

1 AMENDMENT TO HOUSE BILL 762

2 AMENDMENT NO. _____. Amend House Bill 762 as follows:
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Juvenile Court Act of 1987 is amended by
6 changing Section 5-915 as follows:

7 (705 ILCS 405/5-915)

8 Sec. 5-915. Expungement of law enforcement and juvenile
9 court records.

10 (1) Whenever any person has attained the age of 17 or
11 whenever all juvenile court proceedings relating to that
12 person have been terminated, whichever is later, ~~the--person~~
13 ~~may--petition~~ the court shall automatically ~~to~~ expunge law
14 enforcement records relating to incidents occurring before
15 his or her 17th birthday or his or her juvenile court
16 records, or both, but only in the following circumstances:

17 (a) the minor was arrested and no petition for
18 delinquency was filed with the clerk of the circuit
19 court; or

20 (b) the minor was charged with an offense and was
21 found not delinquent of that offense; or

22 (c) the minor was placed under supervision pursuant

1 to Section 5-615, and the order of supervision has since
2 been successfully terminated; or

3 (d) the minor was adjudicated for an offense which
4 would be a Class B misdemeanor if committed by an adult.

5 (2) ~~The Any--person--may--petition--the~~ court shall to
6 expunge all law enforcement records relating to any incidents
7 occurring before a person's ~~his-or-her~~ 17th birthday which
8 did not result in proceedings in criminal court and all
9 juvenile court records with respect to any adjudications
10 except those based upon first degree murder and sex offenses
11 which would be felonies if committed by an adult, if the
12 person ~~for-whom-expungement-is-sought~~ has had no convictions
13 for any crime since his or her 17th birthday and:

14 (a) has attained the age of 21 years; or

15 (b) 5 years have elapsed since all juvenile court
16 proceedings relating to him or her have been terminated
17 or his or her commitment to the Department of
18 Corrections, Juvenile Division pursuant to this Act has
19 been terminated;

20 whichever is later of (a) or (b).

21 (3) The chief judge of the circuit in which an arrest
22 was made or a charge was brought or any judge of that circuit
23 designated by the chief judge shall, for ~~may,~~-upon-verified
24 petition-of a person who is the subject of an arrest or a
25 juvenile court proceeding under subsection (1) or (2) of this
26 Section, order the law enforcement records or official court
27 file, or both, to be expunged from the official records of
28 the arresting authority, the clerk of the circuit court and
29 the Department of State Police. Notice of the petition shall
30 be served upon the State's Attorney and upon the arresting
31 authority which is the subject of the petition for
32 expungement.

33 (4) Upon entry of an order expunging records or files,
34 the offense, which the records or files concern shall be

1 treated as if it never occurred. Law enforcement officers and
2 other public offices and agencies shall properly reply on
3 inquiry that no record or file exists with respect to the
4 person.

5 (5) Records which have not been expunged are sealed, and
6 may be obtained only under the provisions of Sections 5-901,
7 5-905 and 5-915.

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

15 (Source: P.A. 90-590, eff. 1-1-99.)"