

1 AN ACT concerning conservation.

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

4 Section 5. The Wildlife Code is amended by changing
5 Sections 2.38, 3.1-5, 3.2, 3.5, and 3.36 as follows:

6 (520 ILCS 5/2.38) (from Ch. 61, par. 2.38)

7 Sec. 2.38. No person shall at any time:

8 (1) falsify, alter or change in any manner, or provide
9 deceptive or false information required for, any license,
10 permit or tag issued under the provisions hereof;

11 (2) falsify any record required by this Act;

12 (3) counterfeit any form of license, permit or tag
13 provided for by this Act;

14 (4) loan or transfer to another person any license,
15 permit, or tag issued under this Act; or

16 (5) use in the field any license, permit, or tag
17 issued to another person.

18 It is unlawful to possess any license, permit or tag
19 issued under the provisions of this Act which was fraudulently
20 obtained, or which the possessor knew, or should have known,
21 was falsified, altered, changed in any manner or fraudulently
22 obtained.

23 ~~The Department shall suspend the privileges, under this~~

~~Act, of any person found guilty of violating this Section for a period of not less than one year.~~

(Source: P.A. 95-13, eff. 1-1-08.)

(520 ILCS 5/3.1-5)

Sec. 3.1-5. Apprentice Hunter License Program.

(a) The Department shall establish an Apprentice Hunter License Program. The purpose of this Program shall be to extend limited hunting privileges, in lieu of obtaining a valid hunting license, to persons interested in learning about hunting sports.

(b) Any resident or nonresident may apply to the Department for an Apprentice Hunter License. The Apprentice Hunter License shall ~~be a non-renewable license that shall~~ expire on the March 31 following the date of issuance.

(c) The Apprentice Hunter License shall entitle the licensee to hunt on private property while supervised by a validly licensed resident or nonresident hunter who is 21 years of age or older.

(c-5) The Apprentice Hunter License shall entitle the licensee to hunt on public property while supervised by a validly licensed resident or nonresident who is 21 years of age or older and has a hunter education certificate.

(d) In order to be approved for the Apprentice Hunter License, the applicant must request an Apprentice Hunter License on a form designated and made available by the

1 Department and submit a \$7 fee, which shall be separate from
2 and additional to any other stamp, permit, tag, or license fee
3 that may be required for hunting under this Code. The
4 Department shall adopt suitable administrative rules that are
5 reasonable and necessary for the administration of the
6 program, but shall not require any certificate of competency
7 or other hunting education as a condition of the Apprentice
8 Hunter License.

9 (Source: P.A. 100-638, eff. 1-1-19; 101-444, eff. 6-1-20.)

10 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

11 Sec. 3.2. Hunting license; application; instruction.
12 Before the Department or any county, city, village, township,
13 incorporated town clerk or the clerk's ~~his~~ duly designated
14 agent or any other person authorized or designated by the
15 Department to issue hunting licenses shall issue a hunting
16 license to any person, the person shall file the person's ~~his~~
17 application with the Department or other party authorized to
18 issue licenses on a form provided by the Department and
19 further give definite proof of identity and place of legal
20 residence. Each clerk designating agents to issue licenses and
21 stamps shall furnish the Department, within 10 days following
22 the appointment, the names and mailing addresses of the
23 agents. Each clerk or the clerk's ~~his~~ duly designated agent
24 shall be authorized to sell licenses and stamps only within
25 the territorial area for which the clerk ~~he~~ was elected or

1 appointed. No duly designated agent is authorized to furnish
2 licenses or stamps for issuance by any other business
3 establishment. Each application shall be executed and sworn to
4 and shall set forth the name and description of the applicant
5 and place of residence.

6 No hunting license shall be issued to any person born on or
7 after January 1, 1980 unless that person ~~he~~ presents the
8 person who is authorized to issue the license evidence that
9 the person seeking the license ~~he~~ has held a hunting license
10 issued by the State of Illinois ~~or another state~~ in a prior
11 year, or a certificate of competency as provided in this
12 Section. Persons under 18 years of age may be issued a Lifetime
13 Hunting or Sportsmen's Combination License as provided under
14 Section 20-45 of the Fish and Aquatic Life Code but shall not
15 be entitled to hunt alone, without the supervision of an adult
16 age 21 or older, unless they have a certificate of competency
17 as provided in this Section and the certificate is in their
18 possession while hunting.

19 The Department of Natural Resources shall authorize
20 personnel of the Department or certified volunteer instructors
21 to conduct courses, of not less than 10 hours in length, in
22 firearms and hunter safety, which may include training in bow
23 and arrow safety, at regularly specified intervals throughout
24 the State. Persons successfully completing the course shall
25 receive a certificate of competency. The Department of Natural
26 Resources may further cooperate with any reputable association

1 or organization in establishing courses if the organization
2 has as one of its objectives the promotion of safety in the
3 handling of firearms or bow and arrow.

4 The Department of Natural Resources shall designate any
5 person found by it to be competent to give instruction in the
6 handling of firearms, hunter safety, and bow and arrow. The
7 persons so appointed shall give the course of instruction and
8 upon the successful completion shall issue to the person
9 instructed a certificate of competency in the safe handling of
10 firearms, hunter safety, and bow and arrow. No charge shall be
11 made for any course of instruction except for materials or
12 ammunition consumed. The Department of Natural Resources shall
13 furnish information on the requirements of hunter safety
14 education programs to be distributed free of charge to
15 applicants for hunting licenses by the persons appointed and
16 authorized to issue licenses. Funds for the conducting of
17 firearms and hunter safety courses shall be taken from the fee
18 charged for the Firearm Owners Identification Card.

19 The fee for a hunting license to hunt all species for a
20 resident of Illinois is \$12. For residents age 65 or older,
21 and, commencing with the 2012 license year, resident veterans
22 of the United States Armed Forces after returning from service
23 abroad or mobilization by the President of the United States
24 as an active duty member of the United States Armed Forces, the
25 Illinois National Guard, or the Reserves of the United States
26 Armed Forces, the fee is one-half of the fee charged for a

1 hunting license to hunt all species for a resident of
2 Illinois. Veterans must provide to the Department acceptable
3 verification of their service. The Department shall establish
4 by administrative rule the procedure by which such
5 verification of service shall be made to the Department for
6 the purpose of issuing resident veterans hunting licenses at a
7 reduced fee. The fee for a hunting license to hunt all species
8 shall be \$1 for residents over 75 years of age. Nonresidents
9 shall be charged \$57 for a hunting license.

10 Residents of this State may obtain a 3-year hunting
11 license to hunt all species as described in Section 3.1 for 3
12 times the annual fee. For residents age 65 or older and
13 resident veterans of the United States Armed Forces after
14 returning from service abroad or mobilization by the President
15 of the United States, the fee is one-half of the fee charged
16 for a 3-year hunting license to hunt all species as described
17 in Section 3.1 for a resident of this State. Veterans must
18 provide to the Department, per administrative rule,
19 verification of their service. The Department shall establish
20 what constitutes suitable verification of service for the
21 purpose of issuing resident veterans 3-year hunting licenses
22 at a reduced fee.

23 Nonresidents may be issued a nonresident hunting license
24 for a period not to exceed 10 consecutive days' hunting in the
25 State and shall be charged a fee of \$35.

26 A special nonresident hunting license authorizing a

1 nonresident to take game birds by hunting on a game breeding
2 and hunting preserve area only, established under Section
3 3.27, shall be issued upon proper application being made and
4 payment of a fee equal to that for a resident hunting license.
5 The expiration date of this license shall be on the same date
6 each year that game breeding and hunting preserve area
7 licenses expire.

8 Each applicant for a State Migratory Waterfowl Stamp,
9 regardless of the applicant's ~~his~~ residence or other
10 condition, shall pay a fee of \$15 and shall receive a stamp.
11 The fee for a State Migratory Waterfowl Stamp shall be waived
12 for residents over 75 years of age. Except as provided under
13 Section 20-45 of the Fish and Aquatic Life Code, the stamp
14 shall be signed by the person or affixed to the person's ~~his~~
15 license or permit in a space designated by the Department for
16 that purpose.

17 Each applicant for a State Habitat Stamp, regardless of
18 the applicant's ~~his~~ residence or other condition, shall pay a
19 fee of \$5 and shall receive a stamp. The fee for a State
20 Habitat Stamp shall be waived for residents over 75 years of
21 age. Except as provided under Section 20-45 of the Fish and
22 Aquatic Life Code, the stamp shall be signed by the person or
23 affixed to the person's ~~his~~ license or permit in a space
24 designated by the Department for that purpose.

25 Nothing in this Section shall be construed as to require
26 the purchase of more than one State Habitat Stamp by any person

1 in any one license year.

2 The fees for State Pheasant Stamps and State Furbearer
3 Stamps shall be waived for residents over 75 years of age.

4 The Department shall furnish the holders of hunting
5 licenses and stamps with an insignia as evidence of possession
6 of license, or license and stamp, as the Department may
7 consider advisable. The insignia shall be exhibited and used
8 as the Department may order.

9 All other hunting licenses and all State stamps shall
10 expire upon March 31 of each year. Three-year hunting licenses
11 shall expire on March 31 of the 2nd year after the year in
12 which the license is issued.

13 Every person holding any license, permit, or stamp issued
14 under the provisions of this Act shall have it in the person's
15 ~~his~~ possession for immediate presentation for inspection to
16 the officers and authorized employees of the Department, any
17 sheriff, deputy sheriff, or any other peace officer making a
18 demand for it. This provision shall not apply to Department
19 owned or managed sites where it is required that all hunters
20 deposit their license, permit, or Firearm Owner's
21 Identification Card at the check station upon entering the
22 hunting areas.

23 For the purposes of this Section, "acceptable
24 verification" means official documentation from the Department
25 of Defense or the appropriate Major Command showing
26 mobilization dates or service abroad dates, including: (i) a

1 DD-214, (ii) a letter from the Illinois Department of Military
2 Affairs for members of the Illinois National Guard, (iii) a
3 letter from the Regional Reserve Command for members of the
4 Armed Forces Reserve, (iv) a letter from the Major Command
5 covering Illinois for active duty members, (v) personnel
6 records for mobilized State employees, and (vi) any other
7 documentation that the Department, by administrative rule,
8 deems acceptable to establish dates of mobilization or service
9 abroad.

10 For the purposes of this Section, the term "service
11 abroad" means active duty service outside of the 50 United
12 States and the District of Columbia, and includes all active
13 duty service in territories and possessions of the United
14 States.

15 (Source: P.A. 102-780, eff. 5-13-22; 103-456, eff. 1-1-24.)

16 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

17 Sec. 3.5. Penalties; probation.

18 (a) Any person who violates any of the provisions of
19 Section 2.36a, including administrative rules, shall be guilty
20 of a Class 3 felony, except as otherwise provided in
21 subsection (b) of this Section and subsection (a) of Section
22 2.36a.

23 (b) Whenever any person who has not previously been
24 convicted of, or placed on probation or court supervision for,
25 any offense under Section 1.22, 2.36, or 2.36a, operating

1 without a permit as prescribed in subsection (b) of Section
2 2.37, or an offense under subsection (i) or (cc) of Section
3 2.33, the court may, without entering a judgment and with the
4 person's consent, sentence the person to probation for a
5 violation of Section 2.36a.

6 (1) When a person is placed on probation, the court
7 shall enter an order specifying a period of probation of
8 24 months and shall defer further proceedings in the case
9 until the conclusion of the period or until the filing of a
10 petition alleging violation of a term or condition of
11 probation.

12 (2) The conditions of probation shall be that the
13 person:

14 (A) Not violate any criminal statute of any
15 jurisdiction.

16 (B) Perform no less than 30 hours of community
17 service, provided community service is available in
18 the jurisdiction and is funded and approved by the
19 county board.

20 (3) The court may, in addition to other conditions:

21 (A) Require that the person make a report to and
22 appear in person before or participate with the court
23 or courts, person, or social service agency as
24 directed by the court in the order of probation.

25 (B) Require that the person pay a fine and costs.

26 (C) Require that the person refrain from

1 possessing a firearm or other dangerous weapon.

2 (D) Prohibit the person from associating with any
3 person who is actively engaged in any of the
4 activities regulated by the permits issued or
5 privileges granted by the Department of Natural
6 Resources.

7 (4) Upon violation of a term or condition of
8 probation, the court may enter a judgment on its original
9 finding of guilt and proceed as otherwise provided.

10 (5) Upon fulfillment of the terms and conditions of
11 probation, the court shall discharge the person and
12 dismiss the proceedings against the person.

13 (6) A disposition of probation is considered to be a
14 conviction for the purposes of imposing the conditions of
15 probation, for appeal, and for administrative revocation
16 and suspension of licenses and privileges; however,
17 discharge and dismissal under this Section is not a
18 conviction for purposes of disqualification or
19 disabilities imposed by law upon conviction of a crime.

20 (7) Discharge and dismissal under this Section may
21 occur only once with respect to any person.

22 (8) If a person is convicted of an offense under this
23 Act within 5 years subsequent to a discharge and dismissal
24 under this Section, the discharge and dismissal under this
25 Section shall be admissible in the sentencing proceeding
26 for that conviction as a factor in aggravation.

1 (9) The Circuit Clerk shall notify the Illinois State
2 Police of all persons convicted of or placed under
3 probation for violations of Section 2.36a.

4 (c) Any person who violates any of the provisions of
5 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
6 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
7 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16, 3.19,
8 3.20, 3.21 (except subsections (b), (c), (d), (e), (f), (f.5),
9 (g), (h), and (i)), 3.24, 3.25, and 3.26 (except subsection
10 (f)), including administrative rules, shall be guilty of a
11 Class B misdemeanor.

12 A person who violates Section 2.33b by using any computer
13 software or service to remotely control a weapon that takes
14 wildlife by remote operation is guilty of a Class B
15 misdemeanor. A person who violates Section 2.33b by
16 facilitating a violation of Section 2.33b, including an owner
17 of land in which remote control hunting occurs, a computer
18 programmer who designs a program or software to facilitate
19 remote control hunting, or a person who provides weapons or
20 equipment to facilitate remote control hunting, is guilty of a
21 Class A misdemeanor.

22 Any person who violates any of the provisions of Sections
23 1.22, 2.2a, 2.3, 2.4, 2.36, and 2.38, including administrative
24 rules, shall be guilty of a Class A misdemeanor. Any second or
25 subsequent violations of Sections 2.4 and 2.36 shall be a
26 Class 4 felony.

1 Any person who violates any of the provisions of this Act,
2 including administrative rules, during such period when the
3 person's ~~his~~ license, privileges, or permit is revoked or
4 denied by virtue of Section 3.36, shall be guilty of a Class A
5 misdemeanor.

6 Any person who violates subsection (g), (i), (o), (p),
7 (y), or (cc) of Section 2.33 shall be guilty of a Class A
8 misdemeanor and subject to a fine of no less than \$500 and no
9 more than \$5,000 in addition to other statutory penalties. ~~In~~
10 ~~addition, the Department shall suspend the privileges, under~~
11 ~~this Act, of any person found guilty of violating subsection~~
12 ~~(cc) of Section 2.33 for a period of not less than one year.~~

13 Any person who operates without a permit in violation of
14 subsection (b) of Section 2.37 is guilty of a Class A
15 misdemeanor and subject to a fine of not less than \$500. Any
16 other violation of subsection (b) of Section 2.37, including
17 administrative rules, is a Class B misdemeanor.

18 Any person who violates any other of the provisions of
19 this Act including administrative rules, unless otherwise
20 stated, shall be guilty of a petty offense. Offenses committed
21 by minors under the direct control or with the consent of a
22 parent or guardian may subject the parent or guardian to the
23 penalties prescribed in this Section.

24 In addition to any fines imposed pursuant to the
25 provisions of this Section or as otherwise provided in this
26 Act, any person found guilty of unlawfully taking or

1 possessing any species protected by this Act shall be assessed
2 a civil penalty for such species in accordance with the values
3 prescribed in Section 2.36a of this Act. This civil penalty
4 shall be imposed by the Circuit Court for the county within
5 which the offense was committed at the time of the conviction.
6 Any person found guilty of violating subsection (b) of Section
7 2.37 is subject to an additional civil penalty of up to \$1,500.
8 All penalties provided for in this Section shall be remitted
9 to the Department in accordance with the same provisions
10 provided for in Section 1.18 of this Act, except that civil
11 penalties collected for violation of subsection (b) of Section
12 2.37 shall be remitted to the Department and allocated as
13 follows:

14 (1) 60% to the Conservation Police Operations
15 Assistance Fund; and

16 (2) 40% to the Illinois Habitat Fund.

17 (Source: P.A. 102-538, eff. 8-20-21; 103-37, eff. 6-9-23;
18 103-605, eff. 7-1-24.)

19 (520 ILCS 5/3.36) (from Ch. 61, par. 3.36)

20 Sec. 3.36. Revocation and suspension.

21 (a) Whenever a license or permit is issued to any person
22 under this Act, and the holder thereof pleads guilty to, is
23 found guilty of, or receives court supervision for: ~~of~~ (1) any
24 misrepresentation in obtaining such license or permit; (2) ~~or~~
25 ~~of~~ a violation of Section 48-3 of the Criminal Code of 2012;

1 (3) ~~or~~ a violation of any of the provisions of this Act,
2 including administrative rules; ~~or~~ (4) a violation of the
3 United States Code that involves the taking, possessing,
4 killing, harvesting, transportation, selling, exporting, or
5 importing any wildlife protected by this Code when any part of
6 the United States Code violation occurred in Illinois, that
7 person's ~~his~~ license or permit may be revoked by the
8 Department, and the Department may refuse to issue any permit
9 or license to such person and may suspend the person from
10 engaging in the activity requiring the permit or license for a
11 period of time as established by administrative rule, unless
12 otherwise specified in this Act ~~not to exceed 5 years~~
13 ~~following such revocation.~~

14 Department revocation procedures shall be established by
15 Administrative rule.

16 (b) Whenever any person who has not been issued a license
17 or a permit under the provisions of this Code pleads guilty to,
18 is found guilty of, or receives court supervision for any of
19 the following: (1) a violation of Section 48-3 of the Criminal
20 Code of 2012; ~~or~~ (2) a violation of the provisions of this
21 Code, including administrative rules; ~~or~~ (3) a violation of
22 the United States Code that involves the taking, possessing,
23 killing, harvesting, transportation, selling, exporting, or
24 importing any wildlife protected by this Code when any part of
25 the United States Code violation occurred in Illinois, the
26 Department may refuse to issue any permit or license to that

1 person, and suspend that person from engaging in the activity
2 requiring the permit or license for a period of time as
3 established in administrative rule, unless otherwise specified
4 in this Act ~~not to exceed 5 years.~~

5 (c) Any person who knowingly or intentionally violates any
6 of the provisions of this Act, including administrative rules,
7 during such period when his license or permit is revoked or
8 denied by virtue of this Section or during the time the person
9 ~~he~~ is suspended under subsection (b), shall be guilty of a
10 Class A misdemeanor. The penalties for a violation of Section
11 48-3 of the Criminal Code of 2012 shall be as provided in that
12 Section.

13 (d) Licenses and permits authorized to be issued under the
14 provisions of this Act shall be prepared by the Department and
15 be in such form as prescribed by the Department. The
16 information required on each license shall be completed
17 thereon by the issuing agent or his sub-agent at the time of
18 issuance and each license shall be signed by the licensee, or
19 initialed by the designated purchaser and then signed
20 immediately upon receipt by the licensee, and countersigned by
21 the issuing agent or his sub-agent at the time of issuance. All
22 such licenses shall be supplied by the Department, subject to
23 such rules and regulations as the Department may prescribe.
24 Any license not properly prepared, obtained and signed as
25 required by this Act shall be void.

26 (e) A person whose license or permit to engage in any

1 activity regulated by this Code has been suspended or revoked
2 may not, during the period of the suspension or revocation or
3 until obtaining such a license or permit, (i) be in the company
4 of any person engaging in the activity covered by the
5 suspension or revocation or (ii) serve as a guide, outfitter,
6 or facilitator for a person who is engaged or prepared to
7 engage in the activity covered by the suspension or
8 revocation.

9 (f) No person may be issued or obtain a license or permit
10 or engage in any activity regulated by this Code during the
11 time that the person's privilege to engage in the same or
12 similar activities is suspended or revoked by another state,
13 by a federal agency, or by a province of Canada.

14 (g) Any person whose license, stamps, permits, or any
15 other privilege issued by the Department has been suspended or
16 revoked shall immediately return proof of such privileges to
17 the Department. The Department, or any law enforcement entity,
18 is authorized to take possession of any proof of privileges.
19 Any person failing to comply with this subsection by
20 possessing a suspended or revoked license, stamp, or permit
21 issued by the Department after having received written notice
22 from the Department or any other State agency or department of
23 such suspension or revocation is guilty of a Class A
24 misdemeanor.

25 (h) The Department shall suspend the privileges of any
26 person that pleads guilty to, is found guilty of, or receives

1 court supervision for a violation of section 2.38 or section
2 2.33(cc). Such suspension shall be for a period of one year.

3 (Source: P.A. 102-837, eff. 5-13-22; 103-456, eff. 1-1-24.)

4 Section 10. The Snowmobile Registration and Safety Act is
5 amended by changing Section 2-2 as follows:

6 (625 ILCS 40/2-2) (from Ch. 95 1/2, par. 602-2)

7 Sec. 2-2. Inspection; seizure; impoundment.

8 (a) Agents of the Department or other duly authorized
9 police officers may stop and inspect any snowmobile at any
10 time for the purpose of determining if the provisions of this
11 Act are being complied with. If the inspecting officer or
12 agent discovers any violation of the provisions of this Act,
13 the officer may ~~he must~~ issue a summons to the operator of such
14 snowmobile requiring that the operator appear before the
15 circuit court for the county within which the offense was
16 committed.

17 (b) Every snowmobile subject to this Act, if under way and
18 upon being hailed by a designated law enforcement officer,
19 must stop immediately.

20 (c) Agents of the Department and other duly authorized
21 police officers may seize and impound, at the owner's expense,
22 any snowmobile involved in an accident or a violation of
23 subsection B of Section 5-1 or of Section 5-7 of this Act.

24 (d) If a snowmobile is causing a traffic hazard because of

1 its position in relation to the highway or its physical
2 appearance is causing the impeding of traffic, its immediate
3 removal from the highway or private property adjacent to the
4 highway by a towing service may be authorized by a law
5 enforcement agency having jurisdiction.

6 (e) Whenever a peace officer reasonably believes that a
7 person under arrest for a violation of subsection B of Section
8 5-1 or Section 5-7 of this Act or similar provision of a local
9 ordinance, is likely, upon release, to commit a subsequent
10 violation of subsection B of Section 5-1 or Section 5-7 or a
11 similar provision of a local ordinance, the arresting officer
12 shall have the snowmobile which the person was operating at
13 the time of the arrest impounded for a period of not more than
14 12 hours after the time of the arrest. The snowmobile may be
15 released by the arresting law enforcement agency without
16 impoundment, or may be released prior to the end of the
17 impoundment period, however, if:

18 (1) the snowmobile was not owned by the person under
19 arrest, and the lawful owner requesting release of the
20 snowmobile possesses proof of ownership, and would not, as
21 determined by the arresting law enforcement agency: (i)
22 indicate a lack of ability to operate a snowmobile in a
23 safe manner, or (ii) otherwise, by operating the
24 snowmobile, be in violation of this Act; or

25 (2) the snowmobile is owned by the person under
26 arrest, and the person under arrest gives permission to

1 another person to operate the snowmobile, and the other
2 person would not, as determined by the arresting law
3 enforcement agency: (i) indicate a lack of ability to
4 operate a snowmobile in a safe manner, or (ii) otherwise,
5 by operating the snowmobile, be in violation of this Act.
6 (Source: P.A. 93-156, eff. 1-1-04.)

7 Section 15. The Juvenile Court Act of 1987 is amended by
8 changing Sections 5-125 and 5-915 as follows:

9 (705 ILCS 405/5-125)

10 Sec. 5-125. Concurrent jurisdiction. Any minor alleged to
11 have violated a traffic, ~~boating, or fish and game~~ law, a
12 conservation offense, or a municipal or county ordinance, may
13 be prosecuted for the violation and if found guilty punished
14 under any statute or ordinance relating to the violation,
15 without reference to the procedures set out in this Article,
16 except that:

17 (1) any detention, must be in compliance with this
18 Article; and

19 (2) the confidentiality of records provisions in Part
20 9 of this Article shall apply to any law enforcement and
21 court records relating to prosecution of a minor under 18
22 years of age for a municipal or county ordinance violation
23 or a violation of subsection (a) of Section 4 of the
24 Cannabis Control Act or subsection (c) of Section 3.5 of

1 the Drug Paraphernalia Control Act; except that these
2 confidentiality provisions shall not apply to or affect
3 any proceeding to adjudicate the violation.

4 For the purpose of this Section, "traffic violation" shall
5 include a violation of Section 9-3 of the Criminal Code of 1961
6 or the Criminal Code of 2012 relating to the offense of
7 reckless homicide, Section 11-501 of the Illinois Vehicle
8 Code, or any similar county or municipal ordinance.

9 (Source: P.A. 99-697, eff. 7-29-16.)

10 (705 ILCS 405/5-915)

11 Sec. 5-915. Expungement of juvenile law enforcement and
12 juvenile court records.

13 (0.05) (Blank).

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

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

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

1 the records; and

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

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

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

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

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

1 1, 2020;

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

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

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

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

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

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

15 (0.3) (a) Upon an adjudication of delinquency based on any
16 offense except a disqualified offense, the juvenile court
17 shall automatically order the expungement of the juvenile
18 court and law enforcement records 2 years after the juvenile's
19 case was closed if no delinquency or criminal proceeding is
20 pending and the person has had no subsequent delinquency
21 adjudication or criminal conviction. On the date that the
22 minor's sentence ends or the date that the court enters an
23 order committing the minor to the Department of Juvenile
24 Justice, the juvenile court judge shall schedule a date to
25 enter the automatic expungement order. The minor must be
26 notified but shall not be required to be present for the

1 scheduled court date when automatic expungement is to be
2 ordered. If the minor is not yet eligible on the originally
3 scheduled date, the court shall schedule a subsequent date to
4 enter the automatic expungement order. The clerk shall deliver
5 a certified copy of the expungement order to the Illinois
6 State Police and the arresting agency. Upon request, the
7 State's Attorney shall furnish the name of the arresting
8 agency. The expungement shall be completed within 60 business
9 days after the receipt of the expungement order. In this
10 subsection (0.3), "disqualified offense" means any of the
11 following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1,
12 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9,
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
14 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5,
15 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1,
16 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
17 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
18 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
19 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
20 of subsection (a) of Section 11-14.4, subsection (a-5) of
21 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a)
22 of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
23 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
24 subparagraph (i) of paragraph (1) of subsection (a) of Section
25 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
26 Section 24-1.6, paragraph (1) of subsection (a) of Section

1 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
2 of 2012.

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

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

25 (0.5) Subsection (0.1) or (0.2) of this Section does not
26 apply to violations of traffic, ~~boating, fish and game~~ laws,

1 conservation offenses, or county or municipal ordinances.

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

10 (0.7) Officer-worn body camera recordings shall not be
11 automatically expunged except as otherwise authorized by the
12 Law Enforcement Officer-Worn Body Camera Act.

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

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

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

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

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

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

14 (1.5) At no cost to the person, the Illinois State Police
15 shall allow a person to use the Access and Review process,
16 established in the Illinois State Police, for verifying that
17 the person's juvenile law enforcement records relating to
18 incidents occurring before the person's 18th birthday eligible
19 under this Act have been expunged.

20 (1.6) (Blank).

21 (1.7) (Blank).

22 (1.8) (Blank).

23 (2) Any person whose delinquency adjudications are not
24 eligible for automatic expungement under subsection (0.3) of
25 this Section may petition the court at no cost to the person to
26 expunge all juvenile law enforcement records relating to any

1 incidents occurring before the person's 18th birthday which
2 did not result in proceedings in criminal court and all
3 juvenile court records with respect to any adjudications
4 except those based upon first degree murder or an offense
5 under Article 11 of the Criminal Code of 2012 if the person is
6 required to register under the Sex Offender Registration Act
7 at the time the person petitions the court for expungement;
8 provided that 2 years have elapsed since all juvenile court
9 proceedings relating to the person have been terminated and
10 the person's commitment to the Department of Juvenile Justice
11 under this Act has been terminated.

12 (2.5) If a minor is arrested and no petition for
13 delinquency is filed with the clerk of the circuit court at the
14 time the minor is released from custody, the youth officer, if
15 applicable, or other designated person from the arresting
16 agency, shall notify verbally and in writing to the minor or
17 the minor's parents or guardians that the minor shall have an
18 arrest record and shall provide the minor and the minor's
19 parents or guardians with an expungement information packet,
20 information regarding this State's expungement laws including
21 a petition to expunge juvenile law enforcement and juvenile
22 court records obtained from the clerk of the circuit court.

23 (2.6) If a minor is referred to court, then, at the time of
24 sentencing, dismissal of the case, or successful completion of
25 supervision, the judge shall inform the delinquent minor of
26 the minor's rights regarding expungement and the clerk of the

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

18 (2.6-1) A trafficking victim, as defined by paragraph (10)
19 of subsection (a) of Section 10-9 of the Criminal Code of 2012,
20 may petition for vacation and expungement or immediate sealing
21 of his or her juvenile court records and juvenile law
22 enforcement records relating to events that resulted in the
23 victim's adjudication of delinquency for an offense if
24 committed by an adult would be a violation of the criminal laws
25 occurring before the victim's 18th birthday upon the
26 completion of his or her juvenile court sentence if his or her

1 participation in the underlying offense was a result of human
2 trafficking under Section 10-9 of the Criminal Code of 2012 or
3 a severe form of trafficking under the federal Trafficking
4 Victims Protection Act.

5 (2.7) (Blank).

6 (2.8) (Blank).

7 (3) (Blank).

8 (3.1) (Blank).

9 (3.2) (Blank).

10 (3.3) (Blank).

11 (4) (Blank).

12 (5) (Blank).

13 (5.5) Whether or not expunged, records eligible for
14 automatic expungement under subdivision (0.1)(a), (0.2)(a), or
15 (0.3)(a) may be treated as expunged by the individual subject
16 to the records.

17 (6) (Blank).

18 (6.5) The Illinois State Police or any employee of the
19 Illinois State Police shall be immune from civil or criminal
20 liability for failure to expunge any records of arrest that
21 are subject to expungement under this Section because of
22 inability to verify a record. Nothing in this Section shall
23 create Illinois State Police liability or responsibility for
24 the expungement of juvenile law enforcement records it does
25 not possess.

26 (7) (Blank).

1 (7.5) (Blank).

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

6 (9) (Blank).

7 (10) (Blank).

8 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
9 102-752, eff. 1-1-23; 103-22, eff. 8-8-23; 103-154, eff.
10 6-30-23; 103-379, eff. 7-28-23; 103-605, eff. 7-1-24; 103-717,
11 eff. 1-1-25; 103-787, eff. 1-1-25; revised 11-26-24.)