



Sen. Kimberly A. Lightford

Filed: 3/5/2004

09300SB0948sam001

LRB093 02910 RLC 48578 a

1 AMENDMENT TO SENATE BILL 948

2 AMENDMENT NO. _____. Amend Senate Bill 948 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-5-5 as follows:

6 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

7 Sec. 5-5-5. Loss and Restoration of Rights.

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

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

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

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21 been revoked or suspended because of conviction of an offense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

1 shall not apply to the suspension or revocation of a license to
2 operate a motor vehicle under the Illinois Vehicle Code.

3 (e) Upon a person's discharge from incarceration or parole,
4 or upon a person's discharge from probation or at any time
5 thereafter, the committing court may enter an order certifying
6 that the sentence has been satisfactorily completed when the
7 court believes it would assist in the rehabilitation of the
8 person and be consistent with the public welfare. Such order
9 may be entered upon the motion of the defendant or the State or
10 upon the court's own motion.

11 (f) Upon entry of the order, the court shall issue to the
12 person in whose favor the order has been entered a certificate
13 stating that his behavior after conviction has warranted the
14 issuance of the order.

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

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

27 (1) there is a direct relationship between one or more
28 of the previous criminal offenses and the specific license
29 sought; or

30 (2) the issuance of the license would involve an
31 unreasonable risk to property or to the safety or welfare
32 of specific individuals or the general public.

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

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

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

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

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

13 (5) the age of the person at the time of occurrence of
14 the criminal offense or offenses;

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

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

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

25 (i) A certificate of relief from disabilities shall be
26 issued only for a license or certification issued under the
27 following Acts:

28 (1) the Animal Welfare Act; except that a certificate
29 of relief from disabilities may not be granted to provide
30 for the issuance or restoration of a license under the
31 Animal Welfare Act for any person convicted of violating
32 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
33 Care for Animals Act or Section 26-5 of the Criminal Code
34 of 1961;

- 1 (2) the Illinois Athletic Trainers Practice Act;
- 2 (3) the Barber, Cosmetology, Esthetics, and Nail
3 Technology Act of 1985;
- 4 (4) the Boiler and Pressure Vessel Repairer Regulation
5 Act;
- 6 (5) the Professional Boxing Act;
- 7 (6) the Illinois Certified Shorthand Reporters Act of
8 1984;
- 9 (7) the Illinois Farm Labor Contractor Certification
10 Act;
- 11 (8) the Interior Design Title Act;
- 12 (9) the Illinois Professional Land Surveyor Act of
13 1989;
- 14 (10) the Illinois Landscape Architecture Act of 1989;
- 15 (11) the Marriage and Family Therapy Licensing Act;
- 16 (12) the Private Employment Agency Act;
- 17 (13) the Professional Counselor and Clinical
18 Professional Counselor Licensing Act;
- 19 (14) the Real Estate License Act of 2000; ~~and~~
- 20 (15) the Illinois Roofing Industry Licensing Act;~~;~~
- 21 (16) the Home Medical Equipment and Services Provider
22 License Act;
- 23 (17) the Dietetic and Nutrition Services Practice Act;
- 24 (18) the Professional Engineering Practice Act of
25 1989;
- 26 (19) the Water Well and Pump Installation Contractor's
27 License Act; and
- 28 (20) the Electrologist Licensing Act.

29 (Source: P.A. 93-207, eff. 1-1-04.)".