



Rep. Constance A. Howard

Filed: 4/9/2008

09500HB5516ham002

LRB095 17071 RLC 49214 a

1 AMENDMENT TO HOUSE BILL 5516

2 AMENDMENT NO. _____. Amend House Bill 5516, 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 as
7 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 ~~For the purposes of this Article the following rules of~~
12 ~~construction apply:~~

13 ~~(i) two or more convictions of felonies charged in~~
14 ~~separate counts of one indictment or information shall be~~
15 ~~deemed to be one conviction;~~

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

20 ~~(iii) a plea or a verdict of guilty upon which a~~
21 ~~sentence of probation, conditional discharge, or~~
22 ~~supervision has been imposed shall be deemed to be a~~
23 ~~conviction.~~

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

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

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

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

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

16 (2) the relief to be granted by the certificate is
17 consistent with the rehabilitation of the eligible
18 offender; and

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

21 (c) If a certificate of relief from disabilities is not
22 issued at the time sentence is pronounced it shall only be
23 issued thereafter upon verified application to the court. The
24 court may, for the purpose of determining whether the
25 certificate shall be issued, request the probation or court
26 services department to conduct an investigation of the

1 applicant. Any probation officer requested to make an
2 investigation under this Section shall prepare and submit to
3 the court a written report in accordance with the request.

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

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

1 relevant to the granting of the application and may take
2 testimony under oath.

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

4 (730 ILCS 5/5-5.5-25)

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

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

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

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

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

25 (ii) A certificate of good conduct shall not limit or

1 prevent the introduction of evidence of a prior conviction
2 for purposes of impeachment of a witness in a judicial or
3 other proceeding where otherwise authorized by the
4 applicable rules of evidence.

5 (iii) A certificate of good conduct does not limit the
6 employer from accessing criminal background information;
7 nor does it hide, alter, or expunge the record.

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

9 (730 ILCS 5/5-5.5-30)

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

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

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

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

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

25 (b) The Prisoner Review Board, or any 3 members of the

1 Board by unanimous vote, shall have the power to issue a
2 certificate of good conduct to any person previously convicted
3 of a crime in any other jurisdiction, when the Board is
4 satisfied that:

5 (1) the applicant has demonstrated that there exist
6 specific facts and circumstances and specific sections of
7 Illinois State law that have an adverse impact on the
8 applicant and warrant the application for relief to be made
9 in Illinois; and

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

12 (c) The minimum period of good conduct by the individual
13 referred to in paragraph (1) of subsection (a) of this Section,
14 shall be as follows: if the most serious crime of which the
15 individual was convicted is a misdemeanor, the minimum period
16 of good conduct shall be one year; if the most serious crime of
17 which the individual was convicted is a Class 1, 2, 3, or 4
18 felony, the minimum period of good conduct shall be 3 years.
19 Criminal acts committed outside the State shall be classified
20 as acts committed within the State based on the maximum
21 sentence that could have been imposed based upon the conviction
22 under the laws of the foreign jurisdiction. The minimum period
23 of good conduct by the individual shall be measured either from
24 the date of the payment of any fine imposed upon him or her, or
25 from the date of his or her release from custody by parole,
26 mandatory supervised release or commutation or termination of

1 his or her sentence. The Board shall have power and it shall be
2 its duty to investigate all persons when the application is
3 made and to grant or deny the same within a reasonable time
4 after the making of the application.

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

8 (e) ~~(Blank) Any certificate of good conduct by the Prisoner~~
9 ~~Review Board to an individual who at the time of the issuance~~
10 ~~of the certificate is under the conditions of parole or~~
11 ~~mandatory supervised release imposed by the Board shall be~~
12 ~~deemed to be a temporary certificate until the time as the~~
13 ~~individual is discharged from the terms of parole or mandatory~~
14 ~~supervised release, and, while temporary, the certificate may~~
15 ~~be revoked by the Board for violation of the conditions of~~
16 ~~parole or mandatory supervised release. Revocation shall be~~
17 ~~upon notice to the parolee or releasee, who shall be accorded~~
18 ~~an opportunity to explain the violation prior to a decision on~~
19 ~~the revocation. If the certificate is not so revoked, it shall~~
20 ~~become a permanent certificate upon expiration or termination~~
21 ~~of the offender's parole or mandatory supervised release term.~~

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

23 Section 99. Effective date. This Act takes effect June 1,
24 2008."