



~~~~~

## **Safer Foundation Legislative Update**

**June 11, 2009**

### **Public Policy and External Relations**

~~~~~

#### **Legislation that Expands Certificates of Relief and Certificates of Good Conduct Headed for Governor's Desk**

Safer Foundation is pleased to elaborate further on the resounding passage of Senate Bill 1050 in both houses of the Illinois General Assembly (Senate, 55-0; House 94-23; Senate concurrence of House Amendments, 59-0).

#### **Dual Features of Senate Bill 1050:**

##### **1. Amendment of the Criminal Code:**

Expansion of the pool of offenses eligible for **Certificates of Relief from Disabilities** (for occupational licensing), and **Certificates of Good Conduct** (relief from general, non-licensing employment bars).

In addition to Class 1-4 non-violent offenses, offenses now eligible for Certificates of Relief or Certificates of Good Conduct, include non-probationable offenses, or any felonies - including forcible felonies - that did not result in "great bodily harm or permanent disability."

Class X offenses and any offense that requires post-release registration (sex offenses, offenses against children, rape, arson, etc.) remain ineligible. Eligibility remains subject to a two-felony limitation.

**2. Amendment of the Administrative Code**

On request by a person with a criminal record, free of charge, and in advance of undertaking the time and expense of license education and testing, the Department of Professional Regulation must provide a non-binding, advisory opinion that informs the prospective applicant whether his or her criminal record is a dispositive obstacle to obtaining occupational licensing.

This is a 180-degree reversal from the Department's past practice, which previously required a person with a criminal record first to obtain the required education, pass exams, and apply for the desired license before he or she could address whether the Department would approve or deny a license because of the criminal records.

**Other Important Components of Senate Bill 1050:**

All applications for all Certificates will now go through the Circuit Courts where a conviction was entered.

The Certificates issued by the Circuit Court will contain a specific finding of rehabilitation, and shall have the force and effect of a final judgment on the merits. This "level the playing field" feature means, that while a prospective employer or licensing board may still consider the facts and circumstances of a person's conviction, a certificate holder will now have a court-issued certificate that will constitute conclusive proof of rehabilitation that creates a substantial burden on an employer or licensing board to show why employment or licensing should be denied if someone is otherwise qualified.

Finally, employers have immunity from civil and criminal liability should they hire someone in reliance upon a certificate and there is subsequent harm by the employee to a third party.

Safer Foundation would like to thank Protestants for the Common Good for their advocacy of the amendment to the Administrative Code that provides the pre-application advisory opinion free of charge from the Department of Professional Regulation.

**Safer Foundation, [www.SaferFoundation.org](http://www.SaferFoundation.org)**

~~~~~

**Contact Information**

~~~~~

B. Diane Williams, President and CEO  
Veronica Ballard, Vice President, Public Policy and External Relations  
Michael Sweig, Public Policy Liaison  
phone: 312-454-3385

~~~~~