



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1955

Introduced 2/6/2025, by Sen. Elgie R. Sims, Jr.

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2  
705 ILCS 86/5  
735 ILCS 5/9-121

Amends the Code of Civil Procedure. Provides that in the Eviction Article, the term "impounded" has the meaning ascribed to the term in the Court Record and Document Accessibility Act. In that Article, replaces the term "seal" with "impound" and provides that a court may order that a file may be impounded by agreement of the parties. In the expungement provisions of the Criminal Identification Act, modifies the definitions of "expunge" and "seal" and removes a definition of "impounded". Makes conforming changes, including in the Court Record and Document Accessibility Act. Changes "court" to "circuit court clerk" relating to some court duties.

LRB104 08570 RTM 18622 b

1 AN ACT concerning local 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, or municipal  
3 ordinance violation (as defined in subsection  
4 (a) (1) (H)). As used in this Section, a minor traffic  
5 offense (as defined in subsection (a) (1) (G)) shall not  
6 be considered a criminal offense.

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

16 (i) has the same meaning as in paragraph (5)  
17 of subsection (b) of Section 5 of the Court Record  
18 and Document Accessibility Act for circuit court  
19 clerks. Nothing in this Act or the Court Record  
20 and Document Accessibility Act shall require the  
21 physical destruction of the circuit court clerk  
22 file. The petitioner's name shall be obliterated  
23 from the official index required to be kept by the  
24 circuit court clerk under Section 16 of the Clerks  
25 of Courts Act, but the order shall not affect any  
26 index issued by the circuit court clerk before the

1           entry of the order to expunge; or

2                   (ii) means to physically destroy the records  
3           or return them to the petitioner and to obliterate  
4           the petitioner's name from any official index or  
5           public record, or both for the arresting agency,  
6           the Illinois State Police, and any other agency as  
7           so ordered by the court not covered in subsection  
8           (a) (1) (E) (i).

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

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

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

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

15 (I) "Petitioner" means an adult or a minor  
16 prosecuted as an adult who has applied for relief  
17 under this Section.

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

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

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

21 (i) has the same meaning as in paragraph (4)  
22 of subsection (b) of Section 5 of the Court Record  
23 and Document Accessibility Act for circuit court  
24 clerks. The petitioner's name shall also be  
25 obliterated from the official index required to be  
26 kept by the circuit court clerk under Section 16

1 of the Clerks of Courts Act, but any index issued  
2 by the circuit court clerk before the entry of the  
3 order to seal shall not be affected; or

4 (ii) means to physically and electronically  
5 maintain the records, for the arresting agency,  
6 the Illinois State Police, and any other agency as  
7 so ordered by the court not covered in subsection  
8 (a)(1)(K)(i), unless the records would otherwise  
9 be destroyed due to age, but to make the records  
10 unavailable without a court order, subject to the  
11 exceptions in Sections 12 and 13.

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

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

23 (2) Minor Traffic Offenses. Orders of supervision or  
24 convictions for minor traffic offenses shall not affect a  
25 petitioner's eligibility to expunge or seal records  
26 pursuant to this Section.

1           (2.5) Commencing 180 days after July 29, 2016 (the  
2           effective date of Public Act 99-697), the law enforcement  
3           agency issuing the citation shall automatically expunge,  
4           on or before January 1 and July 1 of each year, the law  
5           enforcement records of a person found to have committed a  
6           civil law violation of subsection (a) of Section 4 of the  
7           Cannabis Control Act or subsection (c) of Section 3.5 of  
8           the Drug Paraphernalia Control Act in the law enforcement  
9           agency's possession or control and which contains the  
10          final satisfactory disposition which pertain to the person  
11          issued a citation for that offense. The law enforcement  
12          agency shall provide by rule the process for access,  
13          review, and to confirm the automatic expungement by the  
14          law enforcement agency issuing the citation. Commencing  
15          180 days after July 29, 2016 (the effective date of Public  
16          Act 99-697), the clerk of the circuit court shall expunge,  
17          upon order of the court, or in the absence of a court order  
18          on or before January 1 and July 1 of each year, the court  
19          records of a person found in the circuit court to have  
20          committed a civil law violation of subsection (a) of  
21          Section 4 of the Cannabis Control Act or subsection (c) of  
22          Section 3.5 of the Drug Paraphernalia Control Act in the  
23          clerk's possession or control and which contains the final  
24          satisfactory disposition which pertain to the person  
25          issued a citation for any of those offenses.

26          (3) Exclusions. Except as otherwise provided in

1 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
2 of this Section, the court shall not order:

3 (A) the sealing or expungement of the records of  
4 arrests or charges not initiated by arrest that result  
5 in an order of supervision for or conviction of: (i)  
6 any sexual offense committed against a minor; (ii)  
7 Section 11-501 of the Illinois Vehicle Code or a  
8 similar provision of a local ordinance; or (iii)  
9 Section 11-503 of the Illinois Vehicle Code or a  
10 similar provision of a local ordinance, unless the  
11 arrest or charge is for a misdemeanor violation of  
12 subsection (a) of Section 11-503 or a similar  
13 provision of a local ordinance, that occurred prior to  
14 the offender reaching the age of 25 years and the  
15 offender has no other conviction for violating Section  
16 11-501 or 11-503 of the Illinois Vehicle Code or a  
17 similar provision of a local ordinance.

18 (B) the sealing or expungement of records of minor  
19 traffic offenses (as defined in subsection (a) (1) (G)),  
20 unless the petitioner was arrested and released  
21 without charging.

22 (C) the sealing of the records of arrests or  
23 charges not initiated by arrest which result in an  
24 order of supervision or a conviction for the following  
25 offenses:

26 (i) offenses included in Article 11 of the

1 Criminal Code of 1961 or the Criminal Code of 2012  
2 or a similar provision of a local ordinance,  
3 except Section 11-14 and a misdemeanor violation  
4 of Section 11-30 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012, or a similar provision  
6 of a local ordinance;

7 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
8 26-5, or 48-1 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, or a similar provision of a  
10 local ordinance;

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

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

18 (v) any offense or attempted offense that  
19 would subject a person to registration under the  
20 Sex Offender Registration Act.

21 (D) (blank).

22 (b) Expungement.

23 (1) A petitioner may petition the circuit court to  
24 expunge the records of his or her arrests and charges not  
25 initiated by arrest when each arrest or charge not  
26 initiated by arrest sought to be expunged resulted in: (i)

1 acquittal, dismissal, or the petitioner's release without  
2 charging, unless excluded by subsection (a)(3)(B); (ii) a  
3 conviction which was vacated or reversed, unless excluded  
4 by subsection (a)(3)(B); (iii) an order of supervision and  
5 such supervision was successfully completed by the  
6 petitioner, unless excluded by subsection (a)(3)(A) or  
7 (a)(3)(B); or (iv) an order of qualified probation (as  
8 defined in subsection (a)(1)(J)) and such probation was  
9 successfully completed by the petitioner.

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

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

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

23 (A-5) In anticipation of the successful completion  
24 of a problem-solving court, pre-plea diversion, or  
25 post-plea diversion program, a petition for  
26 expungement may be filed 61 days before the

1           anticipated dismissal of the case or any time  
2           thereafter. Upon successful completion of the program  
3           and dismissal of the case, the court shall review the  
4           petition of the person graduating from the program and  
5           shall grant expungement if the petitioner meets all  
6           requirements as specified in any applicable statute.

7           (B) When the arrest or charge not initiated by  
8           arrest sought to be expunged resulted in an order of  
9           supervision, successfully completed by the petitioner,  
10          the following time frames will apply:

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

21                 (i-5) Those arrests or charges that resulted  
22                 in orders of supervision for a misdemeanor  
23                 violation of subsection (a) of Section 11-503 of  
24                 the Illinois Vehicle Code or a similar provision  
25                 of a local ordinance, that occurred prior to the  
26                 offender reaching the age of 25 years and the

1 offender has no other conviction for violating  
2 Section 11-501 or 11-503 of the Illinois Vehicle  
3 Code or a similar provision of a local ordinance  
4 shall not be eligible for expungement until the  
5 petitioner has reached the age of 25 years.

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

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

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

21 (4) Whenever a person has been arrested for or  
22 convicted of any offense, in the name of a person whose  
23 identity he or she has stolen or otherwise come into  
24 possession of, the aggrieved person from whom the identity  
25 was stolen or otherwise obtained without authorization,  
26 upon learning of the person having been arrested using his

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

23 (5) Whenever a person has been convicted of criminal  
24 sexual assault, aggravated criminal sexual assault,  
25 predatory criminal sexual assault of a child, criminal  
26 sexual abuse, or aggravated criminal sexual abuse, the

1 victim of that offense may request that the State's  
2 Attorney of the county in which the conviction occurred  
3 file a verified petition with the presiding trial judge at  
4 the petitioner's trial to have a court order entered to  
5 seal the records of the circuit court clerk in connection  
6 with the proceedings of the trial court concerning that  
7 offense. However, the records of the arresting authority  
8 and the Illinois State Police concerning the offense shall  
9 not be sealed. The court, upon good cause shown, shall  
10 make the records of the circuit court clerk in connection  
11 with the proceedings of the trial court concerning the  
12 offense available for public inspection.

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

22 (7) Nothing in this Section shall prevent the Illinois  
23 State Police from maintaining all records of any person  
24 who is admitted to probation upon terms and conditions and  
25 who fulfills those terms and conditions pursuant to  
26 Section 10 of the Cannabis Control Act, Section 410 of the

1 Illinois Controlled Substances Act, Section 70 of the  
2 Methamphetamine Control and Community Protection Act,  
3 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
4 Corrections, Section 12-4.3 or subdivision (b)(1) of  
5 Section 12-3.05 of the Criminal Code of 1961 or the  
6 Criminal Code of 2012, Section 10-102 of the Illinois  
7 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
8 the Substance Use Disorder Act, or Section 10 of the  
9 Steroid Control Act.

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

17 (c) Sealing.

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

24 (2) Eligible Records. The following records may be  
25 sealed:

26 (A) All arrests resulting in release without

1 charging;

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

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

11 (D) Arrests or charges not initiated by arrest  
12 resulting in convictions, including convictions on  
13 municipal ordinance violations, unless excluded by  
14 subsection (a) (3);

15 (E) Arrests or charges not initiated by arrest  
16 resulting in orders of first offender probation under  
17 Section 10 of the Cannabis Control Act, Section 410 of  
18 the Illinois Controlled Substances Act, Section 70 of  
19 the Methamphetamine Control and Community Protection  
20 Act, or Section 5-6-3.3 of the Unified Code of  
21 Corrections; and

22 (F) Arrests or charges not initiated by arrest  
23 resulting in felony convictions unless otherwise  
24 excluded by subsection (a) paragraph (3) of this  
25 Section.

26 (3) When Records Are Eligible to Be Sealed. Records

1 identified as eligible under subsection (c)(2) may be  
2 sealed as follows:

3 (A) Records identified as eligible under  
4 subsections (c)(2)(A) and (c)(2)(B) may be sealed at  
5 any time.

6 (B) Except as otherwise provided in subparagraph  
7 (E) of this paragraph (3), records identified as  
8 eligible under subsection (c)(2)(C) may be sealed 2  
9 years after the termination of petitioner's last  
10 sentence (as defined in subsection (a)(1)(F)).

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

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

25 (E) Records identified as eligible under  
26 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or

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

16 (4) Subsequent felony convictions. A person may not  
17 have subsequent felony conviction records sealed as  
18 provided in this subsection (c) if he or she is convicted  
19 of any felony offense after the date of the sealing of  
20 prior felony convictions as provided in this subsection  
21 (c). The court may, upon conviction for a subsequent  
22 felony offense, order the unsealing of prior felony  
23 conviction records previously ordered sealed by the court.

24 (5) Notice of eligibility for sealing. Upon entry of a  
25 disposition for an eligible record under this subsection  
26 (c), the petitioner shall be informed by the court of the

1 right to have the records sealed and the procedures for  
2 the sealing of the records.

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

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

18 (1.5) County fee waiver pilot program. From August 9,  
19 2019 (the effective date of Public Act 101-306) through  
20 December 31, 2020, in a county of 3,000,000 or more  
21 inhabitants, no fee shall be required to be paid by a  
22 petitioner if the records sought to be expunged or sealed  
23 were arrests resulting in release without charging or  
24 arrests or charges not initiated by arrest resulting in  
25 acquittal, dismissal, or conviction when the conviction  
26 was reversed or vacated, unless excluded by subsection

1 (a) (3) (B). The provisions of this paragraph (1.5), other  
2 than this sentence, are inoperative on and after January  
3 1, 2022.

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

18 (3) Drug test. The petitioner must attach to the  
19 petition proof that the petitioner has taken within 30  
20 days before the filing of the petition a test showing the  
21 absence within his or her body of all illegal substances  
22 as defined by the Illinois Controlled Substances Act and  
23 the Methamphetamine Control and Community Protection Act  
24 if he or she is petitioning to:

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

26 (B) seal felony records for a violation of the

1 Illinois Controlled Substances Act, the  
2 Methamphetamine Control and Community Protection Act,  
3 or the Cannabis Control Act under clause (c) (2) (F);

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

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

7 (4) Service of petition. The circuit court clerk shall  
8 promptly serve a copy of the petition and documentation to  
9 support the petition under subsection (e-5) or (e-6) on  
10 the State's Attorney or prosecutor charged with the duty  
11 of prosecuting the offense, the Illinois State Police, the  
12 arresting agency and the chief legal officer of the unit  
13 of local government effecting the arrest.

14 (5) Objections.

15 (A) Any party entitled to notice of the petition  
16 may file an objection to the petition. All objections  
17 shall be in writing, shall be filed with the circuit  
18 court clerk, and shall state with specificity the  
19 basis of the objection. Whenever a person who has been  
20 convicted of an offense is granted a pardon by the  
21 Governor which specifically authorizes expungement, an  
22 objection to the petition may not be filed.

23 (B) Objections to a petition to expunge or seal  
24 must be filed within 60 days of the date of service of  
25 the petition.

26 (6) Entry of order.

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

8 (B) Unless the State's Attorney or prosecutor, the  
9 Illinois State Police, the arresting agency, or the  
10 chief legal officer files an objection to the petition  
11 to expunge or seal within 60 days from the date of  
12 service of the petition, the court shall enter an  
13 order granting or denying the petition.

14 (C) Notwithstanding any other provision of law,  
15 the court shall not deny a petition for sealing under  
16 this Section because the petitioner has not satisfied  
17 an outstanding legal financial obligation established,  
18 imposed, or originated by a court, law enforcement  
19 agency, or a municipal, State, county, or other unit  
20 of local government, including, but not limited to,  
21 any cost, assessment, fine, or fee. An outstanding  
22 legal financial obligation does not include any court  
23 ordered restitution to a victim under Section 5-5-6 of  
24 the Unified Code of Corrections, unless the  
25 restitution has been converted to a civil judgment.  
26 Nothing in this subparagraph (C) waives, rescinds, or

1 abrogates a legal financial obligation or otherwise  
2 eliminates or affects the right of the holder of any  
3 financial obligation to pursue collection under  
4 applicable federal, State, or local law.

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

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

26 (A) the strength of the evidence supporting the

1 defendant's conviction;

2 (B) the reasons for retention of the conviction  
3 records by the State;

4 (C) the petitioner's age, criminal record history,  
5 and employment history;

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

9 (E) the specific adverse consequences the  
10 petitioner may be subject to if the petition is  
11 denied.

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

21 (9) Implementation of order.

22 (A) Upon entry of an order to expunge records  
23 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or  
24 both:

25 (i) the records shall be expunged (as defined  
26 in subsection (a) (1) (E) (ii) ~~(a) (1) (E)~~) by the

1           arresting agency, the Illinois State Police, and  
2           any other agency as ordered by the court, within  
3           60 days of the date of service of the order, unless  
4           a motion to vacate, modify, or reconsider the  
5           order is filed pursuant to paragraph (12) of  
6           subsection (d) of this Section;

7           (ii) the records of the circuit court clerk  
8           shall be expunged (as defined in subsection  
9           (a)(1)(E)(i)), ~~impounded~~ until further order of  
10          the court upon good cause shown ~~and the name of the~~  
11          ~~petitioner obliterated on the official index~~  
12          ~~required to be kept by the circuit court clerk~~  
13          ~~under Section 16 of the Clerks of Courts Act, but~~  
14          ~~the order shall not affect any index issued by the~~  
15          ~~circuit court clerk before the entry of the order;~~  
16          and

17          (iii) in response to an inquiry for expunged  
18          records, the circuit court clerk court, the  
19          Illinois State Police, or the agency receiving  
20          such inquiry, shall reply as it does in response  
21          to inquiries when no records ever existed.

22          (B) Upon entry of an order to expunge records  
23          pursuant to subsection (b)(2)(B)(i) or (b)(2)(C), or  
24          both:

25                  (i) the records shall be expunged (as defined  
26                  in subsection (a)(1)(E)(ii) ~~(a)(1)(E)~~) by the

1           arresting agency and any other agency as ordered  
2           by the court, within 60 days of the date of service  
3           of the order, unless a motion to vacate, modify,  
4           or reconsider the order is filed pursuant to  
5           paragraph (12) of subsection (d) of this Section;

6           (ii) the records of the circuit court clerk  
7           shall be expunged (as defined in subsection  
8           (a) (1) (E) (i)), ~~impounded~~ until further order of  
9           the court upon good cause shown ~~and the name of the~~  
10          ~~petitioner obliterated on the official index~~  
11          ~~required to be kept by the circuit court clerk~~  
12          ~~under Section 16 of the Clerks of Courts Act, but~~  
13          ~~the order shall not affect any index issued by the~~  
14          ~~circuit court clerk before the entry of the order;~~

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

21          (iv) records impounded by the Illinois State  
22          Police may be disseminated by the Illinois State  
23          Police only as required by law or to the arresting  
24          authority, the State's Attorney, and the circuit  
25          court clerk ~~court~~ upon a later arrest for the same  
26          or a similar offense or for the purpose of

1 sentencing for any subsequent felony, and to the  
2 Department of Corrections upon conviction for any  
3 offense; and

4 (v) in response to an inquiry for such records  
5 from anyone not authorized by law to access such  
6 records, the circuit court clerk ~~court~~, the  
7 Illinois State Police, or the agency receiving  
8 such inquiry shall reply as it does in response to  
9 inquiries when no records ever existed.

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

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

19 (ii) the records of the circuit court clerk  
20 shall be expunged (as defined in subsection  
21 (a) (1) (E) (i)), ~~impounded~~ until further order of  
22 the court upon good cause shown ~~and the name of the~~  
23 ~~petitioner obliterated on the official index~~  
24 ~~required to be kept by the circuit court clerk~~  
25 ~~under Section 16 of the Clerks of Courts Act, but~~  
26 ~~the order shall not affect any index issued by the~~

1 ~~circuit court clerk before the entry of the order;~~

2 (iii) the records shall be impounded by the  
3 Illinois State Police within 60 days of the date  
4 of service of the order as ordered by the court,  
5 unless a motion to vacate, modify, or reconsider  
6 the order is filed under paragraph (12) of  
7 subsection (d) of this Section;

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

16 (v) in response to an inquiry for these  
17 records from anyone not authorized by law to  
18 access the records, the circuit court clerk ~~court~~,  
19 the Illinois State Police, or the agency receiving  
20 the inquiry shall reply as it does in response to  
21 inquiries when no records ever existed.

22 (C) Upon entry of an order to seal records under  
23 subsection (c), the arresting agency, any other agency  
24 as ordered by the court, the Illinois State Police,  
25 and the circuit court clerk ~~court~~ shall seal the  
26 records (as defined in subsection (a)(1)(K)). In

1 response to an inquiry for such records, from anyone  
2 not authorized by law to access such records, the  
3 circuit court clerk ~~court~~, the Illinois State Police,  
4 or the agency receiving such inquiry shall reply as it  
5 does in response to inquiries when no records ever  
6 existed.

7 (D) The Illinois State Police shall send written  
8 notice to the petitioner of its compliance with each  
9 order to expunge or seal records within 60 days of the  
10 date of service of that order or, if a motion to  
11 vacate, modify, or reconsider is filed, within 60 days  
12 of service of the order resolving the motion, if that  
13 order requires the Illinois State Police to expunge or  
14 seal records. In the event of an appeal from the  
15 circuit court order, the Illinois State Police shall  
16 send written notice to the petitioner of its  
17 compliance with an Appellate Court or Supreme Court  
18 judgment to expunge or seal records within 60 days of  
19 the issuance of the court's mandate. The notice is not  
20 required while any motion to vacate, modify, or  
21 reconsider, or any appeal or petition for  
22 discretionary appellate review, is pending.

23 (E) Upon motion, the court may order that a sealed  
24 judgment or other court record necessary to  
25 demonstrate the amount of any legal financial  
26 obligation due and owing be made available for the

1 limited purpose of collecting any legal financial  
2 obligations owed by the petitioner that were  
3 established, imposed, or originated in the criminal  
4 proceeding for which those records have been sealed.  
5 The records made available under this subparagraph (E)  
6 shall not be entered into the official index required  
7 to be kept by the circuit court clerk under Section 16  
8 of the Clerks of Courts Act and shall be immediately  
9 resealed ~~re-impounded~~ upon the collection of the  
10 outstanding financial obligations.

11 (F) Notwithstanding any other provision of this  
12 Section, a circuit court clerk may access a sealed  
13 record for the limited purpose of collecting payment  
14 for any legal financial obligations that were  
15 established, imposed, or originated in the criminal  
16 proceedings for which those records have been sealed.

17 (10) Fees. The Illinois State Police may charge the  
18 petitioner a fee equivalent to the cost of processing any  
19 order to expunge or seal records. Notwithstanding any  
20 provision of the Clerks of Courts Act to the contrary, the  
21 circuit court clerk may charge a fee equivalent to the  
22 cost associated with the sealing or expungement of records  
23 by the circuit court clerk. From the total filing fee  
24 collected for the petition to seal or expunge, the circuit  
25 court clerk shall deposit \$10 into the Circuit Court Clerk  
26 Operation and Administrative Fund, to be used to offset

1 the costs incurred by the circuit court clerk in  
2 performing the additional duties required to serve the  
3 petition to seal or expunge on all parties. The circuit  
4 court clerk shall collect and remit the Illinois State  
5 Police portion of the fee to the State Treasurer and it  
6 shall be deposited in the State Police Services Fund. If  
7 the record brought under an expungement petition was  
8 previously sealed under this Section, the fee for the  
9 expungement petition for that same record shall be waived.

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

15 (12) Motion to Vacate, Modify, or Reconsider. Under  
16 Section 2-1203 of the Code of Civil Procedure, the  
17 petitioner or any party entitled to notice may file a  
18 motion to vacate, modify, or reconsider the order granting  
19 or denying the petition to expunge or seal within 60 days  
20 of service of the order. If filed more than 60 days after  
21 service of the order, a petition to vacate, modify, or  
22 reconsider shall comply with subsection (c) of Section  
23 2-1401 of the Code of Civil Procedure. Upon filing of a  
24 motion to vacate, modify, or reconsider, notice of the  
25 motion shall be served upon the petitioner and all parties  
26 entitled to notice of the petition.

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

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

18           (15) Compliance with Order Granting Petition to  
19 Expunge Records. While a party is seeking relief from the  
20 order granting the petition to expunge through a motion  
21 filed under paragraph (12) of this subsection (d) or is  
22 appealing the order, and unless a court has entered a stay  
23 of that order, the parties entitled to notice of the  
24 petition must seal, but need not expunge, the records  
25 until there is a final order on the motion for relief or,  
26 in the case of an appeal, the issuance of that court's

1 mandate.

2 (16) The changes to this subsection (d) made by Public  
3 Act 98-163 apply to all petitions pending on August 5,  
4 2013 (the effective date of Public Act 98-163) and to all  
5 orders ruling on a petition to expunge or seal on or after  
6 August 5, 2013 (the effective date of Public Act 98-163).

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

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

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

1 the circuit court clerk before the entry of the order. All  
2 records sealed by the Illinois State Police may be  
3 disseminated by the Illinois State Police only as required by  
4 this Act or to the arresting authority, a law enforcement  
5 agency, the State's Attorney, and the court upon a later  
6 arrest for the same or similar offense or for the purpose of  
7 sentencing for any subsequent felony. Upon conviction for any  
8 subsequent offense, the Department of Corrections shall have  
9 access to all sealed records of the Illinois State Police  
10 pertaining to that individual. Upon entry of the order of  
11 sealing, the circuit court clerk shall promptly mail a copy of  
12 the order to the person who was granted the certificate of  
13 eligibility for sealing.

14 (e-6) Whenever a person who has been convicted of an  
15 offense is granted a certificate of eligibility for  
16 expungement by the Prisoner Review Board which specifically  
17 authorizes expungement, he or she may, upon verified petition  
18 to the Chief Judge of the circuit where the person had been  
19 convicted, any judge of the circuit designated by the Chief  
20 Judge, or in counties of less than 3,000,000 inhabitants, the  
21 presiding trial judge at the petitioner's trial, have a court  
22 order entered expunging the record of arrest from the official  
23 records of the arresting authority and order that the records  
24 of the circuit court clerk and the Illinois State Police be  
25 sealed until further order of the court upon good cause shown  
26 or as otherwise provided herein, and the name of the

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

19 (f) Subject to available funding, the Illinois Department  
20 of Corrections shall conduct a study of the impact of sealing,  
21 especially on employment and recidivism rates, utilizing a  
22 random sample of those who apply for the sealing of their  
23 criminal records under Public Act 93-211. At the request of  
24 the Illinois Department of Corrections, records of the  
25 Illinois Department of Employment Security shall be utilized  
26 as appropriate to assist in the study. The study shall not

1 disclose any data in a manner that would allow the  
2 identification of any particular individual or employing unit.  
3 The study shall be made available to the General Assembly no  
4 later than September 1, 2010.

5 (g) Immediate Sealing.

6 (1) Applicability. Notwithstanding any other provision  
7 of this Act to the contrary, and cumulative with any  
8 rights to expungement or sealing of criminal records, this  
9 subsection authorizes the immediate sealing of criminal  
10 records of adults and of minors prosecuted as adults.

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

19 (3) When Records are Eligible to be Immediately  
20 Sealed. Eligible records under paragraph (2) of this  
21 subsection (g) may be sealed immediately after entry of  
22 the final disposition of a case, notwithstanding the  
23 disposition of other charges in the same case.

24 (4) Notice of Eligibility for Immediate Sealing. Upon  
25 entry of a disposition for an eligible record under this  
26 subsection (g), the defendant shall be informed by the

1 court of his or her right to have eligible records  
2 immediately sealed and the procedure for the immediate  
3 sealing of these records.

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

6 (A) Filing the Petition. Upon entry of the final  
7 disposition of the case, the defendant's attorney may  
8 immediately petition the court, on behalf of the  
9 defendant, for immediate sealing of eligible records  
10 under paragraph (2) of this subsection (g) that are  
11 entered on or after January 1, 2018 (the effective  
12 date of Public Act 100-282). The immediate sealing  
13 petition may be filed with the circuit court clerk  
14 during the hearing in which the final disposition of  
15 the case is entered. If the defendant's attorney does  
16 not file the petition for immediate sealing during the  
17 hearing, the defendant may file a petition for sealing  
18 at any time as authorized under subsection (c) (3) (A).

19 (B) Contents of Petition. The immediate sealing  
20 petition shall be verified and shall contain the  
21 petitioner's name, date of birth, current address, and  
22 for each eligible record, the case number, the date of  
23 arrest if applicable, the identity of the arresting  
24 authority if applicable, and other information as the  
25 court may require.

26 (C) Drug Test. The petitioner shall not be

1 required to attach proof that he or she has passed a  
2 drug test.

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

7 (E) Entry of Order. The presiding trial judge  
8 shall enter an order granting or denying the petition  
9 for immediate sealing during the hearing in which it  
10 is filed. Petitions for immediate sealing shall be  
11 ruled on in the same hearing in which the final  
12 disposition of the case is entered.

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

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

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

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

25 (J) Final Order. No court order issued under this  
26 subsection (g) shall become final for purposes of

1 appeal until 30 days after service of the order on the  
2 petitioner and all parties entitled to service of the  
3 order in conformance with subsection (d) (8).

4 (K) Motion to Vacate, Modify, or Reconsider. Under  
5 Section 2-1203 of the Code of Civil Procedure, the  
6 petitioner, State's Attorney, or the Illinois State  
7 Police may file a motion to vacate, modify, or  
8 reconsider the order denying the petition to  
9 immediately seal within 60 days of service of the  
10 order. If filed more than 60 days after service of the  
11 order, a petition to vacate, modify, or reconsider  
12 shall comply with subsection (c) of Section 2-1401 of  
13 the Code of Civil Procedure.

14 (L) Effect of Order. An order granting an  
15 immediate sealing petition shall not be considered  
16 void because it fails to comply with the provisions of  
17 this Section or because of an error asserted in a  
18 motion to vacate, modify, or reconsider. The circuit  
19 court retains jurisdiction to determine whether the  
20 order is voidable, and to vacate, modify, or  
21 reconsider its terms based on a motion filed under  
22 subparagraph (L) of this subsection (g).

23 (M) Compliance with Order Granting Petition to  
24 Seal Records. Unless a court has entered a stay of an  
25 order granting a petition to immediately seal, all  
26 parties entitled to service of the order must fully

1           comply with the terms of the order within 60 days of  
2           service of the order.

3           (h) Sealing or vacation and expungement of trafficking  
4 victims' crimes.

5           (1) A trafficking victim, as defined by paragraph (10)  
6 of subsection (a) of Section 10-9 of the Criminal Code of  
7 2012, may petition for vacation and expungement or  
8 immediate sealing of his or her criminal record upon the  
9 completion of his or her last sentence if his or her  
10 participation in the underlying offense was a result of  
11 human trafficking under Section 10-9 of the Criminal Code  
12 of 2012 or a severe form of trafficking under the federal  
13 Trafficking Victims Protection Act.

14           (1.5) A petition under paragraph (1) shall be  
15 prepared, signed, and filed in accordance with Supreme  
16 Court Rule 9. The court may allow the petitioner to attend  
17 any required hearing remotely in accordance with local  
18 rules. The court may allow a petition to be filed under  
19 seal if the public filing of the petition would constitute  
20 a risk of harm to the petitioner.

21           (2) A petitioner under this subsection (h), in  
22 addition to the requirements provided under paragraph (4)  
23 of subsection (d) of this Section, shall include in his or  
24 her petition a clear and concise statement that: (A) he or  
25 she was a victim of human trafficking at the time of the  
26 offense; and (B) that his or her participation in the

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

5 (3) If an objection is filed alleging that the  
6 petitioner is not entitled to vacation and expungement or  
7 immediate sealing under this subsection (h), the court  
8 shall conduct a hearing under paragraph (7) of subsection  
9 (d) of this Section and the court shall determine whether  
10 the petitioner is entitled to vacation and expungement or  
11 immediate sealing under this subsection (h). A petitioner  
12 is eligible for vacation and expungement or immediate  
13 relief under this subsection (h) if he or she shows, by a  
14 preponderance of the evidence, that: (A) he or she was a  
15 victim of human trafficking at the time of the offense;  
16 and (B) that his or her participation in the offense was a  
17 result of human trafficking under Section 10-9 of the  
18 Criminal Code of 2012 or a severe form of trafficking  
19 under the federal Trafficking Victims Protection Act.

20 (i) Minor Cannabis Offenses under the Cannabis Control  
21 Act.

22 (1) Expungement of Arrest Records of Minor Cannabis  
23 Offenses.

24 (A) The Illinois State Police and all law  
25 enforcement agencies within the State shall  
26 automatically expunge all criminal history records of

1 an arrest, charge not initiated by arrest, order of  
2 supervision, or order of qualified probation for a  
3 Minor Cannabis Offense committed prior to June 25,  
4 2019 (the effective date of Public Act 101-27) if:

5 (i) One year or more has elapsed since the  
6 date of the arrest or law enforcement interaction  
7 documented in the records; and

8 (ii) No criminal charges were filed relating  
9 to the arrest or law enforcement interaction or  
10 criminal charges were filed and subsequently  
11 dismissed or vacated or the arrestee was  
12 acquitted.

13 (B) If the law enforcement agency is unable to  
14 verify satisfaction of condition (ii) in paragraph  
15 (A), records that satisfy condition (i) in paragraph  
16 (A) shall be automatically expunged.

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

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

23 (ii) Records created prior to January 1, 2013,  
24 but on or after January 1, 2000, shall be  
25 automatically expunged prior to January 1, 2023;

26 (iii) Records created prior to January 1, 2000

1 shall be automatically expunged prior to January  
2 1, 2025.

3 In response to an inquiry for expunged records,  
4 the law enforcement agency receiving such inquiry  
5 shall reply as it does in response to inquiries when no  
6 records ever existed; however, it shall provide a  
7 certificate of disposition or confirmation that the  
8 record was expunged to the individual whose record was  
9 expunged if such a record exists.

10 (D) Nothing in this Section shall be construed to  
11 restrict or modify an individual's right to have that  
12 individual's records expunged except as otherwise may  
13 be provided in this Act, or diminish or abrogate any  
14 rights or remedies otherwise available to the  
15 individual.

16 (2) Pardons Authorizing Expungement of Minor Cannabis  
17 Offenses.

18 (A) Upon June 25, 2019 (the effective date of  
19 Public Act 101-27), the Department of State Police  
20 shall review all criminal history record information  
21 and identify all records that meet all of the  
22 following criteria:

23 (i) one or more convictions for a Minor  
24 Cannabis Offense;

25 (ii) the conviction identified in paragraph  
26 (2)(A)(i) did not include a penalty enhancement

1 under Section 7 of the Cannabis Control Act; and

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

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

12 (i) The Prisoner Review Board shall notify the  
13 State's Attorney of the county of conviction of  
14 each record identified by State Police in  
15 paragraph (2) (A) that is classified as a Class 4  
16 felony. The State's Attorney may provide a written  
17 objection to the Prisoner Review Board on the sole  
18 basis that the record identified does not meet the  
19 criteria established in paragraph (2) (A). Such an  
20 objection must be filed within 60 days or by such  
21 later date set by the Prisoner Review Board in the  
22 notice after the State's Attorney received notice  
23 from the Prisoner Review Board.

24 (ii) In response to a written objection from a  
25 State's Attorney, the Prisoner Review Board is  
26 authorized to conduct a non-public hearing to

1 evaluate the information provided in the  
2 objection.

3 (iii) The Prisoner Review Board shall make a  
4 confidential and privileged recommendation to the  
5 Governor as to whether to grant a pardon  
6 authorizing expungement for each of the records  
7 identified by the Department of State Police as  
8 described in paragraph (2) (A).

9 (C) If an individual has been granted a pardon  
10 authorizing expungement as described in this Section,  
11 the Prisoner Review Board, through the Attorney  
12 General, shall file a petition for expungement with  
13 the Chief Judge of the circuit or any judge of the  
14 circuit designated by the Chief Judge where the  
15 individual had been convicted. Such petition may  
16 include more than one individual. Whenever an  
17 individual who has been convicted of an offense is  
18 granted a pardon by the Governor that specifically  
19 authorizes expungement, an objection to the petition  
20 may not be filed. Petitions to expunge under this  
21 subsection (i) may include more than one individual.  
22 Within 90 days of the filing of such a petition, the  
23 court shall enter an order expunging the records of  
24 arrest from the official records of the arresting  
25 authority and order that the records of the circuit  
26 court clerk and the Illinois State Police be expunged

1 and the name of the defendant obliterated from the  
2 official index requested to be kept by the circuit  
3 court clerk under Section 16 of the Clerks of Courts  
4 Act in connection with the arrest and conviction for  
5 the offense for which the individual had received a  
6 pardon but the order shall not affect any index issued  
7 by the circuit court clerk before the entry of the  
8 order. Upon entry of the order of expungement, the  
9 circuit court clerk shall promptly provide a copy of  
10 the order and a certificate of disposition to the  
11 individual who was pardoned to the individual's last  
12 known address or by electronic means (if available) or  
13 otherwise make it available to the individual upon  
14 request.

15 (D) Nothing in this Section is intended to  
16 diminish or abrogate any rights or remedies otherwise  
17 available to the individual.

18 (3) Any individual may file a motion to vacate and  
19 expunge a conviction for a misdemeanor or Class 4 felony  
20 violation of Section 4 or Section 5 of the Cannabis  
21 Control Act. Motions to vacate and expunge under this  
22 subsection (i) may be filed with the circuit court, Chief  
23 Judge of a judicial circuit or any judge of the circuit  
24 designated by the Chief Judge. The circuit court clerk  
25 shall promptly serve a copy of the motion to vacate and  
26 expunge, and any supporting documentation, on the State's

1 Attorney or prosecutor charged with the duty of  
2 prosecuting the offense. When considering such a motion to  
3 vacate and expunge, a court shall consider the following:  
4 the reasons to retain the records provided by law  
5 enforcement, the petitioner's age, the petitioner's age at  
6 the time of offense, the time since the conviction, and  
7 the specific adverse consequences if denied. An individual  
8 may file such a petition after the completion of any  
9 non-financial sentence or non-financial condition imposed  
10 by the conviction. Within 60 days of the filing of such  
11 motion, a State's Attorney may file an objection to such a  
12 petition along with supporting evidence. If a motion to  
13 vacate and expunge is granted, the records shall be  
14 expunged in accordance with subparagraphs (d)(8) and  
15 (d)(9)(A) of this Section. An agency providing civil legal  
16 aid, as defined by Section 15 of the Public Interest  
17 Attorney Assistance Act, assisting individuals seeking to  
18 file a motion to vacate and expunge under this subsection  
19 may file motions to vacate and expunge with the Chief  
20 Judge of a judicial circuit or any judge of the circuit  
21 designated by the Chief Judge, and the motion may include  
22 more than one individual. Motions filed by an agency  
23 providing civil legal aid concerning more than one  
24 individual may be prepared, presented, and signed  
25 electronically.

26 (4) Any State's Attorney may file a motion to vacate

1 and expunge a conviction for a misdemeanor or Class 4  
2 felony violation of Section 4 or Section 5 of the Cannabis  
3 Control Act. Motions to vacate and expunge under this  
4 subsection (i) may be filed with the circuit court, Chief  
5 Judge of a judicial circuit or any judge of the circuit  
6 designated by the Chief Judge, and may include more than  
7 one individual. Motions filed by a State's Attorney  
8 concerning more than one individual may be prepared,  
9 presented, and signed electronically. When considering  
10 such a motion to vacate and expunge, a court shall  
11 consider the following: the reasons to retain the records  
12 provided by law enforcement, the individual's age, the  
13 individual's age at the time of offense, the time since  
14 the conviction, and the specific adverse consequences if  
15 denied. Upon entry of an order granting a motion to vacate  
16 and expunge records pursuant to this Section, the State's  
17 Attorney shall notify the Prisoner Review Board within 30  
18 days. Upon entry of the order of expungement, the circuit  
19 court clerk shall promptly provide a copy of the order and  
20 a certificate of disposition to the individual whose  
21 records will be expunged to the individual's last known  
22 address or by electronic means (if available) or otherwise  
23 make available to the individual upon request. If a motion  
24 to vacate and expunge is granted, the records shall be  
25 expunged in accordance with subparagraphs (d)(8) and  
26 (d)(9)(A) of this Section.

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

5           (6) If a person is arrested for a Minor Cannabis  
6 Offense as defined in this Section before June 25, 2019  
7 (the effective date of Public Act 101-27) and the person's  
8 case is still pending but a sentence has not been imposed,  
9 the person may petition the court in which the charges are  
10 pending for an order to summarily dismiss those charges  
11 against him or her, and expunge all official records of  
12 his or her arrest, plea, trial, conviction, incarceration,  
13 supervision, or expungement. If the court determines, upon  
14 review, that: (A) the person was arrested before June 25,  
15 2019 (the effective date of Public Act 101-27) for an  
16 offense that has been made eligible for expungement; (B)  
17 the case is pending at the time; and (C) the person has not  
18 been sentenced of the minor cannabis violation eligible  
19 for expungement under this subsection, the court shall  
20 consider the following: the reasons to retain the records  
21 provided by law enforcement, the petitioner's age, the  
22 petitioner's age at the time of offense, the time since  
23 the conviction, and the specific adverse consequences if  
24 denied. If a motion to dismiss and expunge is granted, the  
25 records shall be expunged in accordance with subparagraph  
26 (d) (9) (A) of this Section.

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

5           (8) The Illinois State Police shall allow a person to  
6 use the access and review process, established in the  
7 Illinois State Police, for verifying that his or her  
8 records relating to Minor Cannabis Offenses of the  
9 Cannabis Control Act eligible under this Section have been  
10 expunged.

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

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

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

22           (j) Felony Prostitution Convictions.

23           (1) Any individual may file a motion to vacate and  
24 expunge a conviction for a prior Class 4 felony violation  
25 of prostitution. Motions to vacate and expunge under this  
26 subsection (j) may be filed with the circuit court, Chief

1 Judge of a judicial circuit, or any judge of the circuit  
2 designated by the Chief Judge. When considering the motion  
3 to vacate and expunge, a court shall consider the  
4 following:

5 (A) the reasons to retain the records provided by  
6 law enforcement;

7 (B) the petitioner's age;

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

9 and

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

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

9                   (A) the reasons to retain the records provided by  
10                   law enforcement;

11                   (B) the petitioner's age;

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

13                   (D) the time since the conviction; and

14                   (E) the specific adverse consequences if denied.

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

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

26           (4) The Illinois State Police shall allow a person to

1 a use the access and review process, established in the  
2 Illinois State Police, for verifying that his or her  
3 records relating to felony prostitution eligible under  
4 this Section have been expunged.

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

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

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

16 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;  
17 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.  
18 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23; 103-609,  
19 eff. 7-1-24; 103-755, eff. 8-2-24; revised 8-9-24.)

20 Section 10. The Court Record and Document Accessibility  
21 Act is amended by changing Section 5 as follows:

22 (705 ILCS 86/5)

23 Sec. 5. Record and document accessibility.

24 (a) All records and documents are presumed to be

1 accessible by the court and the clerk of the court. A clerk of  
2 the court shall limit access to case information and documents  
3 that are not identified as public to the clerk of the court or  
4 limited supervisory staff through the use of access codes  
5 restricting access. Access to court records and documents  
6 remotely over the Internet shall be as authorized by the  
7 Illinois Supreme Court Remote Access Policy.

8 (b) Unless otherwise specified by rule, statute, or order,  
9 access to case information and documents maintained by the  
10 clerk of the court is defined as follows:

11 (1) "Public" means a document or case that is  
12 accessible by any person upon request.

13 (2) "Impounded" means a document or case that is  
14 accessible only to the parties of record on a case;  
15 otherwise, the document or case is only accessible upon  
16 order of a court.

17 (3) "Confidential" means a document or case that is  
18 accessible only to the party submitting the document or  
19 filing the case; otherwise, the document or case is only  
20 accessible upon order of a court.

21 (4) "Sealed" means a document or case that is  
22 accessible only upon order of a court.

23 (5) "Expunged" means a document or case that is  
24 accessible only upon order of a court ~~as provided in~~  
25 ~~subparagraph (E) of paragraph (1) of subsection (a) of~~  
26 ~~Section 5.2 of the Criminal Identification Act.~~

1 (c) Notwithstanding any provision of subsections (a) and  
2 (b), the court may enter an order restricting access to any  
3 case or document per order of court.

4 (d) If any law of this State restricts access to any case  
5 information and documents maintained by the clerk of the court  
6 by using the phrase "shall not be public", or a similar phrase  
7 stating that a court record is not available to the public, the  
8 clerk of the court shall impound such case information and  
9 documents unless the court directs otherwise.

10 (e) Notwithstanding any other provision of law, if any law  
11 or statute of this State conflicts with Supreme Court Rule 8,  
12 then Supreme Court Rule 8 governs.

13 (Source: P.A. 103-166, eff. 1-1-24.)

14 Section 15. The Code of Civil Procedure is amended by  
15 changing Section 9-121 as follows:

16 (735 ILCS 5/9-121)

17 Sec. 9-121. Impounding ~~Sealing~~ of court file.

18 (a) Definitions. ~~Definition.~~ As used in this Section:  
19 ~~"court~~

20 "Court file" means the court file created when an  
21 eviction action is filed with the court.

22 "Impounded" has the same meaning as in paragraph (2)  
23 of subsection (b) of Section 5 of the Court Record and Document  
24 Accessibility Act.

1           (b) Discretionary impounding ~~sealing~~ of court file. The  
2 court may order that a court file in an eviction action be  
3 impounded ~~placed under seal~~ if the court finds that the  
4 plaintiff's action is sufficiently without a basis in fact or  
5 law, which may include a lack of jurisdiction, that impounding  
6 ~~placing~~ the court file ~~under seal~~ is clearly in the interests  
7 of justice, and that those interests are not outweighed by the  
8 public's interest in knowing about the record.

9           (b-5) Impounding of court file by agreement. The court may  
10 order that a file may be impounded by agreement of the parties.

11           (c) Mandatory impounding ~~sealing~~ of court file. The court  
12 file relating to an eviction action brought against a tenant  
13 under Section 9-207.5 of this Code or as set forth in  
14 subdivision (h) (6) of Section 15-1701 of this Code shall be  
15 impounded ~~placed under seal~~.

16           (d) This Section is operative on and after August 1, 2022.  
17 (Source: P.A. 102-5, eff. 5-17-21.)