



Rep. Constance A. Howard

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LRB095 10060 RLC 35411 a

1 AMENDMENT TO HOUSE BILL 1294

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1294, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Unified Code of Corrections is amended by  
6 changing Sections 5-5.5-5, 5-5.5-15, 5-5.5-25, and 5-5.5-30  
7 and by adding Section 5-5.5-55 as follows:

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

9 Sec. 5-5.5-5. Definitions and rules of construction. In  
10 this Article:

11 "Eligible offender" means a person who has been convicted  
12 of a crime that does not include any offense or attempted  
13 offense that would subject a person to registration under the  
14 Sex Offender Registration Act, the Arsonist Registration Act,  
15 or the Child Murderer and Violent Offender Against Youth  
16 Registration Act. "Eligible offender" does not include a person

1 who has been convicted of committing or attempting to commit  
2 first degree murder ~~or of an offense that is not a crime of~~  
3 ~~violence as defined in Section 2 of the Crime Victims~~  
4 ~~Compensation Act, a Class X or a nonprobationable offense, or a~~  
5 ~~violation of Article 11 or Article 12 of the Criminal Code of~~  
6 ~~1961, but who has not been convicted more than twice of a~~  
7 ~~felony.~~

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

11 "Employment bar" means employment restrictions set out in  
12 Section 8-23 of the Park District Code, Section 16a-5 of the  
13 Chicago Park District Act, and Sections 10-21.9 and 34-18.5 of  
14 the School Code.

15 ~~For the purposes of this Article the following rules of~~  
16 ~~construction apply:~~

17 ~~(i) two or more convictions of felonies charged in~~  
18 ~~separate counts of one indictment or information shall be~~  
19 ~~deemed to be one conviction;~~

20 ~~(ii) two or more convictions of felonies charged in 2~~  
21 ~~or more indictments or informations, filed in the same~~  
22 ~~court prior to entry of judgment under any of them, shall~~  
23 ~~be deemed to be one conviction; and~~

24 ~~(iii) a plea or a verdict of guilty upon which a~~  
25 ~~sentence of probation, conditional discharge, or~~  
26 ~~supervision has been imposed shall be deemed to be a~~

1       ~~conviction.~~

2       (Source: P.A. 93-207, eff. 1-1-04; 94-1067, eff. 8-1-06.)

3               (730 ILCS 5/5-5.5-15)

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

6               (a) Any circuit court of this State may, in its discretion,  
7       issue a certificate of relief from disabilities to an eligible  
8       offender for a conviction that occurred in that court if the  
9       court imposed a sentence other than one executed by commitment  
10      to an institution under the Department of Corrections. The  
11      certificate may be issued (i) at the time sentence is  
12      pronounced, in which case it may grant relief from forfeiture  
13      as well as from disabilities, or (ii) at any time thereafter,  
14      in which case it shall apply only to disabilities.

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

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

19              (2) the relief to be granted by the certificate is  
20      consistent with the rehabilitation of the eligible  
21      offender; and

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

24              (c) If a certificate of relief from disabilities is not  
25      issued at the time sentence is pronounced it shall only be

1 issued thereafter upon verified application to the court. The  
2 court may, for the purpose of determining whether the  
3 certificate shall be issued, request the probation or court  
4 services department to conduct an investigation of the  
5 applicant. Any probation officer requested to make an  
6 investigation under this Section shall prepare and submit to  
7 the court a written report in accordance with the request.

8 (d) Any court that has issued a certificate of relief from  
9 disabilities may at any time issue a new certificate to enlarge  
10 the relief previously granted provided that the provisions of  
11 clauses (1) through (3) of subsection (b) of this Section apply  
12 to the issuance of any such new certificate.

13 (e) Any written report submitted to the court under this  
14 Section is confidential and may not be made available to any  
15 person or public or private agency except if specifically  
16 required or permitted by statute or upon specific authorization  
17 of the court. However, it shall be made available by the court  
18 for examination by the applicant's attorney, or the applicant  
19 himself or herself, if he or she has no attorney. In its  
20 discretion, the court may except from disclosure a part or  
21 parts of the report that are not relevant to the granting of a  
22 certificate, or sources of information which have been obtained  
23 on a promise of confidentiality, or any other portion of the  
24 report, disclosure of which would not be in the interest of  
25 justice. The action of the court excepting information from  
26 disclosure shall be subject to appellate review. The court, in

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

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

8 (730 ILCS 5/5-5.5-25)

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

10 (a) A certificate of good conduct may be granted as  
11 provided in this Section to relieve an eligible offender of any  
12 employment bar as defined in Section 5-5.5-5 of this Code. The  
13 certificate may be limited to one or more enumerated  
14 disabilities or bars or may relieve the individual of all  
15 disabilities and bars.

16 Notwithstanding any other provision of law, a certificate  
17 of good conduct does not relieve an offender of any  
18 employment-related disability imposed by law by reason of his  
19 or her conviction of a crime that would prevent his or her  
20 employment by the Department of Corrections.

21 (a-5) Notwithstanding any other provision of law, a  
22 conviction of a crime or of an offense specified in a  
23 certificate of good conduct may not be deemed to be a  
24 conviction within the meaning of any provision in Section 8-23  
25 of the Park District Code, Section 16a-5 of the Chicago Park

1 District Act, or Sections 10-21.9 or 34-18.5 of the School  
2 Code.

3 (a-6) ~~(a)~~ A certificate of good conduct may be granted as  
4 provided in this Section to an eligible offender as defined in  
5 Section 5-5.5-5 of this Code who has demonstrated that he or  
6 she has been a law-abiding citizen and is fully rehabilitated.

7 (b) (i) A certificate of good conduct may not, however, in  
8 any way prevent any judicial proceeding, administrative,  
9 licensing, or other body, board, or authority from  
10 considering the conviction specified in the certificate.

11 (ii) A certificate of good conduct shall not limit or  
12 prevent the introduction of evidence of a prior conviction  
13 for purposes of impeachment of a witness in a judicial or  
14 other proceeding where otherwise authorized by the  
15 applicable rules of evidence.

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

17 (730 ILCS 5/5-5.5-30)

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

19 (a) After clemency-like review has been held, the ~~The~~  
20 Prisoner Review Board, or any 3 members of the Board by  
21 unanimous vote, shall have the power to issue a certificate of  
22 good conduct to any eligible offender previously convicted of a  
23 crime in this State, when the Board is satisfied that:

24 (1) the applicant has conducted himself or herself in a  
25 manner warranting the issuance for a minimum period in

1       accordance with the provisions of subsection (c) of this  
2       Section;

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

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

7       (b) The Prisoner Review Board, or any 3 members of the  
8       Board by unanimous vote, shall have the power to issue a  
9       certificate of good conduct to any person previously convicted  
10      of a crime in any other jurisdiction, when the Board is  
11      satisfied that:

12            (1) The applicant has demonstrated that there exist  
13            specific facts and circumstances and specific sections of  
14            Illinois State law that have an adverse impact on the  
15            applicant and warrant the application for relief to be made  
16            in Illinois; and

17            (2) the provisions of paragraphs (1), (2), and (3) of  
18      subsection (a) of this Section have been met.

19      (c) The minimum period of good conduct by the individual  
20      referred to in paragraph (1) of subsection (a) of this Section,  
21      shall be as follows: if the most serious crime of which the  
22      individual was convicted is a misdemeanor, the minimum period  
23      of good conduct shall be one year; if the most serious crime of  
24      which the individual was convicted is a Class 1, 2, 3, or 4  
25      felony, the minimum period of good conduct shall be 3 years.  
26      Criminal acts committed outside the State shall be classified

1 as acts committed within the State based on the maximum  
2 sentence that could have been imposed based upon the conviction  
3 under the laws of the foreign jurisdiction. The minimum period  
4 of good conduct by the individual shall be measured either from  
5 the date of the payment of any fine imposed upon him or her, or  
6 from the date of his or her release from custody by parole,  
7 mandatory supervised release or commutation or termination of  
8 his or her sentence. The Board shall have power and it shall be  
9 its duty to investigate all persons when the application is  
10 made and to grant or deny the same within a reasonable time  
11 after the making of the application.

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

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



1 become a permanent certificate upon expiration or termination  
2 of the offender's parole or mandatory supervised release term.  
3 (Source: P.A. 93-207, eff. 1-1-04.)

4 (730 ILCS 5/5-5.5-55 new)

5 Sec. 5-5.5-55. Immunity from liability. An employer shall  
6 be immune from civil liability for any act or omission  
7 committed by a person hired by the employer who has been issued  
8 a certificate of good conduct under this Article.

9 Section 99. Effective date. This Act takes effect June 1,  
10 2007.".