

1 AMENDMENT TO HOUSE BILL 1091

2 AMENDMENT NO. _____. Amend House Bill 1091, AS AMENDED,
3 by replacing all of subsection (3) of Sec. 5-915 of Section 5
4 with the following:

5 "(3) The chief judge of the circuit in which an arrest
6 was made or a charge was brought or any judge of that circuit
7 designated by the chief judge shall, for ~~may~~7--upon--verified
8 petition of a person who is the subject of an arrest or a
9 juvenile court proceeding under subsection (1) or (2) of this
10 Section, order the law enforcement records or official court
11 file, or both, to be expunged from the official records of
12 the arresting authority, the clerk of the circuit court and
13 the Department of State Police. The person whose records are
14 to be expunged shall provide the clerk of the court with a
15 current address and shall promptly notify the clerk of the
16 court of any change of address. Notice that the person's
17 records are to be expunged shall be served upon the State's
18 Attorney or prosecutor charged with the duty of prosecuting
19 the offense, the Department of State Police, the arresting
20 agency, and the chief legal officer of the unit of local
21 government effecting the arrest by the clerk of the court on
22 the offender's 17th birthday or, for a person whose records
23 are being expunged under subsection (2), (i) on the
24 offender's 21st birthday or (ii) after 5 years have elapsed

1 since all juvenile court proceedings related to him or her
2 have been terminated or his or her commitment to the
3 Department of Corrections, Juvenile Division has been
4 terminated, whichever is later. If an objection is filed
5 within 90 days of the notice of the proposed expungement, the
6 court shall set a date for hearing. At the hearing the court
7 shall hear evidence on whether the expungement should or
8 should not be granted. Unless the State's Attorney or
9 prosecutor, the Department of State Police, or an arresting
10 agency objects to the expungement within 90 days of the
11 notice, the court shall enter an order granting the
12 expungement. The person whose records are expunged shall pay
13 the clerk of the court a fee equivalent to the cost
14 associated with case tracking and expungement of the records.

15 (3.5) A person whose records are eligible for expungement
16 and whose arrest or disposition occurred before the date of
17 this amendatory act of the 93rd General Assembly, must
18 petition the court for expungement under this Section. The
19 chief judge of the circuit in which an arrest was made or a
20 charge was brought or any judge of that circuit designated by
21 the chief judge may, upon verified petition, order the law
22 enforcement records or official court file, or both, to be
23 expunged from the official records of the arresting
24 authority, the clerk of the circuit court and the Department
25 of State Police. Notice of the verified petition shall be
26 served by the petitioner upon the State's Attorney or
27 prosecutor charged with the duty of prosecuting the offense,
28 the Department of State Police, the arresting agency, and the
29 chief legal officer of the unit of local government effecting
30 the arrest. If an objection is filed within 90 days of the
31 notice of the requested expungement, the court shall set a
32 date for hearing. At the hearing the court shall hear
33 evidence on whether the expungement should or should not be
34 granted. Unless the State's Attorney or prosecutor, the

1 Department of State Police, or an arresting agency objects to
2 the expungement within 90 days of the notice, the court shall
3 enter an order granting the expungement. Notice--of-the
4 petition-shall-be-served-upon-the-State's-Attorney--and--upon
5 the--arresting-authority-which-is-the-subject-of-the-petition
6 for-expungement-".