

HB1406



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1406

Introduced 1/28/2025, by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-915

Amends the Juvenile Court Act of 1987. Precludes the court from ordering the automatic expungement of the juvenile court and law enforcement records of a delinquent minor based on an attempt to commit a disqualified offense.

LRB104 03233 RLC 13255 b

A BILL FOR

1 AN ACT concerning juvenile law.

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

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

6 (705 ILCS 405/5-915)

7 (Text of Section before amendment by P.A. 103-717 and
8 103-787)

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

11 (0.05) (Blank).

12 (0.1) (a) The Illinois State Police and all law enforcement
13 agencies within the State shall automatically expunge, on or
14 before January 1 of each year, except as described in
15 paragraph (c) of this subsection (0.1), all juvenile law
16 enforcement records relating to events occurring before an
17 individual's 18th birthday if:

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

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

1 the records; and

2 (3) 6 months have elapsed since the date of the arrest
3 without an additional subsequent arrest or filing of a
4 petition for delinquency or criminal charges whether
5 related or not to the arrest or law enforcement
6 interaction documented in the records.

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

16 (c) If the juvenile law enforcement record was received
17 through a public submission to a statewide student
18 confidential reporting system administered by the Illinois
19 State Police, the record will be maintained for a period of 5
20 years according to all other provisions in this subsection
21 (0.1).

22 (0.15) If a juvenile law enforcement record meets
23 paragraph (a) of subsection (0.1) of this Section, a juvenile
24 law enforcement record created:

25 (1) prior to January 1, 2018, but on or after January
26 1, 2013 shall be automatically expunged prior to January

1 1, 2020;

2 (2) prior to January 1, 2013, but on or after January
3 1, 2000, shall be automatically expunged prior to January
4 1, 2023; and

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

7 Nothing in this subsection (0.15) shall be construed to
8 restrict or modify an individual's right to have the person's
9 juvenile law enforcement records expunged except as otherwise
10 may be provided in this Act.

11 (0.2) (a) Upon dismissal of a petition alleging delinquency
12 or upon a finding of not delinquent, the successful
13 termination of an order of supervision, or the successful
14 termination of an adjudication for an offense which would be a
15 Class B misdemeanor, Class C misdemeanor, or a petty or
16 business offense if committed by an adult, the court shall
17 automatically order the expungement of the juvenile court
18 records and juvenile law enforcement records. The clerk shall
19 deliver a certified copy of the expungement order to the
20 Illinois State Police and the arresting agency. Upon request,
21 the State's Attorney shall furnish the name of the arresting
22 agency. The expungement shall be completed within 60 business
23 days after the receipt of the expungement order.

24 (b) If the chief law enforcement officer of the agency, or
25 the chief law enforcement officer's designee, certifies in
26 writing that certain information is needed for a pending

1 investigation involving the commission of a felony, that
2 information, and information identifying the juvenile, may be
3 retained until the statute of limitations for the felony has
4 run. If the chief law enforcement officer of the agency, or the
5 chief law enforcement officer's designee, certifies in writing
6 that certain information is needed with respect to an internal
7 investigation of any law enforcement office, that information
8 and information identifying the juvenile may be retained
9 within an intelligence file until the investigation is
10 terminated or the disciplinary action, including appeals, has
11 been completed, whichever is later. Retention of a portion of
12 a juvenile's law enforcement record does not disqualify the
13 remainder of a juvenile's record from immediate automatic
14 expungement.

15 (0.3) (a) Upon an adjudication of delinquency based on any
16 offense except a disqualified offense, the juvenile court
17 shall automatically order the expungement of the juvenile
18 court and law enforcement records 2 years after the juvenile's
19 case was closed if no delinquency or criminal proceeding is
20 pending and the person has had no subsequent delinquency
21 adjudication or criminal conviction. The clerk shall deliver a
22 certified copy of the expungement order to the Illinois State
23 Police and the arresting agency. Upon request, the State's
24 Attorney shall furnish the name of the arresting agency. The
25 expungement shall be completed within 60 business days after
26 the receipt of the expungement order. In this subsection

1 (0.3), "disqualified offense" means any of the following
2 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
3 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
4 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
5 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
6 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
7 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
8 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
9 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
10 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
11 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
12 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
13 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
14 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
15 paragraph (1) of subsection (a) of Section 12-9, subparagraph
16 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
17 paragraph (1) of subsection (a) of Section 25-1, or subsection
18 (a-7) of Section 31-1 of the Criminal Code of 2012.

19 (b) If the chief law enforcement officer of the agency, or
20 the chief law enforcement officer's designee, certifies in
21 writing that certain information is needed for a pending
22 investigation involving the commission of a felony, that
23 information, and information identifying the juvenile, may be
24 retained in an intelligence file until the investigation is
25 terminated or for one additional year, whichever is sooner.
26 Retention of a portion of a juvenile's juvenile law

1 enforcement record does not disqualify the remainder of a
2 juvenile's record from immediate automatic expungement.

3 (0.4) Automatic expungement for the purposes of this
4 Section shall not require law enforcement agencies to
5 obliterate or otherwise destroy juvenile law enforcement
6 records that would otherwise need to be automatically expunged
7 under this Act, except after 2 years following the subject
8 arrest for purposes of use in civil litigation against a
9 governmental entity or its law enforcement agency or personnel
10 which created, maintained, or used the records. However, these
11 juvenile law enforcement records shall be considered expunged
12 for all other purposes during this period and the offense,
13 which the records or files concern, shall be treated as if it
14 never occurred as required under Section 5-923.

15 (0.5) Subsection (0.1) or (0.2) of this Section does not
16 apply to violations of traffic, boating, fish and game laws,
17 or county or municipal ordinances.

18 (0.6) Juvenile law enforcement records of a plaintiff who
19 has filed civil litigation against the governmental entity or
20 its law enforcement agency or personnel that created,
21 maintained, or used the records, or juvenile law enforcement
22 records that contain information related to the allegations
23 set forth in the civil litigation may not be expunged until
24 after 2 years have elapsed after the conclusion of the
25 lawsuit, including any appeal.

26 (0.7) Officer-worn body camera recordings shall not be

1 automatically expunged except as otherwise authorized by the
2 Law Enforcement Officer-Worn Body Camera Act.

3 (1) Whenever a person has been arrested, charged, or
4 adjudicated delinquent for an incident occurring before a
5 person's 18th birthday that if committed by an adult would be
6 an offense, and that person's juvenile law enforcement and
7 juvenile court records are not eligible for automatic
8 expungement under subsection (0.1), (0.2), or (0.3), the
9 person may petition the court at any time at no cost to the
10 person for expungement of juvenile law enforcement records and
11 juvenile court records relating to the incident and, upon
12 termination of all juvenile court proceedings relating to that
13 incident, the court shall order the expungement of all records
14 in the possession of the Illinois State Police, the clerk of
15 the circuit court, and law enforcement agencies relating to
16 the incident, but only in any of the following circumstances:

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

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

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

24 (c) the minor was placed under supervision under
25 Section 5-615, and the order of supervision has since been
26 successfully terminated; or

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

(1.5) At no cost to the person, the Illinois State Police shall allow a person to use the Access and Review process, established in the Illinois State Police, for verifying that the person's juvenile law enforcement records relating to incidents occurring before the person's 18th birthday eligible under this Act have been expunged.

(1.6) (Blank).

(1.7) (Blank).

(1.8) (Blank).

(2) Any person whose delinquency adjudications are not eligible for automatic expungement under subsection (0.3) of this Section may petition the court at no cost to the person to expunge all juvenile law enforcement records relating to any incidents occurring before the person's 18th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree murder or an offense under Article 11 of the Criminal Code of 2012 if the person is required to register under the Sex Offender Registration Act at the time the person petitions the court for expungement; provided that 2 years have elapsed since all juvenile court proceedings relating to the person have been terminated and the person's commitment to the Department of Juvenile Justice

1 under this Act has been terminated.

2 (2.5) If a minor is arrested and no petition for
3 delinquency is filed with the clerk of the circuit court at the
4 time the minor is released from custody, the youth officer, if
5 applicable, or other designated person from the arresting
6 agency, shall notify verbally and in writing to the minor or
7 the minor's parents or guardians that the minor shall have an
8 arrest record and shall provide the minor and the minor's
9 parents or guardians with an expungement information packet,
10 information regarding this State's expungement laws including
11 a petition to expunge juvenile law enforcement and juvenile
12 court records obtained from the clerk of the circuit court.

13 (2.6) If a minor is referred to court, then, at the time of
14 sentencing, dismissal of the case, or successful completion of
15 supervision, the judge shall inform the delinquent minor of
16 the minor's rights regarding expungement and the clerk of the
17 circuit court shall provide an expungement information packet
18 to the minor, written in plain language, including information
19 regarding this State's expungement laws and a petition for
20 expungement, a sample of a completed petition, expungement
21 instructions that shall include information informing the
22 minor that (i) once the case is expunged, it shall be treated
23 as if it never occurred, (ii) the minor shall not be charged a
24 fee to petition for expungement, (iii) once the minor obtains
25 an expungement, the minor may not be required to disclose that
26 the minor had a juvenile law enforcement or juvenile court

1 record, and (iv) if petitioning the minor may file the
2 petition on the minor's own or with the assistance of an
3 attorney. The failure of the judge to inform the delinquent
4 minor of the minor's right to petition for expungement as
5 provided by law does not create a substantive right, nor is
6 that failure grounds for: (i) a reversal of an adjudication of
7 delinquency; (ii) a new trial; or (iii) an appeal.

8 (2.7) (Blank).

9 (2.8) (Blank).

10 (3) (Blank).

11 (3.1) (Blank).

12 (3.2) (Blank).

13 (3.3) (Blank).

14 (4) (Blank).

15 (5) (Blank).

16 (5.5) Whether or not expunged, records eligible for
17 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
18 (0.3) (a) may be treated as expunged by the individual subject
19 to the records.

20 (6) (Blank).

21 (6.5) The Illinois State Police or any employee of the
22 Illinois State Police shall be immune from civil or criminal
23 liability for failure to expunge any records of arrest that
24 are subject to expungement under this Section because of
25 inability to verify a record. Nothing in this Section shall
26 create Illinois State Police liability or responsibility for

1 the expungement of juvenile law enforcement records it does
2 not possess.

3 (7) (Blank).

4 (7.5) (Blank).

5 (8) The expungement of juvenile law enforcement or
6 juvenile court records under subsection (0.1), (0.2), or (0.3)
7 of this Section shall be funded by appropriation by the
8 General Assembly for that purpose.

9 (9) (Blank).

10 (10) (Blank).

11 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
12 102-752, eff. 1-1-23; 103-22, eff. 8-8-23; 103-154, eff.
13 6-30-23; 103-379, eff. 7-28-23; 103-605, eff. 7-1-24.)

14 (Text of Section after amendment by P.A. 103-717 and
15 103-787)

16 Sec. 5-915. Expungement of juvenile law enforcement and
17 juvenile court records.

18 (0.05) (Blank).

19 (0.1) (a) The Illinois State Police and all law enforcement
20 agencies within the State shall automatically expunge, on or
21 before January 1 of each year, except as described in
22 paragraph (c) of this subsection (0.1), all juvenile law
23 enforcement records relating to events occurring before an
24 individual's 18th birthday if:

25 (1) one year or more has elapsed since the date of the

1 arrest or law enforcement interaction documented in the
2 records;

3 (2) no petition for delinquency or criminal charges
4 were filed with the clerk of the circuit court relating to
5 the arrest or law enforcement interaction documented in
6 the records; and

7 (3) 6 months have elapsed since the date of the arrest
8 without an additional subsequent arrest or filing of a
9 petition for delinquency or criminal charges whether
10 related or not to the arrest or law enforcement
11 interaction documented in the records.

12 (b) If the law enforcement agency is unable to verify
13 satisfaction of conditions (2) and (3) of this subsection
14 (0.1), records that satisfy condition (1) of this subsection
15 (0.1) shall be automatically expunged if the records relate to
16 an offense that if committed by an adult would not be an
17 offense classified as a Class 2 felony or higher, an offense
18 under Article 11 of the Criminal Code of 1961 or Criminal Code
19 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
20 12-15, or 12-16 of the Criminal Code of 1961.

21 (c) If the juvenile law enforcement record was received
22 through a public submission to a statewide student
23 confidential reporting system administered by the Illinois
24 State Police, the record will be maintained for a period of 5
25 years according to all other provisions in this subsection
26 (0.1).

1 (0.15) If a juvenile law enforcement record meets
2 paragraph (a) of subsection (0.1) of this Section, a juvenile
3 law enforcement record created:

4 (1) prior to January 1, 2018, but on or after January
5 1, 2013 shall be automatically expunged prior to January
6 1, 2020;

7 (2) prior to January 1, 2013, but on or after January
8 1, 2000, shall be automatically expunged prior to January
9 1, 2023; and

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

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

16 (0.2) (a) Upon dismissal of a petition alleging delinquency
17 or upon a finding of not delinquent, the successful
18 termination of an order of supervision, or the successful
19 termination of an adjudication for an offense which would be a
20 Class B misdemeanor, Class C misdemeanor, or a petty or
21 business offense if committed by an adult, the court shall
22 automatically order the expungement of the juvenile court
23 records and juvenile law enforcement records. The clerk shall
24 deliver a certified copy of the expungement order to the
25 Illinois State Police and the arresting agency. Upon request,
26 the State's Attorney shall furnish the name of the arresting

1 agency. The expungement shall be completed within 60 business
2 days after the receipt of the expungement order.

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

20 (0.3) (a) Upon an adjudication of delinquency based on any
21 offense except a disqualified offense or an attempt to commit
22 a disqualified offense, the juvenile court shall automatically
23 order the expungement of the juvenile court and law
24 enforcement records 2 years after the juvenile's case was
25 closed if no delinquency or criminal proceeding is pending and
26 the person has had no subsequent delinquency adjudication or

1 criminal conviction. On the date that the minor's sentence
2 ends or the date that the court enters an order committing the
3 minor to the Department of Juvenile Justice, the juvenile
4 court judge shall schedule a date to enter the automatic
5 expungement order. The minor must be notified but shall not be
6 required to be present for the scheduled court date when
7 automatic expungement is to be ordered. If the minor is not yet
8 eligible on the originally scheduled date, the court shall
9 schedule a subsequent date to enter the automatic expungement
10 order. The clerk shall deliver a certified copy of the
11 expungement order to the Illinois State Police and the
12 arresting agency. Upon request, the State's Attorney shall
13 furnish the name of the arresting agency. The expungement
14 shall be completed within 60 business days after the receipt
15 of the expungement order. In this subsection (0.3),
16 "disqualified offense" means any of the following offenses:
17 Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2,
18 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40,
19 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3,
20 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5, 12-20.5,
21 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4, 18-6,
22 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-3A,
23 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1, 31-1a,
24 32-4a, or 33A-2 of the Criminal Code of 2012, or subsection (b)
25 of Section 8-1, paragraph (4) of subsection (a) of Section
26 11-14.4, subsection (a-5) of Section 12-3.1, paragraph (1),

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

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

18 (0.4) Automatic expungement for the purposes of this
19 Section shall not require law enforcement agencies to
20 obliterate or otherwise destroy juvenile law enforcement
21 records that would otherwise need to be automatically expunged
22 under this Act, except after 2 years following the subject
23 arrest for purposes of use in civil litigation against a
24 governmental entity or its law enforcement agency or personnel
25 which created, maintained, or used the records. However, these
26 juvenile law enforcement records shall be considered expunged

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

4 (0.5) Subsection (0.1) or (0.2) of this Section does not
5 apply to violations of traffic, boating, fish and game laws,
6 or county or municipal ordinances.

7 (0.6) Juvenile law enforcement records of a plaintiff who
8 has filed civil litigation against the governmental entity or
9 its law enforcement agency or personnel that created,
10 maintained, or used the records, or juvenile law enforcement
11 records that contain information related to the allegations
12 set forth in the civil litigation may not be expunged until
13 after 2 years have elapsed after the conclusion of the
14 lawsuit, including any appeal.

15 (0.7) Officer-worn body camera recordings shall not be
16 automatically expunged except as otherwise authorized by the
17 Law Enforcement Officer-Worn Body Camera Act.

18 (1) Whenever a person has been arrested, charged, or
19 adjudicated delinquent for an incident occurring before a
20 person's 18th birthday that if committed by an adult would be
21 an offense, and that person's juvenile law enforcement and
22 juvenile court records are not eligible for automatic
23 expungement under subsection (0.1), (0.2), or (0.3), the
24 person may petition the court at any time at no cost to the
25 person for expungement of juvenile law enforcement records and
26 juvenile court records relating to the incident and, upon

1 termination of all juvenile court proceedings relating to that
2 incident, the court shall order the expungement of all records
3 in the possession of the Illinois State Police, the clerk of
4 the circuit court, and law enforcement agencies relating to
5 the incident, but only in any of the following circumstances:

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

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

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

13 (c) the minor was placed under supervision under
14 Section 5-615, and the order of supervision has since been
15 successfully terminated; or

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

19 (1.5) At no cost to the person, the Illinois State Police
20 shall allow a person to use the Access and Review process,
21 established in the Illinois State Police, for verifying that
22 the person's juvenile law enforcement records relating to
23 incidents occurring before the person's 18th birthday eligible
24 under this Act have been expunged.

25 (1.6) (Blank).

26 (1.7) (Blank).

(1.8) (Blank).

(2) Any person whose delinquency adjudications are not eligible for automatic expungement under subsection (0.3) of this Section may petition the court at no cost to the person to expunge all juvenile law enforcement records relating to any incidents occurring before the person's 18th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree murder or an offense under Article 11 of the Criminal Code of 2012 if the person is required to register under the Sex Offender Registration Act at the time the person petitions the court for expungement; provided that 2 years have elapsed since all juvenile court proceedings relating to the person have been terminated and the person's commitment to the Department of Juvenile Justice under this Act has been terminated.

1 court records obtained from the clerk of the circuit court.

2 (2.6) If a minor is referred to court, then, at the time of
3 sentencing, dismissal of the case, or successful completion of
4 supervision, the judge shall inform the delinquent minor of
5 the minor's rights regarding expungement and the clerk of the
6 circuit court shall provide an expungement information packet
7 to the minor, written in plain language, including information
8 regarding this State's expungement laws and a petition for
9 expungement, a sample of a completed petition, expungement
10 instructions that shall include information informing the
11 minor that (i) once the case is expunged, it shall be treated
12 as if it never occurred, (ii) the minor shall not be charged a
13 fee to petition for expungement, (iii) once the minor obtains
14 an expungement, the minor may not be required to disclose that
15 the minor had a juvenile law enforcement or juvenile court
16 record, and (iv) if petitioning the minor may file the
17 petition on the minor's own or with the assistance of an
18 attorney. The failure of the judge to inform the delinquent
19 minor of the minor's right to petition for expungement as
20 provided by law does not create a substantive right, nor is
21 that failure grounds for: (i) a reversal of an adjudication of
22 delinquency; (ii) a new trial; or (iii) an appeal.

23 (2.6-1) A trafficking victim, as defined by paragraph (10)
24 of subsection (a) of Section 10-9 of the Criminal Code of 2012,
25 may petition for vacation and expungement or immediate sealing
26 of his or her juvenile court records and juvenile law

1 enforcement records relating to events that resulted in the
2 victim's adjudication of delinquency for an offense if
3 committed by an adult would be a violation of the criminal laws
4 occurring before the victim's 18th birthday upon the
5 completion of his or her juvenile court sentence if his or her
6 participation in the underlying offense was a result of human
7 trafficking under Section 10-9 of the Criminal Code of 2012 or
8 a severe form of trafficking under the federal Trafficking
9 Victims Protection Act.

10 (2.7) (Blank).

11 (2.8) (Blank).

12 (3) (Blank).

13 (3.1) (Blank).

14 (3.2) (Blank).

15 (3.3) (Blank).

16 (4) (Blank).

17 (5) (Blank).

18 (5.5) Whether or not expunged, records eligible for
19 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
20 (0.3) (a) may be treated as expunged by the individual subject
21 to the records.

22 (6) (Blank).

23 (6.5) The Illinois State Police or any employee of the
24 Illinois State Police shall be immune from civil or criminal
25 liability for failure to expunge any records of arrest that
26 are subject to expungement under this Section because of

1 inability to verify a record. Nothing in this Section shall
2 create Illinois State Police liability or responsibility for
3 the expungement of juvenile law enforcement records it does
4 not possess.

5 (7) (Blank).

6 (7.5) (Blank).

7 (8) The expungement of juvenile law enforcement or
8 juvenile court records under subsection (0.1), (0.2), or (0.3)
9 of this Section shall be funded by appropriation by the
10 General Assembly for that purpose.

11 (9) (Blank).

12 (10) (Blank).

13 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
14 102-752, eff. 1-1-23; 103-22, eff. 8-8-23; 103-154, eff.
15 6-30-23; 103-379, eff. 7-28-23; 103-605, eff. 7-1-24; 103-717,
16 eff. 1-1-25; 103-787, eff. 1-1-25; revised 10-7-24.)

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.