



Sen. Elgie R. Sims, Jr.

Filed: 10/28/2025

10400HB1836sam001

LRB104 08084 RLC 29392 a

1 AMENDMENT TO HOUSE BILL 1836

2 AMENDMENT NO. _____. Amend House Bill 1836 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Clean Slate
5 Act.

6 Section 5. The Criminal Identification Act is amended by
7 changing Sections 2.1, 5.2, 13, and 14 and by adding Section
8 5.3 as follows:

9 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

10 (Text of Section before amendment by P.A. 104-5)

11 Sec. 2.1. For the purpose of maintaining complete and
12 accurate criminal records of the Illinois State Police, it is
13 necessary for all policing bodies of this State, the clerk of
14 the circuit court, the Illinois Department of Corrections, the
15 sheriff of each county, and State's Attorney of each county to

1 submit certain criminal arrest, charge, and disposition
2 information to the Illinois State Police for filing at the
3 earliest time possible. Unless otherwise noted herein, it
4 shall be the duty of all policing bodies of this State, the
5 clerk of the circuit court, the Illinois Department of
6 Corrections, the sheriff of each county, and the State's
7 Attorney of each county to report such information as provided
8 in this Section, both in the form and manner required by the
9 Illinois State Police and within 30 days of the criminal
10 history event. Specifically:

11 (a) Arrest Information. All agencies making arrests
12 for offenses which are required by statute to be
13 collected, maintained or disseminated by the Illinois
14 State Police shall be responsible for furnishing daily to
15 the Illinois State Police fingerprints, charges and
16 descriptions of all persons who are arrested for such
17 offenses. All such agencies shall also notify the Illinois
18 State Police of all decisions by the arresting agency not
19 to refer such arrests for prosecution. With approval of
20 the Illinois State Police, an agency making such arrests
21 may enter into arrangements with other agencies for the
22 purpose of furnishing daily such fingerprints, charges and
23 descriptions to the Illinois State Police upon its behalf.

24 (b) Charge Information. The State's Attorney of each
25 county shall notify the Illinois State Police of all
26 charges filed and all petitions filed alleging that a

1 minor is delinquent, including all those added subsequent
2 to the filing of a case, and whether charges were not filed
3 in cases for which the Illinois State Police has received
4 information required to be reported pursuant to paragraph
5 (a) of this Section. With approval of the Illinois State
6 Police, the State's Attorney may enter into arrangements
7 with other agencies for the purpose of furnishing the
8 information required by this subsection (b) to the
9 Illinois State Police upon the State's Attorney's behalf.

10 (c) Disposition Information. The clerk of the circuit
11 court of each county shall furnish the Illinois State
12 Police, in the form and manner required by the Supreme
13 Court, with all final dispositions of cases for which the
14 Illinois State Police has received information required to
15 be reported pursuant to paragraph (a) or (d) of this
16 Section. Such information shall include, for each charge,
17 all (1) judgments of not guilty, judgments of guilty
18 including the sentence pronounced by the court with
19 statutory citations to the relevant sentencing provision,
20 findings that a minor is delinquent and any sentence made
21 based on those findings, discharges and dismissals in the
22 court; (2) reviewing court orders filed with the clerk of
23 the circuit court which reverse or remand a reported
24 conviction or findings that a minor is delinquent or that
25 vacate or modify a sentence or sentence made following a
26 trial that a minor is delinquent; (3) continuances to a

1 date certain in furtherance of an order of supervision
2 granted under Section 5-6-1 of the Unified Code of
3 Corrections or an order of probation granted under Section
4 10 of the Cannabis Control Act, Section 410 of the
5 Illinois Controlled Substances Act, Section 70 of the
6 Methamphetamine Control and Community Protection Act,
7 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
8 the Criminal Code of 1961 or the Criminal Code of 2012,
9 Section 10-102 of the Illinois Alcoholism and Other Drug
10 Dependency Act, Section 40-10 of the Substance Use
11 Disorder Act, Section 10 of the Steroid Control Act, or
12 Section 5-615 of the Juvenile Court Act of 1987; and (4)
13 judgments or court orders terminating or revoking a
14 sentence to or juvenile disposition of probation,
15 supervision or conditional discharge and any resentencing
16 or new court orders entered by a juvenile court relating
17 to the disposition of a minor's case involving delinquency
18 after such revocation.

19 (d) Fingerprints After Sentencing.

20 (1) After the court pronounces sentence, sentences
21 a minor following a trial in which a minor was found to
22 be delinquent or issues an order of supervision or an
23 order of probation granted under Section 10 of the
24 Cannabis Control Act, Section 410 of the Illinois
25 Controlled Substances Act, Section 70 of the
26 Methamphetamine Control and Community Protection Act,

1 Section 12-4.3 or subdivision (b)(1) of Section
2 12-3.05 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, Section 10-102 of the Illinois
4 Alcoholism and Other Drug Dependency Act, Section
5 40-10 of the Substance Use Disorder Act, Section 10 of
6 the Steroid Control Act, or Section 5-615 of the
7 Juvenile Court Act of 1987 for any offense which is
8 required by statute to be collected, maintained, or
9 disseminated by the Illinois State Police, the State's
10 Attorney of each county shall ask the court to order a
11 law enforcement agency to fingerprint immediately all
12 persons appearing before the court who have not
13 previously been fingerprinted for the same case. The
14 court shall so order the requested fingerprinting, if
15 it determines that any such person has not previously
16 been fingerprinted for the same case. The law
17 enforcement agency shall submit such fingerprints to
18 the Illinois State Police daily.

19 (2) After the court pronounces sentence or makes a
20 disposition of a case following a finding of
21 delinquency for any offense which is not required by
22 statute to be collected, maintained, or disseminated
23 by the Illinois State Police, the prosecuting attorney
24 may ask the court to order a law enforcement agency to
25 fingerprint immediately all persons appearing before
26 the court who have not previously been fingerprinted

1 for the same case. The court may so order the requested
2 fingerprinting, if it determines that any so sentenced
3 person has not previously been fingerprinted for the
4 same case. The law enforcement agency may retain such
5 fingerprints in its files.

6 (e) Corrections Information. The Illinois Department
7 of Corrections and the sheriff of each county shall
8 furnish the Illinois State Police with all information
9 concerning the receipt, escape, execution, death, release,
10 pardon, parole, commutation of sentence, granting of
11 executive clemency or discharge of an individual who has
12 been sentenced or committed to the agency's custody for
13 any offenses which are mandated by statute to be
14 collected, maintained or disseminated by the Illinois
15 State Police. For an individual who has been charged with
16 any such offense and who escapes from custody or dies
17 while in custody, all information concerning the receipt
18 and escape or death, whichever is appropriate, shall also
19 be so furnished to the Illinois State Police.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 (Text of Section after amendment by P.A. 104-5)

22 Sec. 2.1. For the purpose of maintaining complete and
23 accurate criminal records of the Illinois State Police, it is
24 necessary for all policing bodies of this State, the clerk of
25 the circuit court, the Illinois Department of Corrections, the

1 sheriff of each county, and State's Attorney of each county to
2 submit certain criminal arrest, charge, and disposition
3 information to the Illinois State Police for filing at the
4 earliest time possible. Unless otherwise noted herein, it
5 shall be the duty of all policing bodies of this State, the
6 clerk of the circuit court, the Illinois Department of
7 Corrections, the sheriff of each county, and the State's
8 Attorney of each county to report such information as provided
9 in this Section, both in the form and manner required by the
10 Illinois State Police and within 30 days of the criminal
11 history event. Specifically:

12 (a) Arrest Information. All agencies making arrests
13 for offenses which are required by statute to be
14 collected, maintained or disseminated by the Illinois
15 State Police shall be responsible for furnishing daily to
16 the Illinois State Police fingerprints, charges and
17 descriptions of all persons who are arrested for such
18 offenses. All such agencies shall also notify the Illinois
19 State Police of all decisions by the arresting agency not
20 to refer such arrests for prosecution. With approval of
21 the Illinois State Police, an agency making such arrests
22 may enter into arrangements with other agencies for the
23 purpose of furnishing daily such fingerprints, charges and
24 descriptions to the Illinois State Police upon its behalf.

25 (b) Charge Information. The State's Attorney of each
26 county shall notify the Illinois State Police of all

1 charges filed and all petitions filed alleging that a
2 minor is delinquent, including all those added subsequent
3 to the filing of a case, and whether charges were not filed
4 in cases for which the Illinois State Police has received
5 information required to be reported pursuant to paragraph
6 (a) of this Section. With approval of the Illinois State
7 Police, the State's Attorney may enter into arrangements
8 with other agencies for the purpose of furnishing the
9 information required by this subsection (b) to the
10 Illinois State Police upon the State's Attorney's behalf.

11 (c) Disposition Information. The clerk of the circuit
12 court of each county shall furnish the Illinois State
13 Police, in the form and manner required by the Supreme
14 Court, with all final dispositions of cases for which the
15 Illinois State Police has received information required to
16 be reported pursuant to paragraph (a) or (d) of this
17 Section. Such information shall include, for each charge,
18 all (1) judgments of not guilty, judgments of guilty
19 including the sentence pronounced by the court with
20 statutory citations to the relevant sentencing provision,
21 findings that a minor is delinquent and any sentence made
22 based on those findings, discharges and dismissals in the
23 court; (2) reviewing court orders filed with the clerk of
24 the circuit court which reverse or remand a reported
25 conviction or findings that a minor is delinquent or that
26 vacate or modify a sentence or sentence made following a

1 trial that a minor is delinquent; (3) continuances to a
2 date certain in furtherance of an order of supervision
3 granted under Section 5-6-1 of the Unified Code of
4 Corrections or an order of probation granted under Section
5 10 of the Cannabis Control Act, Section 410 of the
6 Illinois Controlled Substances Act, Section 70 of the
7 Methamphetamine Control and Community Protection Act,
8 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
9 the Criminal Code of 1961 or the Criminal Code of 2012,
10 Section 10-102 of the Illinois Alcoholism and Other Drug
11 Dependency Act, Section 40-10 of the Substance Use
12 Disorder Act, Section 10 of the Steroid Control Act, or
13 Section 5-615 of the Juvenile Court Act of 1987; (4)
14 judgments or court orders terminating or revoking a
15 sentence to or juvenile disposition of probation,
16 supervision or conditional discharge, judgment or court
17 orders of discharge from probation or conditional
18 discharge, and any resentencing or new court orders
19 entered by a juvenile court relating to the disposition of
20 a minor's case involving delinquency after such
21 revocation; and (5) in any case in which a firearm is
22 alleged to have been used in the commission of an offense,
23 the serial number of any firearm involved in the case, or
24 if the serial number was obliterated, as provided by the
25 State's Attorney to the clerk of the circuit court at the
26 time of disposition. The Illinois State Police may provide

1 reports of cases with missing disposition information to
2 the clerk of the circuit court. Each clerk of the circuit
3 court receiving a report of cases with missing disposition
4 information shall respond within 30 days after receiving
5 the report unless the volume of records in the report
6 renders that timeline impracticable.

7 (d) Fingerprints After Sentencing.

8 (1) After the court pronounces sentence, sentences
9 a minor following a trial in which a minor was found to
10 be delinquent or issues an order of supervision or an
11 order of probation granted under Section 10 of the
12 Cannabis Control Act, Section 410 of the Illinois
13 Controlled Substances Act, Section 70 of the
14 Methamphetamine Control and Community Protection Act,
15 Section 12-4.3 or subdivision (b)(1) of Section
16 12-3.05 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, Section 10-102 of the Illinois
18 Alcoholism and Other Drug Dependency Act, Section
19 40-10 of the Substance Use Disorder Act, Section 10 of
20 the Steroid Control Act, or Section 5-615 of the
21 Juvenile Court Act of 1987 for any offense which is
22 required by statute to be collected, maintained, or
23 disseminated by the Illinois State Police, the State's
24 Attorney of each county shall ask the court to order a
25 law enforcement agency to fingerprint immediately all
26 persons appearing before the court who have not

1 previously been fingerprinted for the same case. The
2 court shall so order the requested fingerprinting, if
3 it determines that any such person has not previously
4 been fingerprinted for the same case. The law
5 enforcement agency shall submit such fingerprints to
6 the Illinois State Police daily.

7 (2) After the court pronounces sentence or makes a
8 disposition of a case following a finding of
9 delinquency for any offense which is not required by
10 statute to be collected, maintained, or disseminated
11 by the Illinois State Police, the prosecuting attorney
12 may ask the court to order a law enforcement agency to
13 fingerprint immediately all persons appearing before
14 the court who have not previously been fingerprinted
15 for the same case. The court may so order the requested
16 fingerprinting, if it determines that any so sentenced
17 person has not previously been fingerprinted for the
18 same case. The law enforcement agency may retain such
19 fingerprints in its files.

20 (e) Corrections Information. The Illinois Department
21 of Corrections and the sheriff of each county shall
22 furnish the Illinois State Police with all information
23 concerning the receipt, escape, execution, death, release,
24 pardon, parole, commutation of sentence, granting of
25 executive clemency or discharge of an individual who has
26 been sentenced or committed to the agency's custody for

1 any offenses which are mandated by statute to be
2 collected, maintained or disseminated by the Illinois
3 State Police. For an individual who has been charged with
4 any such offense and who escapes from custody or dies
5 while in custody, all information concerning the receipt
6 and escape or death, whichever is appropriate, shall also
7 be so furnished to the Illinois State Police.

8 (f) Any entity required to report information
9 concerning criminal arrests, charges, and dispositions
10 pursuant to Section 2.1 or 5 of this Act shall respond to
11 any notice advising the entity of missing or incomplete
12 information or an error in the reporting of the
13 information as follows:

14 (1) Responses shall be made within 30 days after
15 the notice from the Illinois State Police unless the
16 volume of records in the report renders that timeline
17 impracticable.

18 (2) Responses shall include the missing or
19 incomplete information, correction of the error or an
20 explanation detailing the reason the information
21 cannot be provided or corrected, and an estimated
22 timeframe for compliance.

23 (Source: P.A. 104-5, eff. 1-1-26.)

24 (20 ILCS 2630/5.2)

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

1 (a) General Provisions.

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

5 (A) The following terms shall have the meanings
6 ascribed to them in the following Sections of the
7 Unified Code of Corrections:

8 Business Offense, Section 5-1-2.

9 Charge, Section 5-1-3.

10 Court, Section 5-1-6.

11 Defendant, Section 5-1-7.

12 Felony, Section 5-1-9.

13 Imprisonment, Section 5-1-10.

14 Judgment, Section 5-1-12.

15 Misdemeanor, Section 5-1-14.

16 Offense, Section 5-1-15.

17 Parole, Section 5-1-16.

18 Petty Offense, Section 5-1-17.

19 Probation, Section 5-1-18.

20 Sentence, Section 5-1-19.

21 Supervision, Section 5-1-21.

22 Victim, Section 5-1-22.

23 (B) As used in this Section, "charge not initiated
24 by arrest" means a charge (as defined by Section 5-1-3
25 of the Unified Code of Corrections) brought against a
26 defendant where the defendant is not arrested prior to

1 or as a direct result of the charge.

2 (C) "Conviction" means a judgment of conviction or
3 sentence entered upon a plea of guilty or upon a
4 verdict or finding of guilty of an offense, rendered
5 by a legally constituted jury or by a court of
6 competent jurisdiction authorized to try the case
7 without a jury. An order of supervision successfully
8 completed by the petitioner is not a conviction. An
9 order of qualified probation (as defined in subsection
10 (a)(1)(J)) successfully completed by the petitioner is
11 not a conviction. An order of supervision or an order
12 of qualified probation that is terminated
13 unsatisfactorily is a conviction, unless the
14 unsatisfactory termination is reversed, vacated, or
15 modified and the judgment of conviction, if any, is
16 reversed or vacated.

17 (D) "Criminal offense" means a petty offense,
18 business offense, misdemeanor, felony, or municipal
19 ordinance violation (as defined in subsection
20 (a)(1)(H)). As used in this Section, a minor traffic
21 offense (as defined in subsection (a)(1)(G)) shall not
22 be considered a criminal offense.

23 (E) "Expunge" means to physically destroy the
24 records or return them to the petitioner and to
25 obliterate the petitioner's name from any official
26 index or public record, or both. Nothing in this Act

1 shall require the physical destruction of the circuit
2 court file, but such records relating to arrests or
3 charges, or both, ordered expunged shall be impounded
4 as required by subsections (d)(9)(A)(ii) and
5 (d)(9)(B)(ii).

6 (F) As used in this Section, "last sentence" means
7 the sentence, order of supervision, or order of
8 qualified probation (as defined by subsection
9 (a)(1)(J)), for a criminal offense (as defined by
10 subsection (a)(1)(D)) that terminates last in time in
11 any jurisdiction, regardless of whether the petitioner
12 has included the criminal offense for which the
13 sentence or order of supervision or qualified
14 probation was imposed in his or her petition. If
15 multiple sentences, orders of supervision, or orders
16 of qualified probation terminate on the same day and
17 are last in time, they shall be collectively
18 considered the "last sentence" regardless of whether
19 they were ordered to run concurrently.

20 (G) "Minor traffic offense" means a petty offense,
21 business offense, or Class C misdemeanor under the
22 Illinois Vehicle Code or a similar provision of a
23 municipal or local ordinance.

24 (G-5) "Minor Cannabis Offense" means a violation
25 of Section 4 or 5 of the Cannabis Control Act
26 concerning not more than 30 grams of any substance

1 containing cannabis, provided the violation did not
2 include a penalty enhancement under Section 7 of the
3 Cannabis Control Act and is not associated with an
4 arrest, conviction or other disposition for a violent
5 crime as defined in subsection (c) of Section 3 of the
6 Rights of Crime Victims and Witnesses Act.

7 (H) "Municipal ordinance violation" means an
8 offense defined by a municipal or local ordinance that
9 is criminal in nature and with which the petitioner
10 was charged or for which the petitioner was arrested
11 and released without charging.

12 (I) "Petitioner" means an adult or a minor
13 prosecuted as an adult who has applied for relief
14 under this Section.

15 (J) "Qualified probation" means an order of
16 probation under Section 10 of the Cannabis Control
17 Act, Section 410 of the Illinois Controlled Substances
18 Act, Section 70 of the Methamphetamine Control and
19 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
20 of the Unified Code of Corrections, Section
21 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
22 those provisions existed before their deletion by
23 Public Act 89-313), Section 10-102 of the Illinois
24 Alcoholism and Other Drug Dependency Act, Section
25 40-10 of the Substance Use Disorder Act, or Section 10
26 of the Steroid Control Act. For the purpose of this

1 Section, "successful completion" of an order of
2 qualified probation under Section 10-102 of the
3 Illinois Alcoholism and Other Drug Dependency Act and
4 Section 40-10 of the Substance Use Disorder Act means
5 that the probation was terminated satisfactorily and
6 the judgment of conviction was vacated.

7 (K) (i) Except as provided in subdivision (ii),
8 "seal" ~~"Seal"~~ means to physically and electronically
9 maintain the records, unless the records would
10 otherwise be destroyed due to age, but to make the
11 records unavailable without a court order, subject to
12 the exceptions in Sections 12 and 13 of this Act. The
13 petitioner's name shall also be obliterated from the
14 official index required to be kept by the circuit
15 court clerk under Section 16 of the Clerks of Courts
16 Act, but any index issued by the circuit court clerk
17 before the entry of the order to seal shall not be
18 affected.

19 (ii) For records subject to relief under
20 subsection (k) of this Section, "seal" means to
21 physically and electronically maintain the records,
22 unless the records would otherwise be destroyed due to
23 age, but to have the records impounded, as defined in
24 paragraph (2) of subsection (b) of Section 5 of the
25 Court Record and Document Accessibility Act. The
26 defendant's name shall also be obliterated from the

1 official index required to be kept by the circuit
2 court clerk under Section 16 of the Clerks of Courts
3 Act. Upon request, and without court order, the
4 circuit court clerk shall provide to the Illinois
5 State Police the disposition information for any
6 record that was ordered to be sealed or impounded
7 pursuant to this Section.

8 (L) "Sexual offense committed against a minor"
9 includes, but is not limited to, the offenses of
10 indecent solicitation of a child or criminal sexual
11 abuse when the victim of such offense is under 18 years
12 of age.

13 (M) "Terminate" as it relates to a sentence or
14 order of supervision or qualified probation includes
15 either satisfactory or unsatisfactory termination of
16 the sentence, unless otherwise specified in this
17 Section. A sentence is terminated notwithstanding any
18 outstanding financial legal obligation.

19 (2) Minor Traffic Offenses. Orders of supervision or
20 convictions for minor traffic offenses shall not affect a
21 petitioner's eligibility to expunge or seal records
22 pursuant to this Section.

23 (2.5) Commencing 180 days after July 29, 2016 (the
24 effective date of Public Act 99-697), the law enforcement
25 agency issuing the citation shall automatically expunge,
26 on or before January 1 and July 1 of each year, the law

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

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

25 (A) the sealing or expungement of the records of
26 arrests or charges not initiated by arrest that result

1 in an order of supervision for or conviction of: (i)
2 any sexual offense committed against a minor; (ii)
3 Section 11-501 of the Illinois Vehicle Code or a
4 similar provision of a local ordinance; or (iii)
5 Section 11-503 of the Illinois Vehicle Code or a
6 similar provision of a local ordinance, unless the
7 arrest or charge is for a misdemeanor violation of
8 subsection (a) of Section 11-503 or a similar
9 provision of a local ordinance, that occurred prior to
10 the offender reaching the age of 25 years and the
11 offender has no other conviction for violating Section
12 11-501 or 11-503 of the Illinois Vehicle Code or a
13 similar provision of a local ordinance.

14 (B) the sealing or expungement of records of minor
15 traffic offenses (as defined in subsection (a)(1)(G)),
16 unless the petitioner was arrested and released
17 without charging.

18 (C) the sealing of the records of arrests or
19 charges not initiated by arrest which result in an
20 order of supervision or a conviction for the following
21 offenses:

22 (i) offenses included in Article 11 of the
23 Criminal Code of 1961 or the Criminal Code of 2012
24 or a similar provision of a local ordinance,
25 except Section 11-14 and a misdemeanor violation
26 of Section 11-30 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, or a similar provision
2 of a local ordinance;

3 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
4 26-5, or 48-1 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, or a similar provision of a
6 local ordinance;

7 (iii) Section 12-3.1 or 12-3.2 of the Criminal
8 Code of 1961 or the Criminal Code of 2012, or
9 Section 125 of the Stalking No Contact Order Act,
10 or Section 219 of the Civil No Contact Order Act,
11 or a similar provision of a local ordinance;

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

14 (v) any offense or attempted offense that
15 would subject a person to registration under the
16 Sex Offender Registration Act.

17 (D) (blank).

18 (b) Expungement.

19 (1) A petitioner may petition the circuit court to
20 expunge the records of his or her arrests and charges not
21 initiated by arrest when each arrest or charge not
22 initiated by arrest sought to be expunged resulted in: (i)
23 acquittal, dismissal, or the petitioner's release without
24 charging, unless excluded by subsection (a) (3) (B); (ii) a
25 conviction which was vacated or reversed, unless excluded
26 by subsection (a) (3) (B); (iii) an order of supervision and

1 such supervision was successfully completed by the
2 petitioner, unless excluded by subsection (a)(3)(A) or
3 (a)(3)(B); or (iv) an order of qualified probation (as
4 defined in subsection (a)(1)(J)) and such probation was
5 successfully completed by the petitioner.

6 (1.5) When a petitioner seeks to have a record of
7 arrest expunged under this Section, and the petitioner
8 ~~offender~~ has been convicted of a criminal offense, the
9 State's Attorney may object to the expungement on the
10 grounds that the records contain specific relevant
11 information aside from the mere fact of the arrest.

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

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

19 (A-5) In anticipation of the successful completion
20 of a problem-solving court, pre-plea diversion, or
21 post-plea diversion program, a petition for
22 expungement may be filed 61 days before the
23 anticipated dismissal of the case or any time
24 thereafter. Upon successful completion of the program
25 and dismissal of the case, the court shall review the
26 petition of the person graduating from the program and

1 shall grant expungement if the petitioner meets all
2 requirements as specified in any applicable statute.

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

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

17 (i-5) Those arrests or charges that resulted
18 in orders of supervision for a misdemeanor
19 violation of subsection (a) of Section 11-503 of
20 the Illinois Vehicle Code or a similar provision
21 of a local ordinance, that occurred prior to the
22 petitioner ~~offender~~ reaching the age of 25 years
23 and the petitioner ~~offender~~ has no other
24 conviction for violating Section 11-501 or 11-503
25 of the Illinois Vehicle Code or a similar
26 provision of a local ordinance shall not be

1 eligible for expungement until the petitioner has
2 reached the age of 25 years.

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

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

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

18 (4) Whenever a person has been arrested for or
19 convicted of any offense, in the name of a person whose
20 identity he or she has stolen or otherwise come into
21 possession of, the aggrieved person from whom the identity
22 was stolen or otherwise obtained without authorization,
23 upon learning of the person having been arrested using his
24 or her identity, may, upon verified petition to the chief
25 judge of the circuit wherein the arrest was made, have a
26 court order entered nunc pro tunc by the Chief Judge to

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

20 (5) Whenever a person has been convicted of criminal
21 sexual assault, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, criminal
23 sexual abuse, or aggravated criminal sexual abuse, the
24 victim of that offense may request that the State's
25 Attorney of the county in which the conviction occurred
26 file a verified petition with the presiding trial judge at

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

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

19 (7) Nothing in this Section shall prevent the Illinois
20 State Police from maintaining all records of any person
21 who is admitted to probation upon terms and conditions and
22 who fulfills those terms and conditions pursuant to
23 Section 10 of the Cannabis Control Act, Section 410 of the
24 Illinois Controlled Substances Act, Section 70 of the
25 Methamphetamine Control and Community Protection Act,
26 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of

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

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

14 (c) Sealing.

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

21 (2) Eligible Records. The following records may be
22 sealed:

23 (A) All arrests resulting in release without
24 charging;

25 (B) Arrests or charges not initiated by arrest
26 resulting in acquittal, dismissal, or conviction when

1 the conviction was reversed or vacated, except as
2 excluded by subsection (a) (3) (B);

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

8 (C-5) Arrests or charges not initiated by arrest
9 resulting in orders of qualified probation;

10 (D) Arrests or charges not initiated by arrest
11 resulting in convictions with sentences of conditional
12 discharge or probation, completed without revocation
13 by the petitioner, including convictions on municipal
14 ordinance violations, unless otherwise excluded by
15 subsection (a) (3);

16 (E) Arrests or charges not initiated by arrest
17 resulting in misdemeanor convictions not included in
18 subsection (c) (2) (D), including convictions on
19 municipal ordinance violations, unless excluded by
20 subsection (a) (3) orders of first offender probation
21 under Section 10 of the Cannabis Control Act, Section
22 410 of the Illinois Controlled Substances Act, Section
23 70 of the Methamphetamine Control and Community
24 Protection Act, or Section 5-6-3.3 of the Unified Code
25 of Corrections; and

26 (F) Arrests or charges not initiated by arrest

1 resulting in felony convictions not included in
2 subsection (c) (2) (D) unless otherwise excluded by
3 subsection (a) (3) ~~(a) paragraph (3) of this Section.~~

4 (3) When Records Are Eligible to Be Sealed. Records
5 identified as eligible under subsection (c) (2) may be
6 sealed as follows:

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

10 (B) Records ~~Except as otherwise provided in~~
11 ~~subparagraph (E) of this paragraph (3),~~ records
12 identified as eligible under subsection (c) (2) (C),
13 (c) (2) (C-5), (c) (2) (D), or (c) (2) (E) may be sealed 2
14 years after the termination of petitioner's last
15 sentence (as defined in subsection (a) (1) (F)).

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

1 that relevant Act.

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

5 (E) Records identified as eligible under
6 subsection ~~(c) (2) (C), (c) (2) (D), (c) (2) (E),~~ or
7 (c) (2) (F) may be sealed upon termination of the
8 petitioner's last sentence if the petitioner earned a
9 high school diploma, associate's degree, career
10 certificate, vocational technical certification, or
11 bachelor's degree, or passed the high school level
12 Test of General Educational Development, during the
13 period of his or her sentence or mandatory supervised
14 release. This subparagraph shall apply only to a
15 petitioner who has not completed the same educational
16 goal prior to the period of his or her sentence or
17 mandatory supervised release. If a petition for
18 sealing eligible records filed under this subparagraph
19 is denied by the court, the time periods under
20 subparagraph ~~(B) or~~ (C) shall apply to any subsequent
21 petition for sealing filed by the petitioner.

22 (4) (Blank). ~~Subsequent felony convictions. A person~~
23 ~~may not have subsequent felony conviction records sealed~~
24 ~~as provided in this subsection (c) if he or she is~~
25 ~~convicted of any felony offense after the date of the~~
26 ~~sealing of prior felony convictions as provided in this~~

1 ~~subsection (c). The court may, upon conviction for a~~
2 ~~subsequent felony offense, order the unsealing of prior~~
3 ~~felony conviction records previously ordered sealed by the~~
4 ~~court.~~

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

10 (d) Procedure. The following procedures apply to
11 expungement under subsections (b), (e), and (e-6) and sealing
12 under subsections (c) and (e-5):

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

25 (1.5) County fee waiver pilot program. From August 9,
26 2019 (the effective date of Public Act 101-306) through

1 December 31, 2020, in a county of 3,000,000 or more
2 inhabitants, no fee shall be required to be paid by a
3 petitioner if the records sought to be expunged or sealed
4 were arrests resulting in release without charging or
5 arrests or charges not initiated by arrest resulting in
6 acquittal, dismissal, or conviction when the conviction
7 was reversed or vacated, unless excluded by subsection
8 (a)(3)(B). The provisions of this paragraph (1.5), other
9 than this sentence, are inoperative on and after January
10 1, 2022.

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

25 (3) (Blank). ~~Drug test. The petitioner must attach to~~
26 ~~the petition proof that the petitioner has taken within 30~~

1 ~~days before the filing of the petition a test showing the~~
2 ~~absence within his or her body of all illegal substances~~
3 ~~as defined by the Illinois Controlled Substances Act and~~
4 ~~the Methamphetamine Control and Community Protection Act~~
5 ~~if he or she is petitioning to:~~

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

7 ~~(B) seal felony records for a violation of the~~
8 ~~Illinois Controlled Substances Act, the~~
9 ~~Methamphetamine Control and Community Protection Act,~~
10 ~~or the Cannabis Control Act under clause (c) (2) (F);~~

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

12 ~~(D) expunge felony records of a qualified~~
13 ~~probation under clause (b) (1) (iv).~~

14 (4) Service of petition. The circuit court clerk shall
15 promptly serve a copy of the petition and documentation to
16 support the petition under subsection (e-5) or (e-6) on
17 the State's Attorney or prosecutor charged with the duty
18 of prosecuting the offense, the Illinois State Police, the
19 arresting agency, and, for municipal ordinance violations,
20 the chief legal officer of the unit of local government
21 effecting the arrest.

22 (5) Objections.

23 (A) Any party entitled to notice of the petition
24 may file an objection to the petition. All objections
25 shall be in writing, shall be filed with the circuit
26 court clerk, and shall state with specificity the

1 basis of the objection. Whenever a person who has been
2 convicted of an offense is granted a pardon by the
3 Governor which specifically authorizes expungement, an
4 objection to the petition may not be filed.

5 (B) Objections to a petition to expunge or seal
6 must be filed within 60 days of the date of service of
7 the petition.

8 (6) Entry of order.

9 (A) The Chief Judge of the circuit wherein the
10 charge was brought, any judge of that circuit
11 designated by the Chief Judge, or in counties of less
12 than 3,000,000 inhabitants, the presiding trial judge
13 at the petitioner's trial, if any, shall rule on the
14 petition to expunge or seal as set forth in this
15 subsection (d) (6).

16 (B) Unless the State's Attorney or prosecutor, the
17 Illinois State Police, the arresting agency, or the
18 chief legal officer files an objection to the petition
19 to expunge or seal within 60 days from the date of
20 service of the petition, the court shall enter an
21 order granting or denying the petition.

22 (C) Notwithstanding any other provision of law,
23 the court shall not deny a petition for sealing under
24 this Section because the petitioner has not satisfied
25 an outstanding legal financial obligation established,
26 imposed, or originated by a court, law enforcement

1 agency, or a municipal, State, county, or other unit
2 of local government, including, but not limited to,
3 any cost, assessment, fine, or fee. An outstanding
4 legal financial obligation does not include any court
5 ordered restitution to a victim under Section 5-5-6 of
6 the Unified Code of Corrections, unless the
7 restitution has been converted to a civil judgment.
8 Nothing in this subparagraph (C) waives, rescinds, or
9 abrogates a legal financial obligation or otherwise
10 eliminates or affects the right of the holder of any
11 financial obligation to pursue collection under
12 applicable federal, State, or local law.

13 (D) (Blank). ~~Notwithstanding any other provision~~
14 ~~of law, the court shall not deny a petition to expunge~~
15 ~~or seal under this Section because the petitioner has~~
16 ~~submitted a drug test taken within 30 days before the~~
17 ~~filing of the petition to expunge or seal that~~
18 ~~indicates a positive test for the presence of cannabis~~
19 ~~within the petitioner's body. In this subparagraph~~
20 ~~(D), "cannabis" has the meaning ascribed to it in~~
21 ~~Section 3 of the Cannabis Control Act.~~

22 (7) Hearings. If an objection is filed, the court
23 shall set a date for a hearing and notify the petitioner
24 and all parties entitled to notice of the petition of the
25 hearing date at least 30 days prior to the hearing. Prior
26 to the hearing, the State's Attorney shall consult with

1 the Illinois State Police as to the appropriateness of the
2 relief sought in the petition to expunge or seal. At the
3 hearing, the court shall hear evidence on whether the
4 petition should or should not be granted, and shall grant
5 or deny the petition to expunge or seal the records based
6 on the evidence presented at the hearing. The court may
7 consider the following:

8 (A) the strength of the evidence supporting the
9 defendant's conviction;

10 (B) the reasons for retention of the conviction
11 records by the State;

12 (C) the petitioner's age, criminal record history,
13 and employment history;

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

17 (E) the specific adverse consequences the
18 petitioner may be subject to if the petition is
19 denied.

20 (8) Service of order. After entering an order to
21 expunge or seal records, the court must provide copies of
22 the order to the Illinois State Police, in a form and
23 manner prescribed by the Illinois State Police, to the
24 petitioner, to the State's Attorney or prosecutor charged
25 with the duty of prosecuting the offense, to the arresting
26 agency, to the chief legal officer of the unit of local

1 government effecting the arrest for municipal ordinance
2 violations, and to such other criminal justice agencies as
3 may be ordered by the court. The disposition information
4 for each case or record ordered expunged, sealed, or
5 impounded shall be attached to the order provided to the
6 Illinois State Police.

7 (9) Implementation of order.

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

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

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

1 and

2 (iii) in response to an inquiry for expunged
3 records, the court, the Illinois State Police, or
4 the agency receiving such inquiry, shall reply as
5 it does in response to inquiries when no records
6 ever existed.

7 (B) Upon entry of an order to expunge records
8 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
9 both:

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

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

25 (iii) the records shall be impounded by the
26 Illinois State Police within 60 days of the date

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

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

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

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

21 (i) the records shall be expunged (as defined
22 in subsection (a)(1)(E)) by the arresting agency
23 and any other agency as ordered by the court,
24 within 60 days of the date of service of the order,
25 unless a motion to vacate, modify, or reconsider
26 the order is filed under paragraph (12) of

1 subsection (d) of this Section;

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

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

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

24 (v) in response to an inquiry for these
25 records from anyone not authorized by law to
26 access the records, the court, the Illinois State

1 Police, or the agency receiving the inquiry shall
2 reply as it does in response to inquiries when no
3 records ever existed.

4 (C) Upon entry of an order to seal records under
5 subsection (c), the arresting agency, any other agency
6 as ordered by the court, the Illinois State Police,
7 and the court shall seal the records (as defined in
8 subsection (a)(1)(K)). In response to an inquiry for
9 such records, from anyone not authorized by law to
10 access such records, the court, the Illinois State
11 Police, or the agency receiving such inquiry shall
12 reply as it does in response to inquiries when no
13 records ever existed.

14 (D) The Illinois State Police shall send written
15 notice to the petitioner of its compliance with each
16 order to expunge or seal records within 60 days of the
17 date of service of that order or, if a motion to
18 vacate, modify, or reconsider is filed, within 60 days
19 of service of the order resolving the motion, if that
20 order requires the Illinois State Police to expunge or
21 seal records. In the event of an appeal from the
22 circuit court order, the Illinois State Police shall
23 send written notice to the petitioner of its
24 compliance with an Appellate Court or Supreme Court
25 judgment to expunge or seal records within 60 days of
26 the issuance of the court's mandate. The notice is not

1 required while any motion to vacate, modify, or
2 reconsider, or any appeal or petition for
3 discretionary appellate review, is pending.

4 (E) Upon motion, the court may order that a sealed
5 judgment or other court record necessary to
6 demonstrate the amount of any legal financial
7 obligation due and owing be made available for the
8 limited purpose of collecting any legal financial
9 obligations owed by the petitioner that were
10 established, imposed, or originated in the criminal
11 proceeding for which those records have been sealed.
12 The records made available under this subparagraph (E)
13 shall not be entered into the official index required
14 to be kept by the circuit court clerk under Section 16
15 of the Clerks of Courts Act and shall be immediately
16 re-impounded upon the collection of the outstanding
17 financial obligations.

18 (F) Notwithstanding any other provision of this
19 Section, a circuit court clerk may access a sealed
20 record for the limited purpose of collecting payment
21 for any legal financial obligations that were
22 established, imposed, or originated in the criminal
23 proceedings for which those records have been sealed.

24 (10) Fees. The Illinois State Police may charge the
25 petitioner a fee equivalent to the cost of processing any
26 order to expunge or seal records. Notwithstanding any

1 provision of the Clerks of Courts Act to the contrary, the
2 circuit court clerk may charge a fee equivalent to the
3 cost associated with the sealing or expungement of records
4 by the circuit court clerk. From the total filing fee
5 collected for the petition to seal or expunge, the circuit
6 court clerk shall deposit \$10 into the Circuit Court Clerk
7 Operation and Administrative Fund, to be used to offset
8 the costs incurred by the circuit court clerk in
9 performing the additional duties required to serve the
10 petition to seal or expunge on all parties. The circuit
11 court clerk shall collect and remit the Illinois State
12 Police portion of the fee to the State Treasurer and it
13 shall be deposited in the State Police Services Fund. If
14 the record brought under an expungement petition was
15 previously sealed under this Section, the fee for the
16 expungement petition for that same record shall be waived.

17 (11) Final Order. No court order issued under the
18 expungement or sealing provisions of this Section shall
19 become final for purposes of appeal until 30 days after
20 service of the order on the petitioner and all parties
21 entitled to notice of the petition.

22 (12) Motion to Vacate, Modify, or Reconsider. Under
23 Section 2-1203 of the Code of Civil Procedure, the
24 petitioner or any party entitled to notice may file a
25 motion to vacate, modify, or reconsider the order granting
26 or denying the petition to expunge or seal within 60 days

1 of service of the order. If filed more than 60 days after
2 service of the order, a petition to vacate, modify, or
3 reconsider shall comply with subsection (c) of Section
4 2-1401 of the Code of Civil Procedure. Upon filing of a
5 motion to vacate, modify, or reconsider, notice of the
6 motion shall be served upon the petitioner and all parties
7 entitled to notice of the petition.

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

17 (14) Compliance with Order Granting Petition to Seal
18 Records. Unless a court has entered a stay of an order
19 granting a petition to seal, all parties entitled to
20 notice of the petition must fully comply with the terms of
21 the order within 60 days of service of the order even if a
22 party is seeking relief from the order through a motion
23 filed under paragraph (12) of this subsection (d) or is
24 appealing the order.

25 (15) Compliance with Order Granting Petition to
26 Expunge Records. While a party is seeking relief from the

1 order granting the petition to expunge through a motion
2 filed under paragraph (12) of this subsection (d) or is
3 appealing the order, and unless a court has entered a stay
4 of that order, the parties entitled to notice of the
5 petition must seal, but need not expunge, the records
6 until there is a final order on the motion for relief or,
7 in the case of an appeal, the issuance of that court's
8 mandate.

9 (16) The changes to this subsection (d) made by Public
10 Act 98-163 apply to all petitions pending on August 5,
11 2013 (the effective date of Public Act 98-163) and to all
12 orders ruling on a petition to expunge or seal on or after
13 August 5, 2013 (the effective date of Public Act 98-163).

14 (17) Upon request, and without court order, the
15 circuit court clerk shall provide the disposition
16 information for any record that was ordered to be sealed
17 or impounded pursuant to this Section to the Illinois
18 State Police.

19 (e) Whenever a person who has been convicted of an offense
20 is granted a pardon by the Governor which specifically
21 authorizes expungement, he or she may, upon verified petition
22 to the Chief Judge of the circuit where the person had been
23 convicted, any judge of the circuit designated by the Chief
24 Judge, or in counties of less than 3,000,000 inhabitants, the
25 presiding trial judge at the defendant's trial, have a court
26 order entered expunging the record of arrest from the official

1 records of the arresting authority and order that the records
2 of the circuit court clerk and the Illinois State Police be
3 sealed until further order of the court upon good cause shown
4 or as otherwise provided herein, and the name of the defendant
5 obliterated from the official index requested to be kept by
6 the circuit court clerk under Section 16 of the Clerks of
7 Courts Act in connection with the arrest and conviction for
8 the offense for which he or she had been pardoned but the order
9 shall not affect any index issued by the circuit court clerk
10 before the entry of the order. All records sealed by the
11 Illinois State Police may be disseminated by the Illinois
12 State Police only to the arresting authority, the State's
13 Attorney, and the court upon a later arrest for the same or
14 similar offense or for the purpose of sentencing for any
15 subsequent felony. Upon conviction for any subsequent offense,
16 the Department of Corrections shall have access to all sealed
17 records of the Illinois State Police pertaining to that
18 individual. Upon entry of the order of expungement, the
19 circuit court clerk shall promptly mail a copy of the order to
20 the person who was pardoned.

21 (e-5) Whenever a person who has been convicted of an
22 offense is granted a certificate of eligibility for sealing by
23 the Prisoner Review Board which specifically authorizes
24 sealing, he or she may, upon verified petition to the Chief
25 Judge of the circuit where the person had been convicted, any
26 judge of the circuit designated by the Chief Judge, or in

1 counties of less than 3,000,000 inhabitants, the presiding
2 trial judge at the petitioner's trial, have a court order
3 entered sealing the record of arrest from the official records
4 of the arresting authority and order that the records of the
5 circuit court clerk and the Illinois State Police be sealed
6 until further order of the court upon good cause shown or as
7 otherwise provided herein, and the name of the petitioner
8 obliterated from the official index requested to be kept by
9 the circuit court clerk under Section 16 of the Clerks of
10 Courts Act in connection with the arrest and conviction for
11 the offense for which he or she had been granted the
12 certificate but the order shall not affect any index issued by
13 the circuit court clerk before the entry of the order. All
14 records sealed by the Illinois State Police may be
15 disseminated by the Illinois State Police only as required by
16 this Act or to the arresting authority, a law enforcement
17 agency, the State's Attorney, and the court upon a later
18 arrest for the same or similar offense or for the purpose of
19 sentencing for any subsequent felony. Upon conviction for any
20 subsequent offense, the Department of Corrections shall have
21 access to all sealed records of the Illinois State Police
22 pertaining to that individual. Upon entry of the order of
23 sealing, the circuit court clerk shall promptly mail a copy of
24 the order to the person who was granted the certificate of
25 eligibility for sealing.

26 (e-6) Whenever a person who has been convicted of an

1 offense is granted a certificate of eligibility for
2 expungement by the Prisoner Review Board 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 petitioner'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
13 petitioner obliterated from the official index requested to be
14 kept by the circuit court clerk under Section 16 of the Clerks
15 of Courts Act in connection with the arrest and conviction for
16 the offense for which he or she had been granted the
17 certificate but the order shall not affect any index issued by
18 the circuit court clerk before the entry of the order. All
19 records sealed by the Illinois State Police may be
20 disseminated by the Illinois State Police only as required by
21 this Act or to the arresting authority, a law enforcement
22 agency, the State's Attorney, and the court upon a later
23 arrest for the same or similar offense or for the purpose of
24 sentencing for any subsequent felony. Upon conviction for any
25 subsequent offense, the Department of Corrections shall have
26 access to all expunged records of the Illinois State Police

1 pertaining to that individual. Upon entry of the order of
2 expungement, the circuit court clerk shall promptly mail a
3 copy of the order to the person who was granted the certificate
4 of eligibility for expungement.

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

17 (g) Immediate Sealing.

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

23 (2) Eligible Records. Arrests or charges not initiated
24 by arrest resulting in acquittal or dismissal with
25 prejudice, except as excluded by subsection (a)(3)(B),
26 that occur on or after January 1, 2018 (the effective date

1 of Public Act 100-282), may be sealed immediately if the
2 petition is filed with the circuit court clerk on the same
3 day and during the same hearing in which the case is
4 disposed.

5 (3) When Records are Eligible to be Immediately
6 Sealed. Eligible records under paragraph (2) of this
7 subsection (g) may be sealed immediately after entry of
8 the final disposition of a case, notwithstanding the
9 disposition of other charges in the same case.

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

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

18 (A) Filing the Petition. Upon entry of the final
19 disposition of the case, the defendant's attorney may
20 immediately petition the court, on behalf of the
21 defendant, for immediate sealing of eligible records
22 under paragraph (2) of this subsection (g) that are
23 entered on or after January 1, 2018 (the effective
24 date of Public Act 100-282). The immediate sealing
25 petition may be filed with the circuit court clerk
26 during the hearing in which the final disposition of

1 the case is entered. If the defendant's attorney does
2 not file the petition for immediate sealing during the
3 hearing, the defendant may file a petition for sealing
4 at any time as authorized under subsection (c) (3) (A).

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

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

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

19 (E) Entry of Order. The presiding trial judge
20 shall enter an order granting or denying the petition
21 for immediate sealing during the hearing in which it
22 is filed. Petitions for immediate sealing shall be
23 ruled on in the same hearing in which the final
24 disposition of the case is entered.

25 (F) Hearings. The court shall hear the petition
26 for immediate sealing on the same day and during the

1 same hearing in which the disposition is rendered.

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

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

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

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

16 (K) Motion to Vacate, Modify, or Reconsider. Under
17 Section 2-1203 of the Code of Civil Procedure, the
18 petitioner, State's Attorney, or the Illinois State
19 Police may file a motion to vacate, modify, or
20 reconsider the order denying the petition to
21 immediately seal within 60 days of service of the
22 order. If filed more than 60 days after service of the
23 order, a petition to vacate, modify, or reconsider
24 shall comply with subsection (c) of Section 2-1401 of
25 the Code of Civil Procedure.

26 (L) Effect of Order. An order granting an

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

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

15 (h) Sealing or vacation and expungement of trafficking
16 victims' crimes.

17 (1) A trafficking victim, as defined by paragraph (10)
18 of subsection (a) of Section 10-9 of the Criminal Code of
19 2012, may petition for vacation and expungement or
20 immediate sealing of his or her criminal record upon the
21 completion of his or her last sentence if his or her
22 participation in the underlying offense was a result of
23 human trafficking under Section 10-9 of the Criminal Code
24 of 2012 or a severe form of trafficking under the federal
25 Trafficking Victims Protection Act.

26 (1.5) A petition under paragraph (1) shall be

1 prepared, signed, and filed in accordance with Supreme
2 Court Rule 9. The court may allow the petitioner to attend
3 any required hearing remotely in accordance with local
4 rules. The court may allow a petition to be filed under
5 seal if the public filing of the petition would constitute
6 a risk of harm to the petitioner.

7 (2) A petitioner under this subsection (h), in
8 addition to the requirements provided under paragraph (4)
9 of subsection (d) of this Section, shall include in his or
10 her petition a clear and concise statement that: (A) he or
11 she was a victim of human trafficking at the time of the
12 offense; and (B) that his or her participation in the
13 offense was a result of human trafficking under Section
14 10-9 of the Criminal Code of 2012 or a severe form of
15 trafficking under the federal Trafficking Victims
16 Protection Act.

17 (3) If an objection is filed alleging that the
18 petitioner is not entitled to vacation and expungement or
19 immediate sealing under this subsection (h), the court
20 shall conduct a hearing under paragraph (7) of subsection
21 (d) of this Section and the court shall determine whether
22 the petitioner is entitled to vacation and expungement or
23 immediate sealing under this subsection (h). A petitioner
24 is eligible for vacation and expungement or immediate
25 relief under this subsection (h) if he or she shows, by a
26 preponderance of the evidence, that: (A) he or she was a

1 victim of human trafficking at the time of the offense;
2 and (B) that his or her participation in the offense was a
3 result of human trafficking under Section 10-9 of the
4 Criminal Code of 2012 or a severe form of trafficking
5 under the federal Trafficking Victims Protection Act.

6 (i) Minor Cannabis Offenses under the Cannabis Control
7 Act.

8 (1) Expungement of Arrest Records of Minor Cannabis
9 Offenses.

10 (A) The Illinois State Police and all law
11 enforcement agencies within the State shall
12 automatically expunge all criminal history records of
13 an arrest, charge not initiated by arrest, order of
14 supervision, or order of qualified probation for a
15 Minor Cannabis Offense committed prior to June 25,
16 2019 (the effective date of Public Act 101-27) if:

17 (i) One year or more has elapsed since the
18 date of the arrest or law enforcement interaction
19 documented in the records; and

20 (ii) No criminal charges were filed relating
21 to the arrest or law enforcement interaction or
22 criminal charges were filed and subsequently
23 dismissed or vacated or the arrestee was
24 acquitted.

25 (B) If the law enforcement agency is unable to
26 verify satisfaction of condition (ii) in paragraph

1 (A), records that satisfy condition (i) in paragraph
2 (A) shall be automatically expunged.

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

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

9 (ii) Records created prior to January 1, 2013,
10 but on or after January 1, 2000, shall be
11 automatically expunged prior to January 1, 2023;

12 (iii) Records created prior to January 1, 2000
13 shall be automatically expunged prior to January
14 1, 2025.

15 In response to an inquiry for expunged records,
16 the law enforcement agency receiving such inquiry
17 shall reply as it does in response to inquiries when no
18 records ever existed; however, it shall provide a
19 certificate of disposition or confirmation that the
20 record was expunged to the individual whose record was
21 expunged if such a record exists.

22 (D) Nothing in this Section shall be construed to
23 restrict or modify an individual's right to have that
24 individual's records expunged except as otherwise may
25 be provided in this Act, or diminish or abrogate any
26 rights or remedies otherwise available to the

1 individual.

2 (2) Pardons Authorizing Expungement of Minor Cannabis
3 Offenses.

4 (A) Upon June 25, 2019 (the effective date of
5 Public Act 101-27), the Department of State Police
6 shall review all criminal history record information
7 and identify all records that meet all of the
8 following criteria:

9 (i) one or more convictions for a Minor
10 Cannabis Offense;

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

14 (iii) the conviction identified in paragraph
15 (2)(A)(i) is not associated with a conviction for
16 a violent crime as defined in subsection (c) of
17 Section 3 of the Rights of Crime Victims and
18 Witnesses Act.

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

24 (i) The Prisoner Review Board shall notify the
25 State's Attorney of the county of conviction of
26 each record identified by State Police in

1 paragraph (2) (A) that is classified as a Class 4
2 felony. The State's Attorney may provide a written
3 objection to the Prisoner Review Board on the sole
4 basis that the record identified does not meet the
5 criteria established in paragraph (2) (A). Such an
6 objection must be filed within 60 days or by such
7 later date set by the Prisoner Review Board in the
8 notice after the State's Attorney received notice
9 from the Prisoner Review Board.

10 (ii) In response to a written objection from a
11 State's Attorney, the Prisoner Review Board is
12 authorized to conduct a non-public hearing to
13 evaluate the information provided in the
14 objection.

15 (iii) The Prisoner Review Board shall make a
16 confidential and privileged recommendation to the
17 Governor as to whether to grant a pardon
18 authorizing expungement for each of the records
19 identified by the Department of State Police as
20 described in paragraph (2) (A).

21 (C) If an individual has been granted a pardon
22 authorizing expungement as described in this Section,
23 the Prisoner Review Board, through the Attorney
24 General, shall file a petition for expungement with
25 the Chief Judge of the circuit or any judge of the
26 circuit designated by the Chief Judge where the

1 individual had been convicted. Such petition may
2 include more than one individual. Whenever an
3 individual who has been convicted of an offense is
4 granted a pardon by the Governor that specifically
5 authorizes expungement, an objection to the petition
6 may not be filed. Petitions to expunge under this
7 subsection (i) may include more than one individual.
8 Within 90 days of the filing of such a petition, the
9 court shall enter an order expunging the records of
10 arrest from the official records of the arresting
11 authority and order that the records of the circuit
12 court clerk and the Illinois State Police be expunged
13 and the name of the defendant obliterated from the
14 official index requested to be kept by the circuit
15 court clerk under Section 16 of the Clerks of Courts
16 Act in connection with the arrest and conviction for
17 the offense for which the individual had received a
18 pardon but the order shall not affect any index issued
19 by the circuit court clerk before the entry of the
20 order. Upon entry of the order of expungement, the
21 circuit court clerk shall promptly provide a copy of
22 the order and a certificate of disposition to the
23 individual who was pardoned to the individual's last
24 known address or by electronic means (if available) or
25 otherwise make it available to the individual upon
26 request.

1 (D) Nothing in this Section is intended to
2 diminish or abrogate any rights or remedies otherwise
3 available to the individual.

4 (3) Any individual may file a motion to vacate and
5 expunge a conviction for a misdemeanor or Class 4 felony
6 violation of Section 4 or Section 5 of the Cannabis
7 Control Act. Motions to vacate and expunge under this
8 subsection (i) may be filed with the circuit court, Chief
9 Judge of a judicial circuit or any judge of the circuit
10 designated by the Chief Judge. The circuit court clerk
11 shall promptly serve a copy of the motion to vacate and
12 expunge, and any supporting documentation, on the State's
13 Attorney or prosecutor charged with the duty of
14 prosecuting the offense. When considering such a motion to
15 vacate and expunge, a court shall consider the following:
16 the reasons to retain the records provided by law
17 enforcement, the petitioner's age, the petitioner's age at
18 the time of offense, the time since the conviction, and
19 the specific adverse consequences if denied. An individual
20 may file such a petition after the completion of any
21 non-financial sentence or non-financial condition imposed
22 by the conviction. Within 60 days of the filing of such
23 motion, a State's Attorney may file an objection to such a
24 petition along with supporting evidence. If a motion to
25 vacate and expunge is granted, the records shall be
26 expunged in accordance with subparagraphs (d)(8) and

1 (d) (9) (A) of this Section. An agency providing civil legal
2 aid, as defined by Section 15 of the Public Interest
3 Attorney Assistance Act, assisting individuals seeking to
4 file a motion to vacate and expunge under this subsection
5 may file motions to vacate and expunge with the Chief
6 Judge of a judicial circuit or any judge of the circuit
7 designated by the Chief Judge, and the motion may include
8 more than one individual. Motions filed by an agency
9 providing civil legal aid concerning more than one
10 individual may be prepared, presented, and signed
11 electronically.

12 (4) Any State's Attorney may file a motion to vacate
13 and expunge a conviction for a misdemeanor or Class 4
14 felony 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, and may include more than
19 one individual. Motions filed by a State's Attorney
20 concerning more than one individual may be prepared,
21 presented, and signed electronically. When considering
22 such a motion to vacate and expunge, a court shall
23 consider the following: the reasons to retain the records
24 provided by law enforcement, the individual's age, the
25 individual's age at the time of offense, the time since
26 the conviction, and the specific adverse consequences if

1 denied. Upon entry of an order granting a motion to vacate
2 and expunge records pursuant to this Section, the State's
3 Attorney shall notify the Prisoner Review Board within 30
4 days. Upon entry of the order of expungement, the circuit
5 court clerk shall promptly provide a copy of the order and
6 a certificate of disposition to the individual whose
7 records will be expunged to the individual's last known
8 address or by electronic means (if available) or otherwise
9 make available to the individual upon request. If a motion
10 to vacate and expunge is granted, the records shall be
11 expunged in accordance with subparagraphs (d)(8) and
12 (d)(9)(A) of this Section.

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

17 (6) If a person is arrested for a Minor Cannabis
18 Offense as defined in this Section before June 25, 2019
19 (the effective date of Public Act 101-27) and the person's
20 case is still pending but a sentence has not been imposed,
21 the person may petition the court in which the charges are
22 pending for an order to summarily dismiss those charges
23 against him or her, and expunge all official records of
24 his or her arrest, plea, trial, conviction, incarceration,
25 supervision, or expungement. If the court determines, upon
26 review, that: (A) the person was arrested before June 25,

1 2019 (the effective date of Public Act 101-27) for an
2 offense that has been made eligible for expungement; (B)
3 the case is pending at the time; and (C) the person has not
4 been sentenced of the minor cannabis violation eligible
5 for expungement under this subsection, the court shall
6 consider the following: the reasons to retain the records
7 provided by law enforcement, the petitioner's age, the
8 petitioner's age at the time of offense, the time since
9 the conviction, and the specific adverse consequences if
10 denied. If a motion to dismiss and expunge is granted, the
11 records shall be expunged in accordance with subparagraph
12 (d) (9) (A) of this Section.

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

17 (8) The Illinois State Police shall allow a person to
18 use the access and review process, established in the
19 Illinois State Police, for verifying that his or her
20 records relating to Minor Cannabis Offenses of the
21 Cannabis Control Act eligible under this Section have been
22 expunged.

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

26 (10) Effect of Expungement. A person's right to

1 expunge an expungeable offense shall not be limited under
2 this Section. The effect of an order of expungement shall
3 be to restore the person to the status he or she occupied
4 before the arrest, charge, or conviction.

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

8 (j) Felony Prostitution Convictions.

9 (1) Automatic Sealing of Felony Prostitution Arrests.

10 (A) The Illinois State Police and local law
11 enforcement agencies within the State shall
12 automatically seal the law enforcement records
13 relating to a person's Class 4 felony arrests and
14 charges not initiated by arrest for prostitution if
15 that arrest or charge not initiated by arrest is
16 eligible for sealing under paragraph (2) of subsection
17 (c).

18 (B) In the absence of a court order or upon the
19 order of a court, the clerk of the circuit court shall
20 automatically seal the court records and case files
21 relating to a person's Class 4 felony arrests and
22 charges not initiated by arrest for prostitution if
23 that arrest or charge not initiated by arrest is
24 eligible for sealing under paragraph (2) of subsection
25 (c).

26 (C) The automatic sealing described in this

1 paragraph (1) shall be completed no later than January
2 1, 2028.

3 (2) Automatic Sealing of Felony Prostitution
4 Convictions.

5 (A) The Illinois State Police and local law
6 enforcement agencies within the State shall
7 automatically seal the law enforcement records
8 relating to a person's Class 4 felony conviction for
9 prostitution if those records are eligible for sealing
10 under paragraph (2) of subsection (c).

11 (B) In the absence of a court order or upon the
12 order of a court, the clerk of the circuit court shall
13 automatically seal the court records relating to a
14 person's Class 4 felony conviction for prostitution if
15 those records are eligible for sealing under paragraph
16 (2) of subsection (c).

17 (C) The automatic sealing of records described in
18 this paragraph (2) shall be completed no later than
19 January 1, 2028.

20 (3) Motions to Vacate and Expunge Felony Prostitution
21 Convictions. Any individual may file a motion to vacate
22 and expunge a conviction for a prior Class 4 felony
23 violation of prostitution. Motions to vacate and expunge
24 under this subsection (j) may be filed with the circuit
25 court, Chief Judge of a judicial circuit, or any judge of
26 the circuit designated by the Chief Judge. When

1 considering the motion to vacate and expunge, a court
2 shall consider the following:

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 and

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

25 (4) Any State's Attorney may file a motion to vacate
26 and expunge a conviction for a Class 4 felony violation of

1 prostitution. Motions to vacate and expunge under this
2 subsection (j) may be filed with the circuit court, Chief
3 Judge of a judicial circuit, or any judge of the circuit
4 court designated by the Chief Judge, and may include more
5 than one individual. When considering the motion to vacate
6 and expunge, a court shall consider the following reasons:

7 (A) the reasons to retain the records provided by
8 law enforcement;

9 (B) the petitioner's age;

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

11 (D) the time since the conviction; and

12 (E) the specific adverse consequences if denied.

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

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

24 (6) The Illinois State Police shall allow a person to
25 a use the access and review process, established in the
26 Illinois State Police, for verifying that his or her

1 records relating to felony prostitution eligible under
2 this Section have been expunged.

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

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

11 (9) Information. The Illinois State Police shall post
12 general information on its website about the expungement
13 or sealing process described in this subsection (j).

14 (k) Automatic Sealing.

15 (1) Applicability. Notwithstanding any other provision
16 of this Act, and cumulative with any rights to expungement
17 or sealing of criminal records, this subsection authorizes
18 the automatic sealing of criminal records of adults and of
19 minors prosecuted as adults. Any duties imposed upon the
20 Illinois State Police by this Act are subject to
21 appropriations being made for that purpose to the State
22 Police Services Fund. Any duties imposed upon circuit
23 clerks by this Act are subject to appropriations being
24 made for that purpose to the Circuit Court Clerk Operation
25 and Administrative Fund.

26 (2) Beginning January 1, 2029, records created on or

1 after January 1, 1970 that meet the eligibility criteria
2 in paragraph (k)(3) and timing criteria in paragraph
3 (k)(4) or (k)(5) shall be automatically sealed without the
4 filing of a petition. The Illinois State Police shall
5 identify eligible records, automatically seal eligible
6 records, and provide an electronic notice to circuit
7 clerks, by means of the applicable e-filing system.

8 Commencing January 1, 2029, the Illinois State Police
9 shall, at least quarterly, seal all records identified as
10 subject to automatic sealing in paragraph (k)(3) and
11 meeting time requirements under paragraph (k)(5). At least
12 quarterly, the Illinois State Police shall electronically
13 notify each circuit court of all previously unidentified
14 records originating in that county for which a record is
15 subject to automatic sealing pursuant to this subsection.

16 Upon receipt of notice from the Illinois State Police,
17 circuit clerks shall seal records as that term is defined
18 in subsection (a)(1)(K)(ii). For records held
19 electronically, circuit clerks shall seal records within
20 90 days of notice from the Illinois State Police. For
21 records not held electronically, circuit clerks shall
22 ensure that the individual's name is obliterated from the
23 official index required to be kept by the circuit court
24 clerk under Section 16 of the Clerks of Courts Act and
25 shall also ensure that the permanent record, as defined by
26 the Supreme Court, is sealed as defined in subsection

1 (a) (1) (K) (ii) before anyone not authorized by law is able
2 to access the physical records.

3 For all records created before January 1, 2029, the
4 following timelines shall apply:

5 (A) Records created prior to January 1, 2029 but
6 on or after July 1, 2005 shall be identified and sealed
7 by the Illinois State Police, with notice provided to
8 circuit clerks by means of the applicable e-filing
9 system, by January 1, 2030. Circuit clerks shall seal
10 records in accordance with the procedures established
11 in this Section by January 1, 2031.

12 (B) Records created prior to July 1, 2005 but on or
13 after July 1, 1990 shall be identified and sealed by
14 the Illinois State Police, with notice provided to
15 circuit clerks by means of the applicable e-filing
16 system, by January 1, 2031. Circuit clerks shall seal
17 records in accordance with the procedures established
18 in this Section by January 1, 2032.

19 (C) Records created prior to July 1, 1990 but on or
20 after July 1, 1970 shall be identified and sealed by
21 the Illinois State Police, with notice provided to
22 circuit clerks by means of the applicable e-filing
23 system, by January 1, 2032. Circuit clerks shall seal
24 records in accordance with the procedures established
25 in this Section by January 1, 2034.

26 (3) Records listed in subsection (c) (2) are eligible

1 for automatic record sealing unless excluded by subsection
2 (a) (3) or in this paragraph (3):

3 (A) Records are not eligible for automatic sealing
4 while the subject of the record is serving a sentence,
5 order of supervision, or order of qualified probation
6 for a criminal offense in this State. Records are not
7 eligible for automatic sealing if the subject of the
8 record has pending filed charges. For the purposes of
9 determining if a charge is pending, if the Illinois
10 State Police is otherwise unable to determine
11 disposition status, misdemeanor charges shall not be
12 considered pending if one year has elapsed since the
13 filing of charges and felony charges shall not be
14 considered pending if 7 years have elapsed since the
15 filing of charges.

16 (B) Records of conviction for offenses included in
17 Article 9 or 11 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, for felonies designated as
19 Class X, and for felonies that require public
20 registration under the Sex Offender Registration Act
21 are not eligible for automatic sealing.
22 Notwithstanding this subparagraph, offenses included
23 in Section 11-14 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 are eligible for automatic
25 sealing. A conviction of a crime of violence, as that
26 term is defined in Section 20 of the Drug Court

1 Treatment Act, is not eligible for automatic sealing.
2 A conviction of trafficking in persons, involuntary
3 servitude, or involuntary sexual servitude of a minor,
4 a conviction of organized retail crime, a conviction
5 of robbery, a conviction of vehicular hijacking, a
6 conviction of burglary that is a Class 1 or 2 felony,
7 or a conviction of residential burglary, as those
8 terms are used in Sections 10-9, 16-25.1, 18-1, 18-3,
9 19-1, and 19-3 of the Criminal Code of 2012, is not
10 eligible for automatic sealing. Convictions requiring
11 public registration under the Arsonist Registration
12 Act or the Murderer and Violent Offender Against Youth
13 Registration Act are not eligible for automatic
14 sealing until the petitioner is no longer required to
15 register under the relevant Act.

16 (C) Records with the same case number as a
17 conviction listed in subparagraph (B) are not eligible
18 for automatic sealing.

19 (D) Felony conviction records are not eligible for
20 automatic sealing until all felony conviction records
21 eligible for automatic sealing for the subject of the
22 record have met the time requirements in paragraph
23 (5).

24 (4) Automatic Sealing of Nonconviction Records.
25 Arrests or charges not initiated by arrest resulting in
26 acquittal or dismissal, except as excluded by subsection

1 (a) (3) (B), that occur on or after January 1, 2029 shall be
2 sealed immediately after entry of the final disposition of
3 a case, except as provided in subsection (k) (3) (C). Upon
4 entry of a disposition for an eligible record under this
5 paragraph, the defendant shall be informed by the court
6 that the defendant's eligible records will be immediately
7 sealed and the procedure for the immediate sealing of
8 these records. The court shall enter an order sealing the
9 record after entry of the final disposition of a case.
10 After sealing records pursuant to this paragraph, the
11 circuit court clerk must provide notice of sealing to the
12 Illinois State Police and to the arresting agency in a
13 form and manner prescribed by the Supreme Court. The
14 circuit clerk shall provide this notice within 30 days of
15 sealing the record and may do so electronically. An order
16 to immediately seal records shall be implemented in
17 conformance with paragraph (8).

18 (5) When Records are Subject to Automatic Sealing.

19 (A) Records of arrest resulting in release without
20 charging and records of arrests or charges not
21 initiated by arrest resulting in acquittal, dismissal,
22 or conviction when the conviction was reversed or
23 vacated are subject to automatic sealing immediately.

24 (B) Records of arrests or charges not initiated by
25 arrest resulting in orders of supervision, including
26 orders of supervision for municipal ordinance

1 violations, resulting in orders of qualified
2 probation, are subject to automatic sealing if 2 years
3 have elapsed since the termination of the order of
4 supervision or qualified probation.

5 (C) Arrests or charges not initiated by arrest
6 resulting in misdemeanor convictions are subject to
7 automatic sealing if two years have elapsed since the
8 termination of the sentence associated with the
9 record.

10 (D) Arrests or charges not initiated by arrest
11 resulting in convictions for felony offenses are
12 subject to automatic sealing if 3 years have elapsed
13 since the termination of the sentence associated with
14 the record.

15 (E) For the purposes of determining if the
16 timelines in this paragraph (5) have been met, the
17 Illinois State Police shall consider records in its
18 possession and, in the absence of disposition or
19 sentence termination records, shall deem sentences
20 terminated based on the sentence or supervision term
21 length information in its possession. In the absence
22 of a known term length of probation or conditional
23 discharge, the Illinois State Police shall deem a term
24 completed if the maximum probation or conditional
25 discharge term length for the statutory class of the
26 offense has elapsed since the disposition date.

1 (6) Notice. At least monthly, the circuit court clerk
2 shall provide notice to each arresting agency of all
3 records sealed under this subsection. The circuit court
4 clerk may provide this notice electronically.

5 (7) Implementation.

6 (A) Upon notice of sealing provided by the circuit
7 court clerk, the arresting agency and any other agency
8 receiving notice of sealing shall seal the records
9 under the procedures in subsections (a) (1) (K) and
10 (d) (9) (C).

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

17 (C) Each circuit court that has sealed a record
18 shall make those records available to the subject of
19 the record, or an attorney representing the subject of
20 the record, without court order within 7 days.

21 (8) Upon request, the circuit court clerk shall
22 provide disposition information for any record sealed
23 pursuant to this subsection to the Illinois State Police,
24 the arresting agency, the State's Attorney, or prosecutor
25 that prosecuted the offense. If the Illinois State Police,
26 arresting agency, State's Attorney, or prosecutor that

1 prosecuted the offense determine a record has been
2 improperly sealed pursuant to this subsection, the
3 Illinois State Police, arresting agency, State's Attorney,
4 or prosecutor that prosecuted the offense may file a
5 petition to unseal the record with the court that entered
6 the original record. If the court determines the record
7 was improperly sealed, the court shall enter an order
8 unsealing the record.

9 (9) Records sealed under this subsection shall be used
10 and disseminated by the Illinois State Police only as
11 required or authorized by a federal or State law, rule, or
12 regulation that requires inquiry into and release of
13 criminal records. The Department of Corrections shall have
14 access to all sealed records of the Illinois State Police
15 pertaining to individuals committed or confined within or
16 sentenced to a term of imprisonment within a correctional
17 institution or facility.

18 (10) The Illinois State Police shall allow a person to
19 use the access and review process, established by the
20 Illinois State Police, for verifying that the person's
21 records eligible under this subsection have been sealed.
22 As part of the access and review process, upon request,
23 the Illinois State Police shall provide the subject of the
24 record written confirmation that the record was sealed
25 under this subsection.

26 (11) An individual may challenge the individual's

1 record and request corrections, including the sealing of
2 records eligible under this subsection, by completing and
3 submitting a record challenge form to the Illinois State
4 Police. The Illinois State Police shall automatically seal
5 all records identified as eligible under this subsection
6 based on the access and review process. The Illinois State
7 Police shall include any records identified as eligible
8 under this process in the next electronic notification of
9 the circuit court in which the case originated. The
10 Illinois State Police shall render a final administrative
11 decision with respect to the record challenge, which shall
12 be subject to administrative appeal procedures established
13 by the Illinois Criminal Justice Information Authority.

14 (12) Nothing in this Section shall be construed to
15 restrict or modify an individual's right to have that
16 individual's records expunged or sealed except as
17 otherwise may be provided in this Act or diminish or
18 abrogate any rights or remedies otherwise available to the
19 individual.

20 (13) The State or the county, or an official or
21 employee of the State or the county acting in the course of
22 the official's or employee's duties, is not liable for an
23 injury or loss a person might receive due to an act or
24 omission of a person in the commission of the person's
25 duties under this Act, except for willful, wanton
26 misconduct or gross negligence on the part of the

1 governmental unit or on the part of the official or
2 employee.

3 (1) Municipal ordinance violations and Class C
4 misdemeanors. Notwithstanding any other provision of this Act
5 to the contrary and cumulative with any rights to expungement
6 of criminal records, this subsection requires the sealing of
7 criminal records of municipal ordinance violations and Class C
8 misdemeanors without petition. Beginning January 1, 2028, and
9 on January 1 and July 1 of each year thereafter, circuit court
10 clerks shall seal any criminal records of arrests or charges
11 not initiated by arrest resulting in charges or convictions
12 for municipal ordinance violations or Class C misdemeanors if
13 one year has elapsed since the case was closed as designated by
14 the Supreme Court.

15 (Source: P.A. 103-35, eff. 1-1-24; 103-154, eff. 6-30-23;
16 103-609, eff. 7-1-24; 103-755, eff. 8-2-24; 103-1071, eff.
17 7-1-25; 104-417, eff. 8-15-25; revised 9-17-25.)

18 (20 ILCS 2630/5.3 new)

19 Sec. 5.3. Illinois Clean Slate Task Force.

20 (a) There is created the Illinois Clean Slate Task Force
21 to monitor the development of processes for sealing criminal
22 records without petition, to create a plan for the
23 implementation of this amendatory Act of the 104th General
24 Assembly, and to monitor implementation.

25 (b) The Task Force shall be composed of the following

1 members:

2 (1) The Director of the Illinois State Police or the
3 Director's designee.

4 (2) The Director of the Administrative Office of the
5 Illinois Courts or the Director's designee.

6 (3) A representative appointed by the Supreme Court of
7 Illinois.

8 (4) A representative of an association representing
9 sheriffs, appointed by the Minority Leader of the House of
10 Representatives.

11 (5) A representative of an association representing
12 State's Attorneys, appointed by Minority Leader of the
13 Senate.

14 (6) The Executive Director of the Illinois Sentencing
15 Policy Advisory Council or the Executive Director's
16 designee.

17 (7) Three circuit court clerks appointed by the
18 Governor, or the clerks' designees, one of whom represents
19 a county with a population equal to or greater than
20 3,000,000, one of whom represents a population equal to or
21 greater than 250,000 and less than 3,000,000, and one of
22 whom represents a population under 250,000.

23 (8) Two representatives from organizations that
24 advocate for currently or formerly incarcerated people,
25 one appointed by the Speaker of the House of
26 Representatives and one appointed by the Senate President.

1 (9) Two practitioners who represent people petitioning
2 for record sealing, one appointed by the Speaker of the
3 House of Representatives and one appointed by the Senate
4 President.

5 (10) One member appointed by the Speaker of the House
6 of Representatives.

7 (11) One member appointed by the House Minority
8 Leader.

9 (12) One member appointed by the Senate President.

10 (13) One member appointed by the Senate Minority
11 Leader.

12 (14) Two members of the public with a criminal record
13 appointed by the Lieutenant Governor.

14 (c) Co-chairpersons of the Task Force shall be elected
15 from among the members of the Task Force by a majority vote of
16 the Task Force. All appointments must be made under this
17 Section within 60 days after the effective date of this
18 amendatory Act of the 104th General Assembly, and the first
19 meeting must be held within 90 days after the effective date of
20 this amendatory Act of the 104th General Assembly. If a
21 vacancy occurs in the Task Force membership, the vacancy shall
22 be filled in the same manner as the original appointment for
23 the remainder of the Task Force.

24 (d) Task Force members shall serve without compensation.

25 (e) The Task Force shall meet, either virtually or in
26 person, at least 4 times each year. Each meeting, including

1 the meeting required under subsection (c), shall be set by the
2 Task Force co-chairpersons.

3 (f) The Task Force shall review best practices, research,
4 and case studies in other states that have passed automatic
5 record change laws. The Task Force shall examine processes for
6 communication between circuit court clerks, the Administrative
7 Office of the Illinois Courts, and the Illinois State Police
8 for the purposes of record correction, notification of records
9 eligible for automatic sealing, and record matching. The Task
10 Force shall research opportunities for the improvement of the
11 transmission of supervision termination and sentence
12 termination information from circuit court clerks and the
13 Illinois Department of Corrections to the Illinois State
14 Police for the purposes of identifying records eligible for
15 automatic sealing.

16 (g) The Task Force shall produce and submit an annual
17 report before June 30th of each year detailing progress toward
18 implementation of its duties under this Section,
19 recommendations to address challenges to implementation, and
20 needed resources to the General Assembly.

21 (h) The Illinois Criminal Justice Information Authority
22 shall provide administrative and other support to the Task
23 Force. The General Assembly may appropriate funds to the
24 Illinois Criminal Justice Information Authority for the
25 purpose of funding the work of the Task Force or services
26 provided under this Section.

1 (i) The Task Force is dissolved 5 years after the
2 effective date of this amendatory Act of the 104th General
3 Assembly.

4 (j) This Section is repealed 6 years after the effective
5 date of this amendatory Act of the 104th General Assembly.

6 (20 ILCS 2630/13)

7 Sec. 13. Retention and release of sealed records.

8 (a) The Illinois State Police shall retain records sealed
9 ~~under subsection (c) or (c-5) of Section 5.2~~ or impounded
10 ~~under subparagraph (B) or (B-5) of paragraph (9) of subsection~~
11 ~~(d) of Section 5.2~~ and shall release them only as authorized by
12 this Act. Felony records sealed ~~under subsection (c) or (c-5)~~
13 ~~of Section 5.2~~ or impounded under ~~subparagraph (B) or (B-5) of~~
14 ~~paragraph (9) of subsection (d) of Section 5.2~~ shall be used
15 and disseminated by the Illinois State Police only as
16 otherwise specifically required or authorized by a federal or
17 State law, rule, or regulation that requires inquiry into and
18 release of criminal records, including, but not limited to,
19 subsection (A) of Section 3 of this Act. However, all requests
20 for records that have been expunged, sealed, and impounded and
21 the use of those records are subject to the provisions of
22 Section 2-103 of the Illinois Human Rights Act. Upon
23 conviction for any offense, the Department of Corrections
24 shall have access to all sealed records of the Illinois State
25 Police pertaining to that individual.

1 (b) Notwithstanding the foregoing, all sealed or impounded
2 records are subject to inspection and use by the court and
3 inspection and use by law enforcement agencies and State's
4 Attorneys or other prosecutors in carrying out the duties of
5 their offices.

6 (c) The sealed or impounded records maintained under
7 subsection (a) are exempt from disclosure under the Freedom of
8 Information Act.

9 (d) The Illinois State Police shall commence the sealing
10 of records of felony arrests and felony convictions pursuant
11 to the provisions of subsection (c) of Section 5.2 of this Act
12 no later than one year from the date that funds have been made
13 available for purposes of establishing the technologies
14 necessary to implement the changes made by this amendatory Act
15 of the 93rd General Assembly.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 (20 ILCS 2630/14)

18 Sec. 14. Expungement Backlog Accountability Law.

19 (a) On or before August 1 of each year, the Illinois State
20 Police shall report to the Governor, the Attorney General, the
21 Office of the State Appellate Defender, and both houses of the
22 General Assembly the following information for the previous
23 fiscal year:

24 (1) the number of petitions to expunge received by the
25 Illinois State Police;

1 (2) the number of petitions to expunge to which the
2 Illinois State Police objected pursuant to subdivision
3 (d) (5) (B) of Section 5.2 of this Act;

4 (3) the number of petitions to seal records received
5 by the Illinois State Police;

6 (4) the number of petitions to seal records to which
7 the Illinois State Police objected pursuant to subdivision
8 (d) (5) (B) of Section 5.2 of this Act;

9 (5) the number of orders to expunge received by the
10 Illinois State Police;

11 (6) the number of orders to expunge to which the
12 Illinois State Police successfully filed a motion to
13 vacate, modify or reconsider under paragraph (12) of
14 subsection (d) of Section 5.2 of this Act;

15 (7) the number of orders to expunge records entered by
16 the Illinois State Police;

17 (8) the number of orders to seal records received by
18 the Illinois State Police;

19 (9) the number of orders to seal records to which the
20 Illinois State Police successfully filed a motion to
21 vacate, modify or reconsider under paragraph (12) of
22 subsection (d) of Section 5.2 of this Act;

23 (10) the number of orders to seal records entered by
24 the Illinois State Police;

25 (11) the amount of fees received by the Illinois State
26 Police pursuant to subdivision (d) (10) of Section 5.2 of

1 this Act and deposited into the State Police Services
2 Fund;

3 (12) the number of orders to expunge or to seal
4 records received by the Illinois State Police that have
5 not been entered as of June 30 of the previous fiscal
6 year;

7 (13) the total number of records sealed pursuant to
8 automated sealing under subsection (k) of Section 5.2;

9 (14) the number of conviction records sealed pursuant
10 to automated sealing under subsection (k) of Section 5.2;

11 (15) the number of conviction records sealed pursuant
12 to automated sealing under subsection (k) of Section 5.2
13 by misdemeanor or felony class; and

14 (16) the number of records sealed pursuant to
15 automated sealing under subsection (k) of Section 5.2 by
16 county.

17 (b) The information reported under this Section shall be
18 made available to the public, at the time it is reported, on
19 the official web site of the Illinois State Police.

20 (c) Upon request of a State's Attorney or the Attorney
21 General, the Illinois State Police shall provide within 90
22 days a list of all orders to expunge or seal with which the
23 Illinois State Police has not yet complied. This list shall
24 include the date of the order, the name of the petitioner, the
25 case number, and a detailed statement of the basis for
26 non-compliance.

1 (Source: P.A. 102-538, eff. 8-20-21.)

2 Section 10. The Juvenile Court Act of 1987 is amended by
3 changing Sections 1-8 and 5-901 as follows:

4 (705 ILCS 405/1-8)

5 Sec. 1-8. Confidentiality and accessibility of juvenile
6 court records.

7 (A) A juvenile adjudication shall never be considered a
8 conviction nor shall an adjudicated individual be considered a
9 criminal. Unless expressly allowed by law, a juvenile
10 adjudication shall not operate to impose upon the individual
11 any of the civil disabilities ordinarily imposed by or
12 resulting from conviction. Unless expressly allowed by law,
13 adjudications shall not prejudice or disqualify the individual
14 in any civil service application or appointment, from holding
15 public office, or from receiving any license granted by public
16 authority. All juvenile court records which have not been
17 expunged are sealed and may never be disclosed to the general
18 public or otherwise made widely available. Sealed juvenile
19 court records may be obtained only under this Section and
20 Section 1-7 and Part 9 of Article V of this Act, when their use
21 is needed for good cause and with an order from the juvenile
22 court. Inspection and copying of juvenile court records
23 relating to a minor who is the subject of a proceeding under
24 this Act shall be restricted to the following:

1 (1) The minor who is the subject of record, the
2 minor's parents, guardian, and counsel.

3 (2) Law enforcement officers and law enforcement
4 agencies when such information is essential to executing
5 an arrest or search warrant or other compulsory process,
6 or to conducting an ongoing investigation or relating to a
7 minor who has been adjudicated delinquent and there has
8 been a previous finding that the act which constitutes the
9 previous offense was committed in furtherance of criminal
10 activities by a criminal street gang.

11 Before July 1, 1994, for the purposes of this Section,
12 "criminal street gang" means any ongoing organization,
13 association, or group of 3 or more persons, whether formal
14 or informal, having as one of its primary activities the
15 commission of one or more criminal acts and that has a
16 common name or common identifying sign, symbol, or
17 specific color apparel displayed, and whose members
18 individually or collectively engage in or have engaged in
19 a pattern of criminal activity.

20 Beginning July 1, 1994, for purposes of this Section,
21 "criminal street gang" has the meaning ascribed to it in
22 Section 10 of the Illinois Streetgang Terrorism Omnibus
23 Prevention Act.

24 (3) Judges, hearing officers, prosecutors, public
25 defenders, probation officers, social workers, or other
26 individuals assigned by the court to conduct a

1 pre-adjudication or pre-disposition investigation, and
2 individuals responsible for supervising or providing
3 temporary or permanent care and custody for minors under
4 the order of the juvenile court when essential to
5 performing their responsibilities.

6 (4) Judges, federal, State, and local prosecutors,
7 public defenders, probation officers, and designated
8 staff:

9 (a) in the course of a trial when institution of
10 criminal proceedings has been permitted or required
11 under Section 5-805;

12 (b) when criminal proceedings have been permitted
13 or required under Section 5-805 and a minor is the
14 subject of a proceeding to determine the conditions of
15 pretrial release;

16 (c) when criminal proceedings have been permitted
17 or required under Section 5-805 and a minor is the
18 subject of a pre-trial investigation, pre-sentence
19 investigation or fitness hearing, or proceedings on an
20 application for probation; or

21 (d) when a minor becomes 18 years of age or older,
22 and is the subject of criminal proceedings, including
23 a hearing to determine the conditions of pretrial
24 release, a pre-trial investigation, a pre-sentence
25 investigation, a fitness hearing, or proceedings on an
26 application for probation.

1 (5) Adult and Juvenile Prisoner Review Boards.

2 (6) Authorized military personnel.

3 (6.5) Employees of the federal government authorized
4 by law.

5 (7) Victims, their subrogees and legal
6 representatives; however, such persons shall have access
7 only to the name and address of the minor and information
8 pertaining to the disposition or alternative adjustment
9 plan of the juvenile court.

10 (8) Persons engaged in bona fide research, with the
11 permission of the presiding judge of the juvenile court
12 and the chief executive of the agency that prepared the
13 particular records; provided that publication of such
14 research results in no disclosure of a minor's identity
15 and protects the confidentiality of the record.

16 (9) The Secretary of State to whom the Clerk of the
17 Court shall report the disposition of all cases, as
18 required in Section 6-204 of the Illinois Vehicle Code.
19 However, information reported relative to these offenses
20 shall be privileged and available only to the Secretary of
21 State, courts, and police officers.

22 (10) The administrator of a bonafide substance abuse
23 student assistance program with the permission of the
24 presiding judge of the juvenile court.

25 (11) Mental health professionals on behalf of the
26 Department of Corrections or the Department of Human

1 Services or prosecutors who are evaluating, prosecuting,
2 or investigating a potential or actual petition brought
3 under the Sexually Violent Persons Commitment Act relating
4 to a person who is the subject of juvenile court records or
5 the respondent to a petition brought under the Sexually
6 Violent Persons Commitment Act, who is the subject of
7 juvenile court records sought. Any records and any
8 information obtained from those records under this
9 paragraph (11) may be used only in sexually violent
10 persons commitment proceedings.

11 (12) (Blank).

12 (A-1) Findings and exclusions of paternity entered in
13 proceedings occurring under Article II of this Act shall be
14 disclosed, in a manner and form approved by the Presiding
15 Judge of the Juvenile Court, to the Department of Healthcare
16 and Family Services when necessary to discharge the duties of
17 the Department of Healthcare and Family Services under Article
18 X of the Illinois Public Aid Code.

19 (B) A minor who is the victim in a juvenile proceeding
20 shall be provided the same confidentiality regarding
21 disclosure of identity as the minor who is the subject of
22 record.

23 (C) (0.1) In cases where the records concern a pending
24 juvenile court case, the requesting party seeking to inspect
25 the juvenile court records shall provide actual notice to the
26 attorney or guardian ad litem of the minor whose records are

1 sought.

2 (0.2) In cases where the juvenile court records concern a
3 juvenile court case that is no longer pending, the requesting
4 party seeking to inspect the juvenile court records shall
5 provide actual notice to the minor or the minor's parent or
6 legal guardian, and the matter shall be referred to the chief
7 judge presiding over matters pursuant to this Act.

8 (0.3) In determining whether juvenile court records should
9 be made available for inspection and whether inspection should
10 be limited to certain parts of the file, the court shall
11 consider the minor's interest in confidentiality and
12 rehabilitation over the requesting party's interest in
13 obtaining the information. The State's Attorney, the minor,
14 and the minor's parents, guardian, and counsel shall at all
15 times have the right to examine court files and records.

16 (0.4) Any records obtained in violation of this Section
17 shall not be admissible in any criminal or civil proceeding,
18 or operate to disqualify a minor from subsequently holding
19 public office, or operate as a forfeiture of any public
20 benefit, right, privilege, or right to receive any license
21 granted by public authority.

22 (D) Pending or following any adjudication of delinquency
23 for any offense defined in Sections 11-1.20 through 11-1.60 or
24 12-13 through 12-16 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, the victim of any such offense shall
26 receive the rights set out in Sections 4 and 6 of the Rights of

1 Crime Victims and Witnesses Act; and the juvenile who is the
2 subject of the adjudication, notwithstanding any other
3 provision of this Act, shall be treated as an adult for the
4 purpose of affording such rights to the victim.

5 (E) Nothing in this Section shall affect the right of a
6 Civil Service Commission or appointing authority of the
7 federal government, or any state, county, or municipality
8 examining the character and fitness of an applicant for
9 employment with a law enforcement agency, correctional
10 institution, or fire department to ascertain whether that
11 applicant was ever adjudicated to be a delinquent minor and,
12 if so, to examine the records of disposition or evidence which
13 were made in proceedings under this Act.

14 (F) Following any adjudication of delinquency for a crime
15 which would be a felony if committed by an adult, or following
16 any adjudication of delinquency for a violation of Section
17 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, the State's Attorney shall ascertain
19 whether the minor respondent is enrolled in school and, if so,
20 shall provide a copy of the dispositional order to the
21 principal or chief administrative officer of the school.
22 Access to the dispositional order shall be limited to the
23 principal or chief administrative officer of the school and
24 any school counselor designated by the principal or chief
25 administrative officer.

26 (G) Nothing contained in this Act prevents the sharing or

1 disclosure of information or records relating or pertaining to
2 juveniles subject to the provisions of the Serious Habitual
3 Offender Comprehensive Action Program when that information is
4 used to assist in the early identification and treatment of
5 habitual juvenile offenders.

6 (H) When a court hearing a proceeding under Article II of
7 this Act becomes aware that an earlier proceeding under
8 Article II had been heard in a different county, that court
9 shall request, and the court in which the earlier proceedings
10 were initiated shall transmit, an authenticated copy of the
11 juvenile court record, including all documents, petitions, and
12 orders filed and the minute orders, transcript of proceedings,
13 and docket entries of the court.

14 (I) The Clerk of the Circuit Court shall report to the
15 Illinois State Police, in the form and manner required by the
16 Illinois State Police, the final disposition of each minor who
17 has been arrested or taken into custody before the minor's
18 18th birthday for those offenses required to be reported under
19 Section 5 of the Criminal Identification Act. Information
20 reported to the Illinois State Police under this Section may
21 be maintained with records that the Illinois State Police
22 files under Section 2.1 of the Criminal Identification Act.
23 Upon request, the circuit court clerk shall provide the
24 disposition information for any case or record required to be
25 reported to the Illinois State Police under Section 2.1 or 5 of
26 the Criminal Identification Act.

1 (J) The changes made to this Section by Public Act 98-61
2 apply to juvenile law enforcement records of a minor who has
3 been arrested or taken into custody on or after January 1, 2014
4 (the effective date of Public Act 98-61).

5 (K) Willful violation of this Section is a Class C
6 misdemeanor and each violation is subject to a fine of \$1,000.
7 This subsection (K) shall not apply to the person who is the
8 subject of the record.

9 (L) A person convicted of violating this Section is liable
10 for damages in the amount of \$1,000 or actual damages,
11 whichever is greater.

12 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
13 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-379, eff.
14 7-28-23; 103-605, eff. 7-1-24.)

15 (705 ILCS 405/5-901)

16 Sec. 5-901. Court file.

17 (1) The court file with respect to proceedings under this
18 Article shall consist of the petitions, pleadings, victim
19 impact statements, process, service of process, orders, writs
20 and docket entries reflecting hearings held and judgments and
21 decrees entered by the court. The court file shall be kept
22 separate from other records of the court.

23 (a) The file, including information identifying the
24 victim or alleged victim of any sex offense, shall be
25 disclosed only to the following parties when necessary for

1 discharge of their official duties:

2 (i) A judge of the circuit court and members of the
3 staff of the court designated by the judge;

4 (ii) Parties to the proceedings and their
5 attorneys;

6 (iii) Victims and their attorneys, except in cases
7 of multiple victims of sex offenses in which case the
8 information identifying the nonrequesting victims
9 shall be redacted;

10 (iv) Probation officers, law enforcement officers
11 or prosecutors or their staff;

12 (v) Adult and juvenile Prisoner Review Boards.

13 (b) The Court file redacted to remove any information
14 identifying the victim or alleged victim of any sex
15 offense shall be disclosed only to the following parties
16 when necessary for discharge of their official duties:

17 (i) Authorized military personnel;

18 (ii) Persons engaged in bona fide research, with
19 the permission of the judge of the juvenile court and
20 the chief executive of the agency that prepared the
21 particular recording: provided that publication of
22 such research results in no disclosure of a minor's
23 identity and protects the confidentiality of the
24 record;

25 (iii) The Secretary of State to whom the Clerk of
26 the Court shall report the disposition of all cases,

1 as required in Section 6-204 or Section 6-205.1 of the
2 Illinois Vehicle Code. However, information reported
3 relative to these offenses shall be privileged and
4 available only to the Secretary of State, courts, and
5 police officers;

6 (iv) The administrator of a bonafide substance
7 abuse student assistance program with the permission
8 of the presiding judge of the juvenile court;

9 (v) Any individual, or any public or private
10 agency or institution, having custody of the juvenile
11 under court order or providing educational, medical or
12 mental health services to the juvenile or a
13 court-approved advocate for the juvenile or any
14 placement provider or potential placement provider as
15 determined by the court.

16 (2) (Reserved).

17 (3) A minor who is the victim or alleged victim in a
18 juvenile proceeding shall be provided the same confidentiality
19 regarding disclosure of identity as the minor who is the
20 subject of record. Information identifying victims and alleged
21 victims of sex offenses, shall not be disclosed or open to
22 public inspection under any circumstances. Nothing in this
23 Section shall prohibit the victim or alleged victim of any sex
24 offense from voluntarily disclosing this identity.

25 (4) Relevant information, reports and records shall be
26 made available to the Department of Juvenile Justice when a

1 juvenile offender has been placed in the custody of the
2 Department of Juvenile Justice.

3 (4.5) Relevant information, reports and records, held by
4 the Department of Juvenile Justice, including social
5 investigation, psychological and medical records, of any
6 juvenile offender, shall be made available to any county
7 juvenile detention facility upon written request by the
8 Superintendent or Director of that juvenile detention
9 facility, to the Chief Records Officer of the Department of
10 Juvenile Justice where the subject youth is or was in the
11 custody of the Department of Juvenile Justice and is
12 subsequently ordered to be held in a county juvenile detention
13 facility.

14 (5) Except as otherwise provided in this subsection (5),
15 juvenile court records shall not be made available to the
16 general public but may be inspected by representatives of
17 agencies, associations and news media or other properly
18 interested persons by general or special order of the court.
19 The State's Attorney, the minor, the minor's parents, guardian
20 and counsel shall at all times have the right to examine court
21 files and records.

22 (a) The court shall allow the general public to have
23 access to the name, address, and offense of a minor who is
24 adjudicated a delinquent minor under this Act under either
25 of the following circumstances:

26 (i) The adjudication of delinquency was based upon

1 the minor's commission of first degree murder, attempt
2 to commit first degree murder, aggravated criminal
3 sexual assault, or criminal sexual assault; or

4 (ii) The court has made a finding that the minor
5 was at least 13 years of age at the time the act was
6 committed and the adjudication of delinquency was
7 based upon the minor's commission of: (A) an act in
8 furtherance of the commission of a felony as a member
9 of or on behalf of a criminal street gang, (B) an act
10 involving the use of a firearm in the commission of a
11 felony, (C) an act that would be a Class X felony
12 offense under or the minor's second or subsequent
13 Class 2 or greater felony offense under the Cannabis
14 Control Act if committed by an adult, (D) an act that
15 would be a second or subsequent offense under Section
16 402 of the Illinois Controlled Substances Act if
17 committed by an adult, (E) an act that would be an
18 offense under Section 401 of the Illinois Controlled
19 Substances Act if committed by an adult, or (F) an act
20 that would be an offense under the Methamphetamine
21 Control and Community Protection Act if committed by
22 an adult.

23 (b) The court shall allow the general public to have
24 access to the name, address, and offense of a minor who is
25 at least 13 years of age at the time the offense is
26 committed and who is convicted, in criminal proceedings

1 permitted or required under Section 5-805, under either of
2 the following circumstances:

3 (i) The minor has been convicted of first degree
4 murder, attempt to commit first degree murder,
5 aggravated criminal sexual assault, or criminal sexual
6 assault,

7 (ii) The court has made a finding that the minor
8 was at least 13 years of age at the time the offense
9 was committed and the conviction was based upon the
10 minor's commission of: (A) an offense in furtherance
11 of the commission of a felony as a member of or on
12 behalf of a criminal street gang, (B) an offense
13 involving the use of a firearm in the commission of a
14 felony, (C) a Class X felony offense under the
15 Cannabis Control Act or a second or subsequent Class 2
16 or greater felony offense under the Cannabis Control
17 Act, (D) a second or subsequent offense under Section
18 402 of the Illinois Controlled Substances Act, (E) an
19 offense under Section 401 of the Illinois Controlled
20 Substances Act, or (F) an offense under the
21 Methamphetamine Control and Community Protection Act.

22 (6) Nothing in this Section shall be construed to limit
23 the use of an adjudication of delinquency as evidence in any
24 juvenile or criminal proceeding, where it would otherwise be
25 admissible under the rules of evidence, including, but not
26 limited to, use as impeachment evidence against any witness,

1 including the minor if the minor testifies.

2 (7) Nothing in this Section shall affect the right of a
3 Civil Service Commission or appointing authority examining the
4 character and fitness of an applicant for a position as a law
5 enforcement officer to ascertain whether that applicant was
6 ever adjudicated to be a delinquent minor and, if so, to
7 examine the records or evidence which were made in proceedings
8 under this Act.

9 (8) Following any adjudication of delinquency for a crime
10 which would be a felony if committed by an adult, or following
11 any adjudication of delinquency for a violation of Section
12 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, the State's Attorney shall ascertain
14 whether the minor respondent is enrolled in school and, if so,
15 shall provide a copy of the sentencing order to the principal
16 or chief administrative officer of the school. Access to such
17 juvenile records shall be limited to the principal or chief
18 administrative officer of the school and any school counselor
19 designated by the principal or chief administrative officer.

20 (9) Nothing contained in this Act prevents the sharing or
21 disclosure of information or records relating or pertaining to
22 juveniles subject to the provisions of the Serious Habitual
23 Offender Comprehensive Action Program when that information is
24 used to assist in the early identification and treatment of
25 habitual juvenile offenders.

26 (10) (Reserved).

1 (11) The Clerk of the Circuit Court shall report to the
2 Illinois State Police, in the form and manner required by the
3 Illinois State Police, the final disposition of each minor who
4 has been arrested or taken into custody before the minor's
5 18th birthday for those offenses required to be reported under
6 Section 5 of the Criminal Identification Act. Information
7 reported to the Illinois State Police under this Section may
8 be maintained with records that the Illinois State Police
9 files under Section 2.1 of the Criminal Identification Act.
10 Upon request, the circuit court clerk shall provide the
11 disposition information for any case or record required to be
12 reported to the Illinois State Police under Section 2.1 or 5 of
13 the Criminal Identification Act.

14 (12) Information or records may be disclosed to the
15 general public when the court is conducting hearings under
16 Section 5-805 or 5-810.

17 (13) The changes made to this Section by Public Act 98-61
18 apply to juvenile court records of a minor who has been
19 arrested or taken into custody on or after January 1, 2014 (the
20 effective date of Public Act 98-61).

21 (Source: P.A. 102-197, eff. 7-30-21; 102-320, eff. 8-6-21;
22 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-22, eff.
23 8-8-23.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act."