

Alternative Forms of Relief from Criminal Records Quick Reference Chart

Note: If it has been 10 years or more since the client has been arrested, it would be reasonable to consider filing a clemency petition in addition to pursuing other forms of relief.

| | Health Care Waiver | Certificate of Good Conduct | Certificate of Relief From Disabilities | | | | | | | | | | | | |
|--|---|---|---|---------|---------|--------|---|--------|---------|-----|---------|---------|----|---------|----------|
| Who decides | Illinois Department of Public Health | Circuit Court | Circuit Court | | | | | | | | | | | | |
| Who needs it | Required to work in unlicensed position in health care if conviction is a “disqualifying offense” | May be used to overcome express or implied statutory barriers for some positions (e.g., Illinois School Code, Metropolitan Transit Authority Act) Provides employer immunity from claims of negligent hiring; therefore, can be used as evidence of rehabilitation with <u>any</u> employer | May overcome express or implied statutory barriers for 27 enumerated licensing barriers (e.g., barbers, cosmetologists, nail technicians, landscape architects, massage therapists, real estate agents, etc.) | | | | | | | | | | | | |
| When eligible | Depends on the number of disqualifying convictions and the type; counted from date of conviction, unless automatic appeal (see below): | Clear and convincing evidence of 2 years of “good conduct” from the date the last sentence was completed | Anytime, even at time of sentencing or while on probation or parole | | | | | | | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>#</th> <th>Misd.</th> <th>Felony</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1 year</td> <td>3 years</td> </tr> <tr> <td>2-3</td> <td>3 years</td> <td>5 years</td> </tr> <tr> <td>4+</td> <td>5 years</td> <td>10 years</td> </tr> </tbody> </table> | | | # | Misd. | Felony | 1 | 1 year | 3 years | 2-3 | 3 years | 5 years | 4+ | 5 years | 10 years |
| | # | | | Misd. | Felony | | | | | | | | | | |
| | 1 | | | 1 year | 3 years | | | | | | | | | | |
| | 2-3 | | | 3 years | 5 years | | | | | | | | | | |
| 4+ | 5 years | 10 years | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| Jurisdictions Covered | Disqualifying convictions anywhere | <ul style="list-style-type: none"> • Illinois convictions and out-of-state convictions if barred under IL law • Must be heard in circuit court where convicted, if not out-of-state | <ul style="list-style-type: none"> • Illinois convictions • Must be heard in circuit court where convicted | | | | | | | | | | | | |
| Restrictions or Special Considerations | Automatic appeal for certain serious offenses (e.g., murder, aggravated crimes of violence); waiting period is 10 years from <u>completion of sentence</u> | <p>Not convicted of arson, aggravated arson, kidnapping, aggravated kidnapping, aggravated DUI, or aggravated domestic battery.</p> <p>Not convicted of any offense or attempted offense that requires registration (e.g. under Sex Offender Registration Act, Arsonist Registration Act, or Murderer and Violent Offender Against Youth Registration Act.)</p> | | | | | | | | | | | | | |
| Procedures if denied | Written appeal | Motion to reconsider | Motion to Reconsider | | | | | | | | | | | | |

Alternative Forms of Relief from Criminal Records
Quick Reference Chart

Note: If it has been 10 years or more since the client has been arrested, it would be reasonable to consider filing a clemency petition in addition to pursuing other forms of relief.

| | Certificate of Eligibility for Sealing | Certificate Eligibility for Expungement | PERC |
|--|---|---|--|
| Who decides | Illinois Prisoner Review Board | Illinois Prisoner Review Board | Illinois Department of Financial and Professional Regulation |
| Who needs it | Any person with an eligible, otherwise non-sealable, Class 3 or 4 Felony. | Any veteran with eligible Class 3 or 4 Felonies that occurred before enlistment Any current enlistee who has completed 1+ tour of duty whose eligible felonies occurred before enlistment | Required to work as a security guard |
| When eligible | 5 year after completing sentence with no arrest | Immediately | No specific time restrictions |
| Jurisdictions Covered | Illinois Convictions Only | Illinois Convictions Only | Convictions anywhere |
| Restrictions or Special Considerations | Only one case Only once in a lifetime Class 3 or 4 only (no crimes of violence, sex crimes, DUI, gun charges) | No offenses that involve the use or possession of a firearm Class 3 or 4 only (No "Crimes of Violence" --- including but not limited to kidnapping, incest, exploitation of a child, reckless conduct, arson, stalking, DUI or sex crimes) | Cannot owe child support Presumed rehabilitated if conviction 10 years old or more. If client is recovering from substance abuse, answer "Y" to question 15. |
| Procedures if denied | Must wait 4 years to reapply for this relief OR for executive clemency | Must wait 4 years to reapply for this relief OR executive clemency | Will receive a <i>Letter of Intent to Deny</i> and a hearing date |