

1 AMENDMENT TO HOUSE BILL 569

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 569 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 31-1a as follows:

6 (720 ILCS 5/31-1a) (from Ch. 38, par. 31-1a)

7 Sec. 31-1a. Disarming a peace officer or correctional  
8 institution employee. A person who, without the consent of a  
9 peace officer or correctional institution employee as defined  
10 in subsection (b) of Section 31-1, takes or attempts to take  
11 a weapon from knowingly-disarms a person known to him or her  
12 to be a peace officer or correctional institution employee,  
13 while the peace officer or correctional institution employee  
14 is engaged in the performance of his or her official duties  
15 ~~by-taking-a-firearm-from-the-person-of-the-peace--officer~~ or  
16 from an area within the peace officer's or correctional  
17 institution employee's immediate presence is ~~without--the~~  
18 ~~peace-officer's-consent-shall-be~~ guilty of a Class 2 felony.  
19 (Source: P.A. 84-181.)

20 Section 10. The Unified Code of Corrections is amended  
21 by changing Sections 3-3-2 and 5-5-5 and adding Article 5.5

1 to Chapter V as follows:

2 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

3 Sec. 3-3-2. Powers and Duties.

4 (a) The Parole and Pardon Board is abolished and the  
5 term "Parole and Pardon Board" as used in any law of  
6 Illinois, shall read "Prisoner Review Board." After the  
7 effective date of this amendatory Act of 1977, the Prisoner  
8 Review Board shall provide by rule for the orderly transition  
9 of all files, records, and documents of the Parole and Pardon  
10 Board and for such other steps as may be necessary to effect  
11 an orderly transition and shall:

12 (1) hear by at least one member and through a panel  
13 of at least 3 members decide, cases of prisoners who were  
14 sentenced under the law in effect prior to the effective  
15 date of this amendatory Act of 1977, and who are eligible  
16 for parole;

17 (2) hear by at least one member and through a panel  
18 of at least 3 members decide, the conditions of parole  
19 and the time of discharge from parole, impose sanctions  
20 for violations of parole, and revoke parole for those  
21 sentenced under the law in effect prior to this  
22 amendatory Act of 1977; provided that the decision to  
23 parole and the conditions of parole for all prisoners who  
24 were sentenced for first degree murder or who received a  
25 minimum sentence of 20 years or more under the law in  
26 effect prior to February 1, 1978 shall be determined by a  
27 majority vote of the Prisoner Review Board;

28 (3) hear by at least one member and through a panel  
29 of at least 3 members decide, the conditions of mandatory  
30 supervised release and the time of discharge from  
31 mandatory supervised release, impose sanctions for  
32 violations of mandatory supervised release, and revoke  
33 mandatory supervised release for those sentenced under

1 the law in effect after the effective date of this  
2 amendatory Act of 1977;

3 (4) hear by at least 1 member and through a panel  
4 of at least 3 members, decide cases brought by the  
5 Department of Corrections against a prisoner in the  
6 custody of the Department for alleged violation of  
7 Department rules with respect to good conduct credits  
8 pursuant to Section 3-6-3 of this Code in which the  
9 Department seeks to revoke good conduct credits, if the  
10 amount of time at issue exceeds 30 days or when, during  
11 any 12 month period, the cumulative amount of credit  
12 revoked exceeds 30 days except where the infraction is  
13 committed or discovered within 60 days of scheduled  
14 release. In such cases, the Department of Corrections may  
15 revoke up to 30 days of good conduct credit. The Board  
16 may subsequently approve the revocation of additional  
17 good conduct credit, if the Department seeks to revoke  
18 good conduct credit in excess of thirty days. However,  
19 the Board shall not be empowered to review the  
20 Department's decision with respect to the loss of 30 days  
21 of good conduct credit for any prisoner or to increase  
22 any penalty beyond the length requested by the  
23 Department;

24 (5) hear by at least one member and through a panel  
25 of at least 3 members decide, the release dates for  
26 certain prisoners sentenced under the law in existence  
27 prior to the effective date of this amendatory Act of  
28 1977, in accordance with Section 3-3-2.1 of this Code;

29 (6) hear by at least one member and through a panel  
30 of at least 3 members decide, all requests for pardon,  
31 reprieve or commutation, and make confidential  
32 recommendations to the Governor;

33 (7) comply with the requirements of the Open Parole  
34 Hearings Act; and

1           (8) hear by at least one member and, through a  
2 panel of at least 3 members, decide cases brought by the  
3 Department of Corrections against a prisoner in the  
4 custody of the Department for court dismissal of a  
5 frivolous lawsuit pursuant to Section 3-6-3(d) of this  
6 Code in which the Department seeks to revoke up to 180  
7 days of good conduct credit, and if the prisoner has not  
8 accumulated 180 days of good conduct credit at the time  
9 of the dismissal, then all good conduct credit  
10 accumulated by the prisoner shall be revoked; and-

11           (9) hear by at least 3 members, and, through a  
12 panel of at least 3 members, decide whether to grant  
13 certificates of relief from disabilities or certificates  
14 of good conduct as provided in Article 5.5 of Chapter V.

15           (a-5) The Prisoner Review Board, with the cooperation of  
16 and in coordination with the Department of Corrections and  
17 the Department of Central Management Services, shall  
18 implement a pilot project in 3 correctional institutions  
19 providing for the conduct of hearings under paragraphs (1)  
20 and (4) of subsection (a) of this Section through interactive  
21 video conferences. The project shall be implemented within 6  
22 months after the effective date of this amendatory Act of  
23 1996. Within 6 months after the implementation of the pilot  
24 project, the Prisoner Review Board, with the cooperation of  
25 and in coordination with the Department of Corrections and  
26 the Department of Central Management Services, shall report  
27 to the Governor and the General Assembly regarding the use,  
28 costs, effectiveness, and future viability of interactive  
29 video conferences for Prisoner Review Board hearings.

30           (b) Upon recommendation of the Department the Board may  
31 restore good conduct credit previously revoked.

32           (c) The Board shall cooperate with the Department in  
33 promoting an effective system of parole and mandatory  
34 supervised release.

1 (d) The Board shall promulgate rules for the conduct of  
2 its work, and the Chairman shall file a copy of such rules  
3 and any amendments thereto with the Director and with the  
4 Secretary of State.

5 (e) The Board shall keep records of all of its official  
6 actions and shall make them accessible in accordance with law  
7 and the rules of the Board.

8 (f) The Board or one who has allegedly violated the  
9 conditions of his parole or mandatory supervised release may  
10 require by subpoena the attendance and testimony of witnesses  
11 and the production of documentary evidence relating to any  
12 matter under investigation or hearing. The Chairman of the  
13 Board may sign subpoenas which shall be served by any agent  
14 or public official authorized by the Chairman of the Board,  
15 or by any person lawfully authorized to serve a subpoena  
16 under the laws of the State of Illinois. The attendance of  
17 witnesses, and the production of documentary evidence, may be  
18 required from any place in the State to a hearing location in  
19 the State before the Chairman of the Board or his designated  
20 agent or agents or any duly constituted Committee or  
21 Subcommittee of the Board. Witnesses so summoned shall be  
22 paid the same fees and mileage that are paid witnesses in the  
23 circuit courts of the State, and witnesses whose depositions  
24 are taken and the persons taking those depositions are each  
25 entitled to the same fees as are paid for like services in  
26 actions in the circuit courts of the State. Fees and mileage  
27 shall be vouchered for payment when the witness is discharged  
28 from further attendance.

29 In case of disobedience to a subpoena, the Board may  
30 petition any circuit court of the State for an order  
31 requiring the attendance and testimony of witnesses or the  
32 production of documentary evidence or both. A copy of such  
33 petition shall be served by personal service or by registered  
34 or certified mail upon the person who has failed to obey the

1 subpoena, and such person shall be advised in writing that a  
2 hearing upon the petition will be requested in a court room  
3 to be designated in such notice before the judge hearing  
4 motions or extraordinary remedies at a specified time, on a  
5 specified date, not less than 10 nor more than 15 days after  
6 the deposit of the copy of the written notice and petition in  
7 the U.S. mails addressed to the person at his last known  
8 address or after the personal service of the copy of the  
9 notice and petition upon such person. The court upon the  
10 filing of such a petition, may order the person refusing to  
11 obey the subpoena to appear at an investigation or hearing,  
12 or to there produce documentary evidence, if so ordered, or  
13 to give evidence relative to the subject matter of that  
14 investigation or hearing. Any failure to obey such order of  
15 the circuit court may be punished by that court as a contempt  
16 of court.

17 Each member of the Board and any hearing officer  
18 designated by the Board shall have the power to administer  
19 oaths and to take the testimony of persons under oath.

20 (g) Except under subsection (a) of this Section, a  
21 majority of the members then appointed to the Prisoner Review  
22 Board shall constitute a quorum for the transaction of all  
23 business of the Board.

24 (h) The Prisoner Review Board shall annually transmit to  
25 the Director a detailed report of its work for the preceding  
26 calendar year. The annual report shall also be transmitted to  
27 the Governor for submission to the Legislature.

28 (Source: P.A. 90-14, eff. 7-1-97; 91-798, eff. 7-9-00;  
29 91-946, eff. 2-9-01.)

30 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)  
31 Sec. 5-5-5. Loss and Restoration of Rights.

32 (a) Conviction and disposition shall not entail the loss  
33 by the defendant of any civil rights, except under this

1 Section and Sections 29-6 and 29-10 of The Election Code, as  
2 now or hereafter amended.

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

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

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

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

27 (f) Upon entry of the order, the court shall issue to  
28 the person in whose favor the order has been entered a  
29 certificate stating that his behavior after conviction has  
30 warranted the issuance of the order.

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

34 (h) No application for any license specified in

1 subsection (i) of this Section granted under the authority of  
2 this State shall be denied by reason of an eligible offender  
3 who has obtained a certificate of relief from disabilities,  
4 as defined in Article 5.5 of this Chapter, having been  
5 previously convicted of one or more criminal offenses, or by  
6 reason of a finding of lack of "good moral character" when  
7 the finding is based upon the fact that the applicant has  
8 previously been convicted of one or more criminal offenses,  
9 unless:

10 (1) there is a direct relationship between one or  
11 more of the previous criminal offenses and the specific  
12 license sought; or

13 (2) the issuance of the license would involve an  
14 unreasonable risk to property or to the safety or welfare  
15 of specific individuals or the general public.

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

18 (1) the public policy of this State, as expressed  
19 in Article 5.5 of this Chapter, to encourage the  
20 licensure and employment of persons previously convicted  
21 of one or more criminal offenses;

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

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

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

30 (5) the age of the person at the time of occurrence  
31 of the criminal offense or offenses;

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

33 (7) any information produced by the person or  
34 produced on his or her behalf in regard to his or her



1 rehabilitation and good conduct, including a certificate  
2 of relief from disabilities issued to the applicant,  
3 which certificate shall create a presumption of  
4 rehabilitation in regard to the offense or offenses  
5 specified in the certificate; and

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

9 (i) A certificate of relief from disabilities shall be  
10 issued only for a license or certification issued under the  
11 following Acts:

12 (1) the Animal Welfare Act; except that a  
13 certificate of relief from disabilities may not be  
14 granted to provide for the issuance or restoration of a  
15 license under the Animal Welfare Act for any person  
16 convicted of violating Section 3, 3.01, 3.02, 3.03,  
17 3.03-1, or 4.01 of the Humane Care for Animals Act or  
18 Section 26-5 of the Criminal Code of 1961;

19 (2) the Illinois Athletic Trainers Practice Act;

20 (3) the Barber, Cosmetology, Esthetics, and Nail  
21 Technology Act of 1985;

22 (4) the Boiler and Pressure Vessel Repairer  
23 Regulation Act;

24 (5) the Professional Boxing Act;

25 (6) the Illinois Certified Shorthand Reporters Act  
26 of 1984;

27 (7) the Illinois Farm Labor Contractor  
28 Certification Act;

29 (8) the Interior Design Title Act;

30 (9) the Illinois Professional Land Surveyor Act of  
31 1989;

32 (10) the Illinois Landscape Architecture Act of  
33 1989;

34 (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 Act;

4 (14) the Real Estate License Act of 2000; and

5 (15) the Illinois Roofing Industry Licensing Act.

6 (Source: P.A. 86-558.)

7 (730 ILCS 5/Chap. V, Art. 5.5 heading new)

8 ARTICLE 5.5. DISCRETIONARY RELIEF FROM FORFEITURES AND  
9 DISABILITIES AUTOMATICALLY IMPOSED BY LAW

10 (730 ILCS 5/5-5.5-5 new)

11 Sec. 5-5.5-5. Definitions and rules of construction. In  
12 this Article:

13 "Eligible offender" means a person who has been convicted  
14 of a crime or of an offense that is not a crime of violence  
15 as defined in Section 2 of the Crime Victims Compensation  
16 Act, a Class X or a nonprobationable offense, or a violation  
17 of Article 11 or Article 12 of the Criminal Code of 1961, but  
18 who has not been convicted more than once of a felony.

19 "Felony" means a conviction of a felony in this State, or  
20 of an offense in any other jurisdiction for which a sentence  
21 to a term of imprisonment in excess of one year, was  
22 authorized.

23 For the purposes of this Article the following rules of  
24 construction apply:

25 (i) two or more convictions of felonies charged in  
26 separate counts of one indictment or information shall be  
27 deemed to be one conviction;

28 (ii) two or more convictions of felonies charged in  
29 2 or more indictments or informations, filed in the same  
30 court prior to entry of judgment under any of them, shall  
31 be deemed to be one conviction; and

32 (iii) a plea or a verdict of guilty upon which a

1 sentence of probation, conditional discharge, or  
2 supervision has been imposed shall be deemed to be a  
3 conviction.

4 (730 ILCS 5/5-5.5-10 new)

5 Sec. 5-5.5-10. Certificate of relief from disabilities.

6 (a) A certificate of relief from disabilities does not,  
7 however, in any way prevent any judicial proceeding,  
8 administrative, licensing, or other body, board, or authority  
9 from relying upon the conviction specified in the certificate  
10 as the basis for the exercise of its discretionary power to  
11 suspend, revoke, or refuse to issue or refuse to renew any  
12 license, permit, or other authority or privilege.

13 (b) A certificate of relief from disabilities shall not  
14 limit or prevent the introduction of evidence of a prior  
15 conviction for purposes of impeachment of a witness in a  
16 judicial or other proceeding where otherwise authorized by  
17 the applicable rules of evidence.

18 (730 ILCS 5/5-5.5-15 new)

19 Sec. 5-5.5-15. Certificates of relief from disabilities  
20 issued by courts.

21 (a) Any circuit court of this State may, in its  
22 discretion, issue a certificate of relief from disabilities  
23 to an eligible offender for a conviction that occurred in  
24 that court if the court imposed a sentence other than one  
25 executed by commitment to an institution under the Department  
26 of Corrections. The certificate may be issued (i) at the time  
27 sentence is pronounced, in which case it may grant relief  
28 from disabilities, or (ii) at any time thereafter, in which  
29 case it shall apply only to disabilities.

30 (b) The certificate may not be issued by the court  
31 unless the court is satisfied that:

32 (1) the person to whom it is to be granted is an

1 eligible offender, as defined in Section 5-5.5-5;

2 (2) the relief to be granted by the certificate is  
3 consistent with the rehabilitation of the eligible  
4 offender; and

5 (3) the relief to be granted by the certificate is  
6 consistent with the public interest.

7 (c) If a certificate of relief from disabilities is not  
8 issued at the time sentence is pronounced it shall only be  
9 issued thereafter upon verified application to the court. The  
10 court may, for the purpose of determining whether the  
11 certificate shall be issued, request the probation or court  
12 services department to conduct an investigation of the  
13 applicant. Any probation officer requested to make an  
14 investigation under this Section shall prepare and submit to  
15 the court a written report in accordance with the request.

16 (d) Any court that has issued a certificate of relief  
17 from disabilities may at any time issue a new certificate to  
18 enlarge the relief previously granted provided that the  
19 provisions of clauses (1) through (3) of subsection (b) of  
20 this Section apply to the issuance of any such new  
21 certificate.

22 (e) Any written report submitted to the court under this  
23 Section is confidential and may not be made available to any  
24 person or public or private agency except if specifically  
25 required or permitted by statute or upon specific  
26 authorization of the court. However, it shall be made  
27 available by the court for examination by the applicant's  
28 attorney, or the applicant himself or herself, if he or she  
29 has no attorney. In its discretion, the court may except from  
30 disclosure a part or parts of the report that are not  
31 relevant to the granting of a certificate, or sources of  
32 information which have been obtained on a promise of  
33 confidentiality, or any other portion of the report,  
34 disclosure of which would not be in the interest of justice.

1 The action of the court excepting information from disclosure  
2 shall be subject to appellate review. The court, in its  
3 discretion, may hold a conference in open court or in  
4 chambers to afford an applicant an opportunity to controvert  
5 or to comment upon any portions of the report. The court may  
6 also conduct a summary hearing at the conference on any  
7 matter relevant to the granting of the application and may  
8 take testimony under oath.

9 (730 ILCS 5/5-5.5-20 new)

10 Sec. 5-5.5-20. Certificates of relief from disabilities  
11 issued by the Prisoner Review Board.

12 (a) The Prisoner Review Board shall have the power to  
13 issue a certificate of relief from disabilities to:

14 (1) any eligible offender who has been committed  
15 to an institution under the jurisdiction of the  
16 Department of Corrections. The certificate may be issued  
17 by the Board at the time the offender is released from  
18 the institution under the conditions of parole or  
19 mandatory supervised release or at any time thereafter;  
20 or

21 (2) any eligible offender who resides within this  
22 State and whose judgment of conviction was rendered by a  
23 court in any other jurisdiction.

24 (b) If the Prisoner Review Board has issued a certificate  
25 of relief from disabilities, the Board may at any time issue  
26 a new certificate enlarging the relief previously granted.

27 (c) The Prisoner Review Board may not issue any  
28 certificate of relief from disabilities under subsections (a)  
29 or (b), unless the Board is satisfied that:

30 (1) the person to whom it is to be granted is an  
31 eligible offender, as defined in Section 5-5.5-5;

32 (2) the relief to be granted by the certificate is  
33 consistent with the rehabilitation of the eligible

1 offender; and

2 (3) the relief to be granted by the certificate is  
3 consistent with the public interest.

4 (d) Any certificate of relief from disabilities issued  
5 by the Prisoner Review Board to an eligible offender, who at  
6 time of the issuance of the certificate is under the  
7 conditions of parole or mandatory supervised release  
8 established by the Board, shall be deemed to be a temporary  
9 certificate until such time as the eligible offender is  
10 discharged from parole or mandatory supervised release, and,  
11 while temporary, the certificate may be revoked by the Board  
12 for violation of the conditions of parole or mandatory  
13 supervised release. Revocation shall be upon notice to the  
14 parolee or releasee, who shall be accorded an opportunity to  
15 explain the violation prior to a decision on the revocation  
16 of the certificate. If the certificate is not so revoked, it  
17 shall become a permanent certificate upon expiration or  
18 termination of the offender's parole or mandatory supervised  
19 release term.

20 (e) In granting or revoking a certificate of relief from  
21 disabilities, the action of the Prisoner Review Board shall  
22 be by unanimous vote of the members authorized to grant or  
23 revoke parole or mandatory supervised release.

24 (f) The certificate may be limited to one or more  
25 enumerated disabilities or bars, or may relieve the  
26 individual of all disabilities and bars.

27 (730 ILCS 5/5-5.5-25 new)

28 Sec. 5-5.5-25. Certificate of good conduct.

29 (a) A certificate of good conduct may be granted as  
30 provided in this Section to an eligible offender as defined  
31 in Section 5-5.5-5 of this Code who has demonstrated that he  
32 or she has been a law-abiding citizen and is fully  
33 rehabilitated.

1 (b) (i) A certificate of good conduct may not, however,  
2 in any way prevent any judicial proceeding,  
3 administrative, licensing, or other body, board, or  
4 authority from considering the conviction specified in  
5 the certificate.

6 (ii) A certificate of good conduct shall not limit  
7 or prevent the introduction of evidence of a prior  
8 conviction for purposes of impeachment of a witness in a  
9 judicial or other proceeding where otherwise authorized  
10 by the applicable rules of evidence.

11 (730 ILCS 5/5-5.5-30 new)

12 Sec. 5-5.5-30. Issuance of certificate of good conduct.

13 (a) The Prisoner Review Board, or any 3 members of the  
14 Board by unanimous vote, shall have the power to issue a  
15 certificate of good conduct to any eligible offender  
16 previously convicted of a crime in this State, when the Board  
17 is satisfied that:

18 (1) the applicant has conducted himself or herself  
19 in a manner warranting the issuance for a minimum period  
20 in accordance with the provisions of subsection (c) of  
21 this Section;

22 (2) the relief to be granted by the certificate is  
23 consistent with the rehabilitation of the applicant; and

24 (3) the relief to be granted is consistent with the  
25 public interest.

26 (b) The Prisoner Review Board, or any 3 members of the  
27 Board by unanimous vote, shall have the power to issue a  
28 certificate of good conduct to any person previously  
29 convicted of a crime in any other jurisdiction, when the  
30 Board is satisfied that the provisions of paragraphs (1),  
31 (2), and (3) of subsection (a) of this Section have been met.

32 (c) The minimum period of good conduct by the individual  
33 referred to in paragraph (1) of subsection (a) of this

1 Section, shall be as follows: if the most serious crime of  
2 which the individual was convicted is a misdemeanor, the  
3 minimum period of good conduct shall be one year; if the most  
4 serious crime of which the individual was convicted is a  
5 Class 1, 2, 3, or 4 felony, the minimum period of good  
6 conduct shall be 3 years. Criminal acts committed outside the  
7 State shall be classified as acts committed within the State  
8 based on the maximum sentence that could have been imposed  
9 based upon the conviction under the laws of the foreign  
10 jurisdiction. The minimum period of good conduct by the  
11 individual shall be measured either from the date of the  
12 payment of any fine imposed upon him or her, or from the date  
13 of his or her release from custody by parole, mandatory  
14 supervised release or commutation or termination of his or  
15 her sentence. The Board shall have power and it shall be its  
16 duty to investigate all persons when the application is made  
17 and to grant or deny the same within a reasonable time after  
18 the making of the application.

19 (d) If the Prisoner Review Board has issued a certificate  
20 of good conduct, the Board may at any time issue a new  
21 certificate enlarging the relief previously granted.

22 (e) Any certificate of good conduct by the Prisoner  
23 Review Board to an individual who at the time of the issuance  
24 of the certificate is under the conditions of parole or  
25 mandatory supervised release imposed by the Board shall be  
26 deemed to be a temporary certificate until the time as the  
27 individual is discharged from the terms of parole or  
28 mandatory supervised release, and, while temporary, the  
29 certificate may be revoked by the Board for violation of the  
30 conditions of parole or mandatory supervised release.  
31 Revocation shall be upon notice to the parolee or releasee,  
32 who shall be accorded an opportunity to explain the violation  
33 prior to a decision on the revocation. If the certificate is  
34 not so revoked, it shall become a permanent certificate upon



1 expiration or termination of the offender's parole or  
2 mandatory supervised release term.

3 (730 ILCS 5/5-5.5-35 new)

4 Sec. 5-5.5-35. Effect of revocation; use of revoked  
5 certificate.

6 (a) If a certificate of relief from disabilities is  
7 deemed to be temporary and the certificate is revoked,  
8 disabilities and forfeitures thereby relieved shall be  
9 reinstated as of the date upon which the person to whom the  
10 certificate was issued receives written notice of the  
11 revocation. Any such person shall upon receipt of the notice  
12 surrender the certificate to the issuing court or Board.

13 (b) A person who knowingly uses or attempts to use a  
14 revoked certificate of relief from disabilities in order to  
15 obtain or to exercise any right or privilege that he or she  
16 would not be entitled to obtain or to exercise without a  
17 valid certificate is guilty of a Class A misdemeanor.

18 (730 ILCS 5/5-5.5-40 new)

19 Sec. 5-5.5-40. Forms and filing.

20 (a) All applications, certificates, and orders of  
21 revocation necessary for the purposes of this Article shall  
22 be upon forms prescribed under an agreement among the  
23 Director of Corrections and the Chairman of the Prisoner  
24 Review Board and the Chief Justice of the Supreme Court or  
25 his or her designee. The forms relating to certificates of  
26 relief from disabilities shall be distributed by the Director  
27 of the Division of Probation Services and forms relating to  
28 certificates of good conduct shall be distributed by the  
29 Chairman of the Prisoner Review Board.

30 (b) Any court or board issuing or revoking any  
31 certificate under this Article shall immediately file a copy  
32 of the certificate or of the order of revocation with the

1 Director of State Police.

2 (730 ILCS 5/5-5.5-45 new)

3 Sec. 5-5.5-45. Certificate not to be deemed to be a  
4 pardon. Nothing contained in this Article shall be deemed to  
5 alter or limit or affect the manner of applying for pardons  
6 to the Governor, and no certificate issued under this Article  
7 shall be deemed or construed to be a pardon.

8 (730 ILCS 5/5-5.5-50 new)

9 Sec. 5-5.5-50. Report. The Department of Professional  
10 Regulation shall report to the General Assembly by November  
11 30 of each year, for each occupational licensure category,  
12 the number of licensure applicants with felony convictions,  
13 the number of applicants with certificates of relief from  
14 disabilities, the number of licenses awarded to applicants  
15 with felony convictions, the number of licenses awarded to  
16 applicants with certificates of relief from disabilities, the  
17 number of applicants with felony convictions denied licenses,  
18 and the number of applicants with certificates of relief from  
19 disabilities denied licenses.

20 Section 99. Effective date. This Act takes effect  
21 January 1, 2004."