



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1638

Introduced 2/4/2025, by Sen. Adriane Johnson

SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2

Amends the Criminal Identification Act. Modifies the definition of "criminal offense" for the purposes of the Act to include, among other things, an arrest under the Uniform Criminal Extradition Act. Provides that a petitioner may petition the circuit court to expunge the records of the petitioner's arrests and charges not initiated by arrest when each arrest or charge not initiated by arrest sought to be expunged resulted in, among other things, extradition to another state under the Uniform Criminal Extradition Act. Provides that a court may not consider an outstanding legal financial obligation established, imposed, or originated by a court, law enforcement agency, or a municipal, State, county, or other unit of local government when ruling upon a petition to seal criminal records of adults and minors prosecuted as adults.

LRB104 10281 RTM 20355 b

1 AN ACT concerning State government.

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

4 Section 5. The Criminal Identification Act is amended by
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

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

8 (a) General Provisions.

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

12 (A) The following terms shall have the meanings
13 ascribed to them in the following Sections of the
14 Unified Code of Corrections:

15 Business Offense, Section 5-1-2.

16 Charge, Section 5-1-3.

17 Court, Section 5-1-6.

18 Defendant, Section 5-1-7.

19 Felony, Section 5-1-9.

20 Imprisonment, Section 5-1-10.

21 Judgment, Section 5-1-12.

22 Misdemeanor, Section 5-1-14.

23 Offense, Section 5-1-15.

1 Parole, Section 5-1-16.

2 Petty Offense, Section 5-1-17.

3 Probation, Section 5-1-18.

4 Sentence, Section 5-1-19.

5 Supervision, Section 5-1-21.

6 Victim, Section 5-1-22.

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

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

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

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

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

1 of qualified probation terminate on the same day and
2 are last in time, they shall be collectively
3 considered the "last sentence" regardless of whether
4 they were ordered to run concurrently.

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

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

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

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

26 (J) "Qualified probation" means an order of

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

18 (K) "Seal" means to physically and electronically
19 maintain the records, unless the records would
20 otherwise be destroyed due to age, but to make the
21 records unavailable without a court order, subject to
22 the exceptions in Sections 12 and 13 of this Act. The
23 petitioner's name shall also be obliterated from the
24 official index required to be kept by the circuit
25 court clerk under Section 16 of the Clerks of Courts
26 Act, but any index issued by the circuit court clerk

1 before the entry of the order to seal shall not be
2 affected.

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

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

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

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

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

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

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

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

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

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

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

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

1 local ordinance;

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

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

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

12 (D) (blank).

13 (b) Expungement.

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

1 extradition to another state under the Uniform Criminal
2 Extradition Act.

3 (1.5) When a petitioner seeks to have a record of
4 arrest expunged under this Section, and the offender has
5 been convicted of a criminal offense, the State's Attorney
6 may object to the expungement on the grounds that the
7 records contain specific relevant information aside from
8 the mere fact of the arrest.

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

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

16 (A-5) In anticipation of the successful completion
17 of a problem-solving court, pre-plea diversion, or
18 post-plea diversion program, a petition for
19 expungement may be filed 61 days before the
20 anticipated dismissal of the case or any time
21 thereafter. Upon successful completion of the program
22 and dismissal of the case, the court shall review the
23 petition of the person graduating from the program and
24 shall grant expungement if the petitioner meets all
25 requirements as specified in any applicable statute.

26 (B) When the arrest or charge not initiated by

1 arrest sought to be expunged resulted in an order of
2 supervision, successfully completed by the petitioner,
3 the following time frames will apply:

4 (i) Those arrests or charges that resulted in
5 orders of supervision under Section 3-707, 3-708,
6 3-710, or 5-401.3 of the Illinois Vehicle Code or
7 a similar provision of a local ordinance, or under
8 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
9 Code of 1961 or the Criminal Code of 2012, or a
10 similar provision of a local ordinance, shall not
11 be eligible for expungement until 5 years have
12 passed following the satisfactory termination of
13 the supervision.

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

25 (ii) Those arrests or charges that resulted in
26 orders of supervision for any other offenses shall

1 not be eligible for expungement until 2 years have
2 passed following the satisfactory termination of
3 the supervision.

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

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

14 (4) Whenever a person has been arrested for or
15 convicted of any offense, in the name of a person whose
16 identity he or she has stolen or otherwise come into
17 possession of, the aggrieved person from whom the identity
18 was stolen or otherwise obtained without authorization,
19 upon learning of the person having been arrested using his
20 or her identity, may, upon verified petition to the chief
21 judge of the circuit wherein the arrest was made, have a
22 court order entered nunc pro tunc by the Chief Judge to
23 correct the arrest record, conviction record, if any, and
24 all official records of the arresting authority, the
25 Illinois State Police, other criminal justice agencies,
26 the prosecutor, and the trial court concerning such

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

16 (5) Whenever a person has been convicted of criminal
17 sexual assault, aggravated criminal sexual assault,
18 predatory criminal sexual assault of a child, criminal
19 sexual abuse, or aggravated criminal sexual abuse, the
20 victim of that offense may request that the State's
21 Attorney of the county in which the conviction occurred
22 file a verified petition with the presiding trial judge at
23 the petitioner's trial to have a court order entered to
24 seal the records of the circuit court clerk in connection
25 with the proceedings of the trial court concerning that
26 offense. However, the records of the arresting authority

1 and the Illinois State Police concerning the offense shall
2 not be sealed. The court, upon good cause shown, shall
3 make the records of the circuit court clerk in connection
4 with the proceedings of the trial court concerning the
5 offense available for public inspection.

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

15 (7) Nothing in this Section shall prevent the Illinois
16 State Police from maintaining all records of any person
17 who is admitted to probation upon terms and conditions and
18 who fulfills those terms and conditions pursuant to
19 Section 10 of the Cannabis Control Act, Section 410 of the
20 Illinois Controlled Substances Act, Section 70 of the
21 Methamphetamine Control and Community Protection Act,
22 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
23 Corrections, Section 12-4.3 or subdivision (b)(1) of
24 Section 12-3.05 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, Section 10-102 of the Illinois
26 Alcoholism and Other Drug Dependency Act, Section 40-10 of

1 the Substance Use Disorder Act, or Section 10 of the
2 Steroid Control Act.

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

10 (c) Sealing.

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

17 (2) Eligible Records. The following records may be
18 sealed:

19 (A) All arrests resulting in release without
20 charging;

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

25 (C) Arrests or charges not initiated by arrest
26 resulting in orders of supervision, including orders

1 of supervision for municipal ordinance violations,
2 successfully completed by the petitioner, unless
3 excluded by subsection (a) (3);

4 (D) Arrests or charges not initiated by arrest
5 resulting in convictions, including convictions on
6 municipal ordinance violations, unless excluded by
7 subsection (a) (3);

8 (E) Arrests or charges not initiated by arrest
9 resulting in orders of first offender probation under
10 Section 10 of the Cannabis Control Act, Section 410 of
11 the Illinois Controlled Substances Act, Section 70 of
12 the Methamphetamine Control and Community Protection
13 Act, or Section 5-6-3.3 of the Unified Code of
14 Corrections; and

15 (F) Arrests or charges not initiated by arrest
16 resulting in felony convictions unless otherwise
17 excluded by subsection (a) paragraph (3) of this
18 Section.

19 (3) When Records Are Eligible to Be Sealed. Records
20 identified as eligible under subsection (c) (2) may be
21 sealed as follows:

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

25 (B) Except as otherwise provided in subparagraph
26 (E) of this paragraph (3), records identified as

1 eligible under subsection (c)(2)(C) may be sealed 2
2 years after the termination of petitioner's last
3 sentence (as defined in subsection (a)(1)(F)).

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

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

18 (E) Records identified as eligible under
19 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or
20 (c)(2)(F) may be sealed upon termination of the
21 petitioner's last sentence if the petitioner earned a
22 high school diploma, associate's degree, career
23 certificate, vocational technical certification, or
24 bachelor's degree, or passed the high school level
25 Test of General Educational Development, during the
26 period of his or her sentence or mandatory supervised

1 release. This subparagraph shall apply only to a
2 petitioner who has not completed the same educational
3 goal prior to the period of his or her sentence or
4 mandatory supervised release. If a petition for
5 sealing eligible records filed under this subparagraph
6 is denied by the court, the time periods under
7 subparagraph (B) or (C) shall apply to any subsequent
8 petition for sealing filed by the petitioner.

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

17 (5) Notice of eligibility for sealing. Upon entry of a
18 disposition for an eligible record under this subsection
19 (c), the petitioner shall be informed by the court of the
20 right to have the records sealed and the procedures for
21 the sealing of the records.

22 (d) Procedure. The following procedures apply to
23 expungement under subsections (b), (e), and (e-6) and sealing
24 under subsections (c) and (e-5):

25 (1) Filing the petition. Upon becoming eligible to
26 petition for the expungement or sealing of records under

1 this Section, the petitioner shall file a petition
2 requesting the expungement or sealing of records with the
3 clerk of the court where the arrests occurred or the
4 charges were brought, or both. If arrests occurred or
5 charges were brought in multiple jurisdictions, a petition
6 must be filed in each such jurisdiction. The petitioner
7 shall pay the applicable fee, except no fee shall be
8 required if the petitioner has obtained a court order
9 waiving fees under Supreme Court Rule 298 or it is
10 otherwise waived.

11 (1.5) County fee waiver pilot program. From August 9,
12 2019 (the effective date of Public Act 101-306) through
13 December 31, 2020, in a county of 3,000,000 or more
14 inhabitants, no fee shall be required to be paid by a
15 petitioner if the records sought to be expunged or sealed
16 were arrests resulting in release without charging or
17 arrests or charges not initiated by arrest resulting in
18 acquittal, dismissal, or conviction when the conviction
19 was reversed or vacated, unless excluded by subsection
20 (a)(3)(B). The provisions of this paragraph (1.5), other
21 than this sentence, are inoperative on and after January
22 1, 2022.

23 (2) Contents of petition. The petition shall be
24 verified and shall contain the petitioner's name, date of
25 birth, current address and, for each arrest or charge not
26 initiated by arrest sought to be sealed or expunged, the

1 case number, the date of arrest (if any), the identity of
2 the arresting authority, and such other information as the
3 court may require. During the pendency of the proceeding,
4 the petitioner shall promptly notify the circuit court
5 clerk of any change of his or her address. If the
6 petitioner has received a certificate of eligibility for
7 sealing from the Prisoner Review Board under paragraph
8 (10) of subsection (a) of Section 3-3-2 of the Unified
9 Code of Corrections, the certificate shall be attached to
10 the petition.

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

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

19 (B) seal felony records for a violation of the
20 Illinois Controlled Substances Act, the
21 Methamphetamine Control and Community Protection Act,
22 or the Cannabis Control Act under clause (c) (2) (F);

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

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

26 (4) Service of petition. The circuit court clerk shall

1 promptly serve a copy of the petition and documentation to
2 support the petition under subsection (e-5) or (e-6) on
3 the State's Attorney or prosecutor charged with the duty
4 of prosecuting the offense, the Illinois State Police, the
5 arresting agency and the chief legal officer of the unit
6 of local government effecting the arrest.

7 (5) Objections.

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

16 (B) Objections to a petition to expunge or seal
17 must be filed within 60 days of the date of service of
18 the petition.

19 (6) Entry of order.

20 (A) The Chief Judge of the circuit wherein the
21 charge was brought, any judge of that circuit
22 designated by the Chief Judge, or in counties of less
23 than 3,000,000 inhabitants, the presiding trial judge
24 at the petitioner's trial, if any, shall rule on the
25 petition to expunge or seal as set forth in this
26 subsection (d) (6).

1 (B) Unless the State's Attorney or prosecutor, the
2 Illinois State Police, the arresting agency, or the
3 chief legal officer files an objection to the petition
4 to expunge or seal within 60 days from the date of
5 service of the petition, the court shall enter an
6 order granting or denying the petition.

7 (C) Notwithstanding any other provision of law,
8 the court shall not deny a petition for sealing under
9 this Section because the petitioner has not satisfied
10 an outstanding legal financial obligation established,
11 imposed, or originated by a court, law enforcement
12 agency, or a municipal, State, county, or other unit
13 of local government, including, but not limited to,
14 any cost, assessment, fine, or fee nor shall the court
15 consider any such outstanding legal financial
16 obligation in ruling upon the petition. An outstanding
17 legal financial obligation does not include any court
18 ordered restitution to a victim under Section 5-5-6 of
19 the Unified Code of Corrections, unless the
20 restitution has been converted to a civil judgment.
21 Nothing in this subparagraph (C) waives, rescinds, or
22 abrogates a legal financial obligation or otherwise
23 eliminates or affects the right of the holder of any
24 financial obligation to pursue collection under
25 applicable federal, State, or local law.

26 (D) Notwithstanding any other provision of law,

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

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

21 (A) the strength of the evidence supporting the
22 defendant's conviction;

23 (B) the reasons for retention of the conviction
24 records by the State;

25 (C) the petitioner's age, criminal record history,
26 and employment history;

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

4 (E) the specific adverse consequences the
5 petitioner may be subject to if the petition is
6 denied.

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

16 (9) Implementation of order.

17 (A) Upon entry of an order to expunge records
18 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
19 both:

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

1 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 and

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

16 (B) Upon entry of an order to expunge records
17 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
18 both:

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

26 (ii) the records of the circuit court clerk

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

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

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

22 (v) in response to an inquiry for such records
23 from anyone not authorized by law to access such
24 records, the court, the Illinois State Police, or
25 the agency receiving such inquiry shall reply as
26 it does in response to inquiries when no records

1 ever existed.

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

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

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

19 (iii) the records shall be impounded by the
20 Illinois State Police within 60 days of the date
21 of service of the order as ordered by the court,
22 unless a motion to vacate, modify, or reconsider
23 the order is filed under paragraph (12) of
24 subsection (d) of this Section;

25 (iv) records impounded by the Illinois State
26 Police may be disseminated by the Illinois State

1 Police only as required by law or to the arresting
2 authority, the State's Attorney, and the court
3 upon a later arrest for the same or a similar
4 offense or for the purpose of sentencing for any
5 subsequent felony, and to the Department of
6 Corrections upon conviction for any offense; and

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

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

23 (D) The Illinois State Police shall send written
24 notice to the petitioner of its compliance with each
25 order to expunge or seal records within 60 days of the
26 date of service of that order or, if a motion to

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

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

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

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

26 (11) Final Order. No court order issued under the

1 expungement or sealing provisions of this Section shall
2 become final for purposes of appeal until 30 days after
3 service of the order on the petitioner and all parties
4 entitled to notice of the petition.

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

17 (13) Effect of Order. An order granting a petition
18 under the expungement or sealing provisions of this
19 Section shall not be considered void because it fails to
20 comply with the provisions of this Section or because of
21 any error asserted in a motion to vacate, modify, or
22 reconsider. The circuit court retains jurisdiction to
23 determine whether the order is voidable and to vacate,
24 modify, or reconsider its terms based on a motion filed
25 under paragraph (12) of this subsection (d).

26 (14) Compliance with Order Granting Petition to Seal

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

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

18 (16) The changes to this subsection (d) made by Public
19 Act 98-163 apply to all petitions pending on August 5,
20 2013 (the effective date of Public Act 98-163) and to all
21 orders ruling on a petition to expunge or seal on or after
22 August 5, 2013 (the effective date of Public Act 98-163).

23 (e) Whenever a person who has been convicted of an offense
24 is granted a pardon by the Governor which specifically
25 authorizes expungement, he or she may, upon verified petition
26 to the Chief Judge of the circuit where the person had been

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

25 (e-5) Whenever a person who has been convicted of an
26 offense is granted a certificate of eligibility for sealing by

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

1 sealing, the circuit court clerk shall promptly mail a copy of
2 the order to the person who was granted the certificate of
3 eligibility for sealing.

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

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

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

21 (g) Immediate Sealing.

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

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

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

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

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

22 (A) Filing the Petition. Upon entry of the final
23 disposition of the case, the defendant's attorney may
24 immediately petition the court, on behalf of the
25 defendant, for immediate sealing of eligible records
26 under paragraph (2) of this subsection (g) that are

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

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

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

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

23 (E) Entry of Order. The presiding trial judge
24 shall enter an order granting or denying the petition
25 for immediate sealing during the hearing in which it
26 is filed. Petitions for immediate sealing shall be

1 ruled on in the same hearing in which the final
2 disposition of the case is entered.

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

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

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

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

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

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

1 order, a petition to vacate, modify, or reconsider
2 shall comply with subsection (c) of Section 2-1401 of
3 the Code of Civil Procedure.

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

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

19 (h) Sealing or vacation and expungement of trafficking
20 victims' crimes.

21 (1) A trafficking victim, as defined by paragraph (10)
22 of subsection (a) of Section 10-9 of the Criminal Code of
23 2012, may petition for vacation and expungement or
24 immediate sealing of his or her criminal record upon the
25 completion of his or her last sentence if his or her
26 participation in the underlying offense was a result of

1 human trafficking under Section 10-9 of the Criminal Code
2 of 2012 or a severe form of trafficking under the federal
3 Trafficking Victims Protection Act.

4 (1.5) A petition under paragraph (1) shall be
5 prepared, signed, and filed in accordance with Supreme
6 Court Rule 9. The court may allow the petitioner to attend
7 any required hearing remotely in accordance with local
8 rules. The court may allow a petition to be filed under
9 seal if the public filing of the petition would constitute
10 a risk of harm to the petitioner.

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

21 (3) If an objection is filed alleging that the
22 petitioner is not entitled to vacation and expungement or
23 immediate sealing under this subsection (h), the court
24 shall conduct a hearing under paragraph (7) of subsection
25 (d) of this Section and the court shall determine whether
26 the petitioner is entitled to vacation and expungement or

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

10 (i) Minor Cannabis Offenses under the Cannabis Control
11 Act.

12 (1) Expungement of Arrest Records of Minor Cannabis
13 Offenses.

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

21 (i) One year or more has elapsed since the
22 date of the arrest or law enforcement interaction
23 documented in the records; and

24 (ii) No criminal charges were filed relating
25 to the arrest or law enforcement interaction or
26 criminal charges were filed and subsequently

1 dismissed or vacated or the arrestee was
2 acquitted.

3 (B) If the law enforcement agency is unable to
4 verify satisfaction of condition (ii) in paragraph
5 (A), records that satisfy condition (i) in paragraph
6 (A) shall be automatically expunged.

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

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

13 (ii) Records created prior to January 1, 2013,
14 but on or after January 1, 2000, shall be
15 automatically expunged prior to January 1, 2023;

16 (iii) Records created prior to January 1, 2000
17 shall be automatically expunged prior to January
18 1, 2025.

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

26 (D) Nothing in this Section shall be construed to

1 restrict or modify an individual's right to have that
2 individual's records expunged except as otherwise may
3 be provided in this Act, or diminish or abrogate any
4 rights or remedies otherwise available to the
5 individual.

6 (2) Pardons Authorizing Expungement of Minor Cannabis
7 Offenses.

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

13 (i) one or more convictions for a Minor
14 Cannabis Offense;

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

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

23 (B) Within 180 days after June 25, 2019 (the
24 effective date of Public Act 101-27), the Department
25 of State Police shall notify the Prisoner Review Board
26 of all such records that meet the criteria established

1 in paragraph (2) (A) .

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

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

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

25 (C) If an individual has been granted a pardon
26 authorizing expungement as described in this Section,

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

1 individual who was pardoned to the individual's last
2 known address or by electronic means (if available) or
3 otherwise make it available to the individual upon
4 request.

5 (D) Nothing in this Section is intended to
6 diminish or abrogate any rights or remedies otherwise
7 available to the individual.

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

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

16 (4) Any State's Attorney may file a motion to vacate
17 and expunge a conviction for a misdemeanor or Class 4
18 felony violation of Section 4 or Section 5 of the Cannabis
19 Control Act. Motions to vacate and expunge under this
20 subsection (i) may be filed with the circuit court, Chief
21 Judge of a judicial circuit or any judge of the circuit
22 designated by the Chief Judge, and may include more than
23 one individual. Motions filed by a State's Attorney
24 concerning more than one individual may be prepared,
25 presented, and signed electronically. When considering
26 such a motion to vacate and expunge, a court shall

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

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

21 (6) If a person is arrested for a Minor Cannabis
22 Offense as defined in this Section before June 25, 2019
23 (the effective date of Public Act 101-27) and the person's
24 case is still pending but a sentence has not been imposed,
25 the person may petition the court in which the charges are
26 pending for an order to summarily dismiss those charges

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

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

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

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

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

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

12 (j) Felony Prostitution Convictions.

13 (1) Any individual may file a motion to vacate and
14 expunge a conviction for a prior Class 4 felony violation
15 of prostitution. Motions to vacate and expunge under this
16 subsection (j) 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. When considering the motion
19 to vacate and expunge, a court shall consider the
20 following:

21 (A) the reasons to retain the records provided by
22 law enforcement;

23 (B) the petitioner's age;

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

25 and

26 (D) the time since the conviction, and the

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

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

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

- 1 (B) the petitioner's age;
- 2 (C) the petitioner's age at the time of offense;
- 3 (D) the time since the conviction; and
- 4 (E) the specific adverse consequences if denied.

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

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

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

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

24 (6) Effect of Expungement. A person's right to expunge
25 an expungeable offense shall not be limited under this
26 Section. The effect of an order of expungement shall be to

1 restore the person to the status he or she occupied before
2 the arrest, charge, or conviction.

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

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