



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB0007

Introduced 1/9/2025, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2
730 ILCS 5/3-3-2

from Ch. 38, par. 1003-3-2

Amends the Unified Code of Corrections relating to certificates of expungement for Class 3 and 4 felonies. Eliminates the requirement that a certificate of expungement may only be issued to a person who has served in the United States Armed Forces or National Guard of this or any other state and had received an honorable discharge from the United States Armed Forces or National Guard or who at the time of filing the petition is enlisted in the United States Armed Forces or National Guard of this or any other state and served one tour of duty and who meets the requirements of this provision. Expands the offenses ineligible for a certificate of expungement to include offenses involving domestic violence as defined in the Protective Orders Article of the Code of Criminal Procedure of 1963, including aggravated assault, aggravated battery, violation of an order of protection, domestic battery, or aggravated domestic battery. Amends the Criminal Identification Act. Provides that, notwithstanding the eligibility requirements of the expungement provisions, upon the issuance of a certificate of expungement by the Prisoner Review Board under the Unified Code of Corrections, the circuit court shall automatically expunge all records of arrests or charges not initiated by arrest and all court records that resulted in the conviction for the Class 3 or Class 4 felony listed in the certificate of expungement.

LRB104 03383 RLC 13405 b

1 AN ACT concerning State government.

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

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 following Sections of the
14 Unified Code of Corrections:

15 Business Offense, Section 5-1-2.

16 Charge, Section 5-1-3.

17 Court, Section 5-1-6.

18 Defendant, Section 5-1-7.

19 Felony, Section 5-1-9.

20 Imprisonment, Section 5-1-10.

21 Judgment, Section 5-1-12.

22 Misdemeanor, Section 5-1-14.

23 Offense, Section 5-1-15.

1 Parole, Section 5-1-16.

2 Petty Offense, Section 5-1-17.

3 Probation, Section 5-1-18.

4 Sentence, Section 5-1-19.

5 Supervision, Section 5-1-21.

6 Victim, Section 5-1-22.

7 (B) As used in this Section, "charge not initiated
8 by arrest" means a charge (as defined by Section 5-1-3
9 of the Unified Code of Corrections) brought against a
10 defendant where the defendant is not arrested prior to
11 or as a direct result of the charge.

12 (C) "Conviction" means a judgment of conviction or
13 sentence entered upon a plea of guilty or upon a
14 verdict or finding of guilty of an offense, rendered
15 by a legally constituted jury or by a court of
16 competent jurisdiction authorized to try the case
17 without a jury. An order of supervision successfully
18 completed by the petitioner is not a conviction. An
19 order of qualified probation (as defined in subsection
20 (a) (1) (J)) successfully completed by the petitioner is
21 not a conviction. An order of supervision or an order
22 of qualified probation that is terminated
23 unsatisfactorily is a conviction, unless the
24 unsatisfactory termination is reversed, vacated, or
25 modified and the judgment of conviction, if any, is
26 reversed or vacated.

1 (D) "Criminal offense" means a petty offense,
2 business offense, misdemeanor, felony, or municipal
3 ordinance violation (as defined in subsection
4 (a)(1)(H)). As used in this Section, a minor traffic
5 offense (as defined in subsection (a)(1)(G)) shall not
6 be considered a criminal offense.

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

16 (F) As used in this Section, "last sentence" means
17 the sentence, order of supervision, or order of
18 qualified probation (as defined by subsection
19 (a)(1)(J)), for a criminal offense (as defined by
20 subsection (a)(1)(D)) that terminates last in time in
21 any jurisdiction, regardless of whether the petitioner
22 has included the criminal offense for which the
23 sentence or order of supervision or qualified
24 probation was imposed in his or her petition. If
25 multiple sentences, orders of supervision, or orders
26 of qualified probation terminate on the same day and

1 are last in time, they shall be collectively
2 considered the "last sentence" regardless of whether
3 they were ordered to run concurrently.

4 (G) "Minor traffic offense" means a petty offense,
5 business offense, or Class C misdemeanor under the
6 Illinois Vehicle Code or a similar provision of a
7 municipal or local ordinance.

8 (G-5) "Minor Cannabis Offense" means a violation
9 of Section 4 or 5 of the Cannabis Control Act
10 concerning not more than 30 grams of any substance
11 containing cannabis, provided the violation did not
12 include a penalty enhancement under Section 7 of the
13 Cannabis Control Act and is not associated with an
14 arrest, conviction or other disposition for a violent
15 crime as defined in subsection (c) of Section 3 of the
16 Rights of Crime Victims and Witnesses Act.

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

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

25 (J) "Qualified probation" means an order of
26 probation under Section 10 of the Cannabis Control

1 Act, Section 410 of the Illinois Controlled Substances
2 Act, Section 70 of the Methamphetamine Control and
3 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
4 of the Unified Code of Corrections, Section
5 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
6 those provisions existed before their deletion by
7 Public Act 89-313), Section 10-102 of the Illinois
8 Alcoholism and Other Drug Dependency Act, Section
9 40-10 of the Substance Use Disorder Act, or Section 10
10 of the Steroid Control Act. For the purpose of this
11 Section, "successful completion" of an order of
12 qualified probation under Section 10-102 of the
13 Illinois Alcoholism and Other Drug Dependency Act and
14 Section 40-10 of the Substance Use Disorder Act means
15 that the probation was terminated satisfactorily and
16 the judgment of conviction was vacated.

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

1 affected.

2 (L) "Sexual offense committed against a minor"
3 includes, but is not limited to, the offenses of
4 indecent solicitation of a child or criminal sexual
5 abuse when the victim of such offense is under 18 years
6 of age.

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

13 (2) Minor Traffic Offenses. Orders of supervision or
14 convictions for minor traffic offenses shall not affect a
15 petitioner's eligibility to expunge or seal records
16 pursuant to this Section.

17 (2.5) Commencing 180 days after July 29, 2016 (the
18 effective date of Public Act 99-697), the law enforcement
19 agency issuing the citation shall automatically expunge,
20 on or before January 1 and July 1 of each year, the law
21 enforcement records of a person found to have committed a
22 civil law violation of subsection (a) of Section 4 of the
23 Cannabis Control Act or subsection (c) of Section 3.5 of
24 the Drug Paraphernalia Control Act in the law enforcement
25 agency's possession or control and which contains the
26 final satisfactory disposition which pertain to the person

1 issued a citation for that offense. The law enforcement
2 agency shall provide by rule the process for access,
3 review, and to confirm the automatic expungement by the
4 law enforcement agency issuing the citation. Commencing
5 180 days after July 29, 2016 (the effective date of Public
6 Act 99-697), the clerk of the circuit court shall expunge,
7 upon order of the court, or in the absence of a court order
8 on or before January 1 and July 1 of each year, the court
9 records of a person found in the circuit court to have
10 committed a civil law violation of subsection (a) of
11 Section 4 of the Cannabis Control Act or subsection (c) of
12 Section 3.5 of the Drug Paraphernalia Control Act in the
13 clerk's possession or control and which contains the final
14 satisfactory disposition which pertain to the person
15 issued a citation for any of those offenses.

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

19 (A) the sealing or expungement of the records of
20 arrests or charges not initiated by arrest that result
21 in an order of supervision for or conviction of: (i)
22 any sexual offense committed against a minor; (ii)
23 Section 11-501 of the Illinois Vehicle Code or a
24 similar provision of a local ordinance; or (iii)
25 Section 11-503 of the Illinois Vehicle Code or a
26 similar provision of a local ordinance, unless the

1 arrest or charge is for a misdemeanor violation of
2 subsection (a) of Section 11-503 or a similar
3 provision of a local ordinance, that occurred prior to
4 the offender reaching the age of 25 years and the
5 offender has no other conviction for violating Section
6 11-501 or 11-503 of the Illinois Vehicle Code or a
7 similar provision of a local ordinance.

8 (B) the sealing or expungement of records of minor
9 traffic offenses (as defined in subsection (a)(1)(G)),
10 unless the petitioner was arrested and released
11 without charging.

12 (C) the sealing of the records of arrests or
13 charges not initiated by arrest which result in an
14 order of supervision or a conviction for the following
15 offenses:

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

23 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
24 26-5, or 48-1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, or a similar provision of a
26 local ordinance;

1 (iii) Section 12-3.1 or 12-3.2 of the Criminal
2 Code of 1961 or the Criminal Code of 2012, or
3 Section 125 of the Stalking No Contact Order Act,
4 or Section 219 of the Civil No Contact Order Act,
5 or a similar provision of a local ordinance;

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

8 (v) any offense or attempted offense that
9 would subject a person to registration under the
10 Sex Offender Registration Act.

11 (D) (blank).

12 (b) Expungement.

13 (1) A petitioner may petition the circuit court to
14 expunge the records of his or her arrests and charges not
15 initiated by arrest when each arrest or charge not
16 initiated by arrest sought to be expunged resulted in: (i)
17 acquittal, dismissal, or the petitioner's release without
18 charging, unless excluded by subsection (a)(3)(B); (ii) a
19 conviction which was vacated or reversed, unless excluded
20 by subsection (a)(3)(B); (iii) an order of supervision and
21 such supervision was successfully completed by the
22 petitioner, unless excluded by subsection (a)(3)(A) or
23 (a)(3)(B); or (iv) an order of qualified probation (as
24 defined in subsection (a)(1)(J)) and such probation was
25 successfully completed by the petitioner.

26 (1.1) Notwithstanding the eligibility requirements of

1 this subsection (b), upon the issuance of a certificate of
2 expungement by the Prisoner Review Board under paragraph
3 (11) of subsection (a) of Section 3-3-2 of the Unified
4 Code of Corrections, the circuit court shall automatically
5 expunge all records of arrests or charges not initiated by
6 arrest and all court records that resulted in the
7 conviction for the Class 3 or Class 4 felony listed in the
8 certificate of expungement.

9 (1.5) When a petitioner seeks to have a record of
10 arrest expunged under this Section, and the offender has
11 been convicted of a criminal offense, the State's Attorney
12 may object to the expungement on the grounds that the
13 records contain specific relevant information aside from
14 the mere fact of the arrest.

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

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

22 (A-5) In anticipation of the successful completion
23 of a problem-solving court, pre-plea diversion, or
24 post-plea diversion program, a petition for
25 expungement may be filed 61 days before the
26 anticipated dismissal of the case or any time

1 thereafter. Upon successful completion of the program
2 and dismissal of the case, the court shall review the
3 petition of the person graduating from the program and
4 shall grant expungement if the petitioner meets all
5 requirements as specified in any applicable statute.

6 (B) When the arrest or charge not initiated by
7 arrest sought to be expunged resulted in an order of
8 supervision, successfully completed by the petitioner,
9 the following time frames will apply:

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

20 (i-5) Those arrests or charges that resulted
21 in orders of supervision for a misdemeanor
22 violation of subsection (a) of Section 11-503 of
23 the Illinois Vehicle Code or a similar provision
24 of a local ordinance, that occurred prior to the
25 offender reaching the age of 25 years and the
26 offender has no other conviction for violating

1 Section 11-501 or 11-503 of the Illinois Vehicle
2 Code or a similar provision of a local ordinance
3 shall not be eligible for expungement until the
4 petitioner has reached the age of 25 years.

5 (ii) Those arrests or charges that resulted in
6 orders of supervision for any other offenses shall
7 not be eligible for expungement until 2 years have
8 passed following the satisfactory termination of
9 the supervision.

10 (C) When the arrest or charge not initiated by
11 arrest sought to be expunged resulted in an order of
12 qualified probation, successfully completed by the
13 petitioner, such records shall not be eligible for
14 expungement until 5 years have passed following the
15 satisfactory termination of the probation.

16 (3) Those records maintained by the Illinois State
17 Police for persons arrested prior to their 17th birthday
18 shall be expunged as provided in Section 5-915 of the
19 Juvenile Court Act of 1987.

20 (4) Whenever a person has been arrested for or
21 convicted of any offense, in the name of a person whose
22 identity he or she has stolen or otherwise come into
23 possession of, the aggrieved person from whom the identity
24 was stolen or otherwise obtained without authorization,
25 upon learning of the person having been arrested using his
26 or her identity, may, upon verified petition to the chief

1 judge of the circuit wherein the arrest was made, have a
2 court order entered nunc pro tunc by the Chief Judge to
3 correct the arrest record, conviction record, if any, and
4 all official records of the arresting authority, the
5 Illinois State Police, other criminal justice agencies,
6 the prosecutor, and the trial court concerning such
7 arrest, if any, by removing his or her name from all such
8 records in connection with the arrest and conviction, if
9 any, and by inserting in the records the name of the
10 offender, if known or ascertainable, in lieu of the
11 aggrieved's name. The records of the circuit court clerk
12 shall be sealed until further order of the court upon good
13 cause shown and the name of the aggrieved person
14 obliterated on the official index required to be kept by
15 the circuit court clerk under Section 16 of the Clerks of
16 Courts Act, but the order shall not affect any index
17 issued by the circuit court clerk before the entry of the
18 order. Nothing in this Section shall limit the Illinois
19 State Police or other criminal justice agencies or
20 prosecutors from listing under an offender's name the
21 false names he or she has used.

22 (5) Whenever a person has been convicted of criminal
23 sexual assault, aggravated criminal sexual assault,
24 predatory criminal sexual assault of a child, criminal
25 sexual abuse, or aggravated criminal sexual abuse, the
26 victim of that offense may request that the State's

1 Attorney of the county in which the conviction occurred
2 file a verified petition with the presiding trial judge at
3 the petitioner's trial to have a court order entered to
4 seal the records of the circuit court clerk in connection
5 with the proceedings of the trial court concerning that
6 offense. However, the records of the arresting authority
7 and the Illinois State Police concerning the offense shall
8 not be sealed. The court, upon good cause shown, shall
9 make the records of the circuit court clerk in connection
10 with the proceedings of the trial court concerning the
11 offense available for public inspection.

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

21 (7) Nothing in this Section shall prevent the Illinois
22 State Police from maintaining all records of any person
23 who is admitted to probation upon terms and conditions and
24 who fulfills those terms and conditions pursuant to
25 Section 10 of the Cannabis Control Act, Section 410 of the
26 Illinois Controlled Substances Act, Section 70 of the

1 Methamphetamine Control and Community Protection Act,
2 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
3 Corrections, Section 12-4.3 or subdivision (b)(1) of
4 Section 12-3.05 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, Section 10-102 of the Illinois
6 Alcoholism and Other Drug Dependency Act, Section 40-10 of
7 the Substance Use Disorder Act, or Section 10 of the
8 Steroid Control Act.

9 (8) If the petitioner has been granted a certificate
10 of innocence under Section 2-702 of the Code of Civil
11 Procedure, the court that grants the certificate of
12 innocence shall also enter an order expunging the
13 conviction for which the petitioner has been determined to
14 be innocent as provided in subsection (h) of Section 2-702
15 of the Code of Civil Procedure.

16 (c) Sealing.

17 (1) Applicability. Notwithstanding any other provision
18 of this Act to the contrary, and cumulative with any
19 rights to expungement of criminal records, this subsection
20 authorizes the sealing of criminal records of adults and
21 of minors prosecuted as adults. Subsection (g) of this
22 Section provides for immediate sealing of certain records.

23 (2) Eligible Records. The following records may be
24 sealed:

25 (A) All arrests resulting in release without
26 charging;

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

5 (C) Arrests or charges not initiated by arrest
6 resulting in orders of supervision, including orders
7 of supervision for municipal ordinance violations,
8 successfully completed by the petitioner, unless
9 excluded by subsection (a) (3);

10 (D) Arrests or charges not initiated by arrest
11 resulting in convictions, including convictions on
12 municipal ordinance violations, unless excluded by
13 subsection (a) (3);

14 (E) Arrests or charges not initiated by arrest
15 resulting in orders of first offender probation under
16 Section 10 of the Cannabis Control Act, Section 410 of
17 the Illinois Controlled Substances Act, Section 70 of
18 the Methamphetamine Control and Community Protection
19 Act, or Section 5-6-3.3 of the Unified Code of
20 Corrections; and

21 (F) Arrests or charges not initiated by arrest
22 resulting in felony convictions unless otherwise
23 excluded by subsection (a) paragraph (3) of this
24 Section.

25 (3) When Records Are Eligible to Be Sealed. Records
26 identified as eligible under subsection (c) (2) may be

1 sealed as follows:

2 (A) Records identified as eligible under
3 subsections (c)(2)(A) and (c)(2)(B) may be sealed at
4 any time.

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

10 (C) Except as otherwise provided in subparagraph
11 (E) of this paragraph (3), records identified as
12 eligible under subsections (c)(2)(D), (c)(2)(E), and
13 (c)(2)(F) may be sealed 3 years after the termination
14 of the petitioner's last sentence (as defined in
15 subsection (a)(1)(F)). Convictions requiring public
16 registration under the Arsonist Registry Act, the Sex
17 Offender Registration Act, or the Murderer and Violent
18 Offender Against Youth Registration Act may not be
19 sealed until the petitioner is no longer required to
20 register under that relevant Act.

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

24 (E) Records identified as eligible under
25 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or
26 (c)(2)(F) may be sealed upon termination of the

1 petitioner's last sentence if the petitioner earned a
2 high school diploma, associate's degree, career
3 certificate, vocational technical certification, or
4 bachelor's degree, or passed the high school level
5 Test of General Educational Development, during the
6 period of his or her sentence or mandatory supervised
7 release. This subparagraph shall apply only to a
8 petitioner who has not completed the same educational
9 goal prior to the period of his or her sentence or
10 mandatory supervised release. If a petition for
11 sealing eligible records filed under this subparagraph
12 is denied by the court, the time periods under
13 subparagraph (B) or (C) shall apply to any subsequent
14 petition for sealing filed by the petitioner.

15 (4) Subsequent felony convictions. A person may not
16 have subsequent felony conviction records sealed as
17 provided in this subsection (c) if he or she is convicted
18 of any felony offense after the date of the sealing of
19 prior felony convictions as provided in this subsection
20 (c). The court may, upon conviction for a subsequent
21 felony offense, order the unsealing of prior felony
22 conviction records previously ordered sealed by the court.

23 (5) Notice of eligibility for sealing. Upon entry of a
24 disposition for an eligible record under this subsection
25 (c), the petitioner shall be informed by the court of the
26 right to have the records sealed and the procedures for

1 the sealing of the records.

2 (d) Procedure. The following procedures apply to
3 expungement under subsections (b), (e), and (e-6) and sealing
4 under subsections (c) and (e-5):

5 (1) Filing the petition. Upon becoming eligible to
6 petition for the expungement or sealing of records under
7 this Section, the petitioner shall file a petition
8 requesting the expungement or sealing of records with the
9 clerk of the court where the arrests occurred or the
10 charges were brought, or both. If arrests occurred or
11 charges were brought in multiple jurisdictions, a petition
12 must be filed in each such jurisdiction. The petitioner
13 shall pay the applicable fee, except no fee shall be
14 required if the petitioner has obtained a court order
15 waiving fees under Supreme Court Rule 298 or it is
16 otherwise waived.

17 (1.5) County fee waiver pilot program. From August 9,
18 2019 (the effective date of Public Act 101-306) through
19 December 31, 2020, in a county of 3,000,000 or more
20 inhabitants, no fee shall be required to be paid by a
21 petitioner if the records sought to be expunged or sealed
22 were arrests resulting in release without charging or
23 arrests or charges not initiated by arrest resulting in
24 acquittal, dismissal, or conviction when the conviction
25 was reversed or vacated, unless excluded by subsection
26 (a)(3)(B). The provisions of this paragraph (1.5), other

1 than this sentence, are inoperative on and after January
2 1, 2022.

3 (2) Contents of petition. The petition shall be
4 verified and shall contain the petitioner's name, date of
5 birth, current address and, for each arrest or charge not
6 initiated by arrest sought to be sealed or expunged, the
7 case number, the date of arrest (if any), the identity of
8 the arresting authority, and such other information as the
9 court may require. During the pendency of the proceeding,
10 the petitioner shall promptly notify the circuit court
11 clerk of any change of his or her address. If the
12 petitioner has received a certificate of eligibility for
13 sealing from the Prisoner Review Board under paragraph
14 (10) of subsection (a) of Section 3-3-2 of the Unified
15 Code of Corrections, the certificate shall be attached to
16 the petition.

17 (3) Drug test. The petitioner must attach to the
18 petition proof that the petitioner has taken within 30
19 days before the filing of the petition a test showing the
20 absence within his or her body of all illegal substances
21 as defined by the Illinois Controlled Substances Act and
22 the Methamphetamine Control and Community Protection Act
23 if he or she is petitioning to:

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

25 (B) seal felony records for a violation of the
26 Illinois Controlled Substances Act, the

1 Methamphetamine Control and Community Protection Act,
2 or the Cannabis Control Act under clause (c) (2) (F);

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

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

6 (4) Service of petition. The circuit court clerk shall
7 promptly serve a copy of the petition and documentation to
8 support the petition under subsection (e-5) or (e-6) on
9 the State's Attorney or prosecutor charged with the duty
10 of prosecuting the offense, the Illinois State Police, the
11 arresting agency and the chief legal officer of the unit
12 of local government effecting the arrest.

13 (5) Objections.

14 (A) Any party entitled to notice of the petition
15 may file an objection to the petition. All objections
16 shall be in writing, shall be filed with the circuit
17 court clerk, and shall state with specificity the
18 basis of the objection. Whenever a person who has been
19 convicted of an offense is granted a pardon by the
20 Governor which specifically authorizes expungement, an
21 objection to the petition may not be filed.

22 (B) Objections to a petition to expunge or seal
23 must be filed within 60 days of the date of service of
24 the petition.

25 (6) Entry of order.

26 (A) The Chief Judge of the circuit wherein the

1 charge was brought, any judge of that circuit
2 designated by the Chief Judge, or in counties of less
3 than 3,000,000 inhabitants, the presiding trial judge
4 at the petitioner's trial, if any, shall rule on the
5 petition to expunge or seal as set forth in this
6 subsection (d) (6).

7 (B) Unless the State's Attorney or prosecutor, the
8 Illinois State Police, the arresting agency, or the
9 chief legal officer files an objection to the petition
10 to expunge or seal within 60 days from the date of
11 service of the petition, the court shall enter an
12 order granting or denying the petition.

13 (C) Notwithstanding any other provision of law,
14 the court shall not deny a petition for sealing under
15 this Section because the petitioner has not satisfied
16 an outstanding legal financial obligation established,
17 imposed, or originated by a court, law enforcement
18 agency, or a municipal, State, county, or other unit
19 of local government, including, but not limited to,
20 any cost, assessment, fine, or fee. An outstanding
21 legal financial obligation does not include any court
22 ordered restitution to a victim under Section 5-5-6 of
23 the Unified Code of Corrections, unless the
24 restitution has been converted to a civil judgment.
25 Nothing in this subparagraph (C) waives, rescinds, or
26 abrogates a legal financial obligation or otherwise

1 eliminates or affects the right of the holder of any
2 financial obligation to pursue collection under
3 applicable federal, State, or local law.

4 (D) Notwithstanding any other provision of law,
5 the court shall not deny a petition to expunge or seal
6 under this Section because the petitioner has
7 submitted a drug test taken within 30 days before the
8 filing of the petition to expunge or seal that
9 indicates a positive test for the presence of cannabis
10 within the petitioner's body. In this subparagraph
11 (D), "cannabis" has the meaning ascribed to it in
12 Section 3 of the Cannabis Control Act.

13 (7) Hearings. If an objection is filed, the court
14 shall set a date for a hearing and notify the petitioner
15 and all parties entitled to notice of the petition of the
16 hearing date at least 30 days prior to the hearing. Prior
17 to the hearing, the State's Attorney shall consult with
18 the Illinois State Police as to the appropriateness of the
19 relief sought in the petition to expunge or seal. At the
20 hearing, the court shall hear evidence on whether the
21 petition should or should not be granted, and shall grant
22 or deny the petition to expunge or seal the records based
23 on the evidence presented at the hearing. The court may
24 consider the following:

25 (A) the strength of the evidence supporting the
26 defendant's conviction;

1 (B) the reasons for retention of the conviction
2 records by the State;

3 (C) the petitioner's age, criminal record history,
4 and employment history;

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

8 (E) the specific adverse consequences the
9 petitioner may be subject to if the petition is
10 denied.

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

20 (9) Implementation of order.

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

24 (i) the records shall be expunged (as defined
25 in subsection (a) (1) (E)) by the arresting agency,
26 the Illinois State Police, and any other agency as

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

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

15 (iii) in response to an inquiry for expunged
16 records, the court, the Illinois State Police, or
17 the agency receiving such inquiry, shall reply as
18 it does in response to inquiries when no records
19 ever existed.

20 (B) Upon entry of an order to expunge records
21 pursuant to subsection (b)(2)(B)(i) or (b)(2)(C), or
22 both:

23 (i) the records shall be expunged (as defined
24 in subsection (a)(1)(E)) by the arresting agency
25 and any other agency as ordered by the court,
26 within 60 days of the date of service of the order,

1 unless a motion to vacate, modify, or reconsider
2 the order is filed pursuant to paragraph (12) of
3 subsection (d) of this Section;

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

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

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

26 (v) in response to an inquiry for such records

1 from anyone not authorized by law to access such
2 records, the court, the Illinois State Police, or
3 the agency receiving such inquiry shall reply as
4 it does in response to inquiries when no records
5 ever existed.

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

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

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

23 (iii) the records shall be impounded by the
24 Illinois State Police within 60 days of the date
25 of service of the order as ordered by the court,
26 unless a motion to vacate, modify, or reconsider

1 the order is filed under paragraph (12) of
2 subsection (d) of this Section;

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

11 (v) in response to an inquiry for these
12 records from anyone not authorized by law to
13 access the records, the court, the Illinois State
14 Police, or the agency receiving the inquiry shall
15 reply as it does in response to inquiries when no
16 records ever existed.

17 (C) Upon entry of an order to seal records under
18 subsection (c), the arresting agency, any other agency
19 as ordered by the court, the Illinois State Police,
20 and the court shall seal the records (as defined in
21 subsection (a)(1)(K)). In response to an inquiry for
22 such records, from anyone not authorized by law to
23 access such records, the court, the Illinois State
24 Police, or the agency receiving such inquiry shall
25 reply as it does in response to inquiries when no
26 records ever existed.

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

17 (E) Upon motion, the court may order that a sealed
18 judgment or other court record necessary to
19 demonstrate the amount of any legal financial
20 obligation due and owing be made available for the
21 limited purpose of collecting any legal financial
22 obligations owed by the petitioner that were
23 established, imposed, or originated in the criminal
24 proceeding for which those records have been sealed.
25 The records made available under this subparagraph (E)
26 shall not be entered into the official index required

1 to be kept by the circuit court clerk under Section 16
2 of the Clerks of Courts Act and shall be immediately
3 re-impounded upon the collection of the outstanding
4 financial obligations.

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

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

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

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

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

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

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

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

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

22 (16) The changes to this subsection (d) made by Public
23 Act 98-163 apply to all petitions pending on August 5,
24 2013 (the effective date of Public Act 98-163) and to all
25 orders ruling on a petition to expunge or seal on or after
26 August 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 Illinois State Police be
11 sealed until further order of the court upon good cause shown
12 or as otherwise provided herein, and the name of the defendant
13 obliterated from the official index requested to be kept by
14 the circuit court clerk under Section 16 of the Clerks of
15 Courts Act in connection with the arrest and conviction for
16 the 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 Illinois State Police may be disseminated by the Illinois
20 State Police only to the arresting authority, the State's
21 Attorney, and the court upon a later arrest for the same or
22 similar offense or for the purpose of sentencing for any
23 subsequent felony. Upon conviction for any subsequent offense,
24 the Department of Corrections shall have access to all sealed
25 records of the Illinois State Police pertaining to that
26 individual. Upon entry of the order of expungement, the

1 circuit court clerk shall promptly mail a copy of the order to
2 the person who was pardoned.

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

1 sentencing for any subsequent felony. Upon conviction for any
2 subsequent offense, the Department of Corrections shall have
3 access to all sealed records of the Illinois State Police
4 pertaining to that individual. Upon entry of the order of
5 sealing, the circuit court clerk shall promptly mail a copy of
6 the order to the person who was granted the certificate of
7 eligibility for sealing.

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

1 records sealed by the Illinois State Police may be
2 disseminated by the Illinois State Police only as required by
3 this Act or to the arresting authority, a law enforcement
4 agency, the State's Attorney, and the court upon a later
5 arrest for the same or similar offense or for the purpose of
6 sentencing for any subsequent felony. Upon conviction for any
7 subsequent offense, the Department of Corrections shall have
8 access to all expunged records of the Illinois State Police
9 pertaining to that individual. Upon entry of the order of
10 expungement, the circuit court clerk shall promptly mail a
11 copy of the order to the person who was granted the certificate
12 of eligibility for expungement.

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

25 (g) Immediate Sealing.

26 (1) Applicability. Notwithstanding any other provision

1 of this Act to the contrary, and cumulative with any
2 rights to expungement or sealing of criminal records, this
3 subsection authorizes the immediate sealing of criminal
4 records of adults and of minors prosecuted as adults.

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

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

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

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

26 (A) Filing the Petition. Upon entry of the final

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

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

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

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

1 (E) Entry of Order. The presiding trial judge
2 shall enter an order granting or denying the petition
3 for immediate sealing during the hearing in which it
4 is filed. Petitions for immediate sealing shall be
5 ruled on in the same hearing in which the final
6 disposition of the case is entered.

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

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

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

16 (I) Fees. The fee imposed by the circuit court
17 clerk and the Illinois State Police shall comply with
18 paragraph (1) of subsection (d) of this Section.

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

24 (K) Motion to Vacate, Modify, or Reconsider. Under
25 Section 2-1203 of the Code of Civil Procedure, the
26 petitioner, State's Attorney, or the Illinois State

1 Police may file a motion to vacate, modify, or
2 reconsider the order denying the petition to
3 immediately seal within 60 days of service of the
4 order. If filed more than 60 days after service of the
5 order, a petition to vacate, modify, or reconsider
6 shall comply with subsection (c) of Section 2-1401 of
7 the Code of Civil Procedure.

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

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

23 (h) Sealing or vacation and expungement of trafficking
24 victims' crimes.

25 (1) A trafficking victim, as defined by paragraph (10)
26 of subsection (a) of Section 10-9 of the Criminal Code of

1 2012, may petition for vacation and expungement or
2 immediate sealing of his or her criminal record upon the
3 completion of his or her last sentence if his or her
4 participation in the underlying offense was a result of
5 human trafficking under Section 10-9 of the Criminal Code
6 of 2012 or a severe form of trafficking under the federal
7 Trafficking Victims Protection Act.

8 (1.5) A petition under paragraph (1) shall be
9 prepared, signed, and filed in accordance with Supreme
10 Court Rule 9. The court may allow the petitioner to attend
11 any required hearing remotely in accordance with local
12 rules. The court may allow a petition to be filed under
13 seal if the public filing of the petition would constitute
14 a risk of harm to the petitioner.

15 (2) A petitioner under this subsection (h), in
16 addition to the requirements provided under paragraph (4)
17 of subsection (d) of this Section, shall include in his or
18 her petition a clear and concise statement that: (A) he or
19 she was a victim of human trafficking at the time of the
20 offense; and (B) that his or her participation in the
21 offense was a result of human trafficking under Section
22 10-9 of the Criminal Code of 2012 or a severe form of
23 trafficking under the federal Trafficking Victims
24 Protection Act.

25 (3) If an objection is filed alleging that the
26 petitioner is not entitled to vacation and expungement or

1 immediate sealing under this subsection (h), the court
2 shall conduct a hearing under paragraph (7) of subsection
3 (d) of this Section and the court shall determine whether
4 the petitioner is entitled to vacation and expungement or
5 immediate sealing under this subsection (h). A petitioner
6 is eligible for vacation and expungement or immediate
7 relief under this subsection (h) if he or she shows, by a
8 preponderance of the evidence, that: (A) he or she was a
9 victim of human trafficking at the time of the offense;
10 and (B) that his or her participation in the offense was a
11 result of human trafficking under Section 10-9 of the
12 Criminal Code of 2012 or a severe form of trafficking
13 under the federal Trafficking Victims Protection Act.

14 (i) Minor Cannabis Offenses under the Cannabis Control
15 Act.

16 (1) Expungement of Arrest Records of Minor Cannabis
17 Offenses.

18 (A) The Illinois State Police and all law
19 enforcement agencies within the State shall
20 automatically expunge all criminal history records of
21 an arrest, charge not initiated by arrest, order of
22 supervision, or order of qualified probation for a
23 Minor Cannabis Offense committed prior to June 25,
24 2019 (the effective date of Public Act 101-27) if:

25 (i) One year or more has elapsed since the
26 date of the arrest or law enforcement interaction

1 documented in the records; and

2 (ii) No criminal charges were filed relating
3 to the arrest or law enforcement interaction or
4 criminal charges were filed and subsequently
5 dismissed or vacated or the arrestee was
6 acquitted.

7 (B) If the law enforcement agency is unable to
8 verify satisfaction of condition (ii) in paragraph
9 (A), records that satisfy condition (i) in paragraph
10 (A) shall be automatically expunged.

11 (C) Records shall be expunged by the law
12 enforcement agency under the following timelines:

13 (i) Records created prior to June 25, 2019
14 (the effective date of Public Act 101-27), but on
15 or after January 1, 2013, shall be automatically
16 expunged prior to January 1, 2021;

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

20 (iii) Records created prior to January 1, 2000
21 shall be automatically expunged prior to January
22 1, 2025.

23 In response to an inquiry for expunged records,
24 the law enforcement agency receiving such inquiry
25 shall reply as it does in response to inquiries when no
26 records ever existed; however, it shall provide a

1 certificate of disposition or confirmation that the
2 record was expunged to the individual whose record was
3 expunged if such a record exists.

4 (D) Nothing in this Section shall be construed to
5 restrict or modify an individual's right to have that
6 individual's records expunged except as otherwise may
7 be provided in this Act, or diminish or abrogate any
8 rights or remedies otherwise available to the
9 individual.

10 (2) Pardons Authorizing Expungement of Minor Cannabis
11 Offenses.

12 (A) Upon June 25, 2019 (the effective date of
13 Public Act 101-27), the Department of State Police
14 shall review all criminal history record information
15 and identify all records that meet all of the
16 following criteria:

17 (i) one or more convictions for a Minor
18 Cannabis Offense;

19 (ii) the conviction identified in paragraph
20 (2) (A) (i) did not include a penalty enhancement
21 under Section 7 of the Cannabis Control Act; and

22 (iii) the conviction identified in paragraph
23 (2) (A) (i) is not associated with a conviction for
24 a violent crime as defined in subsection (c) of
25 Section 3 of the Rights of Crime Victims and
26 Witnesses Act.

1 (B) Within 180 days after June 25, 2019 (the
2 effective date of Public Act 101-27), the Department
3 of State Police shall notify the Prisoner Review Board
4 of all such records that meet the criteria established
5 in paragraph (2) (A).

6 (i) The Prisoner Review Board shall notify the
7 State's Attorney of the county of conviction of
8 each record identified by State Police in
9 paragraph (2) (A) that is classified as a Class 4
10 felony. The State's Attorney may provide a written
11 objection to the Prisoner Review Board on the sole
12 basis that the record identified does not meet the
13 criteria established in paragraph (2) (A). Such an
14 objection must be filed within 60 days or by such
15 later date set by the Prisoner Review Board in the
16 notice after the State's Attorney received notice
17 from the Prisoner Review Board.

18 (ii) In response to a written objection from a
19 State's Attorney, the Prisoner Review Board is
20 authorized to conduct a non-public hearing to
21 evaluate the information provided in the
22 objection.

23 (iii) The Prisoner Review Board shall make a
24 confidential and privileged recommendation to the
25 Governor as to whether to grant a pardon
26 authorizing expungement for each of the records

1 identified by the Department of State Police as
2 described in paragraph (2) (A).

3 (C) If an individual has been granted a pardon
4 authorizing expungement as described in this Section,
5 the Prisoner Review Board, through the Attorney
6 General, shall file a petition for expungement with
7 the Chief Judge of the circuit or any judge of the
8 circuit designated by the Chief Judge where the
9 individual had been convicted. Such petition may
10 include more than one individual. Whenever an
11 individual who has been convicted of an offense is
12 granted a pardon by the Governor that specifically
13 authorizes expungement, an objection to the petition
14 may not be filed. Petitions to expunge under this
15 subsection (i) may include more than one individual.
16 Within 90 days of the filing of such a petition, the
17 court shall enter an order expunging the records of
18 arrest from the official records of the arresting
19 authority and order that the records of the circuit
20 court clerk and the Illinois State Police be expunged
21 and the name of the defendant obliterated from the
22 official index requested to be kept by the circuit
23 court clerk under Section 16 of the Clerks of Courts
24 Act in connection with the arrest and conviction for
25 the offense for which the individual had received a
26 pardon but the order shall not affect any index issued

1 by the circuit court clerk before the entry of the
2 order. Upon entry of the order of expungement, the
3 circuit court clerk shall promptly provide a copy of
4 the order and a certificate of disposition to the
5 individual who was pardoned to the individual's last
6 known address or by electronic means (if available) or
7 otherwise make it available to the individual upon
8 request.

9 (D) Nothing in this Section is intended to
10 diminish or abrogate any rights or remedies otherwise
11 available to the individual.

12 (3) Any individual may file a motion to vacate and
13 expunge a conviction for a misdemeanor or Class 4 felony
14 violation of Section 4 or Section 5 of the Cannabis
15 Control Act. Motions to vacate and expunge under this
16 subsection (i) may be filed with the circuit court, Chief
17 Judge of a judicial circuit or any judge of the circuit
18 designated by the Chief Judge. The circuit court clerk
19 shall promptly serve a copy of the motion to vacate and
20 expunge, and any supporting documentation, on the State's
21 Attorney or prosecutor charged with the duty of
22 prosecuting the offense. When considering such a motion to
23 vacate and expunge, a court shall consider the following:
24 the reasons to retain the records provided by law
25 enforcement, the petitioner's age, the petitioner's age at
26 the time of offense, the time since the conviction, and

1 the specific adverse consequences if denied. An individual
2 may file such a petition after the completion of any
3 non-financial sentence or non-financial condition imposed
4 by the conviction. Within 60 days of the filing of such
5 motion, a State's Attorney may file an objection to such a
6 petition along with supporting evidence. If a motion to
7 vacate and expunge is granted, the records shall be
8 expunged in accordance with subparagraphs (d)(8) and
9 (d)(9)(A) of this Section. An agency providing civil legal
10 aid, as defined by Section 15 of the Public Interest
11 Attorney Assistance Act, assisting individuals seeking to
12 file a motion to vacate and expunge under this subsection
13 may file motions to vacate and expunge with the Chief
14 Judge of a judicial circuit or any judge of the circuit
15 designated by the Chief Judge, and the motion may include
16 more than one individual. Motions filed by an agency
17 providing civil legal aid concerning more than one
18 individual may be prepared, presented, and signed
19 electronically.

20 (4) Any State's Attorney may file a motion to vacate
21 and expunge a conviction for a misdemeanor or Class 4
22 felony violation of Section 4 or Section 5 of the Cannabis
23 Control Act. Motions to vacate and expunge under this
24 subsection (i) may be filed with the circuit court, Chief
25 Judge of a judicial circuit or any judge of the circuit
26 designated by the Chief Judge, and may include more than

1 one individual. Motions filed by a State's Attorney
2 concerning more than one individual may be prepared,
3 presented, and signed electronically. When considering
4 such a motion to vacate and expunge, a court shall
5 consider the following: the reasons to retain the records
6 provided by law enforcement, the individual's age, the
7 individual's age at the time of offense, the time since
8 the conviction, and the specific adverse consequences if
9 denied. Upon entry of an order granting a motion to vacate
10 and expunge records pursuant to this Section, the State's
11 Attorney shall notify the Prisoner Review Board within 30
12 days. Upon entry of the order of expungement, the circuit
13 court clerk shall promptly provide a copy of the order and
14 a certificate of disposition to the individual whose
15 records will be expunged to the individual's last known
16 address or by electronic means (if available) or otherwise
17 make available to the individual upon request. If a motion
18 to vacate and expunge is granted, the records shall be
19 expunged in accordance with subparagraphs (d)(8) and
20 (d)(9)(A) of this Section.

21 (5) In the public interest, the State's Attorney of a
22 county has standing to file motions to vacate and expunge
23 pursuant to this Section in the circuit court with
24 jurisdiction over the underlying conviction.

25 (6) If a person is arrested for a Minor Cannabis
26 Offense as defined in this Section before June 25, 2019

1 (the effective date of Public Act 101-27) and the person's
2 case is still pending but a sentence has not been imposed,
3 the person may petition the court in which the charges are
4 pending for an order to summarily dismiss those charges
5 against him or her, and expunge all official records of
6 his or her arrest, plea, trial, conviction, incarceration,
7 supervision, or expungement. If the court determines, upon
8 review, that: (A) the person was arrested before June 25,
9 2019 (the effective date of Public Act 101-27) for an
10 offense that has been made eligible for expungement; (B)
11 the case is pending at the time; and (C) the person has not
12 been sentenced of the minor cannabis violation eligible
13 for expungement under this subsection, the court shall
14 consider the following: the reasons to retain the records
15 provided by law enforcement, the petitioner's age, the
16 petitioner's age at the time of offense, the time since
17 the conviction, and the specific adverse consequences if
18 denied. If a motion to dismiss and expunge is granted, the
19 records shall be expunged in accordance with subparagraph
20 (d) (9) (A) of this Section.

21 (7) A person imprisoned solely as a result of one or
22 more convictions for Minor Cannabis Offenses under this
23 subsection (i) shall be released from incarceration upon
24 the issuance of an order under this subsection.

25 (8) The Illinois State Police shall allow a person to
26 use the access and review process, established in the

1 Illinois State Police, for verifying that his or her
2 records relating to Minor Cannabis Offenses of the
3 Cannabis Control Act eligible under this Section have been
4 expunged.

5 (9) No conviction vacated pursuant to this Section
6 shall serve as the basis for damages for time unjustly
7 served as provided in the Court of Claims Act.

8 (10) Effect of Expungement. A person's right to
9 expunge an expungeable offense shall not be limited under
10 this Section. The effect of an order of expungement shall
11 be to restore the person to the status he or she occupied
12 before the arrest, charge, or conviction.

13 (11) Information. The Illinois State Police shall post
14 general information on its website about the expungement
15 process described in this subsection (i).

16 (j) Felony Prostitution Convictions.

17 (1) Any individual may file a motion to vacate and
18 expunge a conviction for a prior Class 4 felony violation
19 of prostitution. Motions to vacate and expunge under this
20 subsection (j) may be filed with the circuit court, Chief
21 Judge of a judicial circuit, or any judge of the circuit
22 designated by the Chief Judge. When considering the motion
23 to vacate and expunge, a court shall consider the
24 following:

25 (A) the reasons to retain the records provided by
26 law enforcement;

1 (B) the petitioner's age;

2 (C) the petitioner's age at the time of offense;

3 and

4 (D) the time since the conviction, and the
5 specific adverse consequences if denied. An individual
6 may file the petition after the completion of any
7 sentence or condition imposed by the conviction.
8 Within 60 days of the filing of the motion, a State's
9 Attorney may file an objection to the petition along
10 with supporting evidence. If a motion to vacate and
11 expunge is granted, the records shall be expunged in
12 accordance with subparagraph (d) (9) (A) of this
13 Section. An agency providing civil legal aid, as
14 defined in Section 15 of the Public Interest Attorney
15 Assistance Act, assisting individuals seeking to file
16 a motion to vacate and expunge under this subsection
17 may file motions to vacate and expunge with the Chief
18 Judge of a judicial circuit or any judge of the circuit
19 designated by the Chief Judge, and the motion may
20 include more than one individual.

21 (2) Any State's Attorney may file a motion to vacate
22 and expunge a conviction for a Class 4 felony violation of
23 prostitution. Motions to vacate and expunge under this
24 subsection (j) may be filed with the circuit court, Chief
25 Judge of a judicial circuit, or any judge of the circuit
26 court designated by the Chief Judge, and may include more

1 than one individual. When considering the motion to vacate
2 and expunge, a court shall consider the following reasons:

3 (A) the reasons to retain the records provided by
4 law enforcement;

5 (B) the petitioner's age;

6 (C) the petitioner's age at the time of offense;

7 (D) the time since the conviction; and

8 (E) the specific adverse consequences if denied.

9 If the State's Attorney files a motion to vacate and
10 expunge records for felony prostitution convictions
11 pursuant to this Section, the State's Attorney shall
12 notify the Prisoner Review Board within 30 days of the
13 filing. If a motion to vacate and expunge is granted, the
14 records shall be expunged in accordance with subparagraph
15 (d) (9) (A) of this Section.

16 (3) In the public interest, the State's Attorney of a
17 county has standing to file motions to vacate and expunge
18 pursuant to this Section in the circuit court with
19 jurisdiction over the underlying conviction.

20 (4) The Illinois State Police shall allow a person to
21 a use the access and review process, established in the
22 Illinois State Police, for verifying that his or her
23 records relating to felony prostitution eligible under
24 this Section have been expunged.

25 (5) No conviction vacated pursuant to this Section
26 shall serve as the basis for damages for time unjustly

1 served as provided in the Court of Claims Act.

2 (6) Effect of Expungement. A person's right to expunge
3 an expungeable offense shall not be limited under this
4 Section. The effect of an order of expungement shall be to
5 restore the person to the status he or she occupied before
6 the arrest, charge, or conviction.

7 (7) Information. The Illinois State Police shall post
8 general information on its website about the expungement
9 process described in this subsection (j).

10 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
11 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
12 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23; 103-609,
13 eff. 7-1-24; 103-755, eff. 8-2-24; revised 8-9-24.)

14 Section 10. The Unified Code of Corrections is amended by
15 changing Section 3-3-2 as follows:

16 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

17 Sec. 3-3-2. Powers and duties.

18 (a) The Parole and Pardon Board is abolished and the term
19 "Parole and Pardon Board" as used in any law of Illinois, shall
20 read "Prisoner Review Board." After February 1, 1978 (the
21 effective date of Public Act 81-1099), the Prisoner Review
22 Board shall provide by rule for the orderly transition of all
23 files, records, and documents of the Parole and Pardon Board
24 and for such other steps as may be necessary to effect an

1 orderly transition and shall:

2 (1) hear by at least one member and through a panel of
3 at least 3 members decide, cases of prisoners who were
4 sentenced under the law in effect prior to February 1,
5 1978 (the effective date of Public Act 81-1099), and who
6 are eligible for parole;

7 (2) hear by at least one member and through a panel of
8 at least 3 members decide, the conditions of parole and
9 the time of discharge from parole, impose sanctions for
10 violations of parole, and revoke parole for those
11 sentenced under the law in effect prior to February 1,
12 1978 (the effective date of Public Act 81-1099); provided
13 that the decision to parole and the conditions of parole
14 for all prisoners who were sentenced for first degree
15 murder or who received a minimum sentence of 20 years or
16 more under the law in effect prior to February 1, 1978
17 shall be determined by a majority vote of the Prisoner
18 Review Board. One representative supporting parole and one
19 representative opposing parole will be allowed to speak.
20 Their comments shall be limited to making corrections and
21 filling in omissions to the Board's presentation and
22 discussion;

23 (3) hear by at least one member and through a panel of
24 at least 3 members decide, the conditions of mandatory
25 supervised release and the time of discharge from
26 mandatory supervised release, impose sanctions for

1 violations of mandatory supervised release, and revoke
2 mandatory supervised release for those sentenced under the
3 law in effect after February 1, 1978 (the effective date
4 of Public Act 81-1099);

5 (3.5) hear by at least one member and through a panel
6 of at least 3 members decide, the conditions of mandatory
7 supervised release and the time of discharge from
8 mandatory supervised release, to impose sanctions for
9 violations of mandatory supervised release and revoke
10 mandatory supervised release for those serving extended
11 supervised release terms pursuant to paragraph (4) of
12 subsection (d) of Section 5-8-1;

13 (3.6) hear by at least one member and through a panel
14 of at least 3 members decide whether to revoke aftercare
15 release for those committed to the Department of Juvenile
16 Justice under the Juvenile Court Act of 1987;

17 (4) hear by at least one member and through a panel of
18 at least 3 members, decide cases brought by the Department
19 of Corrections against a prisoner in the custody of the
20 Department for alleged violation of Department rules with
21 respect to sentence credits under Section 3-6-3 of this
22 Code in which the Department seeks to revoke sentence
23 credits, if the amount of time at issue exceeds 30 days or
24 when, during any 12-month period, the cumulative amount of
25 credit revoked exceeds 30 days except where the infraction
26 is committed or discovered within 60 days of scheduled

1 release. In such cases, the Department of Corrections may
2 revoke up to 30 days of sentence credit. The Board may
3 subsequently approve the revocation of additional sentence
4 credit, if the Department seeks to revoke sentence credit
5 in excess of 30 days. However, the Board shall not be
6 empowered to review the Department's decision with respect
7 to the loss of 30 days of sentence credit for any prisoner
8 or to increase any penalty beyond the length requested by
9 the Department;

10 (5) hear by at least one member and through a panel of
11 at least 3 members decide, the release dates for certain
12 prisoners sentenced under the law in existence prior to
13 February 1, 1978 (the effective date of Public Act
14 81-1099), in accordance with Section 3-3-2.1 of this Code;

15 (6) hear by at least one member and through a panel of
16 at least 3 members decide, all requests for pardon,
17 reprieve or commutation, and make confidential
18 recommendations to the Governor;

19 (6.5) hear by at least one member who is qualified in
20 the field of juvenile matters and through a panel of at
21 least 3 members, 2 of whom are qualified in the field of
22 juvenile matters, decide parole review cases in accordance
23 with Section 5-4.5-115 of this Code and make release
24 determinations of persons under the age of 21 at the time
25 of the commission of an offense or offenses, other than
26 those persons serving sentences for first degree murder or

1 aggravated criminal sexual assault;

2 (6.6) hear by at least a quorum of the Prisoner Review
3 Board and decide by a majority of members present at the
4 hearing, in accordance with Section 5-4.5-115 of this
5 Code, release determinations of persons under the age of
6 21 at the time of the commission of an offense or offenses
7 of those persons serving sentences for first degree murder
8 or aggravated criminal sexual assault;

9 (7) comply with the requirements of the Open Parole
10 Hearings Act;

11 (8) hear by at least one member and, through a panel of
12 at least 3 members, decide cases brought by the Department
13 of Corrections against a prisoner in the custody of the
14 Department for court dismissal of a frivolous lawsuit
15 pursuant to Section 3-6-3(d) of this Code in which the
16 Department seeks to revoke up to 180 days of sentence
17 credit, and if the prisoner has not accumulated 180 days
18 of sentence credit at the time of the dismissal, then all
19 sentence credit accumulated by the prisoner shall be
20 revoked;

21 (9) hear by at least 3 members, and, through a panel of
22 at least 3 members, decide whether to grant certificates
23 of relief from disabilities or certificates of good
24 conduct as provided in Article 5.5 of Chapter V;

25 (10) upon a petition by a person who has been
26 convicted of a Class 3 or Class 4 felony and who meets the

1 requirements of this paragraph, hear by at least 3 members
2 and, with the unanimous vote of a panel of 3 members, issue
3 a certificate of eligibility for sealing recommending that
4 the court order the sealing of all official records of the
5 arresting authority, the circuit court clerk, and the
6 Illinois State Police concerning the arrest and conviction
7 for the Class 3 or 4 felony. A person may not apply to the
8 Board for a certificate of eligibility for sealing:

9 (A) until 5 years have elapsed since the
10 expiration of his or her sentence;

11 (B) until 5 years have elapsed since any arrests
12 or detentions by a law enforcement officer for an
13 alleged violation of law, other than a petty offense,
14 traffic offense, conservation offense, or local
15 ordinance offense;

16 (C) if convicted of a violation of the Cannabis
17 Control Act, Illinois Controlled Substances Act, the
18 Methamphetamine Control and Community Protection Act,
19 the Methamphetamine Precursor Control Act, or the
20 Methamphetamine Precursor Tracking Act unless the
21 petitioner has completed a drug abuse program for the
22 offense on which sealing is sought and provides proof
23 that he or she has completed the program successfully;

24 (D) if convicted of:

25 (i) a sex offense described in Article 11 or
26 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of

1 the Criminal Code of 1961 or the Criminal Code of
2 2012;

3 (ii) aggravated assault;

4 (iii) aggravated battery;

5 (iv) domestic battery;

6 (v) aggravated domestic battery;

7 (vi) violation of an order of protection;

8 (vii) an offense under the Criminal Code of
9 1961 or the Criminal Code of 2012 involving a
10 firearm;

11 (viii) driving while under the influence of
12 alcohol, other drug or drugs, intoxicating
13 compound or compounds, or any combination thereof;

14 (ix) aggravated driving while under the
15 influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any
17 combination thereof; or

18 (x) any crime defined as a crime of violence
19 under Section 2 of the Crime Victims Compensation
20 Act.

21 If a person has applied to the Board for a certificate
22 of eligibility for sealing and the Board denies the
23 certificate, the person must wait at least 4 years before
24 filing again or filing for pardon from the Governor unless
25 the Chairman of the Prisoner Review Board grants a waiver.

26 The decision to issue or refrain from issuing a

1 certificate of eligibility for sealing shall be at the
2 Board's sole discretion, and shall not give rise to any
3 cause of action against either the Board or its members.

4 The Board may only authorize the sealing of Class 3
5 and 4 felony convictions of the petitioner from one
6 information or indictment under this paragraph (10). A
7 petitioner may only receive one certificate of eligibility
8 for sealing under this provision for life; and

9 (11) upon a petition by a person who has ~~after having~~
10 ~~been convicted of a Class 3 or Class 4 felony thereafter~~
11 ~~served in the United States Armed Forces or National Guard~~
12 ~~of this or any other state and had received an honorable~~
13 ~~discharge from the United States Armed Forces or National~~
14 ~~Guard or who at the time of filing the petition is enlisted~~
15 ~~in the United States Armed Forces or National Guard of~~
16 ~~this or any other state and served one tour of duty and who~~
17 ~~meets the requirements of this paragraph~~, hear by at least
18 3 members and, with the unanimous vote of a panel of 3
19 members, issue a certificate of eligibility for
20 expungement requiring ~~recommending~~ that the court order
21 the expungement of all official records of the arresting
22 authority, the circuit court clerk, and the Illinois State
23 Police concerning the arrest and conviction for the Class
24 3 or 4 felony. A person may not apply to the Board for a
25 certificate of eligibility for expungement if convicted
26 of:

~~(A) if convicted of:~~

(i) a sex offense described in Article 11 or Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or Criminal Code of 2012;

(ii) an offense under the Criminal Code of 1961 or Criminal Code of 2012 involving a firearm;

~~or~~

(iii) a crime of violence as defined in Section 2 of the Crime Victims Compensation Act; or

(iv) an offense involving domestic violence as defined in Section 112A-3 of the Code of Criminal Procedure of 1963, including aggravated assault, aggravated battery, violation of an order of protection, domestic battery, or aggravated domestic battery.

~~(B) if the person has not served in the United States Armed Forces or National Guard of this or any other state or has not received an honorable discharge from the United States Armed Forces or National Guard of this or any other state or who at the time of the filing of the petition is serving in the United States Armed Forces or National Guard of this or any other state and has not completed one tour of duty.~~

If a person has applied to the Board for a certificate

1 of eligibility for expungement and the Board denies the
2 certificate, the person must wait at least 4 years before
3 filing again or filing for a pardon with authorization for
4 expungement from the Governor unless the Governor or
5 Chairman of the Prisoner Review Board grants a waiver.

6 (a-5) The Prisoner Review Board, with the cooperation of
7 and in coordination with the Department of Corrections and the
8 Department of Central Management Services, shall implement a
9 pilot project in 3 correctional institutions providing for the
10 conduct of hearings under paragraphs (1) and (4) of subsection
11 (a) of this Section through interactive video conferences. The
12 project shall be implemented within 6 months after January 1,
13 1997 (the effective date of Public Act 89-490). Within 6
14 months after the implementation of the pilot project, the
15 Prisoner Review Board, with the cooperation of and in
16 coordination with the Department of Corrections and the
17 Department of Central Management Services, shall report to the
18 Governor and the General Assembly regarding the use, costs,
19 effectiveness, and future viability of interactive video
20 conferences for Prisoner Review Board hearings.

21 (b) Upon recommendation of the Department the Board may
22 restore sentence credit previously revoked.

23 (c) The Board shall cooperate with the Department in
24 promoting an effective system of parole and mandatory
25 supervised release.

26 (d) The Board shall promulgate rules for the conduct of

1 its work, and the Chairman shall file a copy of such rules and
2 any amendments thereto with the Director and with the
3 Secretary of State.

4 (e) The Board shall keep records of all of its official
5 actions and shall make them accessible in accordance with law
6 and the rules of the Board.

7 (f) The Board or one who has allegedly violated the
8 conditions of his or her parole, aftercare release, or
9 mandatory supervised release may require by subpoena the
10 attendance and testimony of witnesses and the production of
11 documentary evidence relating to any matter under
12 investigation or hearing. The Chairman of the Board may sign
13 subpoenas which shall be served by any agent or public
14 official authorized by the Chairman of the Board, or by any
15 person lawfully authorized to serve a subpoena under the laws
16 of the State of Illinois. The attendance of witnesses, and the
17 production of documentary evidence, may be required from any
18 place in the State to a hearing location in the State before
19 the Chairman of the Board or his or her designated agent or
20 agents or any duly constituted Committee or Subcommittee of
21 the Board. Witnesses so summoned shall be paid the same fees
22 and mileage that are paid witnesses in the circuit courts of
23 the State, and witnesses whose depositions are taken and the
24 persons taking those depositions are each entitled to the same
25 fees as are paid for like services in actions in the circuit
26 courts of the State. Fees and mileage shall be vouchered for

1 payment when the witness is discharged from further
2 attendance.

3 In case of disobedience to a subpoena, the Board may
4 petition any circuit court of the State for an order requiring
5 the attendance and testimony of witnesses or the production of
6 documentary evidence or both. A copy of such petition shall be
7 served by personal service or by registered or certified mail
8 upon the person who has failed to obey the subpoena, and such
9 person shall be advised in writing that a hearing upon the
10 petition will be requested in a court room to be designated in
11 such notice before the judge hearing motions or extraordinary
12 remedies at a specified time, on a specified date, not less
13 than 10 nor more than 15 days after the deposit of the copy of
14 the written notice and petition in the U.S. mail addressed to
15 the person at his or her last known address or after the
16 personal service of the copy of the notice and petition upon
17 such person. The court upon the filing of such a petition, may
18 order the person refusing to obey the subpoena to appear at an
19 investigation or hearing, or to there produce documentary
20 evidence, if so ordered, or to give evidence relative to the
21 subject matter of that investigation or hearing. Any failure
22 to obey such order of the circuit court may be punished by that
23 court as a contempt of court.

24 Each member of the Board and any hearing officer
25 designated by the Board shall have the power to administer
26 oaths and to take the testimony of persons under oath.

1 (g) Except under subsection (a) of this Section, a
2 majority of the members then appointed to the Prisoner Review
3 Board shall constitute a quorum for the transaction of all
4 business of the Board.

5 (h) The Prisoner Review Board shall annually transmit to
6 the Director a detailed report of its work for the preceding
7 calendar year. The annual report shall also be transmitted to
8 the Governor for submission to the Legislature.

9 (Source: P.A. 101-288, eff. 1-1-20; 102-538, eff. 8-20-21;
10 102-558, eff. 8-20-21.)