

1 AN ACT concerning certificates of good conduct and relief  
2 from disabilities.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

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 in this State or of an offense in any other  
13 jurisdiction that does not include any offense or attempted  
14 offense that would subject a person to registration under the  
15 Sex Offender Registration Act, the Arsonist Registration Act,  
16 or the Murderer and Violent Offender Against Youth Registration  
17 Act, ~~but who has not been convicted more than twice of a~~  
18 ~~felony~~. "Eligible offender" does not include a person who has  
19 been convicted of committing or attempting to commit a Class X  
20 felony, aggravated driving under the influence of alcohol,  
21 other drug or drugs, or intoxicating compound or compounds, or  
22 any combination thereof, aggravated domestic battery, or a  
23 forcible felony.

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

4       ~~For the purposes of this Article the following rules of~~  
5       ~~construction apply:~~

6             ~~(i) two or more convictions of felonies charged in~~  
7             ~~separate counts of one indictment or information shall be~~  
8             ~~deemed to be one conviction;~~

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

13            ~~(iii) a plea or a verdict of guilty upon which a~~  
14            ~~sentence of probation, conditional discharge, or~~  
15            ~~supervision has been imposed shall be deemed to be a~~  
16            ~~conviction.~~

17       "Forcible felony" means first degree murder, second degree  
18       murder, aggravated arson, arson, aggravated kidnapping,  
19       kidnapping, aggravated battery that resulted in great bodily  
20       harm or permanent disability, and any other felony which  
21       involved the use of physical force or violence against any  
22       individual that resulted in great bodily harm or permanent  
23       disability.

24       (Source: P.A. 96-852, eff. 1-1-10; 97-154, eff. 1-1-12.)

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

3           (a) Any circuit court of this State may issue a certificate  
4 of relief from disabilities to an eligible offender for a  
5 conviction that occurred in that court if the court imposed the  
6 sentence. The certificate may be issued (i) at the time  
7 sentence is pronounced, in which case it may grant relief from  
8 disabilities, or (ii) at any time thereafter, in which case it  
9 shall apply only to disabilities.

10           (b) The certificate may not be issued by the court unless  
11 the court is satisfied, based on a preponderance of the clear  
12 ~~and convincing~~ evidence, that:

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

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

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

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

1 investigation under this Section shall prepare and submit to  
2 the court a written report in accordance with the request.

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

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

1 testimony under oath.

2 (f) An employer is not civilly or criminally liable for an  
3 act or omission by an employee who has been issued a  
4 certificate of relief from disabilities, except for a willful  
5 or wanton act by the employer in hiring the employee who has  
6 been issued a certificate of relief from disabilities.

7 (Source: P.A. 96-852, eff. 1-1-10.)

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. The certificate may be limited to one or more  
13 disabilities or bars or may relieve the individual of all  
14 disabilities and bars.

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

22 (a-6) A certificate of good conduct may be granted as  
23 provided in this Section to an eligible offender as defined in  
24 Section 5-5.5-5 of this Code who has demonstrated by a  
25 preponderance of the ~~clear and convincing~~ evidence that he or

1 she has been a law-abiding citizen and is fully rehabilitated.

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

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

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

14 (c) An employer is not civilly or criminally liable for an  
15 act or omission by an employee who has been issued a  
16 certificate of good conduct, except for a willful or wanton act  
17 by the employer in hiring the employee who has been issued a  
18 certificate of good conduct.

19 (Source: P.A. 96-852, eff. 1-1-10.)

20 (730 ILCS 5/5-5.5-30)

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

22 (a) After a rehabilitation review has been held, in a  
23 manner designated by the chief judge of the judicial circuit in  
24 which the conviction was entered, the Circuit Court of that  
25 judicial circuit shall have the power to issue a certificate of

1 good conduct to any eligible offender previously convicted of a  
2 crime in this State, and shall make a specific finding of  
3 rehabilitation with the force and effect of a final judgment on  
4 the merits, when the Court is satisfied that:

5 (1) the applicant has conducted himself or herself in a  
6 manner warranting the issuance for a minimum period in  
7 accordance with the provisions of subsection (c) of this  
8 Section;

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

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

13 (b) The Circuit Court shall have the power to issue a  
14 certificate of good conduct to any person previously convicted  
15 of a crime in any other jurisdiction, when the Court is  
16 satisfied that:

17 (1) the applicant has demonstrated that there exist  
18 specific facts and circumstances and specific sections of  
19 Illinois State law that have an adverse impact on the  
20 applicant and warrant the application for relief to be made  
21 in Illinois; and

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

24 (c) The minimum period of good conduct by the individual  
25 referred to in paragraph (1) of subsection (a) of this Section,  
26 shall be ~~as follows: if the most serious crime of which the~~

1 ~~individual was convicted is a misdemeanor, the minimum period~~  
2 ~~of good conduct shall be one year; if the most serious crime of~~  
3 ~~which the individual was convicted is a Class 1, 2, 3, or 4~~  
4 ~~felony, the minimum period of good conduct shall be 3 years.~~

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

17 (d) If the Circuit Court has issued a certificate of good  
18 conduct, the Court may at any time issue a new certificate  
19 enlarging the relief previously granted.

20 (e) Any certificate of good conduct issued by the Court to  
21 an individual who at the time of the issuance of the  
22 certificate is under the conditions of parole or mandatory  
23 supervised release imposed by the Prisoner Review Board shall  
24 be deemed to be a temporary certificate until the time as the  
25 individual is discharged from the terms of parole or mandatory  
26 supervised release, and, while temporary, the certificate may



1 be revoked by the Court for violation of the conditions of  
2 parole or mandatory supervised release. Revocation shall be  
3 upon notice to the parolee or releasee, who shall be accorded  
4 an opportunity to explain the violation prior to a decision on  
5 the revocation. If the certificate is not so revoked, it shall  
6 become a permanent certificate upon expiration or termination  
7 of the offender's parole or mandatory supervised release term.

8 (f) The Court shall, upon notice to a certificate holder,  
9 have the power to revoke a certificate of good conduct upon a  
10 subsequent conviction.

11 (Source: P.A. 96-852, eff. 1-1-10.)