

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by adding Section
5 1-20.1 as follows:

6 (10 ILCS 5/1-20.1 new)

7 Sec. 1-20.1. Task Force to Review Eligibility to Hold
8 Public Office.

9 (a) The Task Force to Review Eligibility to Hold Public
10 Office is created. The purpose of the Task Force is to review
11 what criminal conduct precludes a person from holding public
12 office in this State and to make recommendations as to what
13 criminal conduct should preclude an individual from holding
14 public office.

15 (b) The Task Force shall be comprised of the following
16 members:

17 (1) The president of a statewide bar association or
18 his or her designee, the executive director of a statewide
19 association advocating for the advancement of civil
20 liberties or his or her designee, an executive director of
21 a legal aid organization or statewide association with a
22 practice group dedicated to or focused on returning
23 citizen expungements and sealing of criminal records, all

1 appointed by the Governor.

2 (2) 4 members of the public, one appointed by each of
3 the following: the Speaker of the House of
4 Representatives; the Minority Leader of the House of
5 Representatives; the President of the Senate; and the
6 Minority Leader of the Senate.

7 (3) 2 individuals who have been formerly incarcerated,
8 appointed by the Governor.

9 (4) The Attorney General or his or her designee.

10 (5) 2 individuals from the State Board of Elections
11 appointed by the Executive Director.

12 (6) 2 State Representatives appointed by the Speaker
13 of the House of Representatives; 2 State Representatives
14 appointed by the Minority Leader of the House of
15 Representatives; 2 State Senators appointed by the
16 President of the Senate; 2 State Senators appointed by the
17 Minority Leader of the Senate.

18 The members of the Task Force shall serve without
19 compensation. All appointments under this subsection must be
20 made within 30 days after the effective date of this
21 amendatory Act of the 103rd General Assembly.

22 (c) The Illinois Sentencing Policy Advisory Council shall
23 provide administrative and technical support to the Task Force
24 and be responsible for administering its operations and
25 ensuring that the requirements of the Task Force are met. The
26 Executive Director of the Council shall appoint a

1 cochairperson for the Task Force and the President of the
2 Senate and the Speaker of the House of Representatives shall
3 jointly appoint a cochairperson for the Task Force.

4 (d) The Task Force shall meet at least 4 times with the
5 first meeting occurring within 60 days after the effective
6 date of this amendatory Act of the 103rd General Assembly. The
7 Executive Director of the Illinois Sentencing Policy Advisory
8 Council shall designate the day, time, and place for each
9 meeting of the Task Force.

10 (e) The Task Force shall review what conduct currently
11 precludes an individual from holding public office in this
12 State; the policy rationale for precluding an individual from
13 holding public office based on certain criminal conduct;
14 available research and best practices for restoring returning
15 individuals to full citizenship; and the processes of
16 restoration of eligibility to hold public office in this
17 State. After this review, the Task Force shall make
18 recommendations as to what criminal conduct shall preclude an
19 individual from holding public office in this State.

20 (f) The Task Force shall produce a report detailing the
21 Task Force's findings and recommendations and needed
22 resources. The Task Force shall submit a report of its
23 findings and recommendations to the General Assembly and the
24 Governor by May 1, 2024.

25 (g) This Section is repealed on January 1, 2025.

1 Section 10. The Unified Code of Corrections is amended by
2 changing Section 5-5-5 as follows:

3 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

4 Sec. 5-5-5. Loss and restoration of rights.

5 (a) Conviction and disposition shall not entail the loss
6 by the defendant of any civil rights, except under this
7 Section and Sections 29-6 and 29-10 of The Election Code, as
8 now or hereafter amended.

9 (b) A person convicted of a felony shall be ineligible to
10 hold an office created by the Constitution of this State until
11 the completion of his sentence.

12 (b-5) Notwithstanding any other provision of law, a person
13 convicted of a felony, bribery, perjury, or other infamous
14 crime for an offense committed on or after the effective date
15 of this amendatory Act of the 103rd General Assembly and
16 committed while he or she was serving as a public official in
17 this State is ineligible to hold any local public office or any
18 office created by the Constitution of this State unless the
19 person's conviction is reversed, the person is again restored
20 to such rights by the terms of a pardon for the offense, the
21 person has received a restoration of rights by the Governor,
22 or the person's rights are otherwise restored by law.

23 (c) A person sentenced to imprisonment shall lose his
24 right to vote until released from imprisonment.

25 (d) On completion of sentence of imprisonment or upon

1 discharge from probation, conditional discharge or periodic
2 imprisonment, or at any time thereafter, all license rights
3 and privileges granted under the authority of this State which
4 have been revoked or suspended because of conviction of an
5 offense shall be restored unless the authority having
6 jurisdiction of such license rights finds after investigation
7 and hearing that restoration is not in the public interest.
8 This paragraph (d) shall not apply to the suspension or
9 revocation of a license to operate a motor vehicle under the
10 Illinois Vehicle Code.

11 (e) Upon a person's discharge from incarceration or
12 parole, or upon a person's discharge from probation or at any
13 time thereafter, the committing court may enter an order
14 certifying that the sentence has been satisfactorily completed
15 when the court believes it would assist in the rehabilitation
16 of the person and be consistent with the public welfare. Such
17 order may be entered upon the motion of the defendant or the
18 State or upon the court's own motion.

19 (f) Upon entry of the order, the court shall issue to the
20 person in whose favor the order has been entered a certificate
21 stating that his behavior after conviction has warranted the
22 issuance of the order.

23 (g) This Section shall not affect the right of a defendant
24 to collaterally attack his conviction or to rely on it in bar
25 of subsequent proceedings for the same offense.

26 (h) No application for any license specified in subsection

1 (i) of this Section granted under the authority of this State
2 shall be denied by reason of an eligible offender who has
3 obtained a certificate of relief from disabilities, as defined
4 in Article 5.5 of this Chapter, having been previously
5 convicted of one or more criminal offenses, or by reason of a
6 finding of lack of "good moral character" when the finding is
7 based upon the fact that the applicant has previously been
8 convicted of one or more criminal offenses, unless:

9 (1) there is a direct relationship between one or more
10 of the previous criminal offenses and the specific license
11 sought; or

12 (2) the issuance of the license would involve an
13 unreasonable risk to property or to the safety or welfare
14 of specific individuals or the general public.

15 In making such a determination, the licensing agency shall
16 consider the following factors:

17 (1) the public policy of this State, as expressed in
18 Article 5.5 of this Chapter, to encourage the licensure
19 and employment of persons previously convicted of one or
20 more criminal offenses;

21 (2) the specific duties and responsibilities
22 necessarily related to the license being sought;

23 (3) the bearing, if any, the criminal offenses or
24 offenses for which the person was previously convicted
25 will have on his or her fitness or ability to perform one
26 or more such duties and responsibilities;

1 (4) the time which has elapsed since the occurrence of
2 the criminal offense or offenses;

3 (5) the age of the person at the time of occurrence of
4 the criminal offense or offenses;

5 (6) the seriousness of the offense or offenses;

6 (7) any information produced by the person or produced
7 on his or her behalf in regard to his or her rehabilitation
8 and good conduct, including a certificate of relief from
9 disabilities issued to the applicant, which certificate
10 shall create a presumption of rehabilitation in regard to
11 the offense or offenses specified in the certificate; and

12 (8) the legitimate interest of the licensing agency in
13 protecting property, and the safety and welfare of
14 specific individuals or the general public.

15 (i) A certificate of relief from disabilities shall be
16 issued only for a license or certification issued under the
17 following Acts:

18 (1) the Animal Welfare Act; except that a certificate
19 of relief from disabilities may not be granted to provide
20 for the issuance or restoration of a license under the
21 Animal Welfare Act for any person convicted of violating
22 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
23 Care for Animals Act or Section 26-5 or 48-1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012;

25 (2) the Illinois Athletic Trainers Practice Act;

26 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,

- 1 and Nail Technology Act of 1985;
- 2 (4) the Boiler and Pressure Vessel Repairer Regulation
- 3 Act;
- 4 (5) the Boxing and Full-contact Martial Arts Act;
- 5 (6) the Illinois Certified Shorthand Reporters Act of
- 6 1984;
- 7 (7) the Illinois Farm Labor Contractor Certification
- 8 Act;
- 9 (8) the Registered Interior Designers Act;
- 10 (9) the Illinois Professional Land Surveyor Act of
- 11 1989;
- 12 (10) the Landscape Architecture Registration Act;
- 13 (11) the Marriage and Family Therapy Licensing Act;
- 14 (12) the Private Employment Agency Act;
- 15 (13) the Professional Counselor and Clinical
- 16 Professional Counselor Licensing and Practice Act;
- 17 (14) the Real Estate License Act of 2000;
- 18 (15) the Illinois Roofing Industry Licensing Act;
- 19 (16) the Professional Engineering Practice Act of
- 20 1989;
- 21 (17) the Water Well and Pump Installation Contractor's
- 22 License Act;
- 23 (18) the Electrologist Licensing Act;
- 24 (19) the Auction License Act;
- 25 (20) the Illinois Architecture Practice Act of 1989;
- 26 (21) the Dietitian Nutritionist Practice Act;

1 (22) the Environmental Health Practitioner Licensing
2 Act;

3 (23) the Funeral Directors and Embalmers Licensing
4 Code;

5 (24) (blank);

6 (25) the Professional Geologist Licensing Act;

7 (26) the Illinois Public Accounting Act; and

8 (27) the Structural Engineering Practice Act of 1989.

9 (Source: P.A. 102-284, eff. 8-6-21.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.