



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3971

Introduced 2/17/2023, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

5 ILCS 280/1	from Ch. 102, par. 120
10 ILCS 5/29-15	from Ch. 46, par. 29-15
65 ILCS 5/3.1-10-5	from Ch. 24, par. 3.1-10-5
730 ILCS 5/5-5-5	from Ch. 38, par. 1005-5-5

Amends the Illinois Municipal Code. Removes provisions providing that a person is not eligible to take the oath of office for a municipal office if that person has been convicted of certain crimes. Amends the Unified Code of Corrections. Provides that a person convicted of a felony, bribery, perjury, or other infamous crime (rather than a felony) for an offense committed on or after the effective date of the amendatory Act while he or she was serving as a public official is ineligible to hold any local public office (in addition to being ineligible to hold an office created by the Constitution of the State) unless the person's conviction is reversed or until the completion of his or her sentence and his or her eligibility to hold office is restored. Amends the Officials Convicted of Infamous Crimes Act and the Election Code making conforming changes.

LRB103 26855 AWJ 53219 b

1 AN ACT concerning criminal convictions.

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

4 Section 5. Amends the Officials Convicted of Infamous
5 Crimes Act by changing Section 1 as follows:

6 (5 ILCS 280/1) (from Ch. 102, par. 120)

7 Sec. 1. Any person holding office under the Constitution
8 of the State of Illinois and every elected official of local
9 government or of any school district who is convicted in any
10 court of the State of Illinois or of the United States of a
11 felony, bribery, perjury, or other infamous crime, as
12 understood in Section 1 of Article XIII of the Constitution of
13 1970, shall be, upon conviction, ineligible to continue in
14 such office unless the person's conviction is reversed under
15 this Section or the person's eligibility to hold office is
16 restored under Section 29-15 of the Election Code.

17 If, subsequently, a final order reverses the conviction,
18 eligibility to hold the office, to the extent of the original
19 term then remaining, is restored, and the officer shall be
20 reinstated, for the duration of the term of office remaining.
21 Each such officer shall be promptly repaid all compensation
22 withheld from him as a result of his removal. No rights of an
23 officer under any pension plan subject to the jurisdiction of

1 this State, of which the officer is a member at the time of his
2 ineligibility for office, shall be abridged if the officer is
3 returned to office by this Act.

4 After conviction and until a final order of reversal under
5 this Section or restoration of eligibility to hold office
6 under Section 29-15 of the Election Code, there shall be no
7 payment of compensation to any such officer. Upon the
8 conviction and ineligibility of any person under this Act, a
9 successor shall be chosen according to law. This successor
10 shall hold office for the remainder of the term or until a
11 final order reversing the conviction is entered.

12 (Source: P.A. 88-419.)

13 Section 10. The Election Code is amended by changing
14 Section 29-15 as follows:

15 (10 ILCS 5/29-15) (from Ch. 46, par. 29-15)

16 Sec. 29-15. Conviction deemed infamous. Any person
17 convicted of a felony, bribery, perjury, or other ~~an~~ infamous
18 crime ~~as such term is defined in Section 124-1 of the Code of~~
19 ~~Criminal Procedure of 1963, as amended,~~ shall thereafter be
20 prohibited from holding any office of honor, trust, or profit
21 unless the person's conviction is reversed under Section 1 of
22 the Officials Convicted of Infamous Crimes Act or the person's
23 eligibility to hold office is restored following the
24 completion of his or her sentence, ~~unless such person is again~~

1 ~~restored to such rights~~ by the terms of a pardon for the
2 offense, by receiving ~~has received~~ a restoration of rights by
3 the Governor, or otherwise according to law. Any time after a
4 judgment of conviction is rendered, a person convicted of a
5 felony, bribery, perjury, or other ~~an~~ infamous crime may
6 petition the Governor for a restoration of rights.

7 The changes made to this Section by this amendatory Act of
8 the 102nd General Assembly are declarative of existing law.

9 (Source: P.A. 102-15, eff. 6-17-21.)

10 Section 15. The Illinois Municipal Code is amended by
11 changing Section 3.1-10-5 as follows:

12 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

13 Sec. 3.1-10-5. Qualifications; elective office.

14 (a) A person is not eligible for an elective municipal
15 office unless that person is a qualified elector of the
16 municipality and has resided in the municipality at least one
17 year next preceding the election or appointment, except as
18 provided in Section 3.1-20-25, subsection (b) of Section
19 3.1-25-75, Section 5-2-2, or Section 5-2-11.

20 (b) A person is not eligible to take the oath of office for
21 a municipal office if that person is, at the time required for
22 taking the oath of office, in arrears in the payment of a tax
23 or other indebtedness due to the municipality ~~or has been~~
24 ~~convicted in any court located in the United States of any~~

1 ~~infamous crime, bribery, perjury, or other felony, unless such~~
2 ~~person is again restored to his or her rights of citizenship~~
3 ~~that may have been forfeited under Illinois law as a result of~~
4 ~~a conviction, which includes eligibility to hold elected~~
5 ~~municipal office, by the terms of a pardon for the offense, has~~
6 ~~received a restoration of rights by the Governor, or otherwise~~
7 ~~according to law. Any time after a judgment of conviction is~~
8 ~~rendered, a person convicted of an infamous crime, bribery,~~
9 ~~perjury, or other felony may petition the Governor for a~~
10 ~~restoration of rights.~~

11 ~~The changes made to this subsection by this amendatory Act~~
12 ~~of the 102nd General Assembly are declarative of existing law~~
13 ~~and apply to all persons elected at the April 4, 2017~~
14 ~~consolidated election and to persons elected or appointed~~
15 ~~thereafter.~~

16 (b-5) (Blank).

17 (c) A person is not eligible for the office of alderperson
18 of a ward unless that person has resided in the ward that the
19 person seeks to represent, and a person is not eligible for the
20 office of trustee of a district unless that person has resided
21 in the municipality, at least one year next preceding the
22 election or appointment, except as provided in Section
23 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2,
24 or Section 5-2-11.

25 (d) If a person (i) is a resident of a municipality
26 immediately prior to the active duty military service of that

1 person or that person's spouse, (ii) resides anywhere outside
2 of the municipality during that active duty military service,
3 and (iii) immediately upon completion of that active duty
4 military service is again a resident of the municipality, then
5 the time during which the person resides outside the
6 municipality during the active duty military service is deemed
7 to be time during which the person is a resident of the
8 municipality for purposes of determining the residency
9 requirement under subsection (a).

10 (Source: P.A. 102-15, eff. 6-17-21.)

11 Section 20. The Unified Code of Corrections is amended by
12 changing Section 5-5-5 as follows:

13 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

19 (b) A person convicted before the effective date of this
20 amendatory Act of the 103rd General Assembly of a felony shall
21 be ineligible to hold an office created by the Constitution of
22 this State until the completion of his sentence.

23 (b-5) Notwithstanding any other provision of law, a person
24 convicted of a felony, bribery, perjury, or other infamous

1 crime for an offense committed on or after the effective date
2 of this amendatory Act of the 103rd General Assembly and
3 committed while he or she was serving as a public official in
4 this State is ineligible to hold any local public office or any
5 office created by the Constitution of this State unless the
6 person's conviction is reversed under Section 1 of the
7 Officials Convicted of Infamous Crimes Act or until the
8 completion of his or her sentence and his or her eligibility to
9 hold office is restored under Section 29-15 of the Election
10 Code.

11 (c) A person sentenced to imprisonment shall lose his
12 right to vote until released from imprisonment.

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

24 (e) Upon a person's discharge from incarceration or
25 parole, or upon a person's discharge from probation or at any
26 time thereafter, the committing court may enter an order

1 certifying that the sentence has been satisfactorily completed
2 when the court believes it would assist in the rehabilitation
3 of the person and be consistent with the public welfare. Such
4 order may be entered upon the motion of the defendant or the
5 State or upon the court's own motion.

6 (f) Upon entry of the order, the court shall issue to the
7 person in whose favor the order has been entered a certificate
8 stating that his behavior after conviction has warranted the
9 issuance of the order.

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

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

22 (1) there is a direct relationship between one or more
23 of the previous criminal offenses and the specific license
24 sought; or

25 (2) the issuance of the license would involve an
26 unreasonable risk to property or to the safety or welfare

1 of specific individuals or the general public.

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

4 (1) the public policy of this State, as expressed in
5 Article 5.5 of this Chapter, to encourage the licensure
6 and employment of persons previously convicted of one or
7 more criminal offenses;

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

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

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

16 (5) the age of the person at the time of occurrence of
17 the criminal offense or offenses;

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

19 (7) any information produced by the person or produced
20 on his or her behalf in regard to his or her rehabilitation
21 and good conduct, including a certificate of relief from
22 disabilities issued to the applicant, which certificate
23 shall create a presumption of rehabilitation in regard to
24 the offense or offenses specified in the certificate; and

25 (8) the legitimate interest of the licensing agency in
26 protecting property, and the safety and welfare of

1 specific individuals or the general public.

2 (i) A certificate of relief from disabilities shall be
3 issued only for a license or certification issued under the
4 following Acts:

5 (1) the Animal Welfare Act; except that a certificate
6 of relief from disabilities may not be granted to provide
7 for the issuance or restoration of a license under the
8 Animal Welfare Act for any person convicted of violating
9 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
10 Care for Animals Act or Section 26-5 or 48-1 of the
11 Criminal Code of 1961 or the Criminal Code of 2012;

12 (2) the Illinois Athletic Trainers Practice Act;

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

15 (4) the Boiler and Pressure Vessel Repairer Regulation
16 Act;

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

18 (6) the Illinois Certified Shorthand Reporters Act of
19 1984;

20 (7) the Illinois Farm Labor Contractor Certification
21 Act;

22 (8) the Registered Interior Designers Act;

23 (9) the Illinois Professional Land Surveyor Act of
24 1989;

25 (10) the Landscape Architecture Registration Act;

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

- 1 (12) the Private Employment Agency Act;
- 2 (13) the Professional Counselor and Clinical
- 3 Professional Counselor Licensing and Practice Act;
- 4 (14) the Real Estate License Act of 2000;
- 5 (15) the Illinois Roofing Industry Licensing Act;
- 6 (16) the Professional Engineering Practice Act of
- 7 1989;
- 8 (17) the Water Well and Pump Installation Contractor's
- 9 License Act;
- 10 (18) the Electrologist Licensing Act;
- 11 (19) the Auction License Act;
- 12 (20) the Illinois Architecture Practice Act of 1989;
- 13 (21) the Dietitian Nutritionist Practice Act;
- 14 (22) the Environmental Health Practitioner Licensing
- 15 Act;
- 16 (23) the Funeral Directors and Embalmers Licensing
- 17 Code;
- 18 (24) (blank);
- 19 (25) the Professional Geologist Licensing Act;
- 20 (26) the Illinois Public Accounting Act; and
- 21 (27) the Structural Engineering Practice Act of 1989.

22 (Source: P.A. 102-284, eff. 8-6-21.)