration application. The Department~~  
10 ~~shall have available voter registration applications in the~~  
11 ~~languages provided by the Illinois State Board of Elections.~~  
12 ~~The form that informs the person that his or her rights have~~  
13 ~~been restored shall include the following information:~~

14 ~~(1) All voting rights are restored upon release from~~  
15 ~~the Department's custody.~~

16 ~~(2) A person who is eligible to vote must register in~~  
17 ~~order to be able to vote.~~

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

22 (a-4) Prior to release of a person on parole, mandatory  
23 supervised release, final discharge, or pardon, the Department  
24 shall screen every person for Medicaid eligibility. Officials  
25 of the correctional institution or facility where the  
26 committed person is assigned shall assist an eligible person

1 to complete a Medicaid application to ensure that the person  
2 begins receiving benefits as soon as possible after his or her  
3 release. The application must include the eligible person's  
4 address associated with his or her residence upon release from  
5 the facility. If the residence is temporary, the eligible  
6 person must notify the Department of Human Services of his or  
7 her change in address upon transition to permanent housing.

8 (b) (Blank).

9 (c) Except as otherwise provided in this Code, the  
10 Department shall establish procedures to provide written  
11 notification of any release of any person who has been  
12 convicted of a felony to the State's Attorney and sheriff of  
13 the county from which the offender was committed, and the  
14 State's Attorney and sheriff of the county into which the  
15 offender is to be paroled or released. Except as otherwise  
16 provided in this Code, the Department shall establish  
17 procedures to provide written notification to the proper law  
18 enforcement agency for any municipality of any release of any  
19 person who has been convicted of a felony if the arrest of the  
20 offender or the commission of the offense took place in the  
21 municipality, if the offender is to be paroled or released  
22 into the municipality, or if the offender resided in the  
23 municipality at the time of the commission of the offense. If a  
24 person convicted of a felony who is in the custody of the  
25 Department of Corrections or on parole or mandatory supervised  
26 release informs the Department that he or she has resided,

1 resides, or will reside at an address that is a housing  
2 facility owned, managed, operated, or leased by a public  
3 housing agency, the Department must send written notification  
4 of that information to the public housing agency that owns,  
5 manages, operates, or leases the housing facility. The written  
6 notification shall, when possible, be given at least 14 days  
7 before release of the person from custody, or as soon  
8 thereafter as possible. The written notification shall be  
9 provided electronically if the State's Attorney, sheriff,  
10 proper law enforcement agency, or public housing agency has  
11 provided the Department with an accurate and up to date email  
12 address.

13 (c-1) (Blank).

14 (c-2) The Department shall establish procedures to provide  
15 notice to the Illinois State Police of the release or  
16 discharge of persons convicted of violations of the  
17 Methamphetamine Control and Community Protection Act or a  
18 violation of the Methamphetamine Precursor Control Act. The  
19 Illinois State Police shall make this information available to  
20 local, State, or federal law enforcement agencies upon  
21 request.

22 (c-5) If a person on parole or mandatory supervised  
23 release becomes a resident of a facility licensed or regulated  
24 by the Department of Public Health, the Illinois Department of  
25 Public Aid, or the Illinois Department of Human Services, the  
26 Department of Corrections shall provide copies of the

1 following information to the appropriate licensing or  
2 regulating Department and the licensed or regulated facility  
3 where the person becomes a resident:

4 (1) The mittimus and any pre-sentence investigation  
5 reports.

6 (2) The social evaluation prepared pursuant to Section  
7 3-8-2.

8 (3) Any pre-release evaluation conducted pursuant to  
9 subsection (j) of Section 3-6-2.

10 (4) Reports of disciplinary infractions and  
11 dispositions.

12 (5) Any parole plan, including orders issued by the  
13 Prisoner Review Board, and any violation reports and  
14 dispositions.

15 (6) The name and contact information for the assigned  
16 parole agent and parole supervisor.

17 This information shall be provided within 3 days of the  
18 person becoming a resident of the facility.

19 (c-10) If a person on parole or mandatory supervised  
20 release becomes a resident of a facility licensed or regulated  
21 by the Department of Public Health, the Illinois Department of  
22 Public Aid, or the Illinois Department of Human Services, the  
23 Department of Corrections shall provide written notification  
24 of such residence to the following:

25 (1) The Prisoner Review Board.

26 (2) The chief of police and sheriff in the



1           municipality and county in which the licensed facility is  
2           located.

3           The notification shall be provided within 3 days of the  
4           person becoming a resident of the facility.

5           (d) Upon the release of a committed person on parole,  
6           mandatory supervised release, final discharge, or pardon, the  
7           Department shall provide such person with information  
8           concerning programs and services of the Illinois Department of  
9           Public Health to ascertain whether such person has been  
10          exposed to the human immunodeficiency virus (HIV) or any  
11          identified causative agent of Acquired Immunodeficiency  
12          Syndrome (AIDS).

13          (e) Upon the release of a committed person on parole,  
14          mandatory supervised release, final discharge, pardon, or who  
15          has been wrongfully imprisoned, the Department shall verify  
16          the released person's full name, date of birth, and social  
17          security number. If verification is made by the Department by  
18          obtaining a certified copy of the released person's birth  
19          certificate and the released person's social security card or  
20          other documents authorized by the Secretary, the Department  
21          shall provide the birth certificate and social security card  
22          or other documents authorized by the Secretary to the released  
23          person. If verification by the Department is done by means  
24          other than obtaining a certified copy of the released person's  
25          birth certificate and the released person's social security  
26          card or other documents authorized by the Secretary, the

1 Department shall complete a verification form, prescribed by  
2 the Secretary of State, and shall provide that verification  
3 form to the released person.

4 (f) Forty-five days prior to the scheduled discharge of a  
5 person committed to the custody of the Department of  
6 Corrections, the Department shall give the person:

7 (1) who is otherwise uninsured an opportunity to apply  
8 for health care coverage including medical assistance  
9 under Article V of the Illinois Public Aid Code in  
10 accordance with subsection (b) of Section 1-8.5 of the  
11 Illinois Public Aid Code, and the Department of  
12 Corrections shall provide assistance with completion of  
13 the application for health care coverage including medical  
14 assistance;

15 (2) information about obtaining a standard Illinois  
16 Identification Card or a limited-term Illinois  
17 Identification Card under Section 4 of the Illinois  
18 Identification Card Act;

19 (3) information about voter registration and may  
20 distribute information prepared by the State Board of  
21 Elections. The Department of Corrections may enter into an  
22 interagency contract with the State Board of Elections to  
23 participate in the automatic voter registration program  
24 and be a designated automatic voter registration agency  
25 under Section 1A-16.2 of the Election Code;

26 (4) information about job listings upon discharge from

1 the correctional institution or facility;

2 (5) information about available housing upon discharge  
3 from the correctional institution or facility;

4 (6) a directory of elected State officials and of  
5 officials elected in the county and municipality, if any,  
6 in which the committed person intends to reside upon  
7 discharge from the correctional institution or facility;  
8 and

9 (7) any other information that the Department of  
10 Corrections deems necessary to provide the committed  
11 person in order for the committed person to reenter the  
12 community and avoid recidivism.

13 The Department may adopt rules to implement this Section.

14 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;  
15 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-606, eff.  
16 1-1-22; 102-813, eff. 5-13-22.)

17 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

18 Sec. 5-5-5. Loss and restoration of rights.

19 (a) Conviction and disposition shall not entail the loss  
20 by the defendant of any civil rights, except under this  
21 Section and Sections 29-6 and 29-10 of The Election Code, as  
22 now or hereafter amended.

23 (b) A person convicted of a felony shall be ineligible to  
24 hold an office created by the Constitution of this State until  
25 the completion of his sentence.

1           (c) A person convicted of a felony or otherwise under  
2 sentence in a correctional institution or jail shall have his  
3 or her right to vote restored not later than 14 days following  
4 his or her conviction ~~sentenced to imprisonment shall lose his~~  
5 ~~right to vote until released from imprisonment.~~

6           (d) On completion of sentence of imprisonment or upon  
7 discharge from probation, conditional discharge or periodic  
8 imprisonment, or at any time thereafter, all license rights  
9 and privileges granted under the authority of this State which  
10 have been revoked or suspended because of conviction of an  
11 offense shall be restored unless the authority having  
12 jurisdiction of such license rights finds after investigation  
13 and hearing that restoration is not in the public interest.  
14 This paragraph (d) shall not apply to the suspension or  
15 revocation of a license to operate a motor vehicle under the  
16 Illinois Vehicle Code.

17           (e) Upon a person's discharge from incarceration or  
18 parole, or upon a person's discharge from probation or at any  
19 time thereafter, the committing court may enter an order  
20 certifying that the sentence has been satisfactorily completed  
21 when the court believes it would assist in the rehabilitation  
22 of the person and be consistent with the public welfare. Such  
23 order may be entered upon the motion of the defendant or the  
24 State or upon the court's own motion.

25           (f) Upon entry of the order, the court shall issue to the  
26 person in whose favor the order has been entered a certificate

1 stating that his behavior after conviction has warranted the  
2 issuance of the order.

3 (g) This Section shall not affect the right of a defendant  
4 to collaterally attack his conviction or to rely on it in bar  
5 of subsequent proceedings for the same offense.

6 (h) No application for any license specified in subsection  
7 (i) of this Section granted under the authority of this State  
8 shall be denied by reason of an eligible offender who has  
9 obtained a certificate of relief from disabilities, as defined  
10 in Article 5.5 of this Chapter, having been previously  
11 convicted of one or more criminal offenses, or by reason of a  
12 finding of lack of "good moral character" when the finding is  
13 based upon the fact that the applicant has previously been  
14 convicted of one or more criminal offenses, unless:

15 (1) there is a direct relationship between one or more  
16 of the previous criminal offenses and the specific license  
17 sought; or

18 (2) the issuance of the license would involve an  
19 unreasonable risk to property or to the safety or welfare  
20 of specific individuals or the general public.

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

23 (1) the public policy of this State, as expressed in  
24 Article 5.5 of this Chapter, to encourage the licensure  
25 and employment of persons previously convicted of one or  
26 more criminal offenses;

1           (2) the specific duties and responsibilities  
2 necessarily related to the license being sought;

3           (3) the bearing, if any, the criminal offenses or  
4 offenses for which the person was previously convicted  
5 will have on his or her fitness or ability to perform one  
6 or more such duties and responsibilities;

7           (4) the time which has elapsed since the occurrence of  
8 the criminal offense or offenses;

9           (5) the age of the person at the time of occurrence of  
10 the criminal offense or offenses;

11           (6) the seriousness of the offense or offenses;

12           (7) any information produced by the person or produced  
13 on his or her behalf in regard to his or her rehabilitation  
14 and good conduct, including a certificate of relief from  
15 disabilities issued to the applicant, which certificate  
16 shall create a presumption of rehabilitation in regard to  
17 the offense or offenses specified in the certificate; and

18           (8) the legitimate interest of the licensing agency in  
19 protecting property, and the safety and welfare of  
20 specific individuals or the general public.

21           (i) A certificate of relief from disabilities shall be  
22 issued only for a license or certification issued under the  
23 following Acts:

24           (1) the Animal Welfare Act; except that a certificate  
25 of relief from disabilities may not be granted to provide  
26 for the issuance or restoration of a license under the

1 Animal Welfare Act for any person convicted of violating  
2 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
3 Care for Animals Act or Section 26-5 or 48-1 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012;

5 (2) the Illinois Athletic Trainers Practice Act;

6 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
7 and Nail Technology Act of 1985;

8 (4) the Boiler and Pressure Vessel Repairer Regulation  
9 Act;

10 (5) the Boxing and Full-contact Martial Arts Act;

11 (6) the Illinois Certified Shorthand Reporters Act of  
12 1984;

13 (7) the Illinois Farm Labor Contractor Certification  
14 Act;

15 (8) the Registered Interior Designers Act;

16 (9) the Illinois Professional Land Surveyor Act of  
17 1989;

18 (10) the Landscape Architecture Registration Act;

19 (11) the Marriage and Family Therapy Licensing Act;

20 (12) the Private Employment Agency Act;

21 (13) the Professional Counselor and Clinical  
22 Professional Counselor Licensing and Practice Act;

23 (14) the Real Estate License Act of 2000;

24 (15) the Illinois Roofing Industry Licensing Act;

25 (16) the Professional Engineering Practice Act of  
26 1989;

- 1           (17) the Water Well and Pump Installation Contractor's  
2 License Act;
- 3           (18) the Electrologist Licensing Act;
- 4           (19) the Auction License Act;
- 5           (20) the Illinois Architecture Practice Act of 1989;
- 6           (21) the Dietitian Nutritionist Practice Act;
- 7           (22) the Environmental Health Practitioner Licensing  
8 Act;
- 9           (23) the Funeral Directors and Embalmers Licensing  
10 Code;
- 11          (24) (blank);
- 12          (25) the Professional Geologist Licensing Act;
- 13          (26) the Illinois Public Accounting Act; and
- 14          (27) the Structural Engineering Practice Act of 1989.
- 15 (Source: P.A. 102-284, eff. 8-6-21.)

16           Section 99. Effective date. This Act takes effect June 1,  
17 2023.