

# SB0287



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0287

Introduced 1/24/2025, by Sen. Steve McClure

### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-915

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

LRB104 03885 RLC 13909 b

A BILL FOR

1 AN ACT concerning juvenile law.

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

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

6 (705 ILCS 405/5-915)

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

9 (0.05) (Blank).

10 (0.1) (a) The Illinois State Police and all law enforcement  
11 agencies within the State shall automatically expunge, on or  
12 before January 1 of each year, except as described in  
13 paragraph (c) of this subsection (0.1), all juvenile law  
14 enforcement records relating to events occurring before an  
15 individual's 18th birthday if:

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

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

23 (3) 6 months have elapsed since the date of the arrest

1 without an additional subsequent arrest or filing of a  
2 petition for delinquency or criminal charges whether  
3 related or not to the arrest or law enforcement  
4 interaction documented in the records.

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

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

20 (0.15) If a juvenile law enforcement record meets  
21 paragraph (a) of subsection (0.1) of this Section, a juvenile  
22 law enforcement record created:

23 (1) prior to January 1, 2018, but on or after January  
24 1, 2013 shall be automatically expunged prior to January  
25 1, 2020;

26 (2) prior to January 1, 2013, but on or after January

1           1, 2000, shall be automatically expunged prior to January  
2           1, 2023; and

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

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

9           (0.2) (a) Upon dismissal of a petition alleging delinquency  
10          or upon a finding of not delinquent, the successful  
11          termination of an order of supervision, or the successful  
12          termination of an adjudication for an offense which would be a  
13          Class B misdemeanor, Class C misdemeanor, or a petty or  
14          business offense if committed by an adult, the court shall  
15          automatically order the expungement of the juvenile court  
16          records and juvenile law enforcement records. The clerk shall  
17          deliver a certified copy of the expungement order to the  
18          Illinois State Police and the arresting agency. Upon request,  
19          the State's Attorney shall furnish the name of the arresting  
20          agency. The expungement shall be completed within 60 business  
21          days after the receipt of the expungement order.

22          (b) If the chief law enforcement officer of the agency, or  
23          the chief law enforcement officer's designee, certifies in  
24          writing that certain information is needed for a pending  
25          investigation involving the commission of a felony, that  
26          information, and information identifying the juvenile, may be

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

13 (0.3) (a) Upon an adjudication of delinquency based on any  
14 offense except a disqualified offense or an attempt to commit  
15 a disqualified offense, the juvenile court shall automatically  
16 order the expungement of the juvenile court and law  
17 enforcement records 2 years after the juvenile's case was  
18 closed if no delinquency or criminal proceeding is pending and  
19 the person has had no subsequent delinquency adjudication or  
20 criminal conviction. On the date that the minor's sentence  
21 ends or the date that the court enters an order committing the  
22 minor to the Department of Juvenile Justice, the juvenile  
23 court judge shall schedule a date to enter the automatic  
24 expungement order. The minor must be notified but shall not be  
25 required to be present for the scheduled court date when  
26 automatic expungement is to be ordered. If the minor is not yet

1 eligible on the originally scheduled date, the court shall  
2 schedule a subsequent date to enter the automatic expungement  
3 order. The clerk shall deliver a certified copy of the  
4 expungement order to the Illinois State Police and the  
5 arresting agency. Upon request, the State's Attorney shall  
6 furnish the name of the arresting agency. The expungement  
7 shall be completed within 60 business days after the receipt  
8 of the expungement order. In this subsection (0.3),  
9 "disqualified offense" means any of the following offenses:  
10 Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2,  
11 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40,  
12 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3,  
13 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5, 12-20.5,  
14 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4, 18-6,  
15 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-3A,  
16 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1, 31-1a,  
17 32-4a, or 33A-2 of the Criminal Code of 2012, or subsection (b)  
18 of Section 8-1, paragraph (4) of subsection (a) of Section  
19 11-14.4, subsection (a-5) of Section 12-3.1, paragraph (1),  
20 (2), or (3) of subsection (a) of Section 12-6, subsection  
21 (a-3) or (a-5) of Section 12-7.3, paragraph (1) or (2) of  
22 subsection (a) of Section 12-7.4, subparagraph (i) of  
23 paragraph (1) of subsection (a) of Section 12-9, subparagraph  
24 (H) of paragraph (3) of subsection (a) of Section 24-1.6,  
25 paragraph (1) of subsection (a) of Section 25-1, or subsection  
26 (a-7) of Section 31-1 of the Criminal Code of 2012.

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

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

23           (0.5) Subsection (0.1) or (0.2) of this Section does not  
24 apply to violations of traffic, boating, fish and game laws,  
25 or county or municipal ordinances.

26           (0.6) Juvenile law enforcement records of a plaintiff who

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

8 (0.7) Officer-worn body camera recordings shall not be  
9 automatically expunged except as otherwise authorized by the  
10 Law Enforcement Officer-Worn Body Camera Act.

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

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

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

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

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

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

12 (1.5) At no cost to the person, the Illinois State Police  
13 shall allow a person to use the Access and Review process,  
14 established in the Illinois State Police, for verifying that  
15 the person's juvenile law enforcement records relating to  
16 incidents occurring before the person's 18th birthday eligible  
17 under this Act have been expunged.

18 (1.6) (Blank).

19 (1.7) (Blank).

20 (1.8) (Blank).

21 (2) Any person whose delinquency adjudications are not  
22 eligible for automatic expungement under subsection (0.3) of  
23 this Section may petition the court at no cost to the person to  
24 expunge all juvenile law enforcement records relating to any  
25 incidents occurring before the person's 18th birthday which  
26 did not result in proceedings in criminal court and all

1 juvenile court records with respect to any adjudications  
2 except those based upon first degree murder or an offense  
3 under Article 11 of the Criminal Code of 2012 if the person is  
4 required to register under the Sex Offender Registration Act  
5 at the time the person petitions the court for expungement;  
6 provided that 2 years have elapsed since all juvenile court  
7 proceedings relating to the person have been terminated and  
8 the person's commitment to the Department of Juvenile Justice  
9 under this Act has been terminated.

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

21 (2.6) If a minor is referred to court, then, at the time of  
22 sentencing, dismissal of the case, or successful completion of  
23 supervision, the judge shall inform the delinquent minor of  
24 the minor's rights regarding expungement and the clerk of the  
25 circuit court shall provide an expungement information packet  
26 to the minor, written in plain language, including information

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

16 (2.6-1) A trafficking victim, as defined by paragraph (10)  
17 of subsection (a) of Section 10-9 of the Criminal Code of 2012,  
18 may petition for vacation and expungement or immediate sealing  
19 of his or her juvenile court records and juvenile law  
20 enforcement records relating to events that resulted in the  
21 victim's adjudication of delinquency for an offense if  
22 committed by an adult would be a violation of the criminal laws  
23 occurring before the victim's 18th birthday upon the  
24 completion of his or her juvenile court sentence if his or her  
25 participation in the underlying offense was a result of human  
26 trafficking under Section 10-9 of the Criminal Code of 2012 or

1 a severe form of trafficking under the federal Trafficking  
2 Victims Protection Act.

3 (2.7) (Blank).

4 (2.8) (Blank).

5 (3) (Blank).

6 (3.1) (Blank).

7 (3.2) (Blank).

8 (3.3) (Blank).

9 (4) (Blank).

10 (5) (Blank).

11 (5.5) Whether or not expunged, records eligible for  
12 automatic expungement under subdivision (0.1)(a), (0.2)(a), or  
13 (0.3)(a) may be treated as expunged by the individual subject  
14 to the records.

15 (6) (Blank).

16 (6.5) The Illinois State Police or any employee of the  
17 Illinois State Police shall be immune from civil or criminal  
18 liability for failure to expunge any records of arrest that  
19 are subject to expungement under this Section because of  
20 inability to verify a record. Nothing in this Section shall  
21 create Illinois State Police liability or responsibility for  
22 the expungement of juvenile law enforcement records it does  
23 not possess.

24 (7) (Blank).

25 (7.5) (Blank).

26 (8) The expungement of juvenile law enforcement or

1 juvenile court records under subsection (0.1), (0.2), or (0.3)  
2 of this Section shall be funded by appropriation by the  
3 General Assembly for that purpose.

4 (9) (Blank).

5 (10) (Blank).

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