



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 1050

2 AMENDMENT NO. _____. Amend Senate Bill 1050 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-15 as follows:

7 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and

1 wholly impartial method of examination of candidates to
2 exercise the respective professions, trades, or
3 occupations.

4 (3) To pass upon the qualifications of applicants for
5 licenses, certificates, and authorities, whether by
6 examination, by reciprocity, or by endorsement.

7 (4) To prescribe rules and regulations defining, for
8 the respective professions, trades, and occupations, what
9 shall constitute a school, college, or university, or
10 department of a university, or other institution,
11 reputable and in good standing, and to determine the
12 reputability and good standing of a school, college, or
13 university, or department of a university, or other
14 institution, reputable and in good standing, by reference
15 to a compliance with those rules and regulations; provided,
16 that no school, college, or university, or department of a
17 university, or other institution that refuses admittance
18 to applicants solely on account of race, color, creed, sex,
19 or national origin shall be considered reputable and in
20 good standing.

21 (5) To conduct hearings on proceedings to revoke,
22 suspend, refuse to renew, place on probationary status, or
23 take other disciplinary action as authorized in any
24 licensing Act administered by the Department with regard to
25 licenses, certificates, or authorities of persons
26 exercising the respective professions, trades, or

1 occupations and to revoke, suspend, refuse to renew, place
2 on probationary status, or take other disciplinary action
3 as authorized in any licensing Act administered by the
4 Department with regard to those licenses, certificates, or
5 authorities. The Department shall issue a monthly
6 disciplinary report. The Department shall deny any license
7 or renewal authorized by the Civil Administrative Code of
8 Illinois to any person who has defaulted on an educational
9 loan or scholarship provided by or guaranteed by the
10 Illinois Student Assistance Commission or any governmental
11 agency of this State; however, the Department may issue a
12 license or renewal if the aforementioned persons have
13 established a satisfactory repayment record as determined
14 by the Illinois Student Assistance Commission or other
15 appropriate governmental agency of this State.
16 Additionally, beginning June 1, 1996, any license issued by
17 the Department may be suspended or revoked if the
18 Department, after the opportunity for a hearing under the
19 appropriate licensing Act, finds that the licensee has
20 failed to make satisfactory repayment to the Illinois
21 Student Assistance Commission for a delinquent or
22 defaulted loan. For the purposes of this Section,
23 "satisfactory repayment record" shall be defined by rule.
24 The Department shall refuse to issue or renew a license to,
25 or shall suspend or revoke a license of, any person who,
26 after receiving notice, fails to comply with a subpoena or

1 warrant relating to a paternity or child support
2 proceeding. However, the Department may issue a license or
3 renewal upon compliance with the subpoena or warrant.

4 The Department, without further process or hearings,
5 shall revoke, suspend, or deny any license or renewal
6 authorized by the Civil Administrative Code of Illinois to
7 a person who is certified by the Department of Healthcare
8 and Family Services (formerly Illinois Department of
9 Public Aid) as being more than 30 days delinquent in
10 complying with a child support order or who is certified by
11 a court as being in violation of the Non-Support Punishment
12 Act for more than 60 days. The Department may, however,
13 issue a license or renewal if the person has established a
14 satisfactory repayment record as determined by the
15 Department of Healthcare and Family Services (formerly
16 Illinois Department of Public Aid) or if the person is
17 determined by the court to be in compliance with the
18 Non-Support Punishment Act. The Department may implement
19 this paragraph as added by Public Act 89-6 through the use
20 of emergency rules in accordance with Section 5-45 of the
21 Illinois Administrative Procedure Act. For purposes of the
22 Illinois Administrative Procedure Act, the adoption of
23 rules to implement this paragraph shall be considered an
24 emergency and necessary for the public interest, safety,
25 and welfare.

26 (6) To transfer jurisdiction of any realty under the

1 control of the Department to any other department of the
2 State Government or to acquire or accept federal lands when
3 the transfer, acquisition, or acceptance is advantageous
4 to the State and is approved in writing by the Governor.

5 (7) To formulate rules and regulations necessary for
6 the enforcement of any Act administered by the Department.

7 (8) To exchange with the Department of Healthcare and
8 Family Services information that may be necessary for the
9 enforcement of child support orders entered pursuant to the
10 Illinois Public Aid Code, the Illinois Marriage and
11 Dissolution of Marriage Act, the Non-Support of Spouse and
12 Children Act, the Non-Support Punishment Act, the Revised
13 Uniform Reciprocal Enforcement of Support Act, the Uniform
14 Interstate Family Support Act, or the Illinois Parentage
15 Act of 1984. Notwithstanding any provisions in this Code to
16 the contrary, the Department of Professional Regulation
17 shall not be liable under any federal or State law to any
18 person for any disclosure of information to the Department
19 of Healthcare and Family Services (formerly Illinois
20 Department of Public Aid) under this paragraph (8) or for
21 any other action taken in good faith to comply with the
22 requirements of this paragraph (8).

23 (9) To perform other duties prescribed by law.

24 (b) The Department may, when a fee is payable to the
25 Department for a wall certificate of registration provided by
26 the Department of Central Management Services, require that

1 portion of the payment for printing and distribution costs be
2 made directly or through the Department to the Department of
3 Central Management Services for deposit into the Paper and
4 Printing Revolving Fund. The remainder shall be deposited into
5 the General Revenue Fund.

6 (c) For the purpose of securing and preparing evidence, and
7 for the purchase of controlled substances, professional
8 services, and equipment necessary for enforcement activities,
9 recoupment of investigative costs, and other activities
10 directed at suppressing the misuse and abuse of controlled
11 substances, including those activities set forth in Sections
12 504 and 508 of the Illinois Controlled Substances Act, the
13 Director and agents appointed and authorized by the Director
14 may expend sums from the Professional Regulation Evidence Fund
15 that the Director deems necessary from the amounts appropriated
16 for that purpose. Those sums may be advanced to the agent when
17 the Director deems that procedure to be in the public interest.
18 Sums for the purchase of controlled substances, professional
19 services, and equipment necessary for enforcement activities
20 and other activities as set forth in this Section shall be
21 advanced to the agent who is to make the purchase from the
22 Professional Regulation Evidence Fund on vouchers signed by the
23 Director. The Director and those agents are authorized to
24 maintain one or more commercial checking accounts with any
25 State banking corporation or corporations organized under or
26 subject to the Illinois Banking Act for the deposit and

1 withdrawal of moneys to be used for the purposes set forth in
2 this Section; provided, that no check may be written nor any
3 withdrawal made from any such account except upon the written
4 signatures of 2 persons designated by the Director to write
5 those checks and make those withdrawals. Vouchers for those
6 expenditures must be signed by the Director. All such
7 expenditures shall be audited by the Director, and the audit
8 shall be submitted to the Department of Central Management
9 Services for approval.

10 (d) Whenever the Department is authorized or required by
11 law to consider some aspect of criminal history record
12 information for the purpose of carrying out its statutory
13 powers and responsibilities, then, upon request and payment of
14 fees in conformance with the requirements of Section 2605-400
15 of the Department of State Police Law (20 ILCS 2605/2605-400),
16 the Department of State Police is authorized to furnish,
17 pursuant to positive identification, the information contained
18 in State files that is necessary to fulfill the request.

19 (e) The provisions of this Section do not apply to private
20 business and vocational schools as defined by Section 1 of the
21 Private Business and Vocational Schools Act.

22 (f) Beginning July 1, 1995, this Section does not apply to
23 those professions, trades, and occupations licensed under the
24 Real Estate License Act of 2000, nor does it apply to any
25 permits, certificates, or other authorizations to do business
26 provided for in the Land Sales Registration Act of 1989 or the

1 Illinois Real Estate Time-Share Act.

2 (g) Notwithstanding anything that may appear in any
3 individual licensing statute or administrative rule, the
4 Department shall deny any license application or renewal
5 authorized under any licensing Act administered by the
6 Department to any person who has failed to file a return, or to
7 pay the tax, penalty, or interest shown in a filed return, or
8 to pay any final assessment of tax, penalty, or interest, as
9 required by any tax Act administered by the Illinois Department
10 of Revenue, until such time as the requirement of any such tax
11 Act are satisfied; however, the Department may issue a license
12 or renewal if the person has established a satisfactory
13 repayment record as determined by the Illinois Department of
14 Revenue. For the purpose of this Section, "satisfactory
15 repayment record" shall be defined by rule.

16 In addition, a complaint filed with the Department by the
17 Illinois Department of Revenue that includes a certification,
18 signed by its Director or designee, attesting to the amount of
19 the unpaid tax liability or the years for which a return was
20 not filed, or both, is prima facia evidence of the licensee's
21 failure to comply with the tax laws administered by the
22 Illinois Department of Revenue. Upon receipt of that
23 certification, the Department shall, without a hearing,
24 immediately suspend all licenses held by the licensee.
25 Enforcement of the Department's order shall be stayed for 60
26 days. The Department shall provide notice of the suspension to

1 the licensee by mailing a copy of the Department's order by
2 certified and regular mail to the licensee's last known address
3 as registered with the Department. The notice shall advise the
4 licensee that the suspension shall be effective 60 days after
5 the issuance of the Department's order unless the Department
6 receives, from the licensee, a request for a hearing before the
7 Department to dispute the matters contained in the order.

8 Any suspension imposed under this subsection (g) shall be
9 terminated by the Department upon notification from the
10 Illinois Department of Revenue that the licensee is in
11 compliance with all tax laws administered by the Illinois
12 Department of Revenue.

13 The Department shall promulgate rules for the
14 administration of this subsection (g).

15 (h) The Department may grant the title "Retired", to be
16 used immediately adjacent to the title of a profession
17 regulated by the Department, to eligible retirees. The use of
18 the title "Retired" shall not constitute representation of
19 current licensure, registration, or certification. Any person
20 without an active license, registration, or certificate in a
21 profession that requires licensure, registration, or
22 certification shall not be permitted to practice that
23 profession.

24 (i) Within 180 days after the effective date of this
25 amendatory Act of the 96th General Assembly, the Department
26 shall promulgate rules which permit a person with a criminal

1 record, who seeks a license or certificate in an occupation for
2 which a criminal record is not expressly a per se bar, to apply
3 to the Department for a non-binding, advisory opinion to be
4 provided by the Board or body with the authority to issue the
5 license or certificate as to whether his or her criminal record
6 would bar the individual from the licensure or certification
7 sought, should the individual meet all other licensure
8 requirements including, but not limited to, the successful
9 completion of the relevant examinations. The Department shall
10 establish a schedule of fees to be paid to the Department by
11 the person applying for the issuance of the non-binding,
12 advisory opinion. If the person applies for the license or
13 certificate within 2 years of the Department issuing its
14 non-binding, advisory opinion on his or her eligibility for
15 such license or certificate, his or her application fee for the
16 license or certificate shall be reduced by the amount of the
17 non-binding, advisory opinion fee paid under this subsection.

18 (Source: P.A. 94-452, eff. 1-1-06; 94-462, eff. 8-4-05; 95-331,
19 eff. 8-21-07.)

20 Section 10. The Unified Code of Corrections is amended by
21 changing Sections 5-5.5-5, 5-5.5-15, 5-5.5-25, 5-5.5-30,
22 5-5.5-35 and 5-5.5-40 as follows:

23 (730 ILCS 5/5-5.5-5)

24 Sec. 5-5.5-5. Definitions and rules of construction. In

1 this Article:

2 "Eligible offender" means a person who has been convicted
3 of a crime that does not include any offense or attempted
4 offense that would subject a person to registration under the
5 Sex Offender Registration Act, the Arsonist Registration Act,
6 or the Child Murderer and Violent Offender Against Youth
7 Registration Act. "Eligible offender" does not include a person
8 who has been convicted of committing or attempting to commit a
9 Class X felony other than under the Illinois Controlled
10 Substances Act, the Methamphetamine Control and Community
11 Protection Act, or Cannabis Control Act; or a forcible felony,
12 but who has not been convicted more than twice of a felony ~~or~~
13 ~~of an offense that is not a crime of violence as defined in~~
14 ~~Section 2 of the Crime Victims Compensation Act, a Class X or a~~
15 ~~nonprobationable offense, or a violation of Article 11 or~~
16 ~~Article 12 of the Criminal Code of 1961, but who has not been~~
17 ~~convicted more than twice of a felony.~~

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

21 For the purposes of this Article the following rules of
22 construction apply:

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

26 (ii) two or more convictions of felonies charged in 2

1 or more indictments or informations, filed in the same
2 court prior to entry of judgment under any of them, shall
3 be deemed to be one conviction; and

4 (iii) a plea or a verdict of guilty upon which a
5 sentence of probation, conditional discharge, or
6 supervision has been imposed shall be deemed to be a
7 conviction.

8 "Forcible felony" means first degree murder, second degree
9 murder, aggravated arson, arson, aggravated kidnapping,
10 kidnaping, aggravated battery that resulted in great bodily
11 harm or permanent disability, and any other felony which
12 involved the use of physical force or violence against any
13 individual that resulted in great bodily harm or permanent
14 disability.

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

16 (730 ILCS 5/5-5.5-15)

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

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

1 forfeiture of licenses as well as from disabilities, or (ii) at
2 any time thereafter, in which case it shall apply only to
3 disabilities.

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

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

8 (2) the relief to be granted by the certificate is
9 consistent with the rehabilitation of the eligible
10 offender; and

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

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

22 (d) Any court that has issued a certificate of relief from
23 disabilities may at any time issue a new certificate to enlarge
24 the relief previously granted provided that the provisions of
25 clauses (1) through (3) of subsection (b) of this Section apply
26 to the issuance of any such new certificate.

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

21 (f) An employer is not civilly or criminally liable for an
22 act or omission by an employee who has been issued a
23 certificate of relief from disabilities, except for a willful
24 or wanton act by the employer in hiring the employee who has
25 been issued a certificate of relief from disabilities.

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

1 (730 ILCS 5/5-5.5-25)

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

3 (a) A certificate of good conduct may be granted as
4 provided in this Section to relieve an eligible offender of any
5 employment bar. The certificate may be limited to one or more
6 disabilities or bars or may relieve the individual of all
7 disabilities and bars.

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

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

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

22 (ii) A certificate of good conduct shall not limit or
23 prevent the introduction of evidence of a prior conviction
24 for purposes of impeachment of a witness in a judicial or
25 other proceeding where otherwise authorized by the

1 applicable rules of evidence.

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

5 (c) An employer is not civilly or criminally liable for an
6 act or omission by an employee who has been issued a
7 certificate of good conduct, except for a willful or wanton act
8 by the employer in hiring the employee who has been issued a
9 certificate of good conduct.

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

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

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

13 (a) After a rehabilitation review has been held, the
14 Circuit Court in which the conviction was entered ~~The Prisoner~~
15 ~~Review Board, or any 3 members of the Board by unanimous vote,~~
16 shall have the power to issue a certificate of good conduct to
17 any eligible offender previously convicted of a crime in this
18 State, and shall make a specific finding of rehabilitation with
19 the force and effect of a final judgment on the merits, when
20 the Court Board is satisfied that:

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

25 (2) the relief to be granted by the certificate is

1 consistent with the rehabilitation of the applicant; and

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

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

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

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

16 (c) The minimum period of good conduct by the individual
17 referred to in paragraph (1) of subsection (a) of this Section,
18 shall be as follows: if the most serious crime of which the
19 individual was convicted is a misdemeanor, the minimum period
20 of good conduct shall be one year; if the most serious crime of
21 which the individual was convicted is a Class 1, 2, 3, ~~or 4,~~ or
22 Class X felony, the minimum period of good conduct shall be 3
23 years. Criminal acts committed outside the State shall be
24 classified as acts committed within the State based on the
25 maximum sentence that could have been imposed based upon the
26 conviction under the laws of the foreign jurisdiction. The

1 minimum period of good conduct by the individual shall be
2 measured either from the date of the payment of any fine
3 imposed upon him or her, or from the date of his or her release
4 from custody by parole, mandatory supervised release or
5 commutation or termination of his or her sentence. The Circuit
6 Court Board shall have power and it shall be its duty to
7 investigate all persons when the application is made and to
8 grant or deny the same within a reasonable time after the
9 making of the application.

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

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

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

3 (f) The Court shall, upon notice to a certificate holder,
4 have the power to revoke a certificate of good conduct upon a
5 subsequent conviction.

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

7 (730 ILCS 5/5-5.5-35)

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

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

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

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

23 (730 ILCS 5/5-5.5-40)

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

1 (a) All applications, certificates, and orders of
2 revocation necessary for the purposes of this Article shall be
3 upon forms prescribed by ~~under an agreement among the Director~~
4 ~~of Corrections and the Chairman of the Prisoner Review Board~~
5 ~~and~~ the Chief Justice of the Supreme Court or his or her
6 designee. The forms relating to certificates of relief from
7 disabilities and certificates of good conduct shall be
8 distributed by the Director of the Division of Probation
9 Services ~~and forms relating to certificates of good conduct~~
10 ~~shall be distributed by the Chairman of the Prisoner Review~~
11 ~~Board.~~

12 (b) Any court or board issuing or revoking any certificate
13 under this Article shall immediately file a copy of the
14 certificate or of the order of revocation with the Director of
15 State Police.

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

17 (730 ILCS 5/5-5.5-20 rep.)

18 Section 15. The Unified Code of Corrections is amended by
19 repealing Section 5-5.5-20.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law, except that Sections 10 and 15 take effect
22 January 1, 2010."