PA 93-0207 and 93-0914: Certificate of Relief from Disability: An Overview

HB 569 filed 1/31/03
SB 948 filed 2/19//03

Passed by General Assembly
HB 569 5/31/05
SB 948 5/30/04

HB 569 and SB 948 Approved by Governor 7/18/03 and 8/12/04. Effective 1/1/04 and 1/1/05.

Provides that an offender who has not been convicted more than once for a felony may apply to the Court or PRB to seek a certificate of relief from disabilities as relates to bars to licensure imposed as a result of the offender's conviction.

730 ILCS 5/5-5.5-5

730 ILCS 5/5-5.5-15

Any Circuit Court, may in its discretion, issue a certificate of relief from disabilities to an eligible offender for a conviction that occurred in that court if the court imposed a sentence other than one executed by commitment to an institution under DOC.

730 ILCS 5/5-5.5-20

The Prisoner Review Board shall have the power to issue a certificate of relief from disabilities to:
1. Any eligible offender who has been committed to an institution under the jurisdiction of DOC.
2. any eligible offender who resides within this State and whose judgment of conviction was rendered by a court in any other jurisdiction.

730 ILCS 5/5-5.5-5

Felony = a conviction in the State of IL, or an offense in any other jurisdiction for where a sentence to a term of imprisonment for more than one year was authorized.

730 ILCS 5/5-5.5-5

Eligible Offender = person NOT convicted of a crime of violence (defined in Section 2, Crime Victims Compensation Act); a Class X or nonprobationable offense; or a violation of Article 11 or Article 12 of the Criminal Code of 1961; has not been convicted more than once of a felony.

(i) A certificate of relief from disabilities shall be issued only for a license or certificated issued under the following acts: The Animal Welfare Act; The Illinois Athletic Trainers Practice Act; The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985; The Boiler and Pressure Vessel Repairer Regulation Act; The Professional Boxing Act; The Illinois Certified Shorthand Reporters Act of 1984; The Interior Design Title Act; The Illinois Professional Land Surveyor Act of 1989; The Illinois Landscape Architecture Act of 1989; The Marriage and Family Therapy Licensing Act; The Private Employment Agency Act; The Professional Counselor and Clinical Professional Counselor Licensing Act; The Real Estate License Act of 2000; The Illinois Roofing Industry Licensing Act; The Professional Engineering Practice Act of 1989; The Water Well and pump Installation Contractor's License Act; The Electrologist Licensing Act

730 ILCS 5/5-5-5

Rules of construction: Conviction
1. Two or more convictions of felonies charged in separate counts of one indictment or information
2. Two or more convictions of felonies charge in 2 or more indictments or informations, filed in the same court prior to entry of judgment under any of them.
3. A plea or verdict of guilty upon which a sentence of probation, conditional discharge, or supervision have been imposed.

730 ILCS 5/5-5.5-5

P.A. 93-0207 provides that the Department of Professional Regulation shall report to the General Assembly by November 30 of each year for each occupational licensure the # of licensure applicants w/felony convictions, the # of applicants w/felony convictions denied licenses, and the # of applicants w/certificates of relief from disabilities denied licenses.

730 ILCS 5/5-5.5-50