

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-3, 1-7, 1-8, 1-9, and 5-915 and by adding
6 Sections 5-920, 5-923, and 5-925 as follows:

7 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

8 (Text of Section before amendment by P.A. 100-689)

9 Sec. 1-3. Definitions. Terms used in this Act, unless the
10 context otherwise requires, have the following meanings
11 ascribed to them:

12 (1) "Adjudicatory hearing" means a hearing to determine
13 whether the allegations of a petition under Section 2-13, 3-15
14 or 4-12 that a minor under 18 years of age is abused, neglected
15 or dependent, or requires authoritative intervention, or
16 addicted, respectively, are supported by a preponderance of the
17 evidence or whether the allegations of a petition under Section
18 5-520 that a minor is delinquent are proved beyond a reasonable
19 doubt.

20 (2) "Adult" means a person 21 years of age or older.

21 (3) "Agency" means a public or private child care facility
22 legally authorized or licensed by this State for placement or
23 institutional care or for both placement and institutional

1 care.

2 (4) "Association" means any organization, public or
3 private, engaged in welfare functions which include services to
4 or on behalf of children but does not include "agency" as
5 herein defined.

6 (4.05) Whenever a "best interest" determination is
7 required, the following factors shall be considered in the
8 context of the child's age and developmental needs:

9 (a) the physical safety and welfare of the child,
10 including food, shelter, health, and clothing;

11 (b) the development of the child's identity;

12 (c) the child's background and ties, including
13 familial, cultural, and religious;

14 (d) the child's sense of attachments, including:

15 (i) where the child actually feels love,
16 attachment, and a sense of being valued (as opposed to
17 where adults believe the child should feel such love,
18 attachment, and a sense of being valued);

19 (ii) the child's sense of security;

20 (iii) the child's sense of familiarity;

21 (iv) continuity of affection for the child;

22 (v) the least disruptive placement alternative for
23 the child;

24 (e) the child's wishes and long-term goals;

25 (f) the child's community ties, including church,
26 school, and friends;

1 (g) the child's need for permanence which includes the
2 child's need for stability and continuity of relationships
3 with parent figures and with siblings and other relatives;

4 (h) the uniqueness of every family and child;

5 (i) the risks attendant to entering and being in
6 substitute care; and

7 (j) the preferences of the persons available to care
8 for the child.

9 (4.1) "Chronic truant" shall have the definition ascribed
10 to it in Section 26-2a of the School Code.

11 (5) "Court" means the circuit court in a session or
12 division assigned to hear proceedings under this Act.

13 (6) "Dispositional hearing" means a hearing to determine
14 whether a minor should be adjudged to be a ward of the court,
15 and to determine what order of disposition should be made in
16 respect to a minor adjudged to be a ward of the court.

17 (6.5) "Dissemination" or "disseminate" means to publish,
18 produce, print, manufacture, distribute, sell, lease, exhibit,
19 broadcast, display, transmit, or otherwise share information
20 in any format so as to make the information accessible to
21 others.

22 (7) "Emancipated minor" means any minor 16 years of age or
23 over who has been completely or partially emancipated under the
24 Emancipation of Minors Act or under this Act.

25 (7.03) "Expunge" means to physically destroy the records
26 and to obliterate the minor's name from any official index,

1 public record, or electronic database.

2 (7.05) "Foster parent" includes a relative caregiver
3 selected by the Department of Children and Family Services to
4 provide care for the minor.

5 (8) "Guardianship of the person" of a minor means the duty
6 and authority to act in the best interests of the minor,
7 subject to residual parental rights and responsibilities, to
8 make important decisions in matters having a permanent effect
9 on the life and development of the minor and to be concerned
10 with his or her general welfare. It includes but is not
11 necessarily limited to:

12 (a) the authority to consent to marriage, to enlistment
13 in the armed forces of the United States, or to a major
14 medical, psychiatric, and surgical treatment; to represent
15 the minor in legal actions; and to make other decisions of
16 substantial legal significance concerning the minor;

17 (b) the authority and duty of reasonable visitation,
18 except to the extent that these have been limited in the
19 best interests of the minor by court order;

20 (c) the rights and responsibilities of legal custody
21 except where legal custody has been vested in another
22 person or agency; and

23 (d) the power to consent to the adoption of the minor,
24 but only if expressly conferred on the guardian in
25 accordance with Section 2-29, 3-30, or 4-27.

26 (8.1) "Juvenile court record" includes, but is not limited

1 to:

2 (a) all documents filed in or maintained by the
3 juvenile court pertaining to a specific incident,
4 proceeding, or individual;

5 (b) all documents relating to a specific incident,
6 proceeding, or individual made available to or maintained
7 by probation officers;

8 (c) all documents, video or audio tapes, photographs,
9 and exhibits admitted into evidence at juvenile court
10 hearings; or

11 (d) all documents, transcripts, records, reports, or
12 other evidence prepared by, maintained by, or released by
13 any municipal, county, or State agency or department, in
14 any format, if indicating involvement with the juvenile
15 court relating to a specific incident, proceeding, or
16 individual.

17 (8.2) "Juvenile law enforcement record" includes records
18 of arrest, station adjustments, fingerprints, probation
19 adjustments, the issuance of a notice to appear, or any other
20 records or documents maintained by any law enforcement agency
21 relating to a minor suspected of committing an offense, and
22 records maintained by a law enforcement agency that identifies
23 a juvenile as a suspect in committing an offense, but does not
24 include records identifying a juvenile as a victim, witness, or
25 missing juvenile and any records created, maintained, or used
26 for purposes of referral to programs relating to diversion as

1 defined in subsection (6) of Section 5-105.

2 (9) "Legal custody" means the relationship created by an
3 order of court in the best interests of the minor which imposes
4 on the custodian the responsibility of physical possession of a
5 minor and the duty to protect, train and discipline him and to
6 provide him with food, shelter, education and ordinary medical
7 care, except as these are limited by residual parental rights
8 and responsibilities and the rights and responsibilities of the
9 guardian of the person, if any.

10 (9.1) "Mentally capable adult relative" means a person 21
11 years of age or older who is not suffering from a mental
12 illness that prevents him or her from providing the care
13 necessary to safeguard the physical safety and welfare of a
14 minor who is left in that person's care by the parent or
15 parents or other person responsible for the minor's welfare.

16 (10) "Minor" means a person under the age of 21 years
17 subject to this Act.

18 (11) "Parent" means a father or mother of a child and
19 includes any adoptive parent. It also includes a person (i)
20 whose parentage is presumed or has been established under the
21 law of this or another jurisdiction or (ii) who has registered
22 with the Putative Father Registry in accordance with Section
23 12.1 of the Adoption Act and whose paternity has not been ruled
24 out under the law of this or another jurisdiction. It does not
25 include a parent whose rights in respect to the minor have been
26 terminated in any manner provided by law. It does not include a

1 person who has been or could be determined to be a parent under
2 the Illinois Parentage Act of 1984 or the Illinois Parentage
3 Act of 2015, or similar parentage law in any other state, if
4 that person has been convicted of or pled nolo contendere to a
5 crime that resulted in the conception of the child under
6 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
7 12-14.1, subsection (a) or (b) (but not subsection (c)) of
8 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
9 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
10 Criminal Code of 1961 or the Criminal Code of 2012, or similar
11 statute in another jurisdiction unless upon motion of any
12 party, other than the offender, to the juvenile court
13 proceedings the court finds it is in the child's best interest
14 to deem the offender a parent for purposes of the juvenile
15 court proceedings.

16 (11.1) "Permanency goal" means a goal set by the court as
17 defined in subdivision (2) of Section 2-28.

18 (11.2) "Permanency hearing" means a hearing to set the
19 permanency goal and to review and determine (i) the
20 appropriateness of the services contained in the plan and
21 whether those services have been provided, (ii) whether
22 reasonable efforts have been made by all the parties to the
23 service plan to achieve the goal, and (iii) whether the plan
24 and goal have been achieved.

25 (12) "Petition" means the petition provided for in Section
26 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions

1 thereunder in Section 3-15, 4-12 or 5-520.

2 (12.1) "Physically capable adult relative" means a person
3 21 years of age or older who does not have a severe physical
4 disability or medical condition, or is not suffering from
5 alcoholism or drug addiction, that prevents him or her from
6 providing the care necessary to safeguard the physical safety
7 and welfare of a minor who is left in that person's care by the
8 parent or parents or other person responsible for the minor's
9 welfare.

10 (12.2) "Post Permanency Sibling Contact Agreement" has the
11 meaning ascribed to the term in Section 7.4 of the Children and
12 Family Services Act.

13 (12.3) "Residential treatment center" means a licensed
14 setting that provides 24-hour care to children in a group home
15 or institution, including a facility licensed as a child care
16 institution under Section 2.06 of the Child Care Act of 1969, a
17 licensed group home under Section 2.16 of the Child Care Act of
18 1969, a secure child care facility as defined in paragraph (18)
19 of this Section, or any similar facility in another state.
20 "Residential treatment center" does not include a relative
21 foster home or a licensed foster family home.

22 (13) "Residual parental rights and responsibilities" means
23 those rights and responsibilities remaining with the parent
24 after the transfer of legal custody or guardianship of the
25 person, including, but not necessarily limited to, the right to
26 reasonable visitation (which may be limited by the court in the

1 best interests of the minor as provided in subsection (8) (b) of
2 this Section), the right to consent to adoption, the right to
3 determine the minor's religious affiliation, and the
4 responsibility for his support.

5 (14) "Shelter" means the temporary care of a minor in
6 physically unrestricting facilities pending court disposition
7 or execution of court order for placement.

8 (14.05) "Shelter placement" means a temporary or emergency
9 placement for a minor, including an emergency foster home
10 placement.

11 (14.1) "Sibling Contact Support Plan" has the meaning
12 ascribed to the term in Section 7.4 of the Children and Family
13 Services Act.

14 (15) "Station adjustment" means the informal handling of an
15 alleged offender by a juvenile police officer.

16 (16) "Ward of the court" means a minor who is so adjudged
17 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
18 requisite jurisdictional facts, and thus is subject to the
19 dispositional powers of the court under this Act.

20 (17) "Juvenile police officer" means a sworn police officer
21 who has completed a Basic Recruit Training Course, has been
22 assigned to the position of juvenile police officer by his or
23 her chief law enforcement officer and has completed the
24 necessary juvenile officers training as prescribed by the
25 Illinois Law Enforcement Training Standards Board, or in the
26 case of a State police officer, juvenile officer training

1 approved by the Director of the Department of State Police.

2 (18) "Secure child care facility" means any child care
3 facility licensed by the Department of Children and Family
4 Services to provide secure living arrangements for children
5 under 18 years of age who are subject to placement in
6 facilities under the Children and Family Services Act and who
7 are not subject to placement in facilities for whom standards
8 are established by the Department of Corrections under Section
9 3-15-2 of the Unified Code of Corrections. "Secure child care
10 facility" also means a facility that is designed and operated
11 to ensure that all entrances and exits from the facility, a
12 building, or a distinct part of the building are under the
13 exclusive control of the staff of the facility, whether or not
14 the child has the freedom of movement within the perimeter of
15 the facility, building, or distinct part of the building.

16 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
17 100-229, eff. 1-1-18; 100-863, eff. 8-14-18.)

18 (Text of Section after amendment by P.A. 100-689)

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1 addicted, respectively, are supported by a preponderance of the
2 evidence or whether the allegations of a petition under Section
3 5-520 that a minor is delinquent are proved beyond a reasonable
4 doubt.

5 (2) "Adult" means a person 21 years of age or older.

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8 institutional care or for both placement and institutional
9 care.

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11 private, engaged in welfare functions which include services to
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15 required, the following factors shall be considered in the
16 context of the child's age and developmental needs:

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18 including food, shelter, health, and clothing;

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20 (c) the child's background and ties, including
21 familial, cultural, and religious;

22 (d) the child's sense of attachments, including:

23 (i) where the child actually feels love,
24 attachment, and a sense of being valued (as opposed to
25 where adults believe the child should feel such love,
26 attachment, and a sense of being valued);

- 1 (ii) the child's sense of security;
- 2 (iii) the child's sense of familiarity;
- 3 (iv) continuity of affection for the child;
- 4 (v) the least disruptive placement alternative for
- 5 the child;
- 6 (e) the child's wishes and long-term goals;
- 7 (f) the child's community ties, including church,
- 8 school, and friends;
- 9 (g) the child's need for permanence which includes the
- 10 child's need for stability and continuity of relationships
- 11 with parent figures and with siblings and other relatives;
- 12 (h) the uniqueness of every family and child;
- 13 (i) the risks attendant to entering and being in
- 14 substitute care; and
- 15 (j) the preferences of the persons available to care
- 16 for the child.

17 (4.1) "Chronic truant" shall have the definition ascribed

18 to it in Section 26-2a of the School Code.

19 (5) "Court" means the circuit court in a session or

20 division assigned to hear proceedings under this Act.

21 (6) "Dispositional hearing" means a hearing to determine

22 whether a minor should be adjudged to be a ward of the court,

23 and to determine what order of disposition should be made in

24 respect to a minor adjudged to be a ward of the court.

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26 produce, print, manufacture, distribute, sell, lease, exhibit,

1 broadcast, display, transmit, or otherwise share information
2 in any format so as to make the information accessible to
3 others.

4 (7) "Emancipated minor" means any minor 16 years of age or
5 over who has been completely or partially emancipated under the
6 Emancipation of Minors Act or under this Act.

7 (7.03) "Expunge" means to physically destroy the records
8 and to obliterate the minor's name from any official index,
9 public record, or electronic database.

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11 selected by the Department of Children and Family Services to
12 provide care for the minor.

13 (8) "Guardianship of the person" of a minor means the duty
14 and authority to act in the best interests of the minor,
15 subject to residual parental rights and responsibilities, to
16 make important decisions in matters having a permanent effect
17 on the life and development of the minor and to be concerned
18 with his or her general welfare. It includes but is not
19 necessarily limited to:

20 (a) the authority to consent to marriage, to enlistment
21 in the armed forces of the United States, or to a major
22 medical, psychiatric, and surgical treatment; to represent
23 the minor in legal actions; and to make other decisions of
24 substantial legal significance concerning the minor;

25 (b) the authority and duty of reasonable visitation,
26 except to the extent that these have been limited in the

1 best interests of the minor by court order;

2 (c) the rights and responsibilities of legal custody
3 except where legal custody has been vested in another
4 person or agency; and

5 (d) the power to consent to the adoption of the minor,
6 but only if expressly conferred on the guardian in
7 accordance with Section 2-29, 3-30, or 4-27.

8 (8.1) "Juvenile court record" includes, but is not limited
9 to:

10 (a) all documents filed in or maintained by the
11 juvenile court pertaining to a specific incident,
12 proceeding, or individual;

13 (b) all documents relating to a specific incident,
14 proceeding, or individual made available to or maintained
15 by probation officers;

16 (c) all documents, video or audio tapes, photographs,
17 and exhibits admitted into evidence at juvenile court
18 hearings; or

19 (d) all documents, transcripts, records, reports, or
20 other evidence prepared by, maintained by, or released by
21 any municipal, county, or State agency or department, in
22 any format, if indicating involvement with the juvenile
23 court relating to a specific incident, proceeding, or
24 individual.

25 (8.2) "Juvenile law enforcement record" includes records
26 of arrest, station adjustments, fingerprints, probation

1 adjustments, the issuance of a notice to appear, or any other
2 records or documents maintained by any law enforcement agency
3 relating to a minor suspected of committing an offense, and
4 records maintained by a law enforcement agency that identifies
5 a juvenile as a suspect in committing an offense, but does not
6 include records identifying a juvenile as a victim, witness, or
7 missing juvenile and any records created, maintained, or used
8 for purposes of referral to programs relating to diversion as
9 defined in subsection (6) of Section 5-105.

10 (9) "Legal custody" means the relationship created by an
11 order of court in the best interests of the minor which imposes
12 on the custodian the responsibility of physical possession of a
13 minor and the duty to protect, train and discipline him and to
14 provide him with food, shelter, education and ordinary medical
15 care, except as these are limited by residual parental rights
16 and responsibilities and the rights and responsibilities of the
17 guardian of the person, if any.

18 (9.1) "Mentally capable adult relative" means a person 21
19 years of age or older who is not suffering from a mental
20 illness that prevents him or her from providing the care
21 necessary to safeguard the physical safety and welfare of a
22 minor who is left in that person's care by the parent or
23 parents or other person responsible for the minor's welfare.

24 (10) "Minor" means a person under the age of 21 years
25 subject to this Act.

26 (11) "Parent" means a father or mother of a child and

1 includes any adoptive parent. It also includes a person (i)
2 whose parentage is presumed or has been established under the
3 law of this or another jurisdiction or (ii) who has registered
4 with the Putative Father Registry in accordance with Section
5 12.1 of the Adoption Act and whose paternity has not been ruled
6 out under the law of this or another jurisdiction. It does not
7 include a parent whose rights in respect to the minor have been
8 terminated in any manner provided by law. It does not include a
9 person who has been or could be determined to be a parent under
10 the Illinois Parentage Act of 1984 or the Illinois Parentage
11 Act of 2015, or similar parentage law in any other state, if
12 that person has been convicted of or pled nolo contendere to a
13 crime that resulted in the conception of the child under
14 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
15 12-14.1, subsection (a) or (b) (but not subsection (c)) of
16 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
17 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, or similar
19 statute in another jurisdiction unless upon motion of any
20 party, other than the offender, to the juvenile court
21 proceedings the court finds it is in the child's best interest
22 to deem the offender a parent for purposes of the juvenile
23 court proceedings.

24 (11.1) "Permanency goal" means a goal set by the court as
25 defined in subdivision (2) of Section 2-28.

26 (11.2) "Permanency hearing" means a hearing to set the

1 permanency goal and to review and determine (i) the
2 appropriateness of the services contained in the plan and
3 whether those services have been provided, (ii) whether
4 reasonable efforts have been made by all the parties to the
5 service plan to achieve the goal, and (iii) whether the plan
6 and goal have been achieved.

7 (12) "Petition" means the petition provided for in Section
8 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
9 thereunder in Section 3-15, 4-12 or 5-520.

10 (12.1) "Physically capable adult relative" means a person
11 21 years of age or older who does not have a severe physical
12 disability or medical condition, or is not suffering from
13 alcoholism or drug addiction, that prevents him or her from
14 providing the care necessary to safeguard the physical safety
15 and welfare of a minor who is left in that person's care by the
16 parent or parents or other person responsible for the minor's
17 welfare.

18 (12.2) "Post Permanency Sibling Contact Agreement" has the
19 meaning ascribed to the term in Section 7.4 of the Children and
20 Family Services Act.

21 (12.3) "Residential treatment center" means a licensed
22 setting that provides 24-hour care to children in a group home
23 or institution, including a facility licensed as a child care
24 institution under Section 2.06 of the Child Care Act of 1969, a
25 licensed group home under Section 2.16 of the Child Care Act of
26 1969, a secure child care facility as defined in paragraph (18)

1 of this Section, or any similar facility in another state.
2 "Residential treatment center" does not include a relative
3 foster home or a licensed foster family home.

4 (13) "Residual parental rights and responsibilities" means
5 those rights and responsibilities remaining with the parent
6 after the transfer of legal custody or guardianship of the
7 person, including, but not necessarily limited to, the right to
8 reasonable visitation (which may be limited by the court in the
9 best interests of the minor as provided in subsection (8) (b) of
10 this Section), the right to consent to adoption, the right to
11 determine the minor's religious affiliation, and the
12 responsibility for his support.

13 (14) "Shelter" means the temporary care of a minor in
14 physically unrestricting facilities pending court disposition
15 or execution of court order for placement.

16 (14.05) "Shelter placement" means a temporary or emergency
17 placement for a minor, including an emergency foster home
18 placement.

19 (14.1) "Sibling Contact Support Plan" has the meaning
20 ascribed to the term in Section 7.4 of the Children and Family
21 Services Act.

22 (14.2) "Significant event report" means a written document
23 describing an occurrence or event beyond the customary
24 operations, routines, or relationships in the Department of
25 Children of Family Services, a child care facility, or other
26 entity that is licensed or regulated by the Department of

1 Children of Family Services or that provides services for the
2 Department of Children of Family Services under a grant,
3 contract, or purchase of service agreement; involving children
4 or youth, employees, foster parents, or relative caregivers;
5 allegations of abuse or neglect or any other incident raising a
6 concern about the well-being of a minor under the jurisdiction
7 of the court under Article II of the Juvenile Court Act;
8 incidents involving damage to property, allegations of
9 criminal activity, misconduct, or other occurrences affecting
10 the operations of the Department of Children of Family Services
11 or a child care facility; any incident that could have media
12 impact; and unusual incidents as defined by Department of
13 Children and Family Services rule.

14 (15) "Station adjustment" means the informal handling of an
15 alleged offender by a juvenile police officer.

16 (16) "Ward of the court" means a minor who is so adjudged
17 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
18 requisite jurisdictional facts, and thus is subject to the
19 dispositional powers of the court under this Act.

20 (17) "Juvenile police officer" means a sworn police officer
21 who has completed a Basic Recruit Training Course, has been
22 assigned to the position of juvenile police officer by his or
23 her chief law enforcement officer and has completed the
24 necessary juvenile officers training as prescribed by the
25 Illinois Law Enforcement Training Standards Board, or in the
26 case of a State police officer, juvenile officer training

1 approved by the Director of the Department of State Police.

2 (18) "Secure child care facility" means any child care
3 facility licensed by the Department of Children and Family
4 Services to provide secure living arrangements for children
5 under 18 years of age who are subject to placement in
6 facilities under the Children and Family Services Act and who
7 are not subject to placement in facilities for whom standards
8 are established by the Department of Corrections under Section
9 3-15-2 of the Unified Code of Corrections. "Secure child care
10 facility" also means a facility that is designed and operated
11 to ensure that all entrances and exits from the facility, a
12 building, or a distinct part of the building are under the
13 exclusive control of the staff of the facility, whether or not
14 the child has the freedom of movement within the perimeter of
15 the facility, building, or distinct part of the building.

16 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
17 100-229, eff. 1-1-18; 100-689, eff. 1-1-19; 100-863, eff.
18 8-14-18.)

19 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

20 Sec. 1-7. Confidentiality of juvenile law enforcement and
21 municipal ordinance violation records.

22 (A) All juvenile law enforcement records which have not
23 been expunged are confidential ~~sealed~~ and may never be
24 disclosed to the general public or otherwise made widely
25 available. Juvenile law enforcement ~~sealed~~ records may be

1 obtained only under this Section and Section ~~Sections~~ 1-8 and
2 Part 9 of Article V 5-915 of this Act, when their use is needed
3 for good cause and with an order from the juvenile court, as
4 required by those not authorized to retain them. Inspection,
5 ~~and~~ copying, and disclosure of juvenile law enforcement records
6 maintained by law enforcement agencies or records of municipal
7 ordinance violations maintained by any State, local, or
8 municipal agency that relate to a minor who has been
9 investigated, arrested, or taken into custody before his or her
10 18th birthday shall be restricted to the following:

11 (0.05) The minor who is the subject of the juvenile law
12 enforcement record, his or her parents, guardian, and
13 counsel.

14 (0.10) Judges of the circuit court and members of the
15 staff of the court designated by the judge.

16 (0.15) An administrative adjudication hearing officer
17 or members of the staff designated to assist in the
18 administrative adjudication process.

19 (1) Any local, State, or federal law enforcement
20 officers or designated law enforcement staff of any
21 jurisdiction or agency when necessary for the discharge of
22 their official duties during the investigation or
23 prosecution of a crime or relating to a minor who has been
24 adjudicated delinquent and there has been a previous
25 finding that the act which constitutes the previous offense
26 was committed in furtherance of criminal activities by a

1 criminal street gang, or, when necessary for the discharge
2 of its official duties in connection with a particular
3 investigation of the conduct of a law enforcement officer,
4 an independent agency or its staff created by ordinance and
5 charged by a unit of local government with the duty of
6 investigating the conduct of law enforcement officers. For
7 purposes of this Section, "criminal street gang" has the
8 meaning ascribed to it in Section 10 of the Illinois
9 Streetgang Terrorism Omnibus Prevention Act.

10 (2) Prosecutors, public defenders, probation officers,
11 social workers, or other individuals assigned by the court
12 to conduct a pre-adjudication or pre-disposition
13 investigation, and individuals responsible for supervising
14 or providing temporary or permanent care and custody for
15 minors under ~~pursuant to~~ the order of the juvenile court,
16 when essential to performing their responsibilities.

17 (3) Federal, State, or local prosecutors ~~Prosecutors,~~
18 public defenders, ~~and~~ probation officers, and designated
19 staff:

20 (a) in the course of a trial when institution of
21 criminal proceedings has been permitted or required
22 under Section 5-805; ~~or~~

23 (b) when institution of criminal proceedings has
24 been permitted or required under Section 5-805 and the
25 ~~such~~ minor is the subject of a proceeding to determine
26 the amount of bail; ~~or~~

1 (c) when criminal proceedings have been permitted
2 or required under Section 5-805 and the ~~such~~ minor is
3 the subject of a pre-trial investigation, pre-sentence
4 investigation, fitness hearing, or proceedings on an
5 application for probation; or -

6 (d) in the course of prosecution or administrative
7 adjudication of a violation of a traffic, boating, or
8 fish and game law, or a county or municipal ordinance.

9 (4) Adult and Juvenile Prisoner Review Board.

10 (5) Authorized military personnel.

11 (5.5) Employees of the federal government authorized
12 by law.

13 (6) Persons engaged in bona fide research, with the
14 permission of the Presiding Judge ~~of the Juvenile Court~~ and
15 the chief executive of the respective law enforcement
16 agency; provided that publication of such research results
17 in no disclosure of a minor's identity and protects the
18 confidentiality of the minor's record.

19 (7) Department of Children and Family Services child
20 protection investigators acting in their official
21 capacity.

22 (8) The appropriate school official only if the agency
23 or officer believes that there is an imminent threat of
24 physical harm to students, school personnel, or others who
25 are present in the school or on school grounds.

26 (A) Inspection and copying shall be limited to

1 juvenile law enforcement records transmitted to the
2 appropriate school official or officials whom the
3 school has determined to have a legitimate educational
4 or safety interest by a local law enforcement agency
5 under a reciprocal reporting system established and
6 maintained between the school district and the local
7 law enforcement agency under Section 10-20.14 of the
8 School Code concerning a minor enrolled in a school
9 within the school district who has been arrested or
10 taken into custody for any of the following offenses:

11 (i) any violation of Article 24 of the Criminal
12 Code of 1961 or the Criminal Code of 2012;

13 (ii) a violation of the Illinois Controlled
14 Substances Act;

15 (iii) a violation of the Cannabis Control Act;

16 (iv) a forcible felony as defined in Section
17 2-8 of the Criminal Code of 1961 or the Criminal
18 Code of 2012;

19 (v) a violation of the Methamphetamine Control
20 and Community Protection Act;

21 (vi) a violation of Section 1-2 of the
22 Harassing and Obscene Communications Act;

23 (vii) a violation of the Hazing Act; or

24 (viii) a violation of Section 12-1, 12-2,
25 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
26 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 The information derived from the juvenile law
3 enforcement records shall be kept separate from and
4 shall not become a part of the official school record
5 of that child and shall not be a public record. The
6 information shall be used solely by the appropriate
7 school official or officials whom the school has
8 determined to have a legitimate educational or safety
9 interest to aid in the proper rehabilitation of the
10 child and to protect the safety of students and
11 employees in the school. If the designated law
12 enforcement and school officials deem it to be in the
13 best interest of the minor, the student may be referred
14 to in-school or community-based ~~community-based~~ social
15 services if those services are available.
16 "Rehabilitation services" may include interventions by
17 school support personnel, evaluation for eligibility
18 for special education, referrals to community-based
19 agencies such as youth services, behavioral healthcare
20 service providers, drug and alcohol prevention or
21 treatment programs, and other interventions as deemed
22 appropriate for the student.

23 (B) Any information provided to appropriate school
24 officials whom the school has determined to have a
25 legitimate educational or safety interest by local law
26 enforcement officials about a minor who is the subject

1 of a current police investigation that is directly
2 related to school safety shall consist of oral
3 information only, and not written juvenile law
4 enforcement records, and shall be used solely by the
5 appropriate school official or officials to protect
6 the safety of students and employees in the school and
7 aid in the proper rehabilitation of the child. The
8 information derived orally from the local law
9 enforcement officials shall be kept separate from and
10 shall not become a part of the official school record
11 of the child and shall not be a public record. This
12 limitation on the use of information about a minor who
13 is the subject of a current police investigation shall
14 in no way limit the use of this information by
15 prosecutors in pursuing criminal charges arising out
16 of the information disclosed during a police
17 investigation of the minor. For purposes of this
18 paragraph, "investigation" means an official
19 systematic inquiry by a law enforcement agency into
20 actual or suspected criminal activity.

21 (9) Mental health professionals on behalf of the
22 ~~Illinois~~ Department of Corrections or the Department of
23 Human Services or prosecutors who are evaluating,
24 prosecuting, or investigating a potential or actual
25 petition brought under the Sexually Violent Persons
26 Commitment Act relating to a person who is the subject of

1 juvenile law enforcement records or the respondent to a
2 petition brought under the Sexually Violent Persons
3 Commitment Act who is the subject of the juvenile law
4 enforcement records sought. Any juvenile law enforcement
5 records and any information obtained from those juvenile
6 law enforcement records under this paragraph (9) may be
7 used only in sexually violent persons commitment
8 proceedings.

9 (10) The president of a park district. Inspection and
10 copying shall be limited to juvenile law enforcement
11 records transmitted to the president of the park district
12 by the Department of Illinois State Police under Section
13 8-23 of the Park District Code or Section 16a-5 of the
14 Chicago Park District Act concerning a person who is
15 seeking employment with that park district and who has been
16 adjudicated a juvenile delinquent for any of the offenses
17 listed in subsection (c) of Section 8-23 of the Park
18 District Code or subsection (c) of Section 16a-5 of the
19 Chicago Park District Act.

20 (11) Persons managing and designated to participate in
21 a court diversion program as designated in subsection (6)
22 of Section 5-105.

23 (12) The Public Access Counselor of the Office of the
24 Attorney General, when reviewing juvenile law enforcement
25 records under its powers and duties under the Freedom of
26 Information Act.

1 (13) Collection agencies, contracted or otherwise
2 engaged by a governmental entity, to collect any debts due
3 and owing to the governmental entity.

4 (B)(1) Except as provided in paragraph (2), no law
5 enforcement officer or other person or agency may knowingly
6 transmit to the Department of Corrections, ~~or the~~ Department of
7 State Police, or to the Federal Bureau of Investigation any
8 fingerprint or photograph relating to a minor who has been
9 arrested or taken into custody before his or her 18th birthday,
10 unless the court in proceedings under this Act authorizes the
11 transmission or enters an order under Section 5-805 permitting
12 or requiring the institution of criminal proceedings.

13 (2) Law enforcement officers or other persons or agencies
14 shall transmit to the Department of State Police copies of
15 fingerprints and descriptions of all minors who have been
16 arrested or taken into custody before their 18th birthday for
17 the offense of unlawful use of weapons under Article 24 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
19 or Class 1 felony, a forcible felony as defined in Section 2-8
20 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
21 Class 2 or greater felony under the Cannabis Control Act, the
22 Illinois Controlled Substances Act, the Methamphetamine
23 Control and Community Protection Act, or Chapter 4 of the
24 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
25 Identification Act. Information reported to the Department
26 pursuant to this Section may be maintained with records that

1 the Department files pursuant to Section 2.1 of the Criminal
2 Identification Act. Nothing in this Act prohibits a law
3 enforcement agency from fingerprinting a minor taken into
4 custody or arrested before his or her 18th birthday for an
5 offense other than those listed in this paragraph (2).

6 (C) The records of law enforcement officers, or of an
7 independent agency created by ordinance and charged by a unit
8 of local government with the duty of investigating the conduct
9 of law enforcement officers, concerning all minors under 18
10 years of age must be maintained separate from the records of
11 arrests and may not be open to public inspection or their
12 contents disclosed to the public. For purposes of obtaining
13 documents under this Section, a civil subpoena is not an order
14 of the court.

15 (1) In cases where the law enforcement, or independent
16 agency, records concern a pending juvenile court case, the
17 party seeking to inspect the records shall provide actual
18 notice to the attorney or guardian ad litem of the minor
19 whose records are sought.

20 (2) In cases where the records concern a juvenile court
21 case that is no longer pending, the party seeking to
22 inspect the records shall provide actual notice to the
23 minor or the minor's parent or legal guardian, and the
24 matter shall be referred to the chief judge presiding over
25 matters pursuant to this Act.

26 (3) In determining whether the records should be

1 available for inspection, the court shall consider the
2 minor's interest in confidentiality and rehabilitation
3 over the moving party's interest in obtaining the
4 information. Any records obtained in violation of this
5 subsection (C) shall not be admissible in any criminal or
6 civil proceeding, or operate to disqualify a minor from
7 subsequently holding public office or securing employment,
8 or operate as a forfeiture of any public benefit, right,
9 privilege, or right to receive any license granted by
10 public authority.

11 (D) Nothing contained in subsection (C) of this Section
12 shall prohibit the inspection or disclosure to victims and
13 witnesses of photographs contained in the records of law
14 enforcement agencies when the inspection and disclosure is
15 conducted in the presence of a law enforcement officer for the
16 purpose of the identification or apprehension of any person
17 subject to the provisions of this Act or for the investigation
18 or prosecution of any crime.

19 (E) Law enforcement officers, and personnel of an
20 independent agency created by ordinance and charged by a unit
21 of local government with the duty of investigating the conduct
22 of law enforcement officers, may not disclose the identity of
23 any minor in releasing information to the general public as to
24 the arrest, investigation or disposition of any case involving
25 a minor.

26 (F) Nothing contained in this Section shall prohibit law

1 enforcement agencies from communicating with each other by
2 letter, memorandum, teletype, or intelligence alert bulletin
3 or other means the identity or other relevant information
4 pertaining to a person under 18 years of age if there are
5 reasonable grounds to believe that the person poses a real and
6 present danger to the safety of the public or law enforcement
7 officers. The information provided under this subsection (F)
8 shall remain confidential and shall not be publicly disclosed,
9 except as otherwise allowed by law.

10 (G) Nothing in this Section shall prohibit the right of a
11 Civil Service Commission or appointing authority of any federal
12 government, state, county or municipality examining the
13 character and fitness of an applicant for employment with a law
14 enforcement agency, correctional institution, or fire
15 department from obtaining and examining the records of any law
16 enforcement agency relating to any record of the applicant
17 having been arrested or taken into custody before the
18 applicant's 18th birthday.

19 (G-5) Information identifying victims and alleged victims
20 of sex offenses shall not be disclosed or open to the public
21 under any circumstances. Nothing in this Section shall prohibit
22 the victim or alleged victim of any sex offense from
23 voluntarily disclosing his or her own identity.

24 (H) The changes made to this Section by Public Act 98-61
25 apply to law enforcement records of a minor who has been
26 arrested or taken into custody on or after January 1, 2014 (the

1 effective date of Public Act 98-61).

2 (H-5) Nothing in this Section shall require any court or
3 adjudicative proceeding for traffic, boating, fish and game
4 law, or municipal and county ordinance violations to be closed
5 to the public.

6 (I) Willful violation of this Section is a Class C
7 misdemeanor and each violation is subject to a fine of \$1,000.
8 This subsection (I) shall not apply to the person who is the
9 subject of the record.

10 (J) A person convicted of violating this Section is liable
11 for damages in the amount of \$1,000 or actual damages,
12 whichever is greater.

13 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;
14 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; revised 10-3-18.)

15 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

16 Sec. 1-8. Confidentiality and accessibility of juvenile
17 court records.

18 (A) A juvenile adjudication shall never be considered a
19 conviction nor shall an adjudicated individual be considered a
20 criminal. Unless expressly allowed by law, a juvenile
21 adjudication shall not operate to impose upon the individual
22 any of the civil disabilities ordinarily imposed by or
23 resulting from conviction. Unless expressly allowed by law,
24 adjudications shall not prejudice or disqualify the individual
25 in any civil service application or appointment, from holding

1 public office, or from receiving any license granted by public
2 authority. All juvenile court records which have not been
3 expunged are sealed and may never be disclosed to the general
4 public or otherwise made widely available. Sealed juvenile
5 court records may be obtained only under this Section and
6 Section 1-7 and Part 9 of Article V ~~Section 5-915~~ of this Act,
7 when their use is needed for good cause and with an order from
8 the juvenile court, ~~as required by those not authorized to~~
9 ~~retain them~~. Inspection and copying of juvenile court records
10 relating to a minor who is the subject of a proceeding under
11 this Act shall be restricted to the following:

12 (1) The minor who is the subject of record, his or her
13 parents, guardian, and counsel.

14 (2) Law enforcement officers and law enforcement
15 agencies when such information is essential to executing an
16 arrest or search warrant or other compulsory process, or to
17 conducting an ongoing investigation or relating to a minor
18 who has been adjudicated delinquent and there has been a
19 previous finding that the act which constitutes the
20 previous offense was committed in furtherance of criminal
21 activities by a criminal street gang.

22 Before July 1, 1994, for the purposes of this Section,
23 "criminal street gang" means any ongoing organization,
24 association, or group of 3 or more persons, whether formal
25 or informal, having as one of its primary activities the
26 commission of one or more criminal acts and that has a

1 common name or common identifying sign, symbol or specific
2 color apparel displayed, and whose members individually or
3 collectively engage in or have engaged in a pattern of
4 criminal activity.

5 Beginning July 1, 1994, for purposes of this Section,
6 "criminal street gang" has the meaning ascribed to it in
7 Section 10 of the Illinois Streetgang Terrorism Omnibus
8 Prevention Act.

9 (3) Judges, hearing officers, prosecutors, public
10 defenders, probation officers, social workers, or other
11 individuals assigned by the court to conduct a
12 pre-adjudication or pre-disposition ~~pre-disposition~~
13 investigation, and individuals responsible for supervising
14 or providing temporary or permanent care and custody for
15 minors under ~~pursuant to~~ the order of the juvenile court
16 when essential to performing their responsibilities.

17 (4) Judges, federal, State, and local prosecutors,
18 public defenders, ~~and~~ probation officers, and designated
19 staff:

20 (a) in the course of a trial when institution of
21 criminal proceedings has been permitted or required
22 under Section 5-805; ~~or~~

23 (b) when criminal proceedings have been permitted
24 or required under Section 5-805 and a minor is the
25 subject of a proceeding to determine the amount of
26 bail; ~~or~~

1 (c) when criminal proceedings have been permitted
2 or required under Section 5-805 and a minor is the
3 subject of a pre-trial investigation, pre-sentence
4 investigation or fitness hearing, or proceedings on an
5 application for probation; or

6 (d) when a minor becomes 18 years of age or older,
7 and is the subject of criminal proceedings, including a
8 hearing to determine the amount of bail, a pre-trial
9 investigation, a pre-sentence investigation, a fitness
10 hearing, or proceedings on an application for
11 probation.

12 (5) Adult and Juvenile Prisoner Review Boards.

13 (6) Authorized military personnel.

14 (6.5) Employees of the federal government authorized
15 by law.

16 (7) Victims, their subrogees and legal
17 representatives; however, such persons shall have access
18 only to the name and address of the minor and information
19 pertaining to the disposition or alternative adjustment
20 plan of the juvenile court.

21 (8) Persons engaged in bona fide research, with the
22 permission of the presiding judge of the juvenile court and
23 the chief executive of the agency that prepared the
24 particular records; provided that publication of such
25 research results in no disclosure of a minor's identity and
26 protects the confidentiality of the record.

1 (9) The Secretary of State to whom the Clerk of the
2 Court shall report the disposition of all cases, as
3 required in Section 6-204 of the Illinois Vehicle Code.
4 However, information reported relative to these offenses
5 shall be privileged and available only to the Secretary of
6 State, courts, and police officers.

7 (10) The administrator of a bonafide substance abuse
8 student assistance program with the permission of the
9 presiding judge of the juvenile court.

10 (11) Mental health professionals on behalf of the
11 ~~Illinois~~ Department of Corrections or the Department of
12 Human Services or prosecutors who are evaluating,
13 prosecuting, or investigating a potential or actual
14 petition brought under the Sexually Violent Persons
15 Commitment Act relating to a person who is the subject of
16 juvenile court records or the respondent to a petition
17 brought under the Sexually Violent Persons Commitment Act,
18 who is the subject of juvenile court records sought. Any
19 records and any information obtained from those records
20 under this paragraph (11) may be used only in sexually
21 violent persons commitment proceedings.

22 (12) Collection agencies, contracted or otherwise
23 engaged by a governmental entity, to collect any debts due
24 and owing to the governmental entity.

25 (A-1) Findings and exclusions of paternity entered in
26 proceedings occurring under Article II of this Act shall be

1 disclosed, in a manner and form approved by the Presiding Judge
2 of the Juvenile Court, to the Department of Healthcare and
3 Family Services when necessary to discharge the duties of the
4 Department of Healthcare and Family Services under Article X of
5 the Illinois Public Aid Code.

6 (B) A minor who is the victim in a juvenile proceeding
7 shall be provided the same confidentiality regarding
8 disclosure of identity as the minor who is the subject of
9 record.

10 (C) ~~Juvenile court records shall not be made available to~~
11 ~~the general public. For purposes of inspecting documents under~~
12 ~~this Section, a civil subpoena is not an order of the court.~~

13 (0.1) In cases where the records concern a pending
14 juvenile court case, the requesting party seeking to
15 inspect the juvenile court records shall provide actual
16 notice to the attorney or guardian ad litem of the minor
17 whose records are sought.

18 (0.2) In cases where the juvenile court records concern
19 a juvenile court case that is no longer pending, the
20 requesting party seeking to inspect the juvenile court
21 records shall provide actual notice to the minor or the
22 minor's parent or legal guardian, and the matter shall be
23 referred to the chief judge presiding over matters pursuant
24 to this Act.

25 (0.3) In determining whether juvenile court records
26 should be made available for inspection and whether

1 inspection should be limited to certain parts of the file,
2 the court shall consider the minor's interest in
3 confidentiality and rehabilitation over the requesting
4 party's interest in obtaining the information. The State's
5 Attorney, the minor, and the minor's parents, guardian, and
6 counsel shall at all times have the right to examine court
7 files and records.

8 (0.4) Any records obtained in violation of this Section
9 shall not be admissible in any criminal or civil
10 proceeding, or operate to disqualify a minor from
11 subsequently holding public office, or operate as a
12 forfeiture of any public benefit, right, privilege, or
13 right to receive any license granted by public authority.

14 (D) Pending or following any adjudication of delinquency
15 for any offense defined in Sections 11-1.20 through 11-1.60 or
16 12-13 through 12-16 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, the victim of any such offense shall
18 receive the rights set out in Sections 4 and 6 of the Bill of
19 Rights for Victims and Witnesses of Violent Crime Act; and the
20 juvenile who is the subject of the adjudication,
21 notwithstanding any other provision of this Act, shall be
22 treated as an adult for the purpose of affording such rights to
23 the victim.

24 (E) Nothing in this Section shall affect the right of a
25 Civil Service Commission or appointing authority of the federal
26 government, or any ~~any~~ state, county, or municipality examining

1 the character and fitness of an applicant for employment with a
2 law enforcement agency, correctional institution, or fire
3 department to ascertain whether that applicant was ever
4 adjudicated to be a delinquent minor and, if so, to examine the
5 records of disposition or evidence which were made in
6 proceedings under this Act.

7 (F) Following any adjudication of delinquency for a crime
8 which would be a felony if committed by an adult, or following
9 any adjudication of delinquency for a violation of Section
10 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, the State's Attorney shall ascertain
12 whether the minor respondent is enrolled in school and, if so,
13 shall provide a copy of the dispositional order to the
14 principal or chief administrative officer of the school. Access
15 to the dispositional order ~~such juvenile records~~ shall be
16 limited to the principal or chief administrative officer of the
17 school and any guidance counselor designated by him or her.

18 (G) Nothing contained in this Act prevents the sharing or
19 disclosure of information or records relating or pertaining to
20 juveniles subject to the provisions of the Serious Habitual
21 Offender Comprehensive Action Program when that information is
22 used to assist in the early identification and treatment of
23 habitual juvenile offenders.

24 (H) When a court ~~Court~~ hearing a proceeding under Article
25 II of this Act becomes aware that an earlier proceeding under
26 Article II had been heard in a different county, that court

1 ~~Court~~ shall request, and the court ~~Court~~ in which the earlier
2 proceedings were initiated shall transmit, an authenticated
3 copy of the juvenile court ~~Court~~ record, including all
4 documents, petitions, and orders filed ~~therein~~ and the minute
5 orders, transcript of proceedings, and docket entries of the
6 court ~~Court~~.

7 (I) The Clerk of the Circuit Court shall report to the
8 Department of State Police, in the form and manner required by
9 the Department of State Police, the final disposition of each
10 minor who has been arrested or taken into custody before his or
11 her 18th birthday for those offenses required to be reported
12 under Section 5 of the Criminal Identification Act. Information
13 reported to the Department under this Section may be maintained
14 with records that the Department files under Section 2.1 of the
15 Criminal Identification Act.

16 (J) The changes made to this Section by Public Act 98-61
17 apply to juvenile law enforcement records of a minor who has
18 been arrested or taken into custody on or after January 1, 2014
19 (the effective date of Public Act 98-61).

20 (K) Willful violation of this Section is a Class C
21 misdemeanor and each violation is subject to a fine of \$1,000.
22 This subsection (K) shall not apply to the person who is the
23 subject of the record.

24 (L) A person convicted of violating this Section is liable
25 for damages in the amount of \$1,000 or actual damages,
26 whichever is greater.

1 (Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18;
2 revised 10-3-18.)

3 (705 ILCS 405/1-9) (from Ch. 37, par. 801-9)

4 Sec. 1-9. Expungement of law enforcement and juvenile court
5 records.

6 (1) Expungement of law enforcement and juvenile court
7 delinquency records shall be governed by Part 9 of Article V of
8 this Act ~~Section 5-915~~.

9 (2) This subsection (2) applies to expungement of law
10 enforcement and juvenile court records other than delinquency
11 proceedings. Whenever any person has attained the age of 18 or
12 whenever all juvenile court proceedings relating to that person
13 have been terminated, whichever is later, the person may
14 petition the court to expunge law enforcement records relating
15 to incidents occurring before his 18th birthday or his juvenile
16 court records, or both, if the minor was placed under
17 supervision pursuant to Sections 2-20, 3-21, or 4-18, and such
18 order of supervision has since been successfully terminated.

19 (3) The chief judge of the circuit in which an arrest was
20 made or a charge was brought or any judge of that circuit
21 designated by the chief judge may, upon verified petition of a
22 person who is the subject of an arrest or a juvenile court
23 proceeding pursuant to subsection (2) of this Section, order
24 the law enforcement records or juvenile court records, or both,
25 to be expunged from the official records of the arresting

1 authority and the clerk of the circuit court. Notice of the
2 petition shall be served upon the State's Attorney and upon the
3 arresting authority which is the subject of the petition for
4 expungement.

5 (4) The changes made to this Section by this amendatory Act
6 of the 98th General Assembly apply to law enforcement and
7 juvenile court records of a minor who has been arrested or
8 taken into custody on or after the effective date of this
9 amendatory Act.

10 (Source: P.A. 98-61, eff. 1-1-14.)

11 (705 ILCS 405/5-915)

12 (Text of Section before amendment by P.A. 100-987)

13 Sec. 5-915. Expungement of juvenile law enforcement and
14 juvenile court records.

15 (0.05) (Blank). ~~For purposes of this Section:~~

16 ~~"Dissemination" or "disseminate" means to publish,~~
17 ~~produce, print, manufacture, distribute, sell, lease, exhibit,~~
18 ~~broadcast, display, transmit, or otherwise share information~~
19 ~~in any format so as to make the information accessible to~~
20 ~~others.~~

21 ~~"Expunge" means to physically destroy the records and to~~
22 ~~obliterate the minor's name and juvenile court records from any~~
23 ~~official index, public record, or electronic database. No~~
24 ~~evidence of the juvenile court records may be retained by any~~
25 ~~law enforcement agency, the juvenile court, or by any~~

1 ~~municipal, county, or State agency or department. Nothing in~~
2 ~~this Act shall require the physical destruction of the internal~~
3 ~~office records, files, or databases maintained by a State's~~
4 ~~Attorney's Office or other prosecutor, public defender,~~
5 ~~probation officer, or by the Office of the Secretary of State.~~

6 ~~"Juvenile court record" includes, but is not limited to:~~

7 ~~(a) all documents filed in or maintained by the~~
8 ~~juvenile court pertaining to a specific incident,~~
9 ~~proceeding, or individual;~~

10 ~~(b) all documents relating to a specific incident,~~
11 ~~proceeding, or individual made available to or maintained~~
12 ~~by probation officers;~~

13 ~~(c) all documents, video or audio tapes, photographs,~~
14 ~~and exhibits admitted into evidence at juvenile court~~
15 ~~hearings; or~~

16 ~~(d) all documents, transcripts, records, reports or~~
17 ~~other evidence prepared by, maintained by, or released by~~
18 ~~any municipal, county, or State agency or department, in~~
19 ~~any format, if indicating involvement with the juvenile~~
20 ~~court relating to a specific incident, proceeding, or~~
21 ~~individual.~~

22 ~~"Law enforcement record" includes, but is not limited to,~~
23 ~~records of arrest, station adjustments, fingerprints,~~
24 ~~probation adjustments, the issuance of a notice to appear, or~~
25 ~~any other records or documents maintained by any law~~
26 ~~enforcement agency relating to a minor suspected of committing~~

1 ~~an offense or evidence of interaction with law enforcement.~~

2 (0.1) (a) Except as otherwise provided in subsection (0.15)
3 of this Section, the ~~The~~ Department of State Police and all law
4 enforcement agencies within the State shall automatically
5 expunge, on or before January 1 of each year, all juvenile law
6 enforcement records relating to events occurring before an
7 individual's 18th birthday if:

8 (1) one year or more has elapsed since the date of the
9 arrest or law enforcement interaction documented in the
10 records;

11 (2) no petition for delinquency or criminal charges
12 were filed with the clerk of the circuit court relating to
13 the arrest or law enforcement interaction documented in the
14 records; and

15 (3) 6 months have elapsed since the date of the arrest
16 without an additional subsequent arrest or filing of a
17 petition for delinquency or criminal charges whether
18 related or not to the arrest or law enforcement interaction
19 documented in the records.

20 (b) If the law enforcement agency is unable to verify
21 satisfaction of conditions (2) and (3) of this subsection
22 (0.1), records that satisfy condition (1) of this subsection
23 (0.1) shall be automatically expunged if the records relate to
24 an offense that if committed by an adult would not be an
25 offense classified as Class 2 felony or higher, an offense
26 under Article 11 of the Criminal Code of 1961 or Criminal Code

1 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
2 12-15, or 12-16 of the Criminal Code of 1961.

3 (0.15) If a juvenile law enforcement record meets paragraph
4 (a) of subsection (0.1) of this Section, a juvenile law
5 enforcement record created:

6 (1) prior to January 1, 2018, but on or after January
7 1, 2013 shall be automatically expunged prior to January 1,
8 2020;

9 (2) prior to January 1, 2013, but on or after January
10 1, 2000, shall be automatically expunged prior to January
11 1, 2023; and

12 (3) prior to January 1, 2000 shall not be subject to
13 the automatic expungement provisions of this Act.

14 Nothing in this subsection (0.15) shall be construed to
15 restrict or modify an individual's right to have his or her
16 juvenile law enforcement records expunged except as otherwise
17 may be provided in this Act.

18 (0.2) (a) Upon dismissal of a petition alleging delinquency
19 or upon a finding of not delinquent, the successful termination
20 of an order of supervision, or the successful termination of an
21 adjudication for an offense which would be a Class B
22 misdemeanor, Class C misdemeanor, or a petty or business
23 offense if committed by an adult, the court shall automatically
24 order the expungement of the juvenile court records and
25 juvenile law enforcement records. The clerk shall deliver a
26 certified copy of the expungement order to the Department of

1 State Police and the arresting agency. Upon request, the
2 State's Attorney shall furnish the name of the arresting
3 agency. The expungement shall be completed within 60 business
4 days after the receipt of the expungement order.

5 (b) If the chief law enforcement officer of the agency, or
6 his or her designee, certifies in writing that certain
7 information is needed for a pending investigation involving the
8 commission of a felony, that information, and information
9 identifying the juvenile, may be retained ~~in an intelligence~~
10 ~~file~~ until the statute of limitations for the felony has
11 expired. If the chief law enforcement officer of the agency, or
12 his or her designee, certifies in writing that certain
13 information is needed with respect to an internal investigation
14 of any law enforcement office, that information and information
15 identifying the juvenile may be retained within an intelligence
16 file until the investigation is terminated or the disciplinary
17 action, including appeals, has been completed, whichever is
18 later ~~the investigation is terminated or for one additional~~
19 ~~year, whichever is sooner.~~ Retention of a portion of a
20 juvenile's law enforcement record does not disqualify the
21 remainder of his or her record from immediate automatic
22 expungement.

23 (0.3) (a) Upon an adjudication of delinquency based on any
24 offense except a disqualified offense, the juvenile court shall
25 automatically order the expungement of the juvenile court and
26 law enforcement records 2 years after the juvenile's case was

1 closed if no delinquency or criminal proceeding is pending and
2 the person has had no subsequent delinquency adjudication or
3 criminal conviction. The clerk shall deliver a certified copy
4 of the expungement order to the Department of State Police and
5 the arresting agency. Upon request, the State's Attorney shall
6 furnish the name of the arresting agency. The expungement shall
7 be completed within 60 business days after the receipt of the
8 expungement order. In ~~For the purposes of~~ this subsection
9 (0.3), "disqualified offense" means any of the following
10 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
11 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
12 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
13 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
14 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
15 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
16 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
17 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
18 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
19 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
20 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
21 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
22 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
23 paragraph (1) of subsection (a) of Section 12-9, subparagraph
24 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
25 paragraph (1) of subsection (a) of Section 25-1, or subsection
26 (a-7) of Section 31-1 of the Criminal Code of 2012.

1 (b) If the chief law enforcement officer of the agency, or
2 his or her designee, certifies in writing that certain
3 information is needed for a pending investigation involving the
4 commission of a felony, that information, and information
5 identifying the juvenile, may be retained in an intelligence
6 file until the investigation is terminated or for one
7 additional year, whichever is sooner. Retention of a portion of
8 a juvenile's juvenile law enforcement record does not
9 disqualify the remainder of his or her record from immediate
10 automatic expungement.

11 (0.4) Automatic expungement for the purposes of this
12 Section shall not require law enforcement agencies to
13 obliterate or otherwise destroy juvenile law enforcement
14 records that would otherwise need to be automatically expunged
15 under this Act, except after 2 years following the subject
16 arrest for purposes of use in civil litigation against a
17 governmental entity or its law enforcement agency or personnel
18 which created, maintained, or used the records. However these
19 juvenile law enforcement records shall be considered expunged
20 for all other purposes during this period and the offense,
21 which the records or files concern, shall be treated as if it
22 never occurred as required under Section 5-923.

23 (0.5) Subsection (0.1) or (0.2) of this Section does not
24 apply to violations of traffic, boating, fish and game laws, or
25 county or municipal ordinances.

26 (0.6) Juvenile law enforcement records of a plaintiff who

1 has filed civil litigation against the governmental entity or
2 its law enforcement agency or personnel that created,
3 maintained, or used the records or juvenile law enforcement
4 records that contain information related to the allegations set
5 forth in the civil litigation may not be expunged until after 2
6 years have elapsed after the conclusion of the lawsuit,
7 including any appeal.

8 (0.7) Officer-worn body camera recordings shall not be
9 automatically expunged except as otherwise authorized by the
10 Law Enforcement Officer-Worn Body Camera Act.

11 ~~(1) Nothing in this subsection (1) precludes an eligible~~
12 ~~minor from obtaining expungement under subsection (0.1),~~
13 ~~(0.2), or (0.3).~~ Whenever a person has been arrested, charged,
14 or adjudicated delinquent for an incident occurring before his
15 or her 18th birthday that if committed by an adult would be an
16 offense, and that person's juvenile law enforcement and
17 juvenile court records are not eligible for automatic
18 expungement under subsection (0.1), (0.2), or (0.3), the person
19 may petition the court at any time for expungement of juvenile
20 law enforcement records and juvenile court records relating to
21 the incident and, upon termination of all juvenile court
22 proceedings relating to that incident, the court shall order
23 the expungement of all records in the possession of the
24 Department of State Police, the clerk of the circuit court, and
25 law enforcement agencies relating to the incident, but only in
26 any of the following circumstances:

1 (a) the minor was arrested and no petition for
2 delinquency was filed with the clerk of the circuit court;

3 (a-5) the minor was charged with an offense and the
4 petition or petitions were dismissed without a finding of
5 delinquency;

6 (b) the minor was charged with an offense and was found
7 not delinquent of that offense;

8 (c) the minor was placed under supervision under
9 ~~pursuant to~~ Section 5-615, and the order of supervision has
10 since been successfully terminated; or

11 (d) the minor was adjudicated for an offense which
12 would be a Class B misdemeanor, Class C misdemeanor, or a
13 petty or business offense if committed by an adult.

14 (1.5) The Department of State Police shall allow a person
15 to use the Access and Review process, established in the
16 Department of State Police, for verifying that his or her
17 juvenile law enforcement records relating to incidents
18 occurring before his or her 18th birthday eligible under this
19 Act have been expunged.

20 (1.6) (Blank).

21 (1.7) (Blank).

22 (1.8) (Blank).

23 (2) Any person whose delinquency adjudications are not
24 eligible for automatic expungement under subsection (0.3) of
25 this Section may petition the court to expunge all juvenile law
26 enforcement records relating to any incidents occurring before

1 his or her 18th birthday which did not result in proceedings in
2 criminal court and all juvenile court records with respect to
3 any adjudications except those based upon first degree murder
4 or an offense under Article 11 of the Criminal Code of 2012 if
5 the person is required to register under the Sex Offender
6 Registration Act at the time he or she petitions the court for
7 expungement; provided that:

8 (a) (blank); or

9 (b) 2 years have elapsed since all juvenile court
10 proceedings relating to him or her have been terminated and
11 his or her commitment to the Department of Juvenile Justice
12 under this Act has been terminated.

13 (2.5) If a minor is arrested and no petition for
14 delinquency is filed with the clerk of the circuit court at the
15 time the minor is released from custody, the youth officer, if
16 applicable, or other designated person from the arresting
17 agency, shall notify verbally and in writing to the minor or
18 the minor's parents or guardians that the minor shall have an
19 arrest record and shall provide the minor and the minor's
20 parents or guardians with an expungement information packet,
21 information regarding this State's expungement laws including
22 a petition to expunge juvenile law enforcement and juvenile
23 court records obtained from the clerk of the circuit court.

24 (2.6) If a minor is referred to court then at the time of
25 sentencing or dismissal of the case, or successful completion
26 of supervision, the judge shall inform the delinquent minor of

1 his or her rights regarding expungement and the clerk of the
 2 circuit court shall provide an expungement information packet
 3 to the minor, written in plain language, including information
 4 regarding this State's expungement laws and a petition for
 5 expungement, a sample of a completed petition, expungement
 6 instructions that shall include information informing the
 7 minor that (i) once the case is expunged, it shall be treated
 8 as if it never occurred, (ii) he or she may apply to have
 9 petition fees waived, (iii) once he or she obtains an
 10 expungement, he or she may not be required to disclose that he
 11 or she had a juvenile law enforcement or juvenile court record,
 12 and (iv) if petitioning he or she may file the petition on his
 13 or her own or with the assistance of an attorney. The failure
 14 of the judge to inform the delinquent minor of his or her right
 15 to petition for expungement as provided by law does not create
 16 a substantive right, nor is that failure grounds for: (i) a
 17 reversal of an adjudication of delinquency, (ii) a new trial;
 18 or (iii) an appeal.

19 (2.7) (Blank).

20 (2.8) (Blank). ~~The petition for expungement for subsection~~
 21 ~~(1) and (2) may include multiple offenses on the same petition~~
 22 ~~and shall be substantially in the following form:~~

23 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~
 24 ~~..... JUDICIAL CIRCUIT~~

25 ~~IN THE INTEREST OF) NO.~~

1 ~~petty offense or business offense if committed by an adult.~~
 2 ~~() f. was adjudicated for a Class A misdemeanor or felony,~~
 3 ~~except first degree murder or an offense under Article 11 of~~
 4 ~~the Criminal Code of 2012 if the person is required to register~~
 5 ~~under the Sex Offender Registration Act, and 2 years have~~
 6 ~~passed since the case was closed.~~

7 ~~Petitioner has has not been arrested on charges in~~
 8 ~~this or any county other than the charges listed above. If~~
 9 ~~petitioner has been arrested on additional charges, please list~~
 10 ~~the charges below:~~

11 ~~Charge (s) :~~

12 ~~Arresting Agency or Agencies:~~

13 ~~Disposition/Result: (choose from a. through f., above):~~

14 ~~WHEREFORE, the petitioner respectfully requests this Honorable~~
 15 ~~Court to (1) order all law enforcement agencies to expunge all~~
 16 ~~records of petitioner to this incident or incidents, and (2) to~~
 17 ~~order the Clerk of the Court to expunge all records concerning~~
 18 ~~the petitioner regarding this incident or incidents.~~

19 ~~.....~~
 20 ~~Petitioner (Signature)~~

21 ~~.....~~
 22 ~~Petitioner's Street Address~~

23 ~~.....~~

1

~~City, State, Zip Code~~

2

~~.....~~

3

~~Petitioner's Telephone Number~~

4

~~Pursuant to the penalties of perjury under the Code of Civil
Procedure, 735 ILCS 5/1-109, I hereby certify that the
statements in this petition are true and correct, or on
information and belief I believe the same to be true.~~

8

~~.....~~

9

~~Petitioner (Signature)~~

10

~~(3) (Blank). The chief judge of the circuit in which an
arrest was made or a charge was brought or any judge of that
circuit designated by the chief judge may, upon verified
petition of a person who is the subject of an arrest or a
juvenile court proceeding under subsection (1) or (2) of this
Section, order the law enforcement records or official court
file, or both, to be expunged from the official records of the
arresting authority, the clerk of the circuit court and the
Department of State Police. The person whose records are to be
expunged shall petition the court using the appropriate form
containing his or her current address and shall promptly notify
the clerk of the circuit court of any change of address. Notice
of the petition shall be served upon the State's Attorney or
prosecutor charged with the duty of prosecuting the offense,~~

23

1 ~~TO: Arresting Agency~~

2
3 ~~.....~~

4 ~~.....~~

5
6 ~~.....~~

7 ~~.....~~

8 ~~TO: Illinois State Police~~

9
10 ~~.....~~

11
12 ~~.....~~

13 ~~ATTENTION: Expungement~~

14 ~~You are hereby notified that on, at, in courtroom~~
15 ~~..., located at ..., before the Honorable ..., Judge, or any~~
16 ~~judge sitting in his/her stead, I shall then and there present~~
17 ~~a Petition to Expunge Juvenile records in the above entitled~~
18 ~~matter, at which time and place you may appear.~~

19 ~~.....~~
20 ~~Petitioner's Signature~~

21 ~~.....~~
22 ~~Petitioner's Street Address~~

23 ~~.....~~
24 ~~City, State, Zip Code~~

25 ~~.....~~
26 ~~Petitioner's Telephone Number~~

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~~PROOF OF SERVICE~~

~~On the day of, 20..., I on oath state that I served this notice and true and correct copies of the above checked documents by:~~

~~(Check One:)~~

~~delivering copies personally to each entity to whom they are directed,~~

~~or~~

~~by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at~~

~~.....~~

~~Signature~~

~~Clerk of the Circuit Court or Deputy Clerk~~

~~Printed Name of Delinquent Minor/Petitioner:~~

~~Address:~~

~~Telephone Number:~~

~~(3.2) (Blank). The Order of Expungement shall be in substantially the following form:~~

~~IN THE CIRCUIT COURT OF, ILLINOIS~~

~~..... JUDICIAL CIRCUIT~~

~~IN THE INTEREST OF) NO.~~

~~+~~

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+

~~.....) (Name of Petitioner)~~

~~DOB~~

~~Arresting Agency/Agencies~~

~~ORDER OF EXPUNGEMENT~~

~~(705 ILCS 405/5-915 (SUBSECTION 3))~~

~~This matter having been heard on the petitioner's motion and the court being fully advised in the premises does find that the petitioner is indigent or has presented reasonable cause to waive all costs in this matter, IT IS HEREBY ORDERED that:~~

~~() 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.~~

~~() 2. The Illinois State Police Bureau of Identification and the following law enforcement agencies expunge all records of petitioner relating to an arrest dated for the offense of~~

~~Law Enforcement Agencies:~~

~~.....~~

~~.....~~

~~() 3. IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case.~~

~~ENTER:~~

~~JUDGE~~

~~DATED:~~

1 ~~Name:~~

2 ~~Attorney for:~~

3 ~~Address: City/State/Zip:~~

4 ~~Attorney Number:~~

5 (3.3) (Blank). ~~The Notice of Objection shall be in~~
6 ~~substantially the following form:~~

7 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

8 ~~..... JUDICIAL CIRCUIT~~

9 ~~IN THE INTEREST OF) NO.~~

10 ~~) ↗~~

11 ~~) ↗~~

12 ~~.....)~~

13 ~~(Name of Petitioner)~~

14 ~~NOTICE OF OBJECTION~~

15 ~~TO: (Attorney, Public Defender, Minor)~~

16 ~~.....~~

17 ~~.....~~

18 ~~TO: (Illinois State Police)~~

19 ~~.....~~

20 ~~.....~~

21 ~~TO: (Clerk of the Court)~~

22 ~~.....~~

23 ~~.....~~

24 ~~TO: (Judge)~~

1
.....

2
.....

3 ~~TO: (Arresting Agency/Agencies)~~

4
.....

5
.....

6 ~~ATTENTION: You are hereby notified that an objection has been~~
7 ~~filed by the following entity regarding the above named minor's~~
8 ~~petition for expungement of juvenile records:~~

9 ~~() State's Attorney's Office;~~

10 ~~() Prosecutor (other than State's Attorney's Office) charged~~
11 ~~with the duty of prosecuting the offense sought to be expunged;~~

12 ~~() Department of Illinois State Police; or~~

13 ~~() Arresting Agency or Agencies.~~

14 ~~The agency checked above respectfully requests that this case~~
15 ~~be continued and set for hearing on whether the expungement~~
16 ~~should or should not be granted.~~

17 ~~DATED:~~

18 ~~Name:~~

19 ~~Attorney For:~~

20 ~~Address:~~

21 ~~City/State/Zip:~~

22 ~~Telephone:~~

23 ~~Attorney No.:~~

24 ~~FOR USE BY CLERK OF THE COURT PERSONNEL ONLY~~

25 ~~This matter has been set for hearing on the foregoing~~
26 ~~objection, on in room, located at, before the~~

1 ~~Honorable, Judge, or any judge sitting in his/her stead.~~
2 ~~(Only one hearing shall be set, regardless of the number of~~
3 ~~Notices of Objection received on the same case).~~

4 ~~A copy of this completed Notice of Objection containing the~~
5 ~~court date, time, and location, has been sent via regular U.S.~~
6 ~~Mail to the following entities. (If more than one Notice of~~
7 ~~Objection is received on the same case, each one must be~~
8 ~~completed with the court date, time and location and mailed to~~
9 ~~the following entities):~~

10 ~~() Attorney, Public Defender or Minor;~~

11 ~~() State's Attorney's Office;~~

12 ~~() Prosecutor (other than State's Attorney's Office) charged~~
13 ~~with the duty of prosecuting the offense sought to be expunged;~~

14 ~~() Department of Illinois State Police; and~~

15 ~~() Arresting agency or agencies.~~

16 ~~Date:~~

17 ~~Initials of Clerk completing this section:~~

18 (4) (Blank). ~~(a) Upon entry of an order expunging records~~
19 ~~or files, the offense, which the records or files concern shall~~
20 ~~be treated as if it never occurred. Law enforcement officers~~
21 ~~and other public offices and agencies shall properly reply on~~
22 ~~inquiry that no record or file exists with respect to the~~
23 ~~person.~~

24 ~~(a-5) Local law enforcement agencies shall send written~~
25 ~~notice to the minor of the expungement of any records within 60~~
26 ~~days of automatic expungement or the date of service of an~~

1 ~~expungement order, whichever applies. If a minor's court file~~
2 ~~has been expunged, the clerk of the circuit court shall send~~
3 ~~written notice to the minor of the expungement of any records~~
4 ~~within 60 days of automatic expungement or the date of service~~
5 ~~of an expungement order, whichever applies.~~

6 ~~(b) Except with respect to authorized military personnel,~~
7 ~~an expunged juvenile record may not be considered by any~~
8 ~~private or public entity in employment matters, certification,~~
9 ~~licensing, revocation of certification or licensure, or~~
10 ~~registration. Applications for employment within the State~~
11 ~~must contain specific language that states that the applicant~~
12 ~~is not obligated to disclose expunged juvenile records of~~
13 ~~adjudication or arrest. Employers may not ask, in any format or~~
14 ~~context, if an applicant has had a juvenile record expunged.~~
15 ~~Information about an expunged record obtained by a potential~~
16 ~~employer, even inadvertently, from an employment application~~
17 ~~that does not contain specific language that states that the~~
18 ~~applicant is not obligated to disclose expunged juvenile~~
19 ~~records of adjudication or arrest, shall be treated as~~
20 ~~dissemination of an expunged record by the employer.~~

21 ~~(c) A person whose juvenile records have been expunged is~~
22 ~~not entitled to remission of any fines, costs, or other money~~
23 ~~paid as a consequence of expungement.~~

24 (5) (Blank).

25 (5.5) Whether or not expunged, records eligible for
26 automatic expungement under subdivision (0.1) (a), (0.2) (a), or

1 (0.3) (a) may be treated as expunged by the person who is the
2 ~~individual~~ subject of ~~to~~ the records.

3 (6) (Blank). ~~Nothing in this Section shall be construed to~~
4 ~~prohibit the maintenance of information relating to an offense~~
5 ~~after records or files concerning the offense have been~~
6 ~~expunged if the information is kept in a manner that does not~~
7 ~~enable identification of the individual. This information may~~
8 ~~only be used for anonymous statistical and bona fide research~~
9 ~~purposes.~~

10 (6.5) The Department of State Police or any employee of the
11 Department shall be immune from civil or criminal liability for
12 failure to expunge any records of arrest that are subject to
13 expungement under this Section because of inability to verify a
14 record. Nothing in this Section shall create Department of
15 State Police liability or responsibility for the expungement of
16 juvenile law enforcement records it does not possess.

17 (7) (Blank). ~~(a) The State Appellate Defender shall~~
18 ~~establish, maintain, and carry out, by December 31, 2004, a~~
19 ~~juvenile expungement program to provide information and~~
20 ~~assistance to minors eligible to have their juvenile records~~
21 ~~expunged.~~

22 ~~(b) The State Appellate Defender shall develop brochures,~~
23 ~~pamphlets, and other materials in printed form and through the~~
24 ~~agency's World Wide Web site. The pamphlets and other materials~~
25 ~~shall include at a minimum the following information:~~

26 ~~(i) An explanation of the State's juvenile expungement~~

1 ~~laws, including both automatic expungement and expungement~~
2 ~~by petition;~~

3 ~~(ii) The circumstances under which juvenile~~
4 ~~expungement may occur;~~

5 ~~(iii) The juvenile offenses that may be expunged;~~

6 ~~(iv) The steps necessary to initiate and complete the~~
7 ~~juvenile expungement process; and~~

8 ~~(v) Directions on how to contact the State Appellate~~
9 ~~Defender.~~

10 ~~(c) The State Appellate Defender shall establish and~~
11 ~~maintain a statewide toll-free telephone number that a person~~
12 ~~may use to receive information or assistance concerning the~~
13 ~~expungement of juvenile records. The State Appellate Defender~~
14 ~~shall advertise the toll-free telephone number statewide. The~~
15 ~~State Appellate Defender shall develop an expungement~~
16 ~~information packet that may be sent to eligible persons seeking~~
17 ~~expungement of their juvenile records, which may include, but~~
18 ~~is not limited to, a pre-printed expungement petition with~~
19 ~~instructions on how to complete the petition and a pamphlet~~
20 ~~containing information that would assist individuals through~~
21 ~~the juvenile expungement process.~~

22 ~~(d) The State Appellate Defender shall compile a statewide~~
23 ~~list of volunteer attorneys willing to assist eligible~~
24 ~~individuals through the juvenile expungement process.~~

25 ~~(e) This Section shall be implemented from funds~~
26 ~~appropriated by the General Assembly to the State Appellate~~

1 ~~Defender for this purpose. The State Appellate Defender shall~~
2 ~~employ the necessary staff and adopt the necessary rules for~~
3 ~~implementation of this Section.~~

4 (7.5) (Blank). ~~(a) Willful dissemination of any~~
5 ~~information contained in an expunged record shall be treated as~~
6 ~~a Class C misdemeanor and punishable by a fine of \$1,000 per~~
7 ~~violation.~~

8 ~~(b) Willful dissemination for financial gain of any~~
9 ~~information contained in an expunged record shall be treated as~~
10 ~~a Class 4 felony. Dissemination for financial gain by an~~
11 ~~employee of any municipal, county, or State agency, including~~
12 ~~law enforcement, shall result in immediate termination.~~

13 ~~(c) The person whose record was expunged has a right of~~
14 ~~action against any person who intentionally disseminates an~~
15 ~~expunged record. In the proceeding, punitive damages up to an~~
16 ~~amount of \$1,000 may be sought in addition to any actual~~
17 ~~damages. The prevailing party shall be entitled to costs and~~
18 ~~reasonable attorney fees.~~

19 ~~(d) The punishments for dissemination of an expunged record~~
20 ~~shall never apply to the person whose record was expunged.~~

21 (8) (a) (Blank). ~~An expunged juvenile record may not be~~
22 ~~considered by any private or public entity in employment~~
23 ~~matters, certification, licensing, revocation of certification~~
24 ~~or licensure, or registration. Applications for employment~~
25 ~~must contain specific language that states that the applicant~~
26 ~~is not obligated to disclose expunged juvenile records of~~

1 ~~adjudication, conviction, or arrest. Employers may not ask if~~
2 ~~an applicant has had a juvenile record expunged. Effective~~
3 ~~January 1, 2005, the Department of Labor shall develop a link~~
4 ~~on the Department's website to inform employers that employers~~
5 ~~may not ask if an applicant had a juvenile record expunged and~~
6 ~~that application for employment must contain specific language~~
7 ~~that states that the applicant is not obligated to disclose~~
8 ~~expunged juvenile records of adjudication, arrest, or~~
9 ~~conviction.~~

10 (b) (Blank).

11 (c) The expungement of juvenile law enforcement or juvenile
12 court records under subsection (0.1), (0.2), or (0.3) ~~0.1, 0.2,~~
13 ~~or 0.3~~ of this Section shall be funded by the additional fine
14 imposed under Section 5-9-1.17 of the Unified Code of
15 Corrections.

16 (9) (Blank).

17 (10) (Blank).

18 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
19 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
20 8-3-18; 100-863, eff. 8-14-18.)

21 (Text of Section after amendment by P.A. 100-987)

22 Sec. 5-915. Expungement of juvenile law enforcement and
23 juvenile court records.

24 (0.05) (Blank). ~~For purposes of this Section:~~

25 ~~"Dissemination" or "disseminate" means to publish,~~

1 ~~produce, print, manufacture, distribute, sell, lease, exhibit,~~
2 ~~broadcast, display, transmit, or otherwise share information~~
3 ~~in any format so as to make the information accessible to~~
4 ~~others.~~

5 ~~"Expunge" means to physically destroy the records and to~~
6 ~~obliterate the minor's name and juvenile court records from any~~
7 ~~official index, public record, or electronic database. No~~
8 ~~evidence of the juvenile court records may be retained by any~~
9 ~~law enforcement agency, the juvenile court, or by any~~
10 ~~municipal, county, or State agency or department. Nothing in~~
11 ~~this Act shall require the physical destruction of the internal~~
12 ~~office records, files, or databases maintained by a State's~~
13 ~~Attorney's Office or other prosecutor, public defender,~~
14 ~~probation officer, or by the Office of the Secretary of State.~~

15 ~~"Juvenile court record" includes, but is not limited to:~~

16 ~~(a) all documents filed in or maintained by the~~
17 ~~juvenile court pertaining to a specific incident,~~
18 ~~proceeding, or individual;~~

19 ~~(b) all documents relating to a specific incident,~~
20 ~~proceeding, or individual made available to or maintained~~
21 ~~by probation officers;~~

22 ~~(c) all documents, video or audio tapes, photographs,~~
23 ~~and exhibits admitted into evidence at juvenile court~~
24 ~~hearings; or~~

25 ~~(d) all documents, transcripts, records, reports or~~
26 ~~other evidence prepared by, maintained by, or released by~~

1 ~~any municipal, county, or State agency or department, in~~
2 ~~any format, if indicating involvement with the juvenile~~
3 ~~court relating to a specific incident, proceeding, or~~
4 ~~individual.~~

5 ~~"Law enforcement record" includes, but is not limited to,~~
6 ~~records of arrest, station adjustments, fingerprints,~~
7 ~~probation adjustments, the issuance of a notice to appear, or~~
8 ~~any other records or documents maintained by any law~~
9 ~~enforcement agency relating to a minor suspected of committing~~
10 ~~an offense or evidence of interaction with law enforcement.~~

11 (0.1) (a) The Department of State Police and all law
12 enforcement agencies within the State shall automatically
13 expunge, on or before January 1 of each year, all juvenile law
14 enforcement records relating to events occurring before an
15 individual's 18th birthday if:

16 (1) one year or more has elapsed since the date of the
17 arrest or law enforcement interaction documented in the
18 records;

19 (2) no petition for delinquency or criminal charges
20 were filed with the clerk of the circuit court relating to
21 the arrest or law enforcement interaction documented in the
22 records; and

23 (3) 6 months have elapsed since the date of the arrest
24 without an additional subsequent arrest or filing of a
25 petition for delinquency or criminal charges whether
26 related or not to the arrest or law enforcement interaction

1 documented in the records.

2 (b) If the law enforcement agency is unable to verify
3 satisfaction of conditions (2) and (3) of this subsection
4 (0.1), records that satisfy condition (1) of this subsection
5 (0.1) shall be automatically expunged if the records relate to
6 an offense that if committed by an adult would not be an
7 offense classified as Class 2 felony or higher, an offense
8 under Article 11 of the Criminal Code of 1961 or Criminal Code
9 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
10 12-15, or 12-16 of the Criminal Code of 1961.

11 (0.15) If a juvenile law enforcement record meets paragraph
12 (a) of subsection (0.1) of this Section, a juvenile law
13 enforcement record created:

14 (1) prior to January 1, 2018, but on or after January
15 1, 2013 shall be automatically expunged prior to January 1,
16 2020;

17 (2) prior to January 1, 2013, but on or after January
18 1, 2000, shall be automatically expunged prior to January
19 1, 2023; and

20 (3) prior to January 1, 2000 shall not be subject to
21 the automatic expungement provisions of this Act.

22 Nothing in this subsection (0.15) shall be construed to
23 restrict or modify an individual's right to have his or her
24 juvenile law enforcement records expunged except as otherwise
25 may be provided in this Act.

26 (0.2) (a) Upon dismissal of a petition alleging delinquency

1 or upon a finding of not delinquent, the successful termination
2 of an order of supervision, or the successful termination of an
3 adjudication for an offense which would be a Class B
4 misdemeanor, Class C misdemeanor, or a petty or business
5 offense if committed by an adult, the court shall automatically
6 order the expungement of the juvenile court records and
7 juvenile law enforcement records. The clerk shall deliver a
8 certified copy of the expungement order to the Department of
9 State Police and the arresting agency. Upon request, the
10 State's Attorney shall furnish the name of the arresting
11 agency. The expungement shall be completed within 60 business
12 days after the receipt of the expungement order.

13 (b) If the chief law enforcement officer of the agency, or
14 his or her designee, certifies in writing that certain
15 information is needed for a pending investigation involving the
16 commission of a felony, that information, and information
17 identifying the juvenile, may be retained ~~in an intelligence~~
18 file until the statute of limitations for the felony has run.
19 If the chief law enforcement officer of the agency, or his or
20 her designee, certifies in writing that certain information is
21 needed with respect to an internal investigation of any law
22 enforcement office, that information and information
23 identifying the juvenile may be retained within an intelligence
24 file until the investigation is terminated or the disciplinary
25 action, including appeals, has been completed, whichever is
26 later the investigation is terminated or for one additional

1 ~~year, whichever is sooner.~~ Retention of a portion of a
2 juvenile's law enforcement record does not disqualify the
3 remainder of his or her record from immediate automatic
4 expungement.

5 (0.3) (a) Upon an adjudication of delinquency based on any
6 offense except a disqualified offense, the juvenile court shall
7 automatically order the expungement of the juvenile court and
8 law enforcement records 2 years after the juvenile's case was
9 closed if no delinquency or criminal proceeding is pending and
10 the person has had no subsequent delinquency adjudication or
11 criminal conviction. The clerk shall deliver a certified copy
12 of the expungement order to the Department of State Police and
13 the arresting agency. Upon request, the State's Attorney shall
14 furnish the name of the arresting agency. The expungement shall
15 be completed within 60 business days after the receipt of the
16 expungement order. ~~In For the purposes of~~ this subsection
17 (0.3), "disqualified offense" means any of the following
18 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
19 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
20 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
21 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
22 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
23 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
24 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
25 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
26 subsection (b) of Section 8-1, paragraph (4) of subsection (a)

1 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
2 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
3 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
4 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
5 paragraph (1) of subsection (a) of Section 12-9, subparagraph
6 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
7 paragraph (1) of subsection (a) of Section 25-1, or subsection
8 (a-7) of Section 31-1 of the Criminal Code of 2012.

9 (b) If the chief law enforcement officer of the agency, or
10 his or her designee, certifies in writing that certain
11 information is needed for a pending investigation involving the
12 commission of a felony, that information, and information
13 identifying the juvenile, may be retained in an intelligence
14 file until the investigation is terminated or for one
15 additional year, whichever is sooner. Retention of a portion of
16 a juvenile's juvenile law enforcement record does not
17 disqualify the remainder of his or her record from immediate
18 automatic expungement.

19 (0.4) Automatic expungement for the purposes of this
20 Section shall not require law enforcement agencies to
21 obliterate or otherwise destroy juvenile law enforcement
22 records that would otherwise need to be automatically expunged
23 under this Act, except after 2 years following the subject
24 arrest for purposes of use in civil litigation against a
25 governmental entity or its law enforcement agency or personnel
26 which created, maintained, or used the records. However these

1 juvenile law enforcement records shall be considered expunged
2 for all other purposes during this period and the offense,
3 which the records or files concern, shall be treated as if it
4 never occurred as required under Section 5-923.

5 (0.5) Subsection (0.1) or (0.2) of this Section does not
6 apply to violations of traffic, boating, fish and game laws, or
7 county or municipal ordinances.

8 (0.6) Juvenile law enforcement records of a plaintiff who
9 has filed civil litigation against the governmental entity or
10 its law enforcement agency or personnel that created,
11 maintained, or used the records, or juvenile law enforcement
12 records that contain information related to the allegations set
13 forth in the civil litigation may not be expunged until after 2
14 years have elapsed after the conclusion of the lawsuit,
15 including any appeal.

16 (0.7) Officer-worn body camera recordings shall not be
17 automatically expunged except as otherwise authorized by the
18 Law Enforcement Officer-Worn Body Camera Act.

19 ~~(1) Nothing in this subsection (1) precludes an eligible~~
20 ~~minor from obtaining expungement under subsection (0.1),~~
21 ~~(0.2), or (0.3).~~ Whenever a person has been arrested, charged,
22 or adjudicated delinquent for an incident occurring before his
23 or her 18th birthday that if committed by an adult would be an
24 offense, and that person's juvenile law enforcement and
25 juvenile court records are not eligible for automatic
26 expungement under subsection (0.1), (0.2), or (0.3), the person

1 may petition the court at any time for expungement of juvenile
2 law enforcement records and juvenile court records relating to
3 the incident and, upon termination of all juvenile court
4 proceedings relating to that incident, the court shall order
5 the expungement of all records in the possession of the
6 Department of State Police, the clerk of the circuit court, and
7 law enforcement agencies relating to the incident, but only in
8 any of the following circumstances:

9 (a) the minor was arrested and no petition for
10 delinquency was filed with the clerk of the circuit court;

11 (a-5) the minor was charged with an offense and the
12 petition or petitions were dismissed without a finding of
13 delinquency;

14 (b) the minor was charged with an offense and was found
15 not delinquent of that offense;

16 (c) the minor was placed under supervision under
17 ~~pursuant to~~ Section 5-615, and the order of supervision has
18 since been successfully terminated; or

19 (d) the minor was adjudicated for an offense which
20 would be a Class B misdemeanor, Class C misdemeanor, or a
21 petty or business offense if committed by an adult.

22 (1.5) The Department of State Police shall allow a person
23 to use the Access and Review process, established in the
24 Department of State Police, for verifying that his or her
25 juvenile law enforcement records relating to incidents
26 occurring before his or her 18th birthday eligible under this

1 Act have been expunged.

2 (1.6) (Blank).

3 (1.7) (Blank).

4 (1.8) (Blank).

5 (2) Any person whose delinquency adjudications are not
6 eligible for automatic expungement under subsection (0.3) of
7 this Section may petition the court to expunge all juvenile law
8 enforcement records relating to any incidents occurring before
9 his or her 18th birthday which did not result in proceedings in
10 criminal court and all juvenile court records with respect to
11 any adjudications except those based upon first degree murder
12 or an offense under Article 11 of the Criminal Code of 2012 if
13 the person is required to register under the Sex Offender
14 Registration Act at the time he or she petitions the court for
15 expungement; provided that:

16 (a) (blank); or

17 (b) 2 years have elapsed since all juvenile court
18 proceedings relating to him or her have been terminated and
19 his or her commitment to the Department of Juvenile Justice
20 under this Act has been terminated.

21 (2.5) If a minor is arrested and no petition for
22 delinquency is filed with the clerk of the circuit court at the
23 time the minor is released from custody, the youth officer, if
24 applicable, or other designated person from the arresting
25 agency, shall notify verbally and in writing to the minor or
26 the minor's parents or guardians that the minor shall have an

1 arrest record and shall provide the minor and the minor's
2 parents or guardians with an expungement information packet,
3 information regarding this State's expungement laws including
4 a petition to expunge juvenile law enforcement and juvenile
5 court records obtained from the clerk of the circuit court.

6 (2.6) If a minor is referred to court then at the time of
7 sentencing or dismissal of the case, or successful completion
8 of supervision, the judge shall inform the delinquent minor of
9 his or her rights regarding expungement and the clerk of the
10 circuit court shall provide an expungement information packet
11 to the minor, written in plain language, including information
12 regarding this State's expungement laws and a petition for
13 expungement, a sample of a completed petition, expungement
14 instructions that shall include information informing the
15 minor that (i) once the case is expunged, it shall be treated
16 as if it never occurred, (ii) he or she may apply to have
17 petition fees waived, (iii) once he or she obtains an
18 expungement, he or she may not be required to disclose that he
19 or she had a juvenile law enforcement or juvenile court record,
20 and (iv) if petitioning he or she may file the petition on his
21 or her own or with the assistance of an attorney. The failure
22 of the judge to inform the delinquent minor of his or her right
23 to petition for expungement as provided by law does not create
24 a substantive right, nor is that failure grounds for: (i) a
25 reversal of an adjudication of delinquency, (ii) a new trial;
26 or (iii) an appeal.

1 (2.7) (Blank).

2 (2.8) (Blank). ~~The petition for expungement for subsection~~
3 ~~(1) and (2) may include multiple offenses on the same petition~~
4 ~~and shall be substantially in the following form:~~

5 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

6 ~~..... JUDICIAL CIRCUIT~~

7 ~~IN THE INTEREST OF) NO.~~

8 ~~+~~

9 ~~+~~

10 ~~.....)~~

11 ~~(Name of Petitioner)~~

12 ~~PETITION TO EXPUNGE JUVENILE RECORDS~~

13 ~~(705 ILCS 405/5-915 (SUBSECTION 1 AND 2))~~

14 ~~Now comes, petitioner, and respectfully requests~~
15 ~~that this Honorable Court enter an order expunging all juvenile~~
16 ~~law enforcement and court records of petitioner and in support~~
17 ~~thereof states that: Petitioner was arrested on by the~~
18 ~~..... Police Department for the offense or offenses of~~
19 ~~....., and:~~

20 ~~(Check All That Apply:)~~

21 ~~() a. no petition or petitions were filed with the Clerk of~~
22 ~~the Circuit Court.~~

23 ~~() b. was charged with and was found not delinquent of~~
24 ~~the offense or offenses.~~

1 ~~() e. a petition or petitions were filed and the petition or~~
2 ~~petitions were dismissed without a finding of delinquency on~~
3 ~~.....~~

4 ~~() d. on placed under supervision pursuant to Section~~
5 ~~5-615 of the Juvenile Court Act of 1987 and such order of~~
6 ~~supervision successfully terminated on~~

7 ~~() e. was adjudicated for the offense or offenses, which would~~
8 ~~have been a Class B misdemeanor, a Class C misdemeanor, or a~~
9 ~~petty offense or business offense if committed by an adult.~~

10 ~~() f. was adjudicated for a Class A misdemeanor or felony,~~
11 ~~except first degree murder or an offense under Article 11 of~~
12 ~~the Criminal Code of 2012 if the person is required to register~~
13 ~~under the Sex Offender Registration Act, and 2 years have~~
14 ~~passed since the case was closed.~~

15 ~~Petitioner has has not been arrested on charges in~~
16 ~~this or any county other than the charges listed above. If~~
17 ~~petitioner has been arrested on additional charges, please list~~
18 ~~the charges below:~~

19 ~~Charge(s):~~

20 ~~Arresting Agency or Agencies:~~

21 ~~Disposition/Result: (choose from a. through f., above):~~

22 ~~WHEREFORE, the petitioner respectfully requests this Honorable~~
23 ~~Court to (1) order all law enforcement agencies to expunge all~~
24 ~~records of petitioner to this incident or incidents, and (2) to~~
25 ~~order the Clerk of the Court to expunge all records concerning~~
26 ~~the petitioner regarding this incident or incidents.~~

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.....
~~Petitioner (Signature)~~

.....
~~Petitioner's Street Address~~

.....
~~City, State, Zip Code~~

.....
~~Petitioner's Telephone Number~~

~~Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.~~

.....
~~Petitioner (Signature)~~

(3) (Blank). ~~The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of this Section, order the law enforcement records or official court~~

1 ~~file, or both, to be expunged from the official records of the~~
2 ~~arresting authority, the clerk of the circuit court and the~~
3 ~~Department of State Police. The person whose records are to be~~
4 ~~expunged shall petition the court using the appropriate form~~
5 ~~containing his or her current address and shall promptly notify~~
6 ~~the clerk of the circuit court of any change of address. Notice~~
7 ~~of the petition shall be served upon the State's Attorney or~~
8 ~~prosecutor charged with the duty of prosecuting the offense,~~
9 ~~the Department of State Police, and the arresting agency or~~
10 ~~agencies by the clerk of the circuit court. If an objection is~~
11 ~~filed within 45 days of the notice of the petition, the clerk~~
12 ~~of the circuit court shall set a date for hearing after the~~
13 ~~45-day objection period. At the hearing the court shall hear~~
14 ~~evidence on whether the expungement should or should not be~~
15 ~~granted. Unless the State's Attorney or prosecutor, the~~
16 ~~Department of State Police, or an arresting agency objects to~~
17 ~~the expungement within 45 days of the notice, the court may~~
18 ~~enter an order granting expungement. The clerk shall forward a~~
19 ~~certified copy of the order to the Department of State Police~~
20 ~~and deliver a certified copy of the order to the arresting~~
21 ~~agency.~~

22 (3.1) (Blank). ~~The Notice of Expungement shall be in~~
23 ~~substantially the following form:~~

24 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

25 ~~..... JUDICIAL CIRCUIT~~

1
.....

2 ~~Petitioner's Signature~~

3
.....

4 ~~Petitioner's Street Address~~

5
.....

6 ~~City, State, Zip Code~~

7
.....

8 ~~Petitioner's Telephone Number~~

9 ~~PROOF OF SERVICE~~

10 ~~On the day of, 20..., I on oath state that I~~
11 ~~served this notice and true and correct copies of the~~
12 ~~above checked documents by:~~

13 ~~(Check One:)~~

14 ~~delivering copies personally to each entity to whom they are~~
15 ~~directed;~~

16 ~~or~~

17 ~~by mailing copies to each entity to whom they are directed by~~
18 ~~depositing the same in the U.S. Mail, proper postage fully~~
19 ~~prepaid, before the hour of 5:00 p.m., at the United States~~
20 ~~Postal Depository located at~~

21
.....

22
23 Signature

24 ~~Clerk of the Circuit Court or Deputy Clerk~~

25 ~~Printed Name of Delinquent Minor/Petitioner:~~

26 ~~Address:~~

1 ~~Law Enforcement Agencies:~~

2 ~~.....~~

3 ~~.....~~

4 ~~() 3. IT IS FURTHER ORDERED that the Clerk of the Circuit~~
5 ~~Court expunge all records regarding the above captioned case.~~

6 ~~ENTER:~~

7

8 ~~JUDGE~~

9 ~~DATED:~~

10 ~~Name:~~

11 ~~Attorney for:~~

12 ~~Address: City/State/Zip:~~

13 ~~Attorney Number:~~

14 ~~(3.3) (Blank). The Notice of Objection shall be in~~
15 ~~substantially the following form:~~

16 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

17 ~~..... JUDICIAL CIRCUIT~~

18 ~~IN THE INTEREST OF) NO.~~

19 ~~→~~

20 ~~→~~

21 ~~.....)~~

22 ~~(Name of Petitioner)~~

23 ~~NOTICE OF OBJECTION~~

24 ~~TO: (Attorney, Public Defender, Minor)~~

1
.....

2
.....

3 ~~FO: (Illinois State Police)~~

4
.....

5
.....

6 ~~FO: (Clerk of the Court)~~

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.....

9 ~~FO: (Judge)~~

10
.....

11
.....

12 ~~FO: (Arresting Agency/Agencies)~~

13
.....

14
.....

15 ~~ATTENTION: You are hereby notified that an objection has been~~
16 ~~filed by the following entity regarding the above named minor's~~
17 ~~petition for expungement of juvenile records:~~

18 ~~() State's Attorney's Office;~~

19 ~~() Prosecutor (other than State's Attorney's Office) charged~~
20 ~~with the duty of prosecuting the offense sought to be expunged;~~

21 ~~() Department of Illinois State Police; or~~

22 ~~() Arresting Agency or Agencies.~~

23 ~~The agency checked above respectfully requests that this case~~
24 ~~be continued and set for hearing on whether the expungement~~
25 ~~should or should not be granted.~~

26 ~~DATED:~~

1 ~~Name:~~

2 ~~Attorney For:~~

3 ~~Address:~~

4 ~~City/State/Zip:~~

5 ~~Telephone:~~

6 ~~Attorney No.:~~

7 ~~FOR USE BY CLERK OF THE COURT PERSONNEL ONLY~~

8 ~~This matter has been set for hearing on the foregoing~~
9 ~~objection, on in room, located at, before the~~
10 ~~Honorable, Judge, or any judge sitting in his/her stead.~~

11 ~~(Only one hearing shall be set, regardless of the number of~~
12 ~~Notices of Objection received on the same case).~~

13 ~~A copy of this completed Notice of Objection containing the~~
14 ~~court date, time, and location, has been sent via regular U.S.~~
15 ~~Mail to the following entities. (If more than one Notice of~~
16 ~~Objection is received on the same case, each one must be~~
17 ~~completed with the court date, time and location and mailed to~~
18 ~~the following entities):~~

19 ~~() Attorney, Public Defender or Minor;~~

20 ~~() State's Attorney's Office;~~

21 ~~() Prosecutor (other than State's Attorney's Office) charged~~
22 ~~with the duty of prosecuting the offense sought to be expunged;~~

23 ~~() Department of Illinois State Police; and~~

24 ~~() Arresting agency or agencies.~~

25 ~~Date:~~

26 ~~Initials of Clerk completing this section:~~

1 (4) (Blank). ~~(a) Upon entry of an order expunging records~~
2 ~~or files, the offense, which the records or files concern shall~~
3 ~~be treated as if it never occurred. Law enforcement officers~~
4 ~~and other public offices and agencies shall properly reply on~~
5 ~~inquiry that no record or file exists with respect to the~~
6 ~~person.~~

7 ~~(a 5) Local law enforcement agencies shall send written~~
8 ~~notice to the minor of the expungement of any records within 60~~
9 ~~days of automatic expungement or the date of service of an~~
10 ~~expungement order, whichever applies. If a minor's court file~~
11 ~~has been expunged, the clerk of the circuit court shall send~~
12 ~~written notice to the minor of the expungement of any records~~
13 ~~within 60 days of automatic expungement or the date of service~~
14 ~~of an expungement order, whichever applies.~~

15 ~~(b) Except with respect to authorized military personnel,~~
16 ~~an expunged juvenile record may not be considered by any~~
17 ~~private or public entity in employment matters, certification,~~
18 ~~licensing, revocation of certification or licensure, or~~
19 ~~registration. Applications for employment within the State~~
20 ~~must contain specific language that states that the applicant~~
21 ~~is not obligated to disclose expunged juvenile records of~~
22 ~~adjudication or arrest. Employers may not ask, in any format or~~
23 ~~context, if an applicant has had a juvenile record expunged.~~
24 ~~Information about an expunged record obtained by a potential~~
25 ~~employer, even inadvertently, from an employment application~~
26 ~~that does not contain specific language that states that the~~

1 ~~applicant is not obligated to disclose expunged juvenile~~
2 ~~records of adjudication or arrest, shall be treated as~~
3 ~~dissemination of an expunged record by the employer.~~

4 ~~(c) A person whose juvenile records have been expunged is~~
5 ~~not entitled to remission of any fines, costs, or other money~~
6 ~~paid as a consequence of expungement.~~

7 (5) (Blank).

8 (5.5) Whether or not expunged, records eligible for
9 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
10 (0.3) (a) may be treated as expunged by the individual subject
11 to the records.

12 (6) (Blank). ~~Nothing in this Section shall be construed to~~
13 ~~prohibit the maintenance of information relating to an offense~~
14 ~~after records or files concerning the offense have been~~
15 ~~expunged if the information is kept in a manner that does not~~
16 ~~enable identification of the individual. This information may~~
17 ~~only be used for anonymous statistical and bona fide research~~
18 ~~purposes.~~

19 (6.5) The Department of State Police or any employee of the
20 Department shall be immune from civil or criminal liability for
21 failure to expunge any records of arrest that are subject to
22 expungement under this Section because of inability to verify a
23 record. Nothing in this Section shall create Department of
24 State Police liability or responsibility for the expungement of
25 juvenile law enforcement records it does not possess.

26 (7) (Blank). ~~(a) The State Appellate Defender shall~~

1 ~~establish, maintain, and carry out, by December 31, 2004, a~~
2 ~~juvenile expungement program to provide information and~~
3 ~~assistance to minors eligible to have their juvenile records~~
4 ~~expunged.~~

5 ~~(b) The State Appellate Defender shall develop brochures,~~
6 ~~pamphlets, and other materials in printed form and through the~~
7 ~~agency's World Wide Web site. The pamphlets and other materials~~
8 ~~shall include at a minimum the following information:~~

9 ~~(i) An explanation of the State's juvenile expungement~~
10 ~~laws, including both automatic expungement and expungement~~
11 ~~by petition;~~

12 ~~(ii) The circumstances under which juvenile~~
13 ~~expungement may occur;~~

14 ~~(iii) The juvenile offenses that may be expunged;~~

15 ~~(iv) The steps necessary to initiate and complete the~~
16 ~~juvenile expungement process; and~~

17 ~~(v) Directions on how to contact the State Appellate~~
18 ~~Defender.~~

19 ~~(c) The State Appellate Defender shall establish and~~
20 ~~maintain a statewide toll free telephone number that a person~~
21 ~~may use to receive information or assistance concerning the~~
22 ~~expungement of juvenile records. The State Appellate Defender~~
23 ~~shall advertise the toll free telephone number statewide. The~~
24 ~~State Appellate Defender shall develop an expungement~~
25 ~~information packet that may be sent to eligible persons seeking~~
26 ~~expungement of their juvenile records, which may include, but~~

1 ~~is not limited to, a pre-printed expungement petition with~~
2 ~~instructions on how to complete the petition and a pamphlet~~
3 ~~containing information that would assist individuals through~~
4 ~~the juvenile expungement process.~~

5 ~~(d) The State Appellate Defender shall compile a statewide~~
6 ~~list of volunteer attorneys willing to assist eligible~~
7 ~~individuals through the juvenile expungement process.~~

8 ~~(e) This Section shall be implemented from funds~~
9 ~~appropriated by the General Assembly to the State Appellate~~
10 ~~Defender for this purpose. The State Appellate Defender shall~~
11 ~~employ the necessary staff and adopt the necessary rules for~~
12 ~~implementation of this Section.~~

13 (7.5) (Blank). ~~(a) Willful dissemination of any~~
14 ~~information contained in an expunged record shall be treated as~~
15 ~~a Class C misdemeanor and punishable by a fine of \$1,000 per~~
16 ~~violation.~~

17 ~~(b) Willful dissemination for financial gain of any~~
18 ~~information contained in an expunged record shall be treated as~~
19 ~~a Class 4 felony. Dissemination for financial gain by an~~
20 ~~employee of any municipal, county, or State agency, including~~
21 ~~law enforcement, shall result in immediate termination.~~

22 ~~(c) The person whose record was expunged has a right of~~
23 ~~action against any person who intentionally disseminates an~~
24 ~~expunged record. In the proceeding, punitive damages up to an~~
25 ~~amount of \$1,000 may be sought in addition to any actual~~
26 ~~damages. The prevailing party shall be entitled to costs and~~

1 ~~reasonable attorney fees.~~

2 ~~(d) The punishments for dissemination of an expunged record~~
3 ~~shall never apply to the person whose record was expunged.~~

4 (8) (a) (Blank). ~~An expunged juvenile record may not be~~
5 ~~considered by any private or public entity in employment~~
6 ~~matters, certification, licensing, revocation of certification~~
7 ~~or licensure, or registration. Applications for employment~~
8 ~~must contain specific language that states that the applicant~~
9 ~~is not obligated to disclose expunged juvenile records of~~
10 ~~adjudication, conviction, or arrest. Employers may not ask if~~
11 ~~an applicant has had a juvenile record expunged. Effective~~
12 ~~January 1, 2005, the Department of Labor shall develop a link~~
13 ~~on the Department's website to inform employers that employers~~
14 ~~may not ask if an applicant had a juvenile record expunged and~~
15 ~~that application for employment must contain specific language~~
16 ~~that states that the applicant is not obligated to disclose~~
17 ~~expunged juvenile records of adjudication, arrest, or~~
18 ~~conviction.~~

19 (b) (Blank).

20 (c) The expungement of juvenile law enforcement or juvenile
21 court records under subsection (0.1), (0.2), or (0.3) ~~0.1, 0.2,~~
22 ~~or 0.3~~ of this Section shall be funded by appropriation by the
23 General Assembly for that purpose.

24 (9) (Blank).

25 (10) (Blank).

26 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;

1 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
2 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; revised
3 10-3-18.)

4 (705 ILCS 405/5-920 new)

5 Sec. 5-920. Petitions for expungement.

6 (a) The petition for expungement for subsections (1) and
7 (2) of Section 5-915 may include multiple offenses on the same
8 petition and shall be substantially in the following form:

9 IN THE CIRCUIT COURT OF, ILLINOIS

10 JUDICIAL CIRCUIT

11 IN THE INTEREST OF) NO.

12)

13)

14)

15 (Name of Petitioner)

16 PETITION TO EXPUNGE JUVENILE RECORDS

17 (Section 5-915 of the Juvenile Court Act of 1987 (Subsections 1
18 and 2))

19 Now comes, petitioner, and respectfully requests
20 that this Honorable Court enter an order expunging all juvenile
21 law enforcement and court records of petitioner and in support
22 thereof states that: Petitioner was arrested on by the
23 Police Department for the offense or offenses of

1, and:

2 (Check All That Apply:)

3 () a. no petition or petitions were filed with the Clerk of
4 the Circuit Court.

5 () b. was charged with and was found not delinquent of
6 the offense or offenses.

7 () c. a petition or petitions were filed and the petition or
8 petitions were dismissed without a finding of delinquency on
9

10 () d. on placed under supervision pursuant to Section
11 5-615 of the Juvenile Court Act of 1987 and such order of
12 supervision successfully terminated on

13 () e. was adjudicated for the offense or offenses, which would
14 have been a Class B misdemeanor, a Class C misdemeanor, or a
15 petty offense or business offense if committed by an adult.

16 () f. was adjudicated for a Class A misdemeanor or felony,
17 except first degree murder or an offense under Article 11 of
18 the Criminal Code of 2012 if the person is required to register
19 under the Sex Offender Registration Act, and 2 years have
20 passed since the case was closed.

21 Petitioner has has not been arrested on charges in
22 this or any county other than the charges listed above. If
23 petitioner has been arrested on additional charges, please list
24 the charges below:

25 Charge(s):

26 Arresting Agency or Agencies:

1 Disposition/Result: (choose from a. through f., above):

2 WHEREFORE, the petitioner respectfully requests this Honorable
3 Court to (1) order all law enforcement agencies to expunge all
4 records of petitioner to this incident or incidents, and (2) to
5 order the Clerk of the Court to expunge all records concerning
6 the petitioner regarding this incident or incidents.

7
8 Petitioner (Signature)

9
10 Petitioner's Street Address

11
12 City, State, Zip Code

13
14 Petitioner's Telephone Number

15 Pursuant to the penalties of perjury under the Code of Civil
16 Procedure, 735 ILCS 5/1-109, I hereby certify that the
17 statements in this petition are true and correct, or on
18 information and belief I believe the same to be true.

19
20 Petitioner (Signature)

1 (b) The chief judge of the circuit in which an arrest was
2 made or a charge was brought or any judge of that circuit
3 designated by the chief judge may, upon verified petition of a
4 person who is the subject of an arrest or a juvenile court
5 proceeding under subsection (1) or (2) of Section 5-915, order
6 the juvenile law enforcement records or official court file, or
7 both, to be expunged from the official records of the arresting
8 authority, the clerk of the circuit court and the Department of
9 State Police. The person whose juvenile law enforcement record,
10 juvenile court record, or both, are to be expunged shall
11 petition the court using the appropriate form containing his or
12 her current address and shall promptly notify the clerk of the
13 circuit court of any change of address. Notice of the petition
14 shall be served upon the State's Attorney or prosecutor charged
15 with the duty of prosecuting the offense, the Department of
16 State Police, and the arresting agency or agencies by the clerk
17 of the circuit court. If an objection is filed within 45 days
18 of the notice of the petition, the clerk of the circuit court
19 shall set a date for hearing after the 45-day objection period.
20 At the hearing, the court shall hear evidence on whether the
21 expungement should or should not be granted. Unless the State's
22 Attorney or prosecutor, the Department of State Police, or an
23 arresting agency objects to the expungement within 45 days of
24 the notice, the court may enter an order granting expungement.
25 The clerk shall forward a certified copy of the order to the
26 Department of State Police and deliver a certified copy of the

1 order to the arresting agency.

2 (c) The Notice of Expungement shall be in substantially the
3 following form:

4 IN THE CIRCUIT COURT OF, ILLINOIS
5 JUDICIAL CIRCUIT

6 IN THE INTEREST OF) NO.

7)

8)

9)

10 (Name of Petitioner)

11 NOTICE

12 TO: State's Attorney

13 TO: Arresting Agency

14
15

16

17
18

19

20 TO: Illinois State Police

21
22

23
24

1 ATTENTION: Expungement

2 You are hereby notified that on, at, in courtroom
3 ..., located at ..., before the Honorable ..., Judge, or any
4 judge sitting in his/her stead, I shall then and there present
5 a Petition to Expunge Juvenile Records in the above-entitled
6 matter, at which time and place you may appear.

7
8

9 Petitioner's Signature

10
11

12 Petitioner's Street Address

13
14

15 City, State, Zip Code

16
17

18 Petitioner's Telephone Number

19 PROOF OF SERVICE

20 On the day of, 20..., I on oath state that I
21 served this notice and true and correct copies of the
22 above-checked documents by:

23 (Check One:)

24 delivering copies personally to each entity to whom they are
25 directed;

26 or

by mailing copies to each entity to whom they are directed by
depositing the same in the U.S. Mail, proper postage fully
prepaid, before the hour of 5:00 p.m., at the United States
Postal Depository located at

1

2

3 Signature

4 Clerk of the Circuit Court or Deputy Clerk

5 Printed Name of Delinquent Minor/Petitioner:

6 Address:

7 Telephone Number:

8 (d) The Order of Expungement shall be in substantially the
9 following form:

10 IN THE CIRCUIT COURT OF, ILLINOIS

11 JUDICIAL CIRCUIT

12 IN THE INTEREST OF) NO.

13)

14)

15)

16 (Name of Petitioner)

17 DOB

18 Arresting Agency/Agencies

19 ORDER OF EXPUNGEMENT

20 (Section 5-920 of the Juvenile Court Act of 1987 (Subsection

21 c))

22 This matter having been heard on the petitioner's motion and

23 the court being fully advised in the premises does find that

24 the petitioner is indigent or has presented reasonable cause to

1 waive all costs in this matter, IT IS HEREBY ORDERED that:

2 () 1. Clerk of Court and Department of State Police costs
3 are hereby waived in this matter.

4 () 2. The Illinois State Police Bureau of Identification
5 and the following law enforcement agencies expunge all records
6 of petitioner relating to an arrest dated for the
7 offense of

8 Law Enforcement Agencies:

9

10

11 () 3. IT IS FURTHER ORDERED that the Clerk of the Circuit
12 Court expunge all records regarding the above-captioned case.

13 ENTER:

14
15 JUDGE

16 DATED:

17 Name:

18 Attorney for:

19 Address: City/State/Zip:

20 Attorney Number:

21 (e) The Notice of Objection shall be in substantially the
22 following form:

23 IN THE CIRCUIT COURT OF, ILLINOIS

24 JUDICIAL CIRCUIT

25 IN THE INTEREST OF) NO.

1)
2)
3)
4 (Name of Petitioner)

NOTICE OF OBJECTION

6 TO: (Attorney, Public Defender, Minor)

7
8

9 TO: (Illinois State Police)

10
11

12 TO: (Clerk of the Court)

13
14

15 TO: (Judge)

16
17

18 TO: (Arresting Agency/Agencies)

19
20

21 ATTENTION: You are hereby notified that an objection has been
22 filed by the following entity regarding the above-named minor's
23 petition for expungement of juvenile records:

24 () State's Attorney's Office;

25 () Prosecutor (other than State's Attorney's Office) charged

1 with the duty of prosecuting the offense sought to be expunged;
 2 () Department of Illinois State Police; or
 3 () Arresting Agency or Agencies.

4 The agency checked above respectfully requests that this case
 5 be continued and set for hearing on whether the expungement
 6 should or should not be granted.

7 DATED:

8 Name:

9 Attorney For:

10 Address:

11 City/State/Zip:

12 Telephone:

13 Attorney No.:

14 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

15 This matter has been set for hearing on the foregoing
 16 objection, on in room, located at, before the
 17 Honorable, Judge, or any judge sitting in his/her stead.
 18 (Only one hearing shall be set, regardless of the number of
 19 Notices of Objection received on the same case).

20 A copy of this completed Notice of Objection containing the
 21 court date, time, and location, has been sent via regular U.S.
 22 Mail to the following entities. (If more than one Notice of
 23 Objection is received on the same case, each one must be
 24 completed with the court date, time and location and mailed to
 25 the following entities):

26 () Attorney, Public Defender or Minor;

- 1 () State's Attorney's Office;
2 () Prosecutor (other than State's Attorney's Office) charged
3 with the duty of prosecuting the offense sought to be expunged;
4 () Department of Illinois State Police; and
5 () Arresting agency or agencies.

6 Date:

7 Initials of Clerk completing this section:

8 (705 ILCS 405/5-923 new)

9 Sec. 5-923. Dissemination and retention of expunged
10 records.

11 (a) Upon entry of an order expunging the juvenile law
12 enforcement record or juvenile court record, or both, the
13 records or files for that offense shall be treated as if it
14 never occurred. Law enforcement officers and other public
15 offices and agencies shall properly reply on inquiry that no
16 record or file exists with respect to the person. A person
17 whose juvenile records have been expunged is not entitled to
18 remission of any fines, costs, or other money paid as a
19 consequence of expungement.

20 (b) Local law enforcement agencies shall send written
21 notice to the minor of the expungement of any juvenile law
22 enforcement records within 60 days of automatic expungement or
23 the date of service of an expungement order, whichever applies.
24 If a minor's court file has been expunged, the clerk of the
25 circuit court shall send written notice to the minor of the

1 expungement of any juvenile court records within 60 days of
2 automatic expungement or the date of service of an expungement
3 order, whichever applies. Notice to minors of the expungement
4 of any juvenile law enforcement records created prior to 2016
5 may be satisfied by public notice. The names of persons whose
6 records are being expunged shall not be published in this
7 public notice.

8 (c) Except with respect to authorized military personnel,
9 an expunged juvenile law enforcement record or expunged
10 juvenile court record may not be considered by any private or
11 public entity in employment matters, certification, licensing,
12 revocation of certification or licensure, or registration.
13 Applications for employment within the State must contain
14 specific language that states that the applicant is not
15 obligated to disclose expunged juvenile records of
16 adjudication or arrest. Employers may not ask, in any format or
17 context, if an applicant has had a juvenile record expunged.
18 Information about an expunged record obtained by a potential
19 employer, even inadvertently, from an employment application
20 that does not contain specific language that states that the
21 applicant is not obligated to disclose expunged juvenile
22 records of adjudication or arrest, shall be treated as
23 dissemination of an expunged record by the employer. The
24 Department of Labor shall develop a link on the Department's
25 website to inform employers that employers may not ask if an
26 applicant had a juvenile law enforcement or juvenile court

1 record expunged and that application for employment must
2 contain specific language that states that the applicant is not
3 obligated to disclose expunged juvenile records of
4 adjudication, arrest, or conviction.

5 (d) Nothing in this Act shall be construed to prohibit the
6 maintenance of information relating to an offense after records
7 or files concerning the offense have been expunged if the
8 information is kept in a manner that does not enable
9 identification of the individual. This information may only be
10 used for anonymous statistical and bona fide research purposes.

11 (d-5) The expungement of juvenile law enforcement or
12 juvenile court records shall not be subject to the record
13 retention provisions of the Local Records Act.

14 (d-10) No evidence of the juvenile law enforcement or
15 juvenile court records may be retained by any law enforcement
16 agency, the juvenile court, or by any municipal, county, or
17 State agency or department unless specifically authorized by
18 this Act. However, non-personal identifying data of a
19 statistical, crime, or trend analysis nature such as the date,
20 time, location of incident, offense type, general demographic
21 information, including gender, race, and ethnicity
22 information, and all other similar information that does not
23 identify a specific individual may be retained. Nothing in this
24 Act shall require the physical destruction of the internal
25 office records, files, or databases maintained by a State's
26 Attorney's Office or other prosecutor, a public defender, a

1 probation officer, or the Office of the Secretary of State.

2 (e) Willful dissemination of any information contained in
3 an expunged record shall be treated as a Class C misdemeanor
4 and punishable by a fine of \$1,000 per violation. Willful
5 dissemination for financial gain of any information contained
6 in an expunged record shall be treated as a Class 4 felony.
7 Dissemination for financial gain by an employee of any
8 municipal, county, or State agency, including law enforcement,
9 shall result in immediate termination. The person whose record
10 was expunged has a right of action against any person who
11 intentionally disseminates an expunged record. In the
12 proceeding, punitive damages up to an amount of \$1,000 may be
13 sought in addition to any actual damages. The prevailing party
14 shall be entitled to costs and reasonable attorney fees. The
15 punishments for dissemination of an expunged record shall never
16 apply to the person whose record was expunged.

17 (705 ILCS 405/5-925 new)

18 Sec. 5-925. State Appellate Defender juvenile expungement
19 program.

20 (a) The State Appellate Defender shall establish,
21 maintain, and carry out a juvenile expungement program to
22 provide information and assistance to minors eligible to have
23 their juvenile law enforcement or juvenile court records
24 expunged.

25 (b) The State Appellate Defender shall develop brochures,

1 pamphlets, and other materials in printed form and through the
2 agency's World Wide Web site. The pamphlets and other materials
3 shall include at a minimum the following information:

4 (1) an explanation of the State's juvenile expungement
5 laws, including both automatic expungement and expungement
6 by petition;

7 (2) the circumstances under which juvenile expungement
8 may occur;

9 (3) the juvenile offenses that may be expunged;

10 (4) the steps necessary to initiate and complete the
11 juvenile expungement process; and

12 (5) directions on how to contact the State Appellate
13 Defender.

14 (c) The State Appellate Defender shall establish and
15 maintain a statewide toll-free telephone number that a person
16 may use to receive information or assistance concerning the
17 expungement of juvenile law enforcement or juvenile court
18 records. The State Appellate Defender shall advertise the
19 toll-free telephone number statewide. The State Appellate
20 Defender shall develop an expungement information packet that
21 may be sent to eligible persons seeking expungement of their
22 juvenile law enforcement or court records, which may include,
23 but is not limited to, a pre-printed expungement petition with
24 instructions on how to complete the petition and a pamphlet
25 containing information that would assist individuals through
26 the juvenile expungement process.

1 (d) The State Appellate Defender shall compile a statewide
2 list of volunteer attorneys willing to assist eligible
3 individuals through the juvenile expungement process.

4 (e) This Section shall be implemented from funds
5 appropriated by the General Assembly to the State Appellate
6 Defender for this purpose. The State Appellate Defender shall
7 employ the necessary staff and adopt the necessary rules for
8 implementation of this Section.

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.