



Rep. Tony McCombie

**Filed: 4/4/2019**

10100HB1690ham001

LRB101 05587 SLF 59299 a

1 AMENDMENT TO HOUSE BILL 1690

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1690 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by  
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement, sealing, and immediate sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have  
10 the meanings set forth in this subsection, except when a  
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings  
13 ascribed to them in the Unified Code of Corrections,  
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

1 (iii) Court (730 ILCS 5/5-1-6),  
2 (iv) Defendant (730 ILCS 5/5-1-7),  
3 (v) Felony (730 ILCS 5/5-1-9),  
4 (vi) Imprisonment (730 ILCS 5/5-1-10),  
5 (vii) Judgment (730 ILCS 5/5-1-12),  
6 (viii) Misdemeanor (730 ILCS 5/5-1-14),  
7 (ix) Offense (730 ILCS 5/5-1-15),  
8 (x) Parole (730 ILCS 5/5-1-16),  
9 (xi) Petty Offense (730 ILCS 5/5-1-17),  
10 (xii) Probation (730 ILCS 5/5-1-18),  
11 (xiii) Sentence (730 ILCS 5/5-1-19),  
12 (xiv) Supervision (730 ILCS 5/5-1-21), and  
13 (xv) Victim (730 ILCS 5/5-1-22).

14 (B) As used in this Section, "charge not initiated  
15 by arrest" means a charge (as defined by 730 ILCS  
16 5/5-1-3) brought against a defendant where the  
17 defendant is not arrested prior to or as a direct  
18 result of the charge.

19 (C) "Conviction" means a judgment of conviction or  
20 sentence entered upon a plea of guilty or upon a  
21 verdict or finding of guilty of an offense, rendered by  
22 a legally constituted jury or by a court of competent  
23 jurisdiction authorized to try the case without a jury.  
24 An order of supervision successfully completed by the  
25 petitioner is not a conviction. An order of qualified  
26 probation (as defined in subsection (a)(1)(J))

1           successfully completed by the petitioner is not a  
2 conviction. An order of supervision or an order of  
3 qualified probation that is terminated  
4 unsatisfactorily is a conviction, unless the  
5 unsatisfactory termination is reversed, vacated, or  
6 modified and the judgment of conviction, if any, is  
7 reversed or vacated.

8           (D) "Criminal offense" means a petty offense,  
9 business offense, misdemeanor, felony, or municipal  
10 ordinance violation (as defined in subsection  
11 (a)(1)(H)). As used in this Section, a minor traffic  
12 offense (as defined in subsection (a)(1)(G)) shall not  
13 be considered a criminal offense.

14           (E) "Expunge" means to physically destroy the  
15 records or return them to the petitioner and to  
16 obliterate the petitioner's name from any official  
17 index or public record, or both. Nothing in this Act  
18 shall require the physical destruction of the circuit  
19 court file, but such records relating to arrests or  
20 charges, or both, ordered expunged shall be impounded  
21 as required by subsections (d)(9)(A)(ii) and  
22 (d)(9)(B)(ii).

23           (F) As used in this Section, "last sentence" means  
24 the sentence, order of supervision, or order of  
25 qualified probation (as defined by subsection  
26 (a)(1)(J)), for a criminal offense (as defined by

1 subsection (a)(1)(D)) that terminates last in time in  
2 any jurisdiction, regardless of whether the petitioner  
3 has included the criminal offense for which the  
4 sentence or order of supervision or qualified  
5 probation was imposed in his or her petition. If  
6 multiple sentences, orders of supervision, or orders  
7 of qualified probation terminate on the same day and  
8 are last in time, they shall be collectively considered  
9 the "last sentence" regardless of whether they were  
10 ordered to run concurrently.

11 (G) "Minor traffic offense" means a petty offense,  
12 business offense, or Class C misdemeanor under the  
13 Illinois Vehicle Code or a similar provision of a  
14 municipal or local ordinance.

15 (H) "Municipal ordinance violation" means an  
16 offense defined by a municipal or local ordinance that  
17 is criminal in nature and with which the petitioner was  
18 charged or for which the petitioner was arrested and  
19 released without charging.

20 (I) "Petitioner" means an adult or a minor  
21 prosecuted as an adult who has applied for relief under  
22 this Section.

23 (J) "Qualified probation" means an order of  
24 probation under Section 10 of the Cannabis Control Act,  
25 Section 410 of the Illinois Controlled Substances Act,  
26 Section 70 of the Methamphetamine Control and

1 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
2 of the Unified Code of Corrections, Section  
3 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as  
4 those provisions existed before their deletion by  
5 Public Act 89-313), Section 10-102 of the Illinois  
6 Alcoholism and Other Drug Dependency Act, Section  
7 40-10 of the Substance Use Disorder Act, or Section 10  
8 of the Steroid Control Act. For the purpose of this  
9 Section, "successful completion" of an order of  
10 qualified probation under Section 10-102 of the  
11 Illinois Alcoholism and Other Drug Dependency Act and  
12 Section 40-10 of the Substance Use Disorder Act means  
13 that the probation was terminated satisfactorily and  
14 the judgment of conviction was vacated.

15 (K) "Seal" means to physically and electronically  
16 maintain the records, unless the records would  
17 otherwise be destroyed due to age, but to make the  
18 records unavailable without a court order, subject to  
19 the exceptions in Sections 12 and 13 of this Act. The  
20 petitioner's name shall also be obliterated from the  
21 official index required to be kept by the circuit court  
22 clerk under Section 16 of the Clerks of Courts Act, but  
23 any index issued by the circuit court clerk before the  
24 entry of the order to seal shall not be affected.

25 (L) "Sexual offense committed against a minor"  
26 includes but is not limited to the offenses of indecent

1           solicitation of a child or criminal sexual abuse when  
2           the victim of such offense is under 18 years of age.

3           (M) "Terminate" as it relates to a sentence or  
4           order of supervision or qualified probation includes  
5           either satisfactory or unsatisfactory termination of  
6           the sentence, unless otherwise specified in this  
7           Section. A sentence is terminated notwithstanding any  
8           outstanding financial legal obligation.

9           (2) Minor Traffic Offenses. Orders of supervision or  
10          convictions for minor traffic offenses shall not affect a  
11          petitioner's eligibility to expunge or seal records  
12          pursuant to this Section.

13          (2.5) Commencing 180 days after July 29, 2016 (the  
14          effective date of Public Act 99-697), the law enforcement  
15          agency issuing the citation shall automatically expunge,  
16          on or before January 1 and July 1 of each year, the law  
17          enforcement records of a person found to have committed a  
18          civil law violation of subsection (a) of Section 4 of the  
19          Cannabis Control Act or subsection (c) of Section 3.5 of  
20          the Drug Paraphernalia Control Act in the law enforcement  
21          agency's possession or control and which contains the final  
22          satisfactory disposition which pertain to the person  
23          issued a citation for that offense. The law enforcement  
24          agency shall provide by rule the process for access,  
25          review, and to confirm the automatic expungement by the law  
26          enforcement agency issuing the citation. Commencing 180

1 days after July 29, 2016 (the effective date of Public Act  
2 99-697), the clerk of the circuit court shall expunge, upon  
3 order of the court, or in the absence of a court order on  
4 or before January 1 and July 1 of each year, the court  
5 records of a person found in the circuit court to have  
6 committed a civil law violation of subsection (a) of  
7 Section 4 of the Cannabis Control Act or subsection (c) of  
8 Section 3.5 of the Drug Paraphernalia Control Act in the  
9 clerk's possession or control and which contains the final  
10 satisfactory disposition which pertain to the person  
11 issued a citation for any of those offenses.

12 (3) Exclusions. Except as otherwise provided in  
13 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
14 of this Section, the court shall not order:

15 (A) the sealing or expungement of the records of  
16 arrests or charges not initiated by arrest that result  
17 in an order of supervision for or conviction of: (i)  
18 any sexual offense committed against a minor; (ii)  
19 ~~(blank) Section 11-501 of the Illinois Vehicle Code or~~  
20 ~~a similar provision of a local ordinance; or (iii)~~  
21 Section 11-503 of the Illinois Vehicle Code or a  
22 similar provision of a local ordinance, unless the  
23 arrest or charge is for a misdemeanor violation of  
24 subsection (a) of Section 11-503 or a similar provision  
25 of a local ordinance, that occurred prior to the  
26 offender reaching the age of 25 years and the offender

1 has no other conviction for violating Section ~~11-501 or~~  
2 11-503 of the Illinois Vehicle Code or a similar  
3 provision of a local ordinance.

4 (B) the sealing or expungement of records of minor  
5 traffic offenses (as defined in subsection (a)(1)(G)),  
6 unless the petitioner was arrested and released  
7 without charging.

8 (C) the sealing of the records of arrests or  
9 charges not initiated by arrest which result in an  
10 order of supervision or a conviction for the following  
11 offenses:

12 (i) offenses included in Article 11 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012  
14 or a similar provision of a local ordinance, except  
15 Section 11-14 and a misdemeanor violation of  
16 Section 11-30 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, or a similar provision of a  
18 local ordinance;

19 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
20 26-5, or 48-1 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012, or a similar provision of a  
22 local ordinance;

23 (iii) Sections 12-3.1 or 12-3.2 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012,  
25 or Section 125 of the Stalking No Contact Order  
26 Act, or Section 219 of the Civil No Contact Order



1 Act, or a similar provision of a local ordinance;

2 (iv) Class A misdemeanors or felony offenses  
3 under the Humane Care for Animals Act; or

4 (v) any offense or attempted offense that  
5 would subject a person to registration under the  
6 Sex Offender Registration Act.

7 (D) (blank).

8 (E) the sealing or expungement of records of  
9 arrests or charges not initiated by arrest that result  
10 in an order of supervision for or conviction of Section  
11 11-501 of the Illinois Vehicle Code or a similar  
12 provision of a local ordinance; except that the court  
13 may order the sealing of one misdemeanor record of  
14 arrest or charge not initiated by arrest that results  
15 in an order of supervision for or conviction of Section  
16 11-501 of the Illinois Vehicle Code or a similar  
17 provision of a local ordinance per petitioner if each  
18 of the following conditions have been met: (i) the  
19 petitioner has not previously been convicted of or  
20 placed on supervision for a violation of Section 11-501  
21 of the Illinois Vehicle Code or a similar provision of  
22 a local ordinance; (ii) 10 or more years have passed  
23 since the termination of the petitioner's sentence;  
24 (iii) during the commission of the violation, the  
25 petitioner did not proximately cause death or personal  
26 injury to any other person or damage the property of

1           any other person; (iv) the petitioner has no other  
2           misdemeanor or felony driving charge on his or her  
3           driving abstract; and (v) the judge examined the  
4           driving abstract of the petitioner petitioning to have  
5           his or her record sealed under this subparagraph (E)  
6           and made a finding entered on the record that the  
7           petitioner did not enter into a plea agreement on a  
8           lesser charge other than a violation of Section 11-501  
9           of the Illinois Vehicle Code or a similar provision of  
10           a local ordinance, and the facts did not support that  
11           the petitioner had previously committed a violation of  
12           Section 11-501 of the Illinois Vehicle Code or a  
13           similar provision of a local ordinance. A felony  
14           conviction of Section 11-501 of the Illinois Vehicle  
15           Code or a similar provision of a local ordinance may  
16           not be sealed or expunged under this subparagraph (E).  
17           Notwithstanding any provision of this Act to the  
18           contrary, the Secretary of State shall maintain orders  
19           of court supervision and convictions of Section 11-501  
20           of the Illinois Vehicle Code or a similar provision of  
21           a local ordinance on court purposes driving abstracts.

22           (b) Expungement.

23           (1) A petitioner may petition the circuit court to  
24           expunge the records of his or her arrests and charges not  
25           initiated by arrest when each arrest or charge not  
26           initiated by arrest sought to be expunged resulted in: (i)

1 acquittal, dismissal, or the petitioner's release without  
2 charging, unless excluded by subsection (a)(3)(B); (ii) a  
3 conviction which was vacated or reversed, unless excluded  
4 by subsection (a)(3)(B); (iii) an order of supervision and  
5 such supervision was successfully completed by the  
6 petitioner, unless excluded by subsection (a)(3)(A) or  
7 (a)(3)(B); or (iv) an order of qualified probation (as  
8 defined in subsection (a)(1)(J)) and such probation was  
9 successfully completed by the petitioner.

10 (1.5) When a petitioner seeks to have a record of  
11 arrest expunged under this Section, and the offender has  
12 been convicted of a criminal offense, the State's Attorney  
13 may object to the expungement on the grounds that the  
14 records contain specific relevant information aside from  
15 the mere fact of the arrest.

16 (2) Time frame for filing a petition to expunge.

17 (A) When the arrest or charge not initiated by  
18 arrest sought to be expunged resulted in an acquittal,  
19 dismissal, the petitioner's release without charging,  
20 or the reversal or vacation of a conviction, there is  
21 no waiting period to petition for the expungement of  
22 such records.

23 (B) When the arrest or charge not initiated by  
24 arrest sought to be expunged resulted in an order of  
25 supervision, successfully completed by the petitioner,  
26 the following time frames will apply:

1           (i) Those arrests or charges that resulted in  
2 orders of supervision under Section 3-707, 3-708,  
3 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance, or under  
5 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
6 Code of 1961 or the Criminal Code of 2012, or a  
7 similar provision of a local ordinance, shall not  
8 be eligible for expungement until 5 years have  
9 passed following the satisfactory termination of  
10 the supervision.

11           (i-5) Those arrests or charges that resulted  
12 in orders of supervision for a misdemeanor  
13 violation of subsection (a) of Section 11-503 of  
14 the Illinois Vehicle Code or a similar provision of  
15 a local ordinance, that occurred prior to the  
16 offender reaching the age of 25 years and the  
17 offender has no other conviction for violating  
18 Section 11-501 or 11-503 of the Illinois Vehicle  
19 Code or a similar provision of a local ordinance  
20 shall not be eligible for expungement until the  
21 petitioner has reached the age of 25 years.

22           (ii) Those arrests or charges that resulted in  
23 orders of supervision for any other offenses shall  
24 not be eligible for expungement until 2 years have  
25 passed following the satisfactory termination of  
26 the supervision.

1           (C) When the arrest or charge not initiated by  
2           arrest sought to be expunged resulted in an order of  
3           qualified probation, successfully completed by the  
4           petitioner, such records shall not be eligible for  
5           expungement until 5 years have passed following the  
6           satisfactory termination of the probation.

7           (3) Those records maintained by the Department for  
8           persons arrested prior to their 17th birthday shall be  
9           expunged as provided in Section 5-915 of the Juvenile Court  
10          Act of 1987.

11          (4) Whenever a person has been arrested for or  
12          convicted of any offense, in the name of a person whose  
13          identity he or she has stolen or otherwise come into  
14          possession of, the aggrieved person from whom the identity  
15          was stolen or otherwise obtained without authorization,  
16          upon learning of the person having been arrested using his  
17          or her identity, may, upon verified petition to the chief  
18          judge of the circuit wherein the arrest was made, have a  
19          court order entered nunc pro tunc by the Chief Judge to  
20          correct the arrest record, conviction record, if any, and  
21          all official records of the arresting authority, the  
22          Department, other criminal justice agencies, the  
23          prosecutor, and the trial court concerning such arrest, if  
24          any, by removing his or her name from all such records in  
25          connection with the arrest and conviction, if any, and by  
26          inserting in the records the name of the offender, if known

1 or ascertainable, in lieu of the aggrieved's name. The  
2 records of the circuit court clerk shall be sealed until  
3 further order of the court upon good cause shown and the  
4 name of the aggrieved person obliterated on the official  
5 index required to be kept by the circuit court clerk under  
6 Section 16 of the Clerks of Courts Act, but the order shall  
7 not affect any index issued by the circuit court clerk  
8 before the entry of the order. Nothing in this Section  
9 shall limit the Department of State Police or other  
10 criminal justice agencies or prosecutors from listing  
11 under an offender's name the false names he or she has  
12 used.

13 (5) Whenever a person has been convicted of criminal  
14 sexual assault, aggravated criminal sexual assault,  
15 predatory criminal sexual assault of a child, criminal  
16 sexual abuse, or aggravated criminal sexual abuse, the  
17 victim of that offense may request that the State's  
18 Attorney of the county in which the conviction occurred  
19 file a verified petition with the presiding trial judge at  
20 the petitioner's trial to have a court order entered to  
21 seal the records of the circuit court clerk in connection  
22 with the proceedings of the trial court concerning that  
23 offense. However, the records of the arresting authority  
24 and the Department of State Police concerning the offense  
25 shall not be sealed. The court, upon good cause shown,  
26 shall make the records of the circuit court clerk in

1 connection with the proceedings of the trial court  
2 concerning the offense available for public inspection.

3 (6) If a conviction has been set aside on direct review  
4 or on collateral attack and the court determines by clear  
5 and convincing evidence that the petitioner was factually  
6 innocent of the charge, the court that finds the petitioner  
7 factually innocent of the charge shall enter an expungement  
8 order for the conviction for which the petitioner has been  
9 determined to be innocent as provided in subsection (b) of  
10 Section 5-5-4 of the Unified Code of Corrections.

11 (7) Nothing in this Section shall prevent the  
12 Department of State Police from maintaining all records of  
13 any person who is admitted to probation upon terms and  
14 conditions and who fulfills those terms and conditions  
15 pursuant to Section 10 of the Cannabis Control Act, Section  
16 410 of the Illinois Controlled Substances Act, Section 70  
17 of the Methamphetamine Control and Community Protection  
18 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
19 Corrections, Section 12-4.3 or subdivision (b)(1) of  
20 Section 12-3.05 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012, Section 10-102 of the Illinois  
22 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
23 the Substance Use Disorder Act, or Section 10 of the  
24 Steroid Control Act.

25 (8) If the petitioner has been granted a certificate of  
26 innocence under Section 2-702 of the Code of Civil

1 Procedure, the court that grants the certificate of  
2 innocence shall also enter an order expunging the  
3 conviction for which the petitioner has been determined to  
4 be innocent as provided in subsection (h) of Section 2-702  
5 of the Code of Civil Procedure.

6 (c) Sealing.

7 (1) Applicability. Notwithstanding any other provision  
8 of this Act to the contrary, and cumulative with any rights  
9 to expungement of criminal records, this subsection  
10 authorizes the sealing of criminal records of adults and of  
11 minors prosecuted as adults. Subsection (g) of this Section  
12 provides for immediate sealing of certain records.

13 (2) Eligible Records. The following records may be  
14 sealed:

15 (A) All arrests resulting in release without  
16 charging;

17 (B) Arrests or charges not initiated by arrest  
18 resulting in acquittal, dismissal, or conviction when  
19 the conviction was reversed or vacated, except as  
20 excluded by subsection (a) (3) (B);

21 (C) Arrests or charges not initiated by arrest  
22 resulting in orders of supervision, including orders  
23 of supervision for municipal ordinance violations,  
24 successfully completed by the petitioner, unless  
25 excluded by subsection (a) (3);

26 (D) Arrests or charges not initiated by arrest



1 resulting in convictions, including convictions on  
2 municipal ordinance violations, unless excluded by  
3 subsection (a) (3);

4 (E) Arrests or charges not initiated by arrest  
5 resulting in orders of first offender probation under  
6 Section 10 of the Cannabis Control Act, Section 410 of  
7 the Illinois Controlled Substances Act, Section 70 of  
8 the Methamphetamine Control and Community Protection  
9 Act, or Section 5-6-3.3 of the Unified Code of  
10 Corrections; and

11 (F) Arrests or charges not initiated by arrest  
12 resulting in felony convictions unless otherwise  
13 excluded by subsection (a) paragraph (3) of this  
14 Section.

15 (3) When Records Are Eligible to Be Sealed. Records  
16 identified as eligible under subsection (c) (2) may be  
17 sealed as follows:

18 (A) Records identified as eligible under  
19 subsection (c) (2) (A) and (c) (2) (B) may be sealed at any  
20 time.

21 (B) Except as otherwise provided in subparagraph  
22 (E) of this paragraph (3), records identified as  
23 eligible under subsection (c) (2) (C) may be sealed 2  
24 years after the termination of petitioner's last  
25 sentence (as defined in subsection (a) (1) (F)).

26 (C) Except as otherwise provided in subparagraph

1 (E) of this paragraph (3), records identified as  
2 eligible under subsections (c)(2)(D), (c)(2)(E), and  
3 (c)(2)(F) may be sealed 3 years after the termination  
4 of the petitioner's last sentence (as defined in  
5 subsection (a)(1)(F)). Convictions requiring public  
6 registration under the Arsonist Registration Act, the  
7 Sex Offender Registration Act, or the Murderer and  
8 Violent Offender Against Youth Registration Act may  
9 not be sealed until the petitioner is no longer  
10 required to register under that relevant Act.

11 (D) Records identified in subsection  
12 (a)(3)(A)(iii) may be sealed after the petitioner has  
13 reached the age of 25 years.

14 (E) Records identified as eligible under  
15 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or  
16 (c)(2)(F) may be sealed upon termination of the  
17 petitioner's last sentence if the petitioner earned a  
18 high school diploma, associate's degree, career  
19 certificate, vocational technical certification, or  
20 bachelor's degree, or passed the high school level Test  
21 of General Educational Development, during the period  
22 of his or her sentence, aftercare release, or mandatory  
23 supervised release. This subparagraph shall apply only  
24 to a petitioner who has not completed the same  
25 educational goal prior to the period of his or her  
26 sentence, aftercare release, or mandatory supervised

1 release. If a petition for sealing eligible records  
2 filed under this subparagraph is denied by the court,  
3 the time periods under subparagraph (B) or (C) shall  
4 apply to any subsequent petition for sealing filed by  
5 the petitioner.

6 (4) Subsequent felony convictions. A person may not  
7 have subsequent felony conviction records sealed as  
8 provided in this subsection (c) if he or she is convicted  
9 of any felony offense after the date of the sealing of  
10 prior felony convictions as provided in this subsection  
11 (c). The court may, upon conviction for a subsequent felony  
12 offense, order the unsealing of prior felony conviction  
13 records previously ordered sealed by the court.

14 (5) Notice of eligibility for sealing. Upon entry of a  
15 disposition for an eligible record under this subsection  
16 (c), the petitioner shall be informed by the court of the  
17 right to have the records sealed and the procedures for the  
18 sealing of the records.

19 (d) Procedure. The following procedures apply to  
20 expungement under subsections (b), (e), and (e-6) and sealing  
21 under subsections (c) and (e-5):

22 (1) Filing the petition. Upon becoming eligible to  
23 petition for the expungement or sealing of records under  
24 this Section, the petitioner shall file a petition  
25 requesting the expungement or sealing of records with the  
26 clerk of the court where the arrests occurred or the

1 charges were brought, or both. If arrests occurred or  
2 charges were brought in multiple jurisdictions, a petition  
3 must be filed in each such jurisdiction. The petitioner  
4 shall pay the applicable fee, except no fee shall be  
5 required if the petitioner has obtained a court order  
6 waiving fees under Supreme Court Rule 298 or it is  
7 otherwise waived.

8 (1.5) County fee waiver pilot program. In a county of  
9 3,000,000 or more inhabitants, no fee shall be required to  
10 be paid by a petitioner if the records sought to be  
11 expunged or sealed were arrests resulting in release  
12 without charging or arrests or charges not initiated by  
13 arrest resulting in acquittal, dismissal, or conviction  
14 when the conviction was reversed or vacated, unless  
15 excluded by subsection (a) (3) (B). The provisions of this  
16 paragraph (1.5), other than this sentence, are inoperative  
17 on and after January 1, 2019.

18 (2) Contents of petition. The petition shall be  
19 verified and shall contain the petitioner's name, date of  
20 birth, current address and, for each arrest or charge not  
21 initiated by arrest sought to be sealed or expunged, the  
22 case number, the date of arrest (if any), the identity of  
23 the arresting authority, and such other information as the  
24 court may require. During the pendency of the proceeding,  
25 the petitioner shall promptly notify the circuit court  
26 clerk of any change of his or her address. If the

1 petitioner has received a certificate of eligibility for  
2 sealing from the Prisoner Review Board under paragraph (10)  
3 of subsection (a) of Section 3-3-2 of the Unified Code of  
4 Corrections, the certificate shall be attached to the  
5 petition.

6 (3) Drug test. The petitioner must attach to the  
7 petition proof that the petitioner has passed a test taken  
8 within 30 days before the filing of the petition showing  
9 the absence within his or her body of all illegal  
10 substances as defined by the Illinois Controlled  
11 Substances Act, the Methamphetamine Control and Community  
12 Protection Act, and the Cannabis Control Act if he or she  
13 is petitioning to:

14 (A) seal felony records under clause (c) (2) (E);

15 (B) seal felony records for a violation of the  
16 Illinois Controlled Substances Act, the  
17 Methamphetamine Control and Community Protection Act,  
18 or the Cannabis Control Act under clause (c) (2) (F);

19 (C) seal felony records under subsection (e-5); or

20 (D) expunge felony records of a qualified  
21 probation under clause (b) (1) (iv).

22 (4) Service of petition. The circuit court clerk shall  
23 promptly serve a copy of the petition and documentation to  
24 support the petition under subsection (e-5) or (e-6) on the  
25 State's Attorney or prosecutor charged with the duty of  
26 prosecuting the offense, the Department of State Police,

1 the arresting agency and the chief legal officer of the  
2 unit of local government effecting the arrest.

3 (5) Objections.

4 (A) Any party entitled to notice of the petition  
5 may file an objection to the petition. All objections  
6 shall be in writing, shall be filed with the circuit  
7 court clerk, and shall state with specificity the basis  
8 of the objection. Whenever a person who has been  
9 convicted of an offense is granted a pardon by the  
10 Governor which specifically authorizes expungement, an  
11 objection to the petition may not be filed.

12 (B) Objections to a petition to expunge or seal  
13 must be filed within 60 days of the date of service of  
14 the petition.

15 (6) Entry of order.

16 (A) The Chief Judge of the circuit wherein the  
17 charge was brought, any judge of that circuit  
18 designated by the Chief Judge, or in counties of less  
19 than 3,000,000 inhabitants, the presiding trial judge  
20 at the petitioner's trial, if any, shall rule on the  
21 petition to expunge or seal as set forth in this  
22 subsection (d) (6).

23 (B) Unless the State's Attorney or prosecutor, the  
24 Department of State Police, the arresting agency, or  
25 the chief legal officer files an objection to the  
26 petition to expunge or seal within 60 days from the

1 date of service of the petition, the court shall enter  
2 an order granting or denying the petition.

3 (C) Notwithstanding any other provision of law,  
4 the court shall not deny a petition for sealing under  
5 this Section because the petitioner has not satisfied  
6 an outstanding legal financial obligation established,  
7 imposed, or originated by a court, law enforcement  
8 agency, or a municipal, State, county, or other unit of  
9 local government, including, but not limited to, any  
10 cost, assessment, fine, or fee. An outstanding legal  
11 financial obligation does not include any court  
12 ordered restitution to a victim under Section 5-5-6 of  
13 the Unified Code of Corrections, unless the  
14 restitution has been converted to a civil judgment.  
15 Nothing in this subparagraph (C) waives, rescinds, or  
16 abrogates a legal financial obligation or otherwise  
17 eliminates or affects the right of the holder of any  
18 financial obligation to pursue collection under  
19 applicable federal, State, or local law.

20 (7) Hearings. If an objection is filed, the court shall  
21 set a date for a hearing and notify the petitioner and all  
22 parties entitled to notice of the petition of the hearing  
23 date at least 30 days prior to the hearing. Prior to the  
24 hearing, the State's Attorney shall consult with the  
25 Department as to the appropriateness of the relief sought  
26 in the petition to expunge or seal. At the hearing, the

1 court shall hear evidence on whether the petition should or  
2 should not be granted, and shall grant or deny the petition  
3 to expunge or seal the records based on the evidence  
4 presented at the hearing. The court may consider the  
5 following:

6 (A) the strength of the evidence supporting the  
7 defendant's conviction;

8 (B) the reasons for retention of the conviction  
9 records by the State;

10 (C) the petitioner's age, criminal record history,  
11 and employment history;

12 (D) the period of time between the petitioner's  
13 arrest on the charge resulting in the conviction and  
14 the filing of the petition under this Section; and

15 (E) the specific adverse consequences the  
16 petitioner may be subject to if the petition is denied.

17 (8) Service of order. After entering an order to  
18 expunge or seal records, the court must provide copies of  
19 the order to the Department, in a form and manner  
20 prescribed by the Department, to the petitioner, to the  
21 State's Attorney or prosecutor charged with the duty of  
22 prosecuting the offense, to the arresting agency, to the  
23 chief legal officer of the unit of local government  
24 effecting the arrest, and to such other criminal justice  
25 agencies as may be ordered by the court.

26 (9) Implementation of order.



1 (A) Upon entry of an order to expunge records  
2 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

3 (i) the records shall be expunged (as defined  
4 in subsection (a) (1) (E)) by the arresting agency,  
5 the Department, and any other agency as ordered by  
6 the court, within 60 days of the date of service of  
7 the order, unless a motion to vacate, modify, or  
8 reconsider the order is filed pursuant to  
9 paragraph (12) of subsection (d) of this Section;

10 (ii) the records of the circuit court clerk  
11 shall be impounded until further order of the court  
12 upon good cause shown and the name of the  
13 petitioner obliterated on the official index  
14 required to be kept by the circuit court clerk  
15 under Section 16 of the Clerks of Courts Act, but  
16 the order shall not affect any index issued by the  
17 circuit court clerk before the entry of the order;  
18 and

19 (iii) in response to an inquiry for expunged  
20 records, the court, the Department, or the agency  
21 receiving such inquiry, shall reply as it does in  
22 response to inquiries when no records ever  
23 existed.

24 (B) Upon entry of an order to expunge records  
25 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

26 (i) the records shall be expunged (as defined

1 in subsection (a)(1)(E)) by the arresting agency  
2 and any other agency as ordered by the court,  
3 within 60 days of the date of service of the order,  
4 unless a motion to vacate, modify, or reconsider  
5 the order is filed pursuant to paragraph (12) of  
6 subsection (d) of this Section;

7 (ii) the records of the circuit court clerk  
8 shall be impounded until further order of the court  
9 upon good cause shown and the name of the  
10 petitioner obliterated on the official index  
11 required to be kept by the circuit court clerk  
12 under Section 16 of the Clerks of Courts Act, but  
13 the order shall not affect any index issued by the  
14 circuit court clerk before the entry of the order;

15 (iii) the records shall be impounded by the  
16 Department within 60 days of the date of service of  
17 the order as ordered by the court, unless a motion  
18 to vacate, modify, or reconsider the order is filed  
19 pursuant to paragraph (12) of subsection (d) of  
20 this Section;

21 (iv) records impounded by the Department may  
22 be disseminated by the Department only as required  
23 by law or to the arresting authority, the State's  
24 Attorney, and the court upon a later arrest for the  
25 same or a similar offense or for the purpose of  
26 sentencing for any subsequent felony, and to the

1 Department of Corrections upon conviction for any  
2 offense; and

3 (v) in response to an inquiry for such records  
4 from anyone not authorized by law to access such  
5 records, the court, the Department, or the agency  
6 receiving such inquiry shall reply as it does in  
7 response to inquiries when no records ever  
8 existed.

9 (B-5) Upon entry of an order to expunge records  
10 under subsection (e-6):

11 (i) the records shall be expunged (as defined  
12 in subsection (a)(1)(E)) by the arresting agency  
13 and any other agency as ordered by the court,  
14 within 60 days of the date of service of the order,  
15 unless a motion to vacate, modify, or reconsider  
16 the order is filed under paragraph (12) of  
17 subsection (d) of this Section;

18 (ii) the records of the circuit court clerk  
19 shall be impounded until further order of the court  
20 upon good cause shown and the name of the  
21 petitioner obliterated on the official index  
22 required to be kept by the circuit court clerk  
23 under Section 16 of the Clerks of Courts Act, but  
24 the order shall not affect any index issued by the  
25 circuit court clerk before the entry of the order;

26 (iii) the records shall be impounded by the

1 Department within 60 days of the date of service of  
2 the order as ordered by the court, unless a motion  
3 to vacate, modify, or reconsider the order is filed  
4 under paragraph (12) of subsection (d) of this  
5 Section;

6 (iv) records impounded by the Department may  
7 be disseminated by the Department only as required  
8 by law or to the arresting authority, the State's  
9 Attorney, and the court upon a later arrest for the  
10 same or a similar offense or for the purpose of  
11 sentencing for any subsequent felony, and to the  
12 Department of Corrections upon conviction for any  
13 offense; and

14 (v) in response to an inquiry for these records  
15 from anyone not authorized by law to access the  
16 records, the court, the Department, or the agency  
17 receiving the inquiry shall reply as it does in  
18 response to inquiries when no records ever  
19 existed.

20 (C) Upon entry of an order to seal records under  
21 subsection (c), the arresting agency, any other agency  
22 as ordered by the court, the Department, and the court  
23 shall seal the records (as defined in subsection  
24 (a) (1) (K)). In response to an inquiry for such records,  
25 from anyone not authorized by law to access such  
26 records, the court, the Department, or the agency

1 receiving such inquiry shall reply as it does in  
2 response to inquiries when no records ever existed.

3 (D) The Department shall send written notice to the  
4 petitioner of its compliance with each order to expunge  
5 or seal records within 60 days of the date of service  
6 of that order or, if a motion to vacate, modify, or  
7 reconsider is filed, within 60 days of service of the  
8 order resolving the motion, if that order requires the  
9 Department to expunge or seal records. In the event of  
10 an appeal from the circuit court order, the Department  
11 shall send written notice to the petitioner of its  
12 compliance with an Appellate Court or Supreme Court  
13 judgment to expunge or seal records within 60 days of  
14 the issuance of the court's mandate. The notice is not  
15 required while any motion to vacate, modify, or  
16 reconsider, or any appeal or petition for  
17 discretionary appellate review, is pending.

18 (E) Upon motion, the court may order that a sealed  
19 judgment or other court record necessary to  
20 demonstrate the amount of any legal financial  
21 obligation due and owing be made available for the  
22 limited purpose of collecting any legal financial  
23 obligations owed by the petitioner that were  
24 established, imposed, or originated in the criminal  
25 proceeding for which those records have been sealed.  
26 The records made available under this subparagraph (E)

1 shall not be entered into the official index required  
2 to be kept by the circuit court clerk under Section 16  
3 of the Clerks of Courts Act and shall be immediately  
4 re-impounded upon the collection of the outstanding  
5 financial obligations.

6 (F) Notwithstanding any other provision of this  
7 Section, a circuit court clerk may access a sealed  
8 record for the limited purpose of collecting payment  
9 for any legal financial obligations that were  
10 established, imposed, or originated in the criminal  
11 proceedings for which those records have been sealed.

12 (10) Fees. The Department may charge the petitioner a  
13 fee equivalent to the cost of processing any order to  
14 expunge or seal records. Notwithstanding any provision of  
15 the Clerks of Courts Act to the contrary, the circuit court  
16 clerk may charge a fee equivalent to the cost associated  
17 with the sealing or expungement of records by the circuit  
18 court clerk. From the total filing fee collected for the  
19 petition to seal or expunge, the circuit court clerk shall  
20 deposit \$10 into the Circuit Court Clerk Operation and  
21 Administrative Fund, to be used to offset the costs  
22 incurred by the circuit court clerk in performing the  
23 additional duties required to serve the petition to seal or  
24 expunge on all parties. The circuit court clerk shall  
25 collect and forward the Department of State Police portion  
26 of the fee to the Department and it shall be deposited in

1 the State Police Services Fund. If the record brought under  
2 an expungement petition was previously sealed under this  
3 Section, the fee for the expungement petition for that same  
4 record shall be waived.

5 (11) Final Order. No court order issued under the  
6 expungement or sealing provisions of this Section shall  
7 become final for purposes of appeal until 30 days after  
8 service of the order on the petitioner and all parties  
9 entitled to notice of the petition.

10 (12) Motion to Vacate, Modify, or Reconsider. Under  
11 Section 2-1203 of the Code of Civil Procedure, the  
12 petitioner or any party entitled to notice may file a  
13 motion to vacate, modify, or reconsider the order granting  
14 or denying the petition to expunge or seal within 60 days  
15 of service of the order. If filed more than 60 days after  
16 service of the order, a petition to vacate, modify, or  
17 reconsider shall comply with subsection (c) of Section  
18 2-1401 of the Code of Civil Procedure. Upon filing of a  
19 motion to vacate, modify, or reconsider, notice of the  
20 motion shall be served upon the petitioner and all parties  
21 entitled to notice of the petition.

22 (13) Effect of Order. An order granting a petition  
23 under the expungement or sealing provisions of this Section  
24 shall not be considered void because it fails to comply  
25 with the provisions of this Section or because of any error  
26 asserted in a motion to vacate, modify, or reconsider. The

1 circuit court retains jurisdiction to determine whether  
2 the order is voidable and to vacate, modify, or reconsider  
3 its terms based on a motion filed under paragraph (12) of  
4 this subsection (d).

5 (14) Compliance with Order Granting Petition to Seal  
6 Records. Unless a court has entered a stay of an order  
7 granting a petition to seal, all parties entitled to notice  
8 of the petition must fully comply with the terms of the  
9 order within 60 days of service of the order even if a  
10 party is seeking relief from the order through a motion  
11 filed under paragraph (12) of this subsection (d) or is  
12 appealing the order.

13 (15) Compliance with Order Granting Petition to  
14 Expunge Records. While a party is seeking relief from the  
15 order granting the petition to expunge through a motion  
16 filed under paragraph (12) of this subsection (d) or is  
17 appealing the order, and unless a court has entered a stay  
18 of that order, the parties entitled to notice of the  
19 petition must seal, but need not expunge, the records until  
20 there is a final order on the motion for relief or, in the  
21 case of an appeal, the issuance of that court's mandate.

22 (16) The changes to this subsection (d) made by Public  
23 Act 98-163 apply to all petitions pending on August 5, 2013  
24 (the effective date of Public Act 98-163) and to all orders  
25 ruling on a petition to expunge or seal on or after August  
26 5, 2013 (the effective date of Public Act 98-163).



1           (e) Whenever a person who has been convicted of an offense  
2 is granted a pardon by the Governor which specifically  
3 authorizes expungement, he or she may, upon verified petition  
4 to the Chief Judge of the circuit where the person had been  
5 convicted, any judge of the circuit designated by the Chief  
6 Judge, or in counties of less than 3,000,000 inhabitants, the  
7 presiding trial judge at the defendant's trial, have a court  
8 order entered expunging the record of arrest from the official  
9 records of the arresting authority and order that the records  
10 of the circuit court clerk and the Department be sealed until  
11 further order of the court upon good cause shown or as  
12 otherwise provided herein, and the name of the defendant  
13 obliterated from the official index requested to be kept by the  
14 circuit court clerk under Section 16 of the Clerks of Courts  
15 Act in connection with the arrest and conviction for the  
16 offense for which he or she had been pardoned but the order  
17 shall not affect any index issued by the circuit court clerk  
18 before the entry of the order. All records sealed by the  
19 Department may be disseminated by the Department only to the  
20 arresting authority, the State's Attorney, and the court upon a  
21 later arrest for the same or similar offense or for the purpose  
22 of sentencing for any subsequent felony. Upon conviction for  
23 any subsequent offense, the Department of Corrections shall  
24 have access to all sealed records of the Department pertaining  
25 to that individual. Upon entry of the order of expungement, the  
26 circuit court clerk shall promptly mail a copy of the order to

1 the person who was pardoned.

2 (e-5) Whenever a person who has been convicted of an  
3 offense is granted a certificate of eligibility for sealing by  
4 the Prisoner Review Board which specifically authorizes  
5 sealing, he or she may, upon verified petition to the Chief  
6 Judge of the circuit where the person had been convicted, any  
7 judge of the circuit designated by the Chief Judge, or in  
8 counties of less than 3,000,000 inhabitants, the presiding  
9 trial judge at the petitioner's trial, have a court order  
10 entered sealing the record of arrest from the official records  
11 of the arresting authority and order that the records of the  
12 circuit court clerk and the Department be sealed until further  
13 order of the court upon good cause shown or as otherwise  
14 provided herein, and the name of the petitioner obliterated  
15 from the official index requested to be kept by the circuit  
16 court clerk under Section 16 of the Clerks of Courts Act in  
17 connection with the arrest and conviction for the offense for  
18 which he or she had been granted the certificate but the order  
19 shall not affect any index issued by the circuit court clerk  
20 before the entry of the order. All records sealed by the  
21 Department may be disseminated by the Department only as  
22 required by this Act or to the arresting authority, a law  
23 enforcement agency, the State's Attorney, and the court upon a  
24 later arrest for the same or similar offense or for the purpose  
25 of sentencing for any subsequent felony. Upon conviction for  
26 any subsequent offense, the Department of Corrections shall

1 have access to all sealed records of the Department pertaining  
2 to that individual. Upon entry of the order of sealing, the  
3 circuit court clerk shall promptly mail a copy of the order to  
4 the person who was granted the certificate of eligibility for  
5 sealing.

6 (e-6) Whenever a person who has been convicted of an  
7 offense is granted a certificate of eligibility for expungement  
8 by the Prisoner Review Board which specifically authorizes  
9 expungement, he or she may, upon verified petition to the Chief  
10 Judge of the circuit where the person had been convicted, any  
11 judge of the circuit designated by the Chief Judge, or in  
12 counties of less than 3,000,000 inhabitants, the presiding  
13 trial judge at the petitioner's trial, have a court order  
14 entered expunging the record of arrest from the official  
15 records of the arresting authority and order that the records  
16 of the circuit court clerk and the Department be sealed until  
17 further order of the court upon good cause shown or as  
18 otherwise provided herein, and the name of the petitioner  
19 obliterated from the official index requested to be kept by the  
20 circuit court clerk under Section 16 of the Clerks of Courts  
21 Act in connection with the arrest and conviction for the  
22 offense for which he or she had been granted the certificate  
23 but the order shall not affect any index issued by the circuit  
24 court clerk before the entry of the order. All records sealed  
25 by the Department may be disseminated by the Department only as  
26 required by this Act or to the arresting authority, a law

1 enforcement agency, the State's Attorney, and the court upon a  
2 later arrest for the same or similar offense or for the purpose  
3 of sentencing for any subsequent felony. Upon conviction for  
4 any subsequent offense, the Department of Corrections shall  
5 have access to all expunged records of the Department  
6 pertaining to that individual. Upon entry of the order of  
7 expungement, the circuit court clerk shall promptly mail a copy  
8 of the order to the person who was granted the certificate of  
9 eligibility for expungement.

10 (f) Subject to available funding, the Illinois Department  
11 of Corrections shall conduct a study of the impact of sealing,  
12 especially on employment and recidivism rates, utilizing a  
13 random sample of those who apply for the sealing of their  
14 criminal records under Public Act 93-211. At the request of the  
15 Illinois Department of Corrections, records of the Illinois  
16 Department of Employment Security shall be utilized as  
17 appropriate to assist in the study. The study shall not  
18 disclose any data in a manner that would allow the  
19 identification of any particular individual or employing unit.  
20 The study shall be made available to the General Assembly no  
21 later than September 1, 2010.

22 (g) Immediate Sealing.

23 (1) Applicability. Notwithstanding any other provision  
24 of this Act to the contrary, and cumulative with any rights  
25 to expungement or sealing of criminal records, this  
26 subsection authorizes the immediate sealing of criminal

1 records of adults and of minors prosecuted as adults.

2 (2) Eligible Records. Arrests or charges not initiated  
3 by arrest resulting in acquittal or dismissal with  
4 prejudice, except as excluded by subsection (a)(3)(B),  
5 that occur on or after January 1, 2018 (the effective date  
6 of Public Act 100-282), may be sealed immediately if the  
7 petition is filed with the circuit court clerk on the same  
8 day and during the same hearing in which the case is  
9 disposed.

10 (3) When Records are Eligible to be Immediately Sealed.  
11 Eligible records under paragraph (2) of this subsection (g)  
12 may be sealed immediately after entry of the final  
13 disposition of a case, notwithstanding the disposition of  
14 other charges in the same case.

15 (4) Notice of Eligibility for Immediate Sealing. Upon  
16 entry of a disposition for an eligible record under this  
17 subsection (g), the defendant shall be informed by the  
18 court of his or her right to have eligible records  
19 immediately sealed and the procedure for the immediate  
20 sealing of these records.

21 (5) Procedure. The following procedures apply to  
22 immediate sealing under this subsection (g).

23 (A) Filing the Petition. Upon entry of the final  
24 disposition of the case, the defendant's attorney may  
25 immediately petition the court, on behalf of the  
26 defendant, for immediate sealing of eligible records

1 under paragraph (2) of this subsection (g) that are  
2 entered on or after January 1, 2018 (the effective date  
3 of Public Act 100-282). The immediate sealing petition  
4 may be filed with the circuit court clerk during the  
5 hearing in which the final disposition of the case is  
6 entered. If the defendant's attorney does not file the  
7 petition for immediate sealing during the hearing, the  
8 defendant may file a petition for sealing at any time  
9 as authorized under subsection (c) (3) (A).

10 (B) Contents of Petition. The immediate sealing  
11 petition shall be verified and shall contain the  
12 petitioner's name, date of birth, current address, and  
13 for each eligible record, the case number, the date of  
14 arrest if applicable, the identity of the arresting  
15 authority if applicable, and other information as the  
16 court may require.

17 (C) Drug Test. The petitioner shall not be required  
18 to attach proof that he or she has passed a drug test.

19 (D) Service of Petition. A copy of the petition  
20 shall be served on the State's Attorney in open court.  
21 The petitioner shall not be required to serve a copy of  
22 the petition on any other agency.

23 (E) Entry of Order. The presiding trial judge shall  
24 enter an order granting or denying the petition for  
25 immediate sealing during the hearing in which it is  
26 filed. Petitions for immediate sealing shall be ruled

1 on in the same hearing in which the final disposition  
2 of the case is entered.

3 (F) Hearings. The court shall hear the petition for  
4 immediate sealing on the same day and during the same  
5 hearing in which the disposition is rendered.

6 (G) Service of Order. An order to immediately seal  
7 eligible records shall be served in conformance with  
8 subsection (d) (8).

9 (H) Implementation of Order. An order to  
10 immediately seal records shall be implemented in  
11 conformance with subsections (d) (9) (C) and (d) (9) (D).

12 (I) Fees. The fee imposed by the circuit court  
13 clerk and the Department of State Police shall comply  
14 with paragraph (1) of subsection (d) of this Section.

15 (J) Final Order. No court order issued under this  
16 subsection (g) shall become final for purposes of  
17 appeal until 30 days after service of the order on the  
18 petitioner and all parties entitled to service of the  
19 order in conformance with subsection (d) (8).

20 (K) Motion to Vacate, Modify, or Reconsider. Under  
21 Section 2-1203 of the Code of Civil Procedure, the  
22 petitioner, State's Attorney, or the Department of  
23 State Police may file a motion to vacate, modify, or  
24 reconsider the order denying the petition to  
25 immediately seal within 60 days of service of the  
26 order. If filed more than 60 days after service of the

1 order, a petition to vacate, modify, or reconsider  
2 shall comply with subsection (c) of Section 2-1401 of  
3 the Code of Civil Procedure.

4 (L) Effect of Order. An order granting an immediate  
5 sealing petition shall not be considered void because  
6 it fails to comply with the provisions of this Section  
7 or because of an error asserted in a motion to vacate,  
8 modify, or reconsider. The circuit court retains  
9 jurisdiction to determine whether the order is  
10 voidable, and to vacate, modify, or reconsider its  
11 terms based on a motion filed under subparagraph (L) of  
12 this subsection (g).

13 (M) Compliance with Order Granting Petition to  
14 Seal Records. Unless a court has entered a stay of an  
15 order granting a petition to immediately seal, all  
16 parties entitled to service of the order must fully  
17 comply with the terms of the order within 60 days of  
18 service of the order.

19 (h) Sealing; trafficking victims.

20 (1) A trafficking victim as defined by paragraph (10)  
21 of subsection (a) of Section 10-9 of the Criminal Code of  
22 2012 shall be eligible to petition for immediate sealing of  
23 his or her criminal record upon the completion of his or  
24 her last sentence if his or her participation in the  
25 underlying offense was a direct result of human trafficking  
26 under Section 10-9 of the Criminal Code of 2012 or a severe



1 form of trafficking under the federal Trafficking Victims  
2 Protection Act.

3 (2) A petitioner under this subsection (h), in addition  
4 to the requirements provided under paragraph (4) of  
5 subsection (d) of this Section, shall include in his or her  
6 petition a clear and concise statement that: (A) he or she  
7 was a victim of human trafficking at the time of the  
8 offense; and (B) that his or her participation in the  
9 offense was a direct result of human trafficking under  
10 Section 10-9 of the Criminal Code of 2012 or a severe form  
11 of trafficking under the federal Trafficking Victims  
12 Protection Act.

13 (3) If an objection is filed alleging that the  
14 petitioner is not entitled to immediate sealing under this  
15 subsection (h), the court shall conduct a hearing under  
16 paragraph (7) of subsection (d) of this Section and the  
17 court shall determine whether the petitioner is entitled to  
18 immediate sealing under this subsection (h). A petitioner  
19 is eligible for immediate relief under this subsection (h)  
20 if he or she shows, by a preponderance of the evidence,  
21 that: (A) he or she was a victim of human trafficking at  
22 the time of the offense; and (B) that his or her  
23 participation in the offense was a direct result of human  
24 trafficking under Section 10-9 of the Criminal Code of 2012  
25 or a severe form of trafficking under the federal  
26 Trafficking Victims Protection Act.

1 (Source: P.A. 99-78, eff. 7-20-15; 99-378, eff. 1-1-16; 99-385,  
2 eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff. 7-29-16;  
3 99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-282, eff.  
4 1-1-18; 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692,  
5 eff. 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18;  
6 100-863, eff. 8-14-18; revised 8-30-18.)".