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Filed: 4/8/2019

10100HB2500ham001

LRB101 08970 SLF 59465 a

1 AMENDMENT TO HOUSE BILL 2500

2 AMENDMENT NO. _____. Amend House Bill 2500 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Purpose.

5 (a) This Act provides for the purpose of maintaining
6 complete and accurate criminal records of the Department of
7 State Police and it is necessary for all policing bodies of
8 this State, the clerk of the circuit court, the Department of
9 Corrections, the sheriff of each county, and State's Attorney
10 of each county to submit certain criminal arrest, charge, and
11 disposition information to the Department of State Police for
12 filing at the earliest time possible. This Act also provides
13 that it shall be the duty of all policing bodies of this State,
14 the clerk of the circuit court, the Department of Corrections,
15 the sheriff of each county, and the State's Attorney of each
16 county to report such information, both in the form and manner
17 required by the Department of State Police and within 30 days

1 of the criminal history event. Specifically, this information
2 is: (1) arrest information; (2) charge information; and (3)
3 disposition information.

4 (b) Circuit clerks, law enforcement, and courts throughout
5 this State all operate on unique information technology
6 systems. Some jurisdictions have been unable to digitize older
7 court records and those remain paper based.

8 (c) Individuals seeking to have records sealed or expunged
9 have to know their complete criminal history, which includes
10 everywhere they have been arrested and what is the disposition
11 of each arrest. Official criminal history rap sheets are often
12 times incomplete and not updated and charging information and
13 disposition information are not available on arrests.
14 Municipal ordinance arrests and certain misdemeanors are not
15 reported which leads to cases showing up in clerk's records,
16 but not on the official record.

17 (d) When filing expungement and sealing petitions,
18 accuracy is important and knowing the proper waiting period for
19 sealing from point of last sentence. Once an individual
20 receives his or her complete criminal history transcript from
21 the Department of State Police, the disposition needs to be
22 verified in each appropriate clerk's system. Due to the lack of
23 clear reporting, individuals must deal with the discrepancies
24 because the reports do not always correspond.

25 (e) Within each jurisdiction exists differing filing
26 procedures, and while filing fees for the indigent and

1 juveniles is waived, the Department's fee is currently a
2 standard \$60, however, county level filing fees differ all over
3 the State.

4 (f) State law provides that objections to a petition to
5 expunge or seal must be filed within 60 days of the date of
6 service of the petition, which has had varying interpretations.
7 The courts do not have an imposed time limit to set a court
8 date. Lengthy court dates are an obstacle to getting orders
9 signed in higher volume court systems and obtaining a court
10 date may take as long as 9 months to actually get an order
11 signed, which is several months after the objection period.

12 (g) While the petitioner faces challenges navigating the
13 process for a variety of reasons, the court, clerks of the
14 circuit court, and law enforcement struggle with complying with
15 the sealing and expungement process, a combination of competing
16 priorities, technology, and adequate staffing. As a result,
17 sealing and expungement orders are sometimes granted for
18 incidents which are ineligible. During the past few years, the
19 General Assembly has made several well-intentioned changes to
20 the sealing and expungement statute, however these changes can
21 sometimes be redundant, inconsistent, and confusing. Future
22 changes should be more readable, understandable, and
23 consistent.

24 Section 5. The Criminal Identification Act is amended by
25 adding Section 6 as follows:

1 (20 ILCS 2630/6 new)

2 Sec. 6. Expungement and Sealing Task Force.

3 (a) The Expungement and Sealing Task Force is created. The
4 purpose of the Task Force is to conduct an intensive study and
5 analysis of this State's expungement and sealing laws. The goal
6 of this analysis should include, but not be limited to,
7 identifying strengths and weaknesses in the following areas:
8 criminal history record information, petition filing, petition
9 notice, court proceedings, challenges for petitioners filing
10 pro se, resources, personnel, technology and dissemination of
11 criminal history information and to recommend improvements and
12 propose legislative initiatives to the sealing and expungement
13 law to the General Assembly.

14 (b) The Task Force shall consist of 21 members as follows:

15 (1) one member each, appointed by the Speaker of the
16 House of Representatives, the Minority Leader of the House
17 of Representatives, the President of the Senate, and the
18 Minority Leader of the Senate;

19 (2) 2 members representing circuit court clerks,
20 appointed by the Speaker of the House of Representatives;

21 (3) 3 members appointed by the Governor, 2 of which are
22 members of organizations working in adult and juvenile
23 sealing and expungement matters;

24 (4) one member appointed by the Director of State
25 Police;

1 (5) one member representing an association
2 representing State's Attorneys, appointed by the Speaker
3 of the House of Representatives;

4 (6) one member representing an association
5 representing chiefs of police, appointed by the Minority
6 Leader of the House of Representatives;

7 (7) one member representing an association
8 representing sheriffs, appointed by the Senate Minority
9 Leader;

10 (8) one member representing the Office of the State
11 Appellate Defender;

12 (9) one member representing the Office of the State
13 Appellate Prosecutor;

14 (10) one member representing an association
15 representing Illinois lawyers, appointed by the Senate
16 President; and

17 (11) 5 members appointed by the Chief Justice of the
18 Supreme Court, including one member with experience with
19 sealing and expungement standardized forms.

20 (c) At the direction of the Supreme Court, the
21 Administrative Office of the Illinois Courts shall provide
22 administrative support to the Task Force.

23 (d) The Task Force shall submit a report containing its
24 findings and any recommendations to the Supreme Court and the
25 General Assembly by April 1, 2020.

26 (e) The Task Force is dissolved on January 1, 2021.

1 (f) This Section is repealed on January 1, 2022.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".