



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0927

by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-915

Amends the Juvenile Court Act of 1987. Provides that notwithstanding any provision of the Act to the contrary, on and after the effective date of the amendatory Act, all juvenile law enforcement records and juvenile court records are subject to automatic expungement if the underlying charge was not a crime of violence as defined in the Crime Victims Compensation Act. Provides that upon entry of a disposition for an eligible record, the minor shall be informed by the court of his or her right to have eligible records immediately expunged. Provides that the clerk shall deliver a certified copy of the expungement order to the Department of State Police and the arresting agency. Provides that the expungement shall be completed within 14 business days after the receipt of the expungement order. Allows retention of some information under special conditions.

LRB101 07124 SLF 52162 b

1 AN ACT concerning courts.

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

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

6 (705 ILCS 405/5-915)

7 (Text of Section before amendment by P.A. 100-987)

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

10 (0.05) (Blank).

11 (0.1) (a) Except as otherwise provided in subsection (0.15)
12 of this Section, the Department of State Police and all law
13 enforcement agencies within the State shall automatically
14 expunge, on or before January 1 of each year, all juvenile law
15 enforcement records relating to events occurring before an
16 individual's 18th birthday if:

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

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

1 (3) 6 months have elapsed since the date of the arrest
2 without an additional subsequent arrest or filing of a
3 petition for delinquency or criminal charges whether
4 related or not to the arrest or law enforcement interaction
5 documented in the records.

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

15 (0.15) If a juvenile law enforcement record meets paragraph
16 (a) of subsection (0.1) of this Section, a juvenile law
17 enforcement record created:

18 (1) prior to January 1, 2018, but on or after January
19 1, 2013 shall be automatically expunged prior to January 1,
20 2020;

21 (2) prior to January 1, 2013, but on or after January
22 1, 2000, shall be automatically expunged prior to January
23 1, 2023; and

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

26 Nothing in this subsection (0.15) shall be construed to

1 restrict or modify an individual's right to have his or her
2 juvenile law enforcement records expunged except as otherwise
3 may be provided in this Act.

4 (0.2) (a) Upon dismissal of a petition alleging delinquency
5 or upon a finding of not delinquent, the successful termination
6 of an order of supervision, or the successful termination of an
7 adjudication for an offense which would be a Class B
8 misdemeanor, Class C misdemeanor, or a petty or business
9 offense if committed by an adult, the court shall automatically
10 order the expungement of the juvenile court records and
11 juvenile law enforcement records. The clerk shall deliver a
12 certified copy of the expungement order to the Department of
13 State Police and the arresting agency. Upon request, the
14 State's Attorney shall furnish the name of the arresting
15 agency. The expungement shall be completed within 60 business
16 days after the receipt of the expungement order.

17 (b) If the chief law enforcement officer of the agency, or
18 his or her designee, certifies in writing that certain
19 information is needed for a pending investigation involving the
20 commission of a felony, that information, and information
21 identifying the juvenile, may be retained until the statute of
22 limitations for the felony has expired. If the chief law
23 enforcement officer of the agency, or his or her designee,
24 certifies in writing that certain information is needed with
25 respect to an internal investigation of any law enforcement
26 office, that information and information identifying the

1 juvenile may be retained within an intelligence file until the
2 investigation is terminated or the disciplinary action,
3 including appeals, has been completed, whichever is later.
4 Retention of a portion of a juvenile's law enforcement record
5 does not disqualify the remainder of his or her record from
6 immediate automatic expungement.

7 (0.3) (a) Upon an adjudication of delinquency based on any
8 offense except a disqualified offense, the juvenile court shall
9 automatically order the expungement of the juvenile court and
10 law enforcement records 2 years after the juvenile's case was
11 closed if no delinquency or criminal proceeding is pending and
12 the person has had no subsequent delinquency adjudication or
13 criminal conviction. The clerk shall deliver a certified copy
14 of the expungement order to the Department of State Police and
15 the arresting agency. Upon request, the State's Attorney shall
16 furnish the name of the arresting agency. The expungement shall
17 be completed within 60 business days after the receipt of the
18 expungement order. In this subsection (0.3), "disqualified
19 offense" means any of the following offenses: Section 8-1.2,
20 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1,
21 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
22 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2,
23 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5,
24 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
25 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
26 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal

1 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
2 of subsection (a) of Section 11-14.4, subsection (a-5) of
3 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of
4 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
5 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
6 subparagraph (i) of paragraph (1) of subsection (a) of Section
7 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
8 Section 24-1.6, paragraph (1) of subsection (a) of Section
9 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
10 of 2012.

11 (b) If the chief law enforcement officer of the agency, or
12 his or her designee, certifies in writing that certain
13 information is needed for a pending investigation involving the
14 commission of a felony, that information, and information
15 identifying the juvenile, may be retained in an intelligence
16 file until the investigation is terminated or for one
17 additional year, whichever is sooner. Retention of a portion of
18 a juvenile's juvenile law enforcement record does not
19 disqualify the remainder of his or her record from immediate
20 automatic expungement.

21 (0.4) Automatic expungement for the purposes of this
22 Section shall not require law enforcement agencies to
23 obliterate or otherwise destroy juvenile law enforcement
24 records that would otherwise need to be automatically expunged
25 under this Act, except after 2 years following the subject
26 arrest for purposes of use in civil litigation against a

1 governmental entity or its law enforcement agency or personnel
2 which created, maintained, or used the records. However these
3 juvenile law enforcement records shall be considered expunged
4 for all other purposes during this period and the offense,
5 which the records or files concern, shall be treated as if it
6 never occurred as required under Section 5-923.

7 (0.5) Subsection (0.1) or (0.2) of this Section does not
8 apply to violations of traffic, boating, fish and game laws, or
9 county or municipal ordinances.

10 (0.6) Juvenile law enforcement records of a plaintiff who
11 has filed civil litigation against the governmental entity or
12 its law enforcement agency or personnel that created,
13 maintained, or used the records or juvenile law enforcement
14 records that contain information related to the allegations set
15 forth in the civil litigation may not be expunged until after 2
16 years have elapsed after the conclusion of the lawsuit,
17 including any appeal.

18 (0.7) Officer-worn body camera recordings shall not be
19 automatically expunged except as otherwise authorized by the
20 Law Enforcement Officer-Worn Body Camera Act.

21 (1) Whenever a person has been arrested, charged, or
22 adjudicated delinquent for an incident occurring before his or
23 her 18th birthday that if committed by an adult would be an
24 offense, and that person's juvenile law enforcement and
25 juvenile court records are not eligible for automatic
26 expungement under subsection (0.1), (0.2), or (0.3), the person

1 may petition the court at any time for expungement of juvenile
2 law enforcement records and juvenile court records relating to
3 the incident and, upon termination of all juvenile court
4 proceedings relating to that incident, the court shall order
5 the expungement of all records in the possession of the
6 Department of State Police, the clerk of the circuit court, and
7 law enforcement agencies relating to the incident, but only in
8 any of the following circumstances:

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

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

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

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

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

22 (1.5) The Department of State Police shall allow a person
23 to use the Access and Review process, established in the
24 Department of State Police, for verifying that his or her
25 juvenile law enforcement records relating to incidents
26 occurring before his or her 18th birthday eligible under this

1 Act have been expunged.

2 (1.6) (Blank).

3 (1.7) (Blank).

4 (1.8) (Blank).

5 (2) Any person whose delinquency adjudications are not
6 eligible for automatic expungement under subsection (0.3) of
7 this Section may petition the court to expunge all juvenile law
8 enforcement records relating to any incidents occurring before
9 his or her 18th birthday which did not result in proceedings in
10 criminal court and all juvenile court records with respect to
11 any adjudications except those based upon first degree murder
12 or an offense under Article 11 of the Criminal Code of 2012 if
13 the person is required to register under the Sex Offender
14 Registration Act at the time he or she petitions the court for
15 expungement; provided that:

16 (a) (blank); or

17 (b) 2 years have elapsed since all juvenile court
18 proceedings relating to him or her have been terminated and
19 his or her commitment to the Department of Juvenile Justice
20 under this Act has been terminated.

21 (2.5) If a minor is arrested and no petition for
22 delinquency is filed with the clerk of the circuit court at the
23 time the minor is released from custody, the youth officer, if
24 applicable, or other designated person from the arresting
25 agency, shall notify verbally and in writing to the minor or
26 the minor's parents or guardians that the minor shall have an

1 arrest record and shall provide the minor and the minor's
2 parents or guardians with an expungement information packet,
3 information regarding this State's expungement laws including
4 a petition to expunge juvenile law enforcement and juvenile
5 court records obtained from the clerk of the circuit court.

6 (2.6) If a minor is referred to court then at the time of
7 sentencing or dismissal of the case, or successful completion
8 of supervision, the judge shall inform the delinquent minor of
9 his or her rights regarding expungement and the clerk of the
10 circuit court shall provide an expungement information packet
11 to the minor, written in plain language, including information
12 regarding this State's expungement laws and a petition for
13 expungement, a sample of a completed petition, expungement
14 instructions that shall include information informing the
15 minor that (i) once the case is expunged, it shall be treated
16 as if it never occurred, (ii) he or she may apply to have
17 petition fees waived, (iii) once he or she obtains an
18 expungement, he or she may not be required to disclose that he
19 or she had a juvenile law enforcement or juvenile court record,
20 and (iv) if petitioning he or she may file the petition on his
21 or her own or with the assistance of an attorney. The failure
22 of the judge to inform the delinquent minor of his or her right
23 to petition for expungement as provided by law does not create
24 a substantive right, nor is that failure grounds for: (i) a
25 reversal of an adjudication of delinquency, (ii) a new trial;
26 or (iii) an appeal.

1 (2.7) (Blank).

2 (2.8) (Blank).

3 (3) (Blank).

4 (3.1) (Blank).

5 (3.2) (Blank).

6 (3.3) (Blank).

7 (4) (Blank).

8 (5) (Blank).

9 (5.5) Whether or not expunged, records eligible for
10 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
11 (0.3) (a) may be treated as expunged by the person who is the
12 subject of the records.

13 (6) (Blank).

14 (6.5) The Department of State Police or any employee of the
15 Department shall be immune from civil or criminal liability for
16 failure to expunge any records of arrest that are subject to
17 expungement under this Section because of inability to verify a
18 record. Nothing in this Section shall create Department of
19 State Police liability or responsibility for the expungement of
20 juvenile law enforcement records it does not possess.

21 (7) (Blank).

22 (7.5) (Blank).

23 (8) (a) (Blank).

24 (b) (Blank).

25 (c) The expungement of juvenile law enforcement or juvenile
26 court records under subsection (0.1), (0.2), or (0.3) of this

1 Section shall be funded by the additional fine imposed under
2 Section 5-9-1.17 of the Unified Code of Corrections.

3 (9) (Blank).

4 (10) (Blank).

5 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
6 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
7 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff. 12-20-18.)

8 (Text of Section after amendment by P.A. 100-987)

9 Sec. 5-915. Expungement of juvenile law enforcement and
10 juvenile court records.

11 (0.05) (Blank).

12 (0.1) (a) The Department of State Police and all law
13 enforcement agencies within the State shall automatically
14 expunge, on or before January 1 of each year, all juvenile law
15 enforcement records relating to events occurring before an
16 individual's 18th birthday if:

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

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

24 (3) 6 months have elapsed since the date of the arrest
25 without an additional subsequent arrest or filing of a

1 petition for delinquency or criminal charges whether
2 related or not to the arrest or law enforcement interaction
3 documented in the records.

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

13 (0.15) If a juvenile law enforcement record meets paragraph
14 (a) of subsection (0.1) of this Section, a juvenile law
15 enforcement record created:

16 (1) prior to January 1, 2018, but on or after January
17 1, 2013 shall be automatically expunged prior to January 1,
18 2020;

19 (2) prior to January 1, 2013, but on or after January
20 1, 2000, shall be automatically expunged prior to January
21 1, 2023; and

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

24 Nothing in this subsection (0.15) shall be construed to
25 restrict or modify an individual's right to have his or her
26 juvenile law enforcement records expunged except as otherwise

1 may be provided in this Act.

2 (0.2) (a) Upon dismissal of a petition alleging delinquency
3 or upon a finding of not delinquent, the successful termination
4 of an order of supervision, or the successful termination of an
5 adjudication for an offense which would be a Class B
6 misdemeanor, Class C misdemeanor, or a petty or business
7 offense if committed by an adult, the court shall automatically
8 order the expungement of the juvenile court records and
9 juvenile law enforcement records. The clerk shall deliver a
10 certified copy of the expungement order to the Department of
11 State Police and the arresting agency. Upon request, the
12 State's Attorney shall furnish the name of the arresting
13 agency. The expungement shall be completed within 60 business
14 days after the receipt of the expungement order.

15 (b) If the chief law enforcement officer of the agency, or
16 his or her designee, certifies in writing that certain
17 information is needed for a pending investigation involving the
18 commission of a felony, that information, and information
19 identifying the juvenile, may be retained until the statute of
20 limitations for the felony has run. If the chief law
21 enforcement officer of the agency, or his or her designee,
22 certifies in writing that certain information is needed with
23 respect to an internal investigation of any law enforcement
24 office, that information and information identifying the
25 juvenile may be retained within an intelligence file until the
26 investigation is terminated or the disciplinary action,

1 including appeals, has been completed, whichever is later.
2 Retention of a portion of a juvenile's law enforcement record
3 does not disqualify the remainder of his or her record from
4 immediate automatic expungement.

5 (0.3) (a) Upon an adjudication of delinquency based on any
6 offense except a disqualified offense, the juvenile court shall
7 automatically order the expungement of the juvenile court and
8 law enforcement records 2 years after the juvenile's case was
9 closed if no delinquency or criminal proceeding is pending and
10 the person has had no subsequent delinquency adjudication or
11 criminal conviction. The clerk shall deliver a certified copy
12 of the expungement order to the Department of State Police and
13 the arresting agency. Upon request, the State's Attorney shall
14 furnish the name of the arresting agency. The expungement shall
15 be completed within 60 business days after the receipt of the
16 expungement order. In this subsection (0.3), "disqualified
17 offense" means any of the following offenses: Section 8-1.2,
18 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1,
19 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
20 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2,
21 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5,
22 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
23 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
24 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
25 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
26 of subsection (a) of Section 11-14.4, subsection (a-5) of

1 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of
2 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
3 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
4 subparagraph (i) of paragraph (1) of subsection (a) of Section
5 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
6 Section 24-1.6, paragraph (1) of subsection (a) of Section
7 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
8 of 2012.

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

19 (0.35) (a) Notwithstanding any provision of this Act to the
20 contrary, on and after the effective date of this amendatory
21 Act of the 101st General Assembly, all juvenile law enforcement
22 records and juvenile court records are subject to automatic
23 expungement if the underlying charge was not a crime of
24 violence as defined in Section 2 of the Crime Victims
25 Compensation Act.

26 (b) Upon entry of a disposition for an eligible record

1 under this subsection (0.35), the minor shall be informed by
2 the court of his or her right to have eligible records
3 immediately expunged. The clerk shall deliver a certified copy
4 of the expungement order to the Department of State Police and
5 the arresting agency. Upon request, the State's Attorney shall
6 furnish the name of the arresting agency. The expungement shall
7 be completed within 14 business days after the receipt of the
8 expungement order.

9 (c) If the chief law enforcement officer of the agency, or
10 his or her designee, certifies in writing that certain
11 information is needed for a pending investigation involving the
12 commission of a felony, that information, and information
13 identifying the juvenile, may be retained until the statute of
14 limitations for the felony has expired. If the chief law
15 enforcement officer of the agency, or his or her designee,
16 certifies in writing that certain information is needed with
17 respect to an internal investigation of any law enforcement
18 office, that information and information identifying the
19 juvenile may be retained within an intelligence file until the
20 investigation is terminated or the disciplinary action,
21 including appeals, has been completed, whichever is later.
22 Retention of a portion of a juvenile's law enforcement record
23 does not disqualify the remainder of his or her record from
24 immediate automatic expungement.

25 (0.4) Automatic expungement for the purposes of this
26 Section shall not require law enforcement agencies to

1 obliterate or otherwise destroy juvenile law enforcement
2 records that would otherwise need to be automatically expunged
3 under this Act, except after 2 years following the subject
4 arrest for purposes of use in civil litigation against a
5 governmental entity or its law enforcement agency or personnel
6 which created, maintained, or used the records. However these
7 juvenile law enforcement records shall be considered expunged
8 for all other purposes during this period and the offense,
9 which the records or files concern, shall be treated as if it
10 never occurred as required under Section 5-923.

11 (0.5) Subsection (0.1) or (0.2) of this Section does not
12 apply to violations of traffic, boating, fish and game laws, or
13 county or municipal ordinances.

14 (0.6) Juvenile law enforcement records of a plaintiff who
15 has filed civil litigation against the governmental entity or
16 its law enforcement agency or personnel that created,
17 maintained, or used the records, or juvenile law enforcement
18 records that contain information related to the allegations set
19 forth in the civil litigation may not be expunged until after 2
20 years have elapsed after the conclusion of the lawsuit,
21 including any appeal.

22 (0.7) Officer-worn body camera recordings shall not be
23 automatically expunged except as otherwise authorized by the
24 Law Enforcement Officer-Worn Body Camera Act.

25 (1) Whenever a person has been arrested, charged, or
26 adjudicated delinquent for an incident occurring before his or

1 her 18th birthday that if committed by an adult would be an
2 offense, and that person's juvenile law enforcement and
3 juvenile court records are not eligible for automatic
4 expungement under subsection (0.1), (0.2), or (0.3), the person
5 may petition the court at any time for expungement of juvenile
6 law enforcement records and juvenile court records relating to
7 the incident and, upon termination of all juvenile court
8 proceedings relating to that incident, the court shall order
9 the expungement of all records in the possession of the
10 Department of State Police, the clerk of the circuit court, and
11 law enforcement agencies relating to the incident, but only in
12 any of the following circumstances:

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

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

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

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

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

26 (1.5) The Department of State Police shall allow a person

1 to use the Access and Review process, established in the
2 Department of State Police, for verifying that his or her
3 juvenile law enforcement records relating to incidents
4 occurring before his or her 18th birthday eligible under this
5 Act have been expunged.

6 (1.6) (Blank).

7 (1.7) (Blank).

8 (1.8) (Blank).

9 (2) Any person whose delinquency adjudications are not
10 eligible for automatic expungement under subsection (0.3) of
11 this Section may petition the court to expunge all juvenile law
12 enforcement records relating to any incidents occurring before
13 his or her 18th birthday which did not result in proceedings in
14 criminal court and all juvenile court records with respect to
15 any adjudications except those based upon first degree murder
16 or an offense under Article 11 of the Criminal Code of 2012 if
17 the person is required to register under the Sex Offender
18 Registration Act at the time he or she petitions the court for
19 expungement; provided that:

20 (a) (blank); or

21 (b) 2 years have elapsed since all juvenile court
22 proceedings relating to him or her have been terminated and
23 his or her commitment to the Department of Juvenile Justice
24 under this Act has been terminated.

25 (2.5) If a minor is arrested and no petition for
26 delinquency is filed with the clerk of the circuit court at the

1 time the minor is released from custody, the youth officer, if
2 applicable, or other designated person from the arresting
3 agency, shall notify verbally and in writing to the minor or
4 the minor's parents or guardians that the minor shall have an
5 arrest record and shall provide the minor and the minor's
6 parents or guardians with an expungement information packet,
7 information regarding this State's expungement laws including
8 a petition to expunge juvenile law enforcement and juvenile
9 court records obtained from the clerk of the circuit court.

10 (2.6) If a minor is referred to court then at the time of
11 sentencing or dismissal of the case, or successful completion
12 of supervision, the judge shall inform the delinquent minor of
13 his or her rights regarding expungement and the clerk of the
14 circuit court shall provide an expungement information packet
15 to the minor, written in plain language, including information
16 regarding this State's expungement laws and a petition for
17 expungement, a sample of a completed petition, expungement
18 instructions that shall include information informing the
19 minor that (i) once the case is expunged, it shall be treated
20 as if it never occurred, (ii) he or she may apply to have
21 petition fees waived, (iii) once he or she obtains an
22 expungement, he or she may not be required to disclose that he
23 or she had a juvenile law enforcement or juvenile court record,
24 and (iv) if petitioning he or she may file the petition on his
25 or her own or with the assistance of an attorney. The failure
26 of the judge to inform the delinquent minor of his or her right

1 to petition for expungement as provided by law does not create
2 a substantive right, nor is that failure grounds for: (i) a
3 reversal of an adjudication of delinquency, (ii) a new trial;
4 or (iii) an appeal.

5 (2.7) (Blank).

6 (2.8) (Blank).

7 (3) (Blank).

8 (3.1) (Blank).

9 (3.2) (Blank).

10 (3.3) (Blank).

11 (4) (Blank).

12 (5) (Blank).

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

17 (6) (Blank).

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

25 (7) (Blank).

26 (7.5) (Blank).

1 (8) (a) (Blank).

2 (b) (Blank).

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

7 (9) (Blank).

8 (10) (Blank).

9 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
10 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
11 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; 100-1162,
12 eff. 12-20-18.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.