

1 AN ACT concerning juveniles.

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

4 Section 5. The Personnel Code is amended by changing
5 Section 12g as follows:

6 (20 ILCS 415/12g)

7 Sec. 12g. Department of Juvenile Justice; positions
8 ~~teachers.~~

9 (a) Notwithstanding any other provision of law to the
10 contrary, the Department of Central Management Services is not
11 required to verify the license, endorsement, or both, of
12 individuals seeking positions within the Department of
13 Juvenile Justice requiring licensure by the State Board of
14 Education under Article 21B of the School Code ~~the State~~
15 ~~educator license of a teacher employed by the Department of~~
16 ~~Juvenile Justice if the license is verified by the State Board~~
17 ~~of Education.~~

18 (b) This Section shall become inoperative when the consent
19 decree entered into on December 6, 2012 (as has been or may be
20 corrected, amended, or modified in the action entitled R.J., et
21 al. v. Mueller, case no. 12-cv-07289, in the United States
22 District Court for the Northern District of Illinois, Eastern
23 Division) is no longer in force.

1 (Source: P.A. 100-953, eff. 8-19-18.)

2 Section 10. The Criminal Identification Act is amended by
3 changing Section 5.2 as follows:

4 (20 ILCS 2630/5.2)

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

6 (a) General Provisions.

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

10 (A) The following terms shall have the meanings
11 ascribed to them in the Unified Code of Corrections,
12 730 ILCS 5/5-1-2 through 5/5-1-22:

- 13 (i) Business Offense (730 ILCS 5/5-1-2),
14 (ii) Charge (730 ILCS 5/5-1-3),
15 (iii) Court (730 ILCS 5/5-1-6),
16 (iv) Defendant (730 ILCS 5/5-1-7),
17 (v) Felony (730 ILCS 5/5-1-9),
18 (vi) Imprisonment (730 ILCS 5/5-1-10),
19 (vii) Judgment (730 ILCS 5/5-1-12),
20 (viii) Misdemeanor (730 ILCS 5/5-1-14),
21 (ix) Offense (730 ILCS 5/5-1-15),
22 (x) Parole (730 ILCS 5/5-1-16),
23 (xi) Petty Offense (730 ILCS 5/5-1-17),
24 (xii) Probation (730 ILCS 5/5-1-18),

- 1 (xiii) Sentence (730 ILCS 5/5-1-19),
2 (xiv) Supervision (730 ILCS 5/5-1-21), and
3 (xv) Victim (730 ILCS 5/5-1-22).

4 (B) As used in this Section, "charge not initiated
5 by arrest" means a charge (as defined by 730 ILCS
6 5/5-1-3) brought against a defendant where the
7 defendant is not arrested prior to or as a direct
8 result of the charge.

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

24 (D) "Criminal offense" means a petty offense,
25 business offense, misdemeanor, felony, or municipal
26 ordinance violation (as defined in subsection

1 (a)(1)(H)). As used in this Section, a minor traffic
2 offense (as defined in subsection (a)(1)(G)) shall not
3 be considered a criminal offense.

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

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

1 (G) "Minor traffic offense" means a petty offense,
2 business offense, or Class C misdemeanor under the
3 Illinois Vehicle Code or a similar provision of a
4 municipal or local ordinance.

5 (H) "Municipal ordinance violation" means an
6 offense defined by a municipal or local ordinance that
7 is criminal in nature and with which the petitioner was
8 charged or for which the petitioner was arrested and
9 released without charging.

10 (I) "Petitioner" means an adult or a minor
11 prosecuted as an adult who has applied for relief under
12 this Section.

13 (J) "Qualified probation" means an order of
14 probation under Section 10 of the Cannabis Control Act,
15 Section 410 of the Illinois Controlled Substances Act,
16 Section 70 of the Methamphetamine Control and
17 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
18 of the Unified Code of Corrections, Section
19 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
20 those provisions existed before their deletion by
21 Public Act 89-313), Section 10-102 of the Illinois
22 Alcoholism and Other Drug Dependency Act, Section
23 40-10 of the Substance Use Disorder Act, or Section 10
24 of the Steroid Control Act. For the purpose of this
25 Section, "successful completion" of an order of
26 qualified probation under Section 10-102 of the

1 Illinois Alcoholism and Other Drug Dependency Act and
2 Section 40-10 of the Substance Use Disorder Act means
3 that the probation was terminated satisfactorily and
4 the judgment of conviction was vacated.

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

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

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

25 (2) Minor Traffic Offenses. Orders of supervision or
26 convictions for minor traffic offenses shall not affect a

1 petitioner's eligibility to expunge or seal records
2 pursuant to this Section.

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

1 issued a citation for any of those offenses.

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

5 (A) the sealing or expungement of the records of
6 arrests or charges not initiated by arrest that result
7 in an order of supervision for or conviction of: (i)
8 any sexual offense committed against a minor; (ii)
9 Section 11-501 of the Illinois Vehicle Code or a
10 similar provision of a local ordinance; or (iii)
11 Section 11-503 of the Illinois Vehicle Code or a
12 similar provision of a local ordinance, unless the
13 arrest or charge is for a misdemeanor violation of
14 subsection (a) of Section 11-503 or a similar provision
15 of a local ordinance, that occurred prior to the
16 offender reaching the age of 25 years and the offender
17 has no other conviction for violating Section 11-501 or
18 11-503 of the Illinois Vehicle Code or a similar
19 provision of a local ordinance.

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

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

1 offenses:

2 (i) offenses included in Article 11 of the
3 Criminal Code of 1961 or the Criminal Code of 2012
4 or a similar provision of a local ordinance, except
5 Section 11-14 and a misdemeanor violation of
6 Section 11-30 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, or a similar provision of a
8 local ordinance;

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

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

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

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

23 (D) (blank).

24 (b) Expungement.

25 (1) A petitioner may petition the circuit court to
26 expunge the records of his or her arrests and charges not

1 initiated by arrest when each arrest or charge not
2 initiated by arrest sought to be expunged resulted in: (i)
3 acquittal, dismissal, or the petitioner's release without
4 charging, unless excluded by subsection (a)(3)(B); (ii) a
5 conviction which was vacated or reversed, unless excluded
6 by subsection (a)(3)(B); (iii) an order of supervision and
7 such supervision was successfully completed by the
8 petitioner, unless excluded by subsection (a)(3)(A) or
9 (a)(3)(B); or (iv) an order of qualified probation (as
10 defined in subsection (a)(1)(J)) and such probation was
11 successfully completed by the petitioner.

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

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

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

25 (B) When the arrest or charge not initiated by
26 arrest sought to be expunged resulted in an order of

1 supervision, successfully completed by the petitioner,
2 the following time frames will apply:

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

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

24 (ii) Those arrests or charges that resulted in
25 orders of supervision for any other offenses shall
26 not be eligible for expungement until 2 years have

1 passed following the satisfactory termination of
2 the supervision.

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

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

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

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

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

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

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

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

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

8 (c) Sealing.

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

15 (2) Eligible Records. The following records may be
16 sealed:

17 (A) All arrests resulting in release without
18 charging;

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

23 (C) Arrests or charges not initiated by arrest
24 resulting in orders of supervision, including orders
25 of supervision for municipal ordinance violations,
26 successfully completed by the petitioner, unless

1 excluded by subsection (a) (3);

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

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

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

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

20 (A) Records identified as eligible under
21 subsection (c) (2) (A) and (c) (2) (B) may be sealed at any
22 time.

23 (B) Except as otherwise provided in subparagraph
24 (E) of this paragraph (3), records identified as
25 eligible under subsection (c) (2) (C) may be sealed 2
26 years after the termination of petitioner's last

1 sentence (as defined in subsection (a) (1) (F)).

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

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

16 (E) Records identified as eligible under
17 subsections (c) (2) (C), (c) (2) (D), (c) (2) (E), or
18 (c) (2) (F) may be sealed upon termination of the
19 petitioner's last sentence if the petitioner earned a
20 high school diploma, associate's degree, career
21 certificate, vocational technical certification, or
22 bachelor's degree, or passed the high school level Test
23 of General Educational Development, during the period
24 of his or her sentence, ~~aftercare release,~~ or mandatory
25 supervised release. This subparagraph shall apply only
26 to a petitioner who has not completed the same

1 educational goal prior to the period of his or her
2 sentence, aftercare release, or mandatory supervised
3 release. If a petition for sealing eligible records
4 filed under this subparagraph is denied by the court,
5 the time periods under subparagraph (B) or (C) shall
6 apply to any subsequent petition for sealing filed by
7 the petitioner.

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

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

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

24 (1) Filing the petition. Upon becoming eligible to
25 petition for the expungement or sealing of records under
26 this Section, the petitioner shall file a petition

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

10 (1.5) County fee waiver pilot program. In a county of
11 3,000,000 or more inhabitants, no fee shall be required to
12 be paid by a petitioner if the records sought to be
13 expunged or sealed were arrests resulting in release
14 without charging or arrests or charges not initiated by
15 arrest resulting in acquittal, dismissal, or conviction
16 when the conviction was reversed or vacated, unless
17 excluded by subsection (a)(3)(B). The provisions of this
18 paragraph (1.5), other than this sentence, are inoperative
19 on and after January 1, 2019.

20 (2) Contents of petition. The petition shall be
21 verified and shall contain the petitioner's name, date of
22 birth, current address and, for each arrest or charge not
23 initiated by arrest sought to be sealed or expunged, the
24 case number, the date of arrest (if any), the identity of
25 the arresting authority, and such other information as the
26 court may require. During the pendency of the proceeding,

1 the petitioner shall promptly notify the circuit court
2 clerk of any change of his or her address. If the
3 petitioner has received a certificate of eligibility for
4 sealing from the Prisoner Review Board under paragraph (10)
5 of subsection (a) of Section 3-3-2 of the Unified Code of
6 Corrections, the certificate shall be attached to the
7 petition.

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

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

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

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

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

24 (4) Service of petition. The circuit court clerk shall
25 promptly serve a copy of the petition and documentation to
26 support the petition under subsection (e-5) or (e-6) on the

1 State's Attorney or prosecutor charged with the duty of
2 prosecuting the offense, the Department of State Police,
3 the arresting agency and the chief legal officer of the
4 unit of local government effecting the arrest.

5 (5) Objections.

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

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

17 (6) Entry of order.

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

25 (B) Unless the State's Attorney or prosecutor, the
26 Department of State Police, the arresting agency, or

1 the chief legal officer files an objection to the
2 petition to expunge or seal within 60 days from the
3 date of service of the petition, the court shall enter
4 an order granting or denying the petition.

5 (C) Notwithstanding any other provision of law,
6 the court shall not deny a petition for sealing under
7 this Section because the petitioner has not satisfied
8 an outstanding legal financial obligation established,
9 imposed, or originated by a court, law enforcement
10 agency, or a municipal, State, county, or other unit of
11 local government, including, but not limited to, any
12 cost, assessment, fine, or fee. An outstanding legal
13 financial obligation does not include any court
14 ordered restitution to a victim under Section 5-5-6 of
15 the Unified Code of Corrections, unless the
16 restitution has been converted to a civil judgment.
17 Nothing in this subparagraph (C) waives, rescinds, or
18 abrogates a legal financial obligation or otherwise
19 eliminates or affects the right of the holder of any
20 financial obligation to pursue collection under
21 applicable federal, State, or local law.

22 (7) Hearings. If an objection is filed, the court shall
23 set a date for a hearing and notify the petitioner and all
24 parties entitled to notice of the petition of the hearing
25 date at least 30 days prior to the hearing. Prior to the
26 hearing, the State's Attorney shall consult with the

1 Department as to the appropriateness of the relief sought
2 in the petition to expunge or seal. At the hearing, the
3 court shall hear evidence on whether the petition should or
4 should not be granted, and shall grant or deny the petition
5 to expunge or seal the records based on the evidence
6 presented at the hearing. The court may consider the
7 following:

8 (A) the strength of the evidence supporting the
9 defendant's conviction;

10 (B) the reasons for retention of the conviction
11 records by the State;

12 (C) the petitioner's age, criminal record history,
13 and employment history;

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

17 (E) the specific adverse consequences the
18 petitioner may be subject to if the petition is denied.

19 (8) Service of order. After entering an order to
20 expunge or seal records, the court must provide copies of
21 the order to the Department, in a form and manner
22 prescribed by the Department, to the petitioner, to the
23 State's Attorney or prosecutor charged with the duty of
24 prosecuting the offense, to the arresting agency, to the
25 chief legal officer of the unit of local government
26 effecting the arrest, and to such other criminal justice

1 agencies as may be ordered by the court.

2 (9) Implementation of order.

3 (A) Upon entry of an order to expunge records
4 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

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

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

21 (iii) in response to an inquiry for expunged
22 records, the court, the Department, or the agency
23 receiving such inquiry, shall reply as it does in
24 response to inquiries when no records ever
25 existed.

26 (B) Upon entry of an order to expunge records

1 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

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

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

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

23 (iv) records impounded by the Department may
24 be disseminated by the Department only as required
25 by law or to the arresting authority, the State's
26 Attorney, and the court upon a later arrest for the

1 same or a similar offense or for the purpose of
2 sentencing for any subsequent felony, and to the
3 Department of Corrections upon conviction for any
4 offense; and

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

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

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

20 (ii) the records of the circuit court clerk
21 shall be impounded until further order of the court
22 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 Department within 60 days of the date of service of
4 the order as ordered by the court, unless a motion
5 to vacate, modify, or reconsider the order is filed
6 under paragraph (12) of subsection (d) of this
7 Section;

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

16 (v) in response to an inquiry for these records
17 from anyone not authorized by law to access the
18 records, the court, the Department, or the agency
19 receiving the inquiry shall reply as it does in
20 response to inquiries when no records ever
21 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 Department, and the court
25 shall seal the records (as defined in subsection
26 (a) (1) (K)). In response to an inquiry for such records,

1 from anyone not authorized by law to access such
2 records, the court, the Department, or the agency
3 receiving such inquiry shall reply as it does in
4 response to inquiries when no records ever existed.

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

20 (E) Upon motion, the court may order that a sealed
21 judgment or other court record necessary to
22 demonstrate the amount of any legal financial
23 obligation due and owing be made available for the
24 limited purpose of collecting any legal financial
25 obligations owed by the petitioner that were
26 established, imposed, or originated in the criminal

1 proceeding for which those records have been sealed.
2 The records made available under this subparagraph (E)
3 shall not be entered into the official index required
4 to be kept by the circuit court clerk under Section 16
5 of the Clerks of Courts Act and shall be immediately
6 re-impounded upon the collection of the outstanding
7 financial obligations.

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

14 (10) Fees. The Department may charge the petitioner a
15 fee equivalent to the cost of processing any order to
16 expunge or seal records. Notwithstanding any provision of
17 the Clerks of Courts Act to the contrary, the circuit court
18 clerk may charge a fee equivalent to the cost associated
19 with the sealing or expungement of records by the circuit
20 court clerk. From the total filing fee collected for the
21 petition to seal or expunge, the circuit court clerk shall
22 deposit \$10 into the Circuit Court Clerk Operation and
23 Administrative Fund, to be used to offset the costs
24 incurred by the circuit court clerk in performing the
25 additional duties required to serve the petition to seal or
26 expunge on all parties. The circuit court clerk shall

1 collect and forward the Department of State Police portion
2 of the fee to the Department and it shall be deposited in
3 the State Police Services Fund. If the record brought under
4 an expungement petition was previously sealed under this
5 Section, the fee for the expungement petition for that same
6 record shall be waived.

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

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

24 (13) Effect of Order. An order granting a petition
25 under the expungement or sealing provisions of this Section
26 shall not be considered void because it fails to comply

1 with the provisions of this Section or because of any error
2 asserted in a motion to vacate, modify, or reconsider. The
3 circuit court retains jurisdiction to determine whether
4 the order is voidable and to vacate, modify, or reconsider
5 its terms based on a motion filed under paragraph (12) of
6 this subsection (d).

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

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

24 (16) The changes to this subsection (d) made by Public
25 Act 98-163 apply to all petitions pending on August 5, 2013
26 (the effective date of Public Act 98-163) and to all orders

1 ruling on a petition to expunge or seal on or after August
2 5, 2013 (the effective date of Public Act 98-163).

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

1 to that individual. Upon entry of the order of expungement, the
2 circuit court clerk shall promptly mail a copy of the order to
3 the person who was pardoned.

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

1 of sentencing for any subsequent felony. Upon conviction for
2 any subsequent offense, the Department of Corrections shall
3 have access to all sealed records of the Department pertaining
4 to that individual. Upon entry of the order of sealing, the
5 circuit court clerk shall promptly mail a copy of the order to
6 the person who was granted the certificate of eligibility for
7 sealing.

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

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

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

24 (g) Immediate Sealing.

25 (1) Applicability. Notwithstanding any other provision
26 of this Act to the contrary, and cumulative with any rights

1 to expungement or sealing of criminal records, this
2 subsection authorizes the immediate sealing of criminal
3 records of adults and of minors prosecuted as adults.

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

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

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

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

25 (A) Filing the Petition. Upon entry of the final
26 disposition of the case, the defendant's attorney may

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

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

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

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

25 (E) Entry of Order. The presiding trial judge shall
26 enter an order granting or denying the petition for

1 immediate sealing during the hearing in which it is
2 filed. Petitions for immediate sealing shall be ruled
3 on in the same hearing in which the final disposition
4 of the case is entered.

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

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

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

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

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

22 (K) Motion to Vacate, Modify, or Reconsider. Under
23 Section 2-1203 of the Code of Civil Procedure, the
24 petitioner, State's Attorney, or the Department of
25 State Police may file a motion to vacate, modify, or
26 reconsider the order denying the petition to

1 immediately seal within 60 days of service of the
2 order. If filed more than 60 days after service of the
3 order, a petition to vacate, modify, or reconsider
4 shall comply with subsection (c) of Section 2-1401 of
5 the Code of Civil Procedure.

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

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

21 (h) Sealing; trafficking victims.

22 (1) A trafficking victim as defined by paragraph (10)
23 of subsection (a) of Section 10-9 of the Criminal Code of
24 2012 shall be eligible to petition for immediate sealing of
25 his or her criminal record upon the completion of his or
26 her last sentence if his or her participation in the

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

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

15 (3) If an objection is filed alleging that the
16 petitioner is not entitled to immediate sealing under this
17 subsection (h), the court shall conduct a hearing under
18 paragraph (7) of subsection (d) of this Section and the
19 court shall determine whether the petitioner is entitled to
20 immediate sealing under this subsection (h). A petitioner
21 is eligible for immediate relief under this subsection (h)
22 if he or she shows, by a preponderance of the evidence,
23 that: (A) he or she was a victim of human trafficking at
24 the time of the offense; and (B) that his or her
25 participation in the offense was a direct result of human
26 trafficking under Section 10-9 of the Criminal Code of 2012

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

3 (Source: P.A. 99-78, eff. 7-20-15; 99-378, eff. 1-1-16; 99-385,
4 eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff. 7-29-16;
5 99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-282, eff.
6 1-1-18; 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692,
7 eff. 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18;
8 100-863, eff. 8-14-18; revised 8-30-18.)

9 Section 15. The Juvenile Court Act of 1987 is amended by
10 changing Sections 5-710 and 5-750 as follows:

11 (705 ILCS 405/5-710)

12 Sec. 5-710. Kinds of sentencing orders.

13 (1) The following kinds of sentencing orders may be made in
14 respect of wards of the court:

15 (a) Except as provided in Sections 5-805, 5-810, and
16 5-815, a minor who is found guilty under Section 5-620 may
17 be:

18 (i) put on probation or conditional discharge and
19 released to his or her parents, guardian or legal
20 custodian, provided, however, that any such minor who
21 is not committed to the Department of Juvenile Justice
22 under this subsection and who is found to be a
23 delinquent for an offense which is first degree murder,
24 a Class X felony, or a forcible felony shall be placed

1 on probation;

2 (ii) placed in accordance with Section 5-740, with
3 or without also being put on probation or conditional
4 discharge;

5 (iii) required to undergo a substance abuse
6 assessment conducted by a licensed provider and
7 participate in the indicated clinical level of care;

8 (iv) on and after the effective date of this
9 amendatory Act of the 98th General Assembly and before
10 January 1, 2017, placed in the guardianship of the
11 Department of Children and Family Services, but only if
12 the delinquent minor is under 16 years of age or,
13 pursuant to Article II of this Act, a minor for whom an
14 independent basis of abuse, neglect, or dependency
15 exists. On and after January 1, 2017, placed in the
16 guardianship of the Department of Children and Family
17 Services, but only if the delinquent minor is under 15
18 years of age or, pursuant to Article II of this Act, a
19 minor for whom an independent basis of abuse, neglect,
20 or dependency exists. An independent basis exists when
21 the allegations or adjudication of abuse, neglect, or
22 dependency do not arise from the same facts, incident,
23 or circumstances which give rise to a charge or
24 adjudication of delinquency;

25 (v) placed in detention for a period not to exceed
26 30 days, either as the exclusive order of disposition

1 or, where appropriate, in conjunction with any other
2 order of disposition issued under this paragraph,
3 provided that any such detention shall be in a juvenile
4 detention home and the minor so detained shall be 10
5 years of age or older. However, the 30-day limitation
6 may be extended by further order of the court for a
7 minor under age 15 committed to the Department of
8 Children and Family Services if the court finds that
9 the minor is a danger to himself or others. The minor
10 shall be given credit on the sentencing order of
11 detention for time spent in detention under Sections
12 5-501, 5-601, 5-710, or 5-720 of this Article as a
13 result of the offense for which the sentencing order
14 was imposed. The court may grant credit on a sentencing
15 order of detention entered under a violation of
16 probation or violation of conditional discharge under
17 Section 5-720 of this Article for time spent in
18 detention before the filing of the petition alleging
19 the violation. A minor shall not be deprived of credit
20 for time spent in detention before the filing of a
21 violation of probation or conditional discharge
22 alleging the same or related act or acts. The
23 limitation that the minor shall only be placed in a
24 juvenile detention home does not apply as follows:

25 Persons 18 years of age and older who have a
26 petition of delinquency filed against them may be

1 confined in an adult detention facility. In making a
2 determination whether to confine a person 18 years of
3 age or older who has a petition of delinquency filed
4 against the person, these factors, among other
5 matters, shall be considered:

6 (A) the age of the person;

7 (B) any previous delinquent or criminal
8 history of the person;

9 (C) any previous abuse or neglect history of
10 the person;

11 (D) any mental health history of the person;

12 and

13 (E) any educational history of the person;

14 (vi) ordered partially or completely emancipated
15 in accordance with the provisions of the Emancipation
16 of Minors Act;

17 (vii) subject to having his or her driver's license
18 or driving privileges suspended for such time as
19 determined by the court but only until he or she
20 attains 18 years of age;

21 (viii) put on probation or conditional discharge
22 and placed in detention under Section 3-6039 of the
23 Counties Code for a period not to exceed the period of
24 incarceration permitted by law for adults found guilty
25 of the same offense or offenses for which the minor was
26 adjudicated delinquent, and in any event no longer than

1 upon attainment of age 21; this subdivision (viii)
2 notwithstanding any contrary provision of the law;

3 (ix) ordered to undergo a medical or other
4 procedure to have a tattoo symbolizing allegiance to a
5 street gang removed from his or her body; or

6 (x) placed in electronic monitoring or home
7 detention under Part 7A of this Article.

8 (b) A minor found to be guilty may be committed to the
9 Department of Juvenile Justice under Section 5-750 if the
10 minor is at least 13 years and under 20 years of age,
11 provided that the commitment to the Department of Juvenile
12 Justice shall be made only if the minor was found guilty of
13 a felony offense or first degree murder. The court shall
14 include in the sentencing order any pre-custody credits the
15 minor is entitled to under Section 5-4.5-100 of the Unified
16 Code of Corrections. The time during which a minor is in
17 custody before being released upon the request of a parent,
18 guardian or legal custodian shall also be considered as
19 time spent in custody.

20 (c) When a minor is found to be guilty for an offense
21 which is a violation of the Illinois Controlled Substances
22 Act, the Cannabis Control Act, or the Methamphetamine
23 Control and Community Protection Act and made a ward of the
24 court, the court may enter a disposition order requiring
25 the minor to undergo assessment, counseling or treatment in
26 a substance use disorder treatment program approved by the

1 Department of Human Services.

2 (2) Any sentencing order other than commitment to the
3 Department of Juvenile Justice may provide for protective
4 supervision under Section 5-725 and may include an order of
5 protection under Section 5-730.

6 (3) Unless the sentencing order expressly so provides, it
7 does not operate to close proceedings on the pending petition,
8 but is subject to modification until final closing and
9 discharge of the proceedings under Section 5-750.

10 (4) In addition to any other sentence, the court may order
11 any minor found to be delinquent to make restitution, in
12 monetary or non-monetary form, under the terms and conditions
13 of Section 5-5-6 of the Unified Code of Corrections, except
14 that the "presentencing hearing" referred to in that Section
15 shall be the sentencing hearing for purposes of this Section.
16 The parent, guardian or legal custodian of the minor may be
17 ordered by the court to pay some or all of the restitution on
18 the minor's behalf, pursuant to the Parental Responsibility
19 Law. The State's Attorney is authorized to act on behalf of any
20 victim in seeking restitution in proceedings under this
21 Section, up to the maximum amount allowed in Section 5 of the
22 Parental Responsibility Law.

23 (5) Any sentencing order where the minor is committed or
24 placed in accordance with Section 5-740 shall provide for the
25 parents or guardian of the estate of the minor to pay to the
26 legal custodian or guardian of the person of the minor such

1 sums as are determined by the custodian or guardian of the
2 person of the minor as necessary for the minor's needs. The
3 payments may not exceed the maximum amounts provided for by
4 Section 9.1 of the Children and Family Services Act.

5 (6) Whenever the sentencing order requires the minor to
6 attend school or participate in a program of training, the
7 truant officer or designated school official shall regularly
8 report to the court if the minor is a chronic or habitual
9 truant under Section 26-2a of the School Code. Notwithstanding
10 any other provision of this Act, in instances in which
11 educational services are to be provided to a minor in a
12 residential facility where the minor has been placed by the
13 court, costs incurred in the provision of those educational
14 services must be allocated based on the requirements of the
15 School Code.

16 (7) In no event shall a guilty minor be committed to the
17 Department of Juvenile Justice for a period of time in excess
18 of that period for which an adult could be committed for the
19 same act. The court shall include in the sentencing order a
20 limitation on the period of confinement not to exceed the
21 maximum period of imprisonment the court could impose under
22 Chapter 5 Article V of the Unified Code of Corrections.

23 (7.5) In no event shall a guilty minor be committed to the
24 Department of Juvenile Justice or placed in detention when the
25 act for which the minor was adjudicated delinquent would not be
26 illegal if committed by an adult.

1 (7.6) In no event shall a guilty minor be committed to the
2 Department of Juvenile Justice for an offense which is a Class
3 4 felony under Section 19-4 (criminal trespass to a residence),
4 21-1 (criminal damage to property), 21-1.01 (criminal damage to
5 government supported property), 21-1.3 (criminal defacement of
6 property), 26-1 (disorderly conduct), or 31-4 (obstructing
7 justice) of the Criminal Code of 2012.

8 (7.75) In no event shall a guilty minor be committed to the
9 Department of Juvenile Justice for an offense that is a Class 3
10 or Class 4 felony violation of the Illinois Controlled
11 Substances Act unless the commitment occurs upon a third or
12 subsequent judicial finding of a violation of probation for
13 substantial noncompliance with court-ordered treatment or
14 programming.

15 (8) A minor found to be guilty for reasons that include a
16 violation of Section 21-1.3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 shall be ordered to perform community
18 service for not less than 30 and not more than 120 hours, if
19 community service is available in the jurisdiction. The
20 community service shall include, but need not be limited to,
21 the cleanup and repair of the damage that was caused by the
22 violation or similar damage to property located in the
23 municipality or county in which the violation occurred. The
24 order may be in addition to any other order authorized by this
25 Section.

26 (8.5) A minor found to be guilty for reasons that include a

1 violation of Section 3.02 or Section 3.03 of the Humane Care
2 for Animals Act or paragraph (d) of subsection (1) of Section
3 21-1 of the Criminal Code of 1961 or paragraph (4) of
4 subsection (a) of Section 21-1 of the Criminal Code of 2012
5 shall be ordered to undergo medical or psychiatric treatment
6 rendered by a psychiatrist or psychological treatment rendered
7 by a clinical psychologist. The order may be in addition to any
8 other order authorized by this Section.

9 (9) In addition to any other sentencing order, the court
10 shall order any minor found to be guilty for an act which would
11 constitute, predatory criminal sexual assault of a child,
12 aggravated criminal sexual assault, criminal sexual assault,
13 aggravated criminal sexual abuse, or criminal sexual abuse if
14 committed by an adult to undergo medical testing to determine
15 whether the defendant has any sexually transmissible disease
16 including a test for infection with human immunodeficiency
17 virus (HIV) or any other identified causative agency of
18 acquired immunodeficiency syndrome (AIDS). Any medical test
19 shall be performed only by appropriately licensed medical
20 practitioners and may include an analysis of any bodily fluids
21 as well as an examination of the minor's person. Except as
22 otherwise provided by law, the results of the test shall be
23 kept strictly confidential by all medical personnel involved in
24 the testing and must be personally delivered in a sealed
25 envelope to the judge of the court in which the sentencing
26 order was entered for the judge's inspection in camera. Acting

1 in accordance with the best interests of the victim and the
2 public, the judge shall have the discretion to determine to
3 whom the results of the testing may be revealed. The court
4 shall notify the minor of the results of the test for infection
5 with the human immunodeficiency virus (HIV). The court shall
6 also notify the victim if requested by the victim, and if the
7 victim is under the age of 15 and if requested by the victim's
8 parents or legal guardian, the court shall notify the victim's
9 parents or the legal guardian, of the results of the test for
10 infection with the human immunodeficiency virus (HIV). The
11 court shall provide information on the availability of HIV
12 testing and counseling at the Department of Public Health
13 facilities to all parties to whom the results of the testing
14 are revealed. The court shall order that the cost of any test
15 shall be paid by the county and may be taxed as costs against
16 the minor.

17 (10) When a court finds a minor to be guilty the court
18 shall, before entering a sentencing order under this Section,
19 make a finding whether the offense committed either: (a) was
20 related to or in furtherance of the criminal activities of an
21 organized gang or was motivated by the minor's membership in or
22 allegiance to an organized gang, or (b) involved a violation of
23 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
24 or the Criminal Code of 2012, a violation of any Section of
25 Article 24 of the Criminal Code of 1961 or the Criminal Code of
26 2012, or a violation of any statute that involved the wrongful

1 use of a firearm. If the court determines the question in the
2 affirmative, and the court does not commit the minor to the
3 Department of Juvenile Justice, the court shall order the minor
4 to perform community service for not less than 30 hours nor
5 more than 120 hours, provided that community service is
6 available in the jurisdiction and is funded and approved by the
7 county board of the county where the offense was committed. The
8 community service shall include, but need not be limited to,
9 the cleanup and repair of any damage caused by a violation of
10 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
11 Code of 2012 and similar damage to property located in the
12 municipality or county in which the violation occurred. When
13 possible and reasonable, the community service shall be
14 performed in the minor's neighborhood. This order shall be in
15 addition to any other order authorized by this Section except
16 for an order to place the minor in the custody of the
17 Department of Juvenile Justice. For the purposes of this
18 Section, "organized gang" has the meaning ascribed to it in
19 Section 10 of the Illinois Streetgang Terrorism Omnibus
20 Prevention Act.

21 (11) If the court determines that the offense was committed
22 in furtherance of the criminal activities of an organized gang,
23 as provided in subsection (10), and that the offense involved
24 the operation or use of a motor vehicle or the use of a
25 driver's license or permit, the court shall notify the
26 Secretary of State of that determination and of the period for

1 which the minor shall be denied driving privileges. If, at the
2 time of the determination, the minor does not hold a driver's
3 license or permit, the court shall provide that the minor shall
4 not be issued a driver's license or permit until his or her
5 18th birthday. If the minor holds a driver's license or permit
6 at the time of the determination, the court shall provide that
7 the minor's driver's license or permit shall be revoked until
8 his or her 21st birthday, or until a later date or occurrence
9 determined by the court. If the minor holds a driver's license
10 at the time of the determination, the court may direct the
11 Secretary of State to issue the minor a judicial driving
12 permit, also known as a JDP. The JDP shall be subject to the
13 same terms as a JDP issued under Section 6-206.1 of the
14 Illinois Vehicle Code, except that the court may direct that
15 the JDP be effective immediately.

16 (12) If a minor is found to be guilty of a violation of
17 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
18 by Minors Act, the court may, in its discretion, and upon
19 recommendation by the State's Attorney, order that minor and
20 his or her parents or legal guardian to attend a smoker's
21 education or youth diversion program as defined in that Act if
22 that program is available in the jurisdiction where the
23 offender resides. Attendance at a smoker's education or youth
24 diversion program shall be time-credited against any community
25 service time imposed for any first violation of subsection
26 (a-7) of Section 1 of that Act. In addition to any other

1 penalty that the court may impose for a violation of subsection
2 (a-7) of Section 1 of that Act, the court, upon request by the
3 State's Attorney, may in its discretion require the offender to
4 remit a fee for his or her attendance at a smoker's education
5 or youth diversion program.

6 For purposes of this Section, "smoker's education program"
7 or "youth diversion program" includes, but is not limited to, a
8 seminar designed to educate a person on the physical and
9 psychological effects of smoking tobacco products and the
10 health consequences of smoking tobacco products that can be
11 conducted with a locality's youth diversion program.

12 In addition to any other penalty that the court may impose
13 under this subsection (12):

14 (a) If a minor violates subsection (a-7) of Section 1
15 of the Prevention of Tobacco Use by Minors Act, the court
16 may impose a sentence of 15 hours of community service or a
17 fine of \$25 for a first violation.

18 (b) A second violation by a minor of subsection (a-7)
19 of Section 1 of that Act that occurs within 12 months after
20 the first violation is punishable by a fine of \$50 and 25
21 hours of community service.

22 (c) A third or subsequent violation by a minor of
23 subsection (a-7) of Section 1 of that Act that occurs
24 within 12 months after the first violation is punishable by
25 a \$100 fine and 30 hours of community service.

26 (d) Any second or subsequent violation not within the

1 12-month time period after the first violation is
2 punishable as provided for a first violation.

3 (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879,
4 eff. 1-1-17; 100-201, eff. 8-18-17; 100-431, eff. 8-25-17;
5 100-759, eff. 1-1-19.)

6 (705 ILCS 405/5-750)

7 Sec. 5-750. Commitment to the Department of Juvenile
8 Justice.

9 (1) Except as provided in subsection (2) of this Section,
10 when any delinquent has been adjudged a ward of the court under
11 this Act, the court may commit him or her to the Department of
12 Juvenile Justice, if it finds that (a) his or her parents,
13 guardian or legal custodian are unfit or are unable, for some
14 reason other than financial circumstances alone, to care for,
15 protect, train or discipline the minor, or are unwilling to do
16 so, and the best interests of the minor and the public will not
17 be served by placement under Section 5-740, or it is necessary
18 to ensure the protection of the public from the consequences of
19 criminal activity of the delinquent; and (b) commitment to the
20 Department of Juvenile Justice is the least restrictive
21 alternative based on evidence that efforts were made to locate
22 less restrictive alternatives to secure confinement and the
23 reasons why efforts were unsuccessful in locating a less
24 restrictive alternative to secure confinement. Before the
25 court commits a minor to the Department of Juvenile Justice, it

1 shall make a finding that secure confinement is necessary,
2 following a review of the following individualized factors:

3 (A) Age of the minor.

4 (B) Criminal background of the minor.

5 (C) Review of results of any assessments of the minor,
6 including child centered assessments such as the CANS.

7 (D) Educational background of the minor, indicating
8 whether the minor has ever been assessed for a learning
9 disability, and if so what services were provided as well
10 as any disciplinary incidents at school.

11 (E) Physical, mental and emotional health of the minor,
12 indicating whether the minor has ever been diagnosed with a
13 health issue and if so what services were provided and
14 whether the minor was compliant with services.

15 (F) Community based services that have been provided to
16 the minor, and whether the minor was compliant with the
17 services, and the reason the services were unsuccessful.

18 (G) Services within the Department of Juvenile Justice
19 that will meet the individualized needs of the minor.

20 (1.5) Before the court commits a minor to the Department of
21 Juvenile Justice, the court must find reasonable efforts have
22 been made to prevent or eliminate the need for the minor to be
23 removed from the home, or reasonable efforts cannot, at this
24 time, for good cause, prevent or eliminate the need for
25 removal, and removal from home is in the best interests of the
26 minor, the minor's family, and the public.

1 (2) When a minor of the age of at least 13 years is
2 adjudged delinquent for the offense of first degree murder, the
3 court shall declare the minor a ward of the court and order the
4 minor committed to the Department of Juvenile Justice until the
5 minor's 21st birthday, without the possibility of aftercare
6 release, furlough, or non-emergency authorized absence for a
7 period of 5 years from the date the minor was committed to the
8 Department of Juvenile Justice, except that the time that a
9 minor spent in custody for the instant offense before being
10 committed to the Department of Juvenile Justice shall be
11 considered as time credited towards that 5 year period. Upon
12 release from a Department facility, a minor adjudged delinquent
13 for first degree murder shall be placed on aftercare release
14 until the age of 21, unless sooner discharged from aftercare
15 release or custodianship is otherwise terminated in accordance
16 with this Act or as otherwise provided for by law. Nothing in
17 this subsection (2) shall preclude the State's Attorney from
18 seeking to prosecute a minor as an adult as an alternative to
19 proceeding under this Act.

20 (3) Except as provided in subsection (2), the commitment of
21 a delinquent to the Department of Juvenile Justice shall be for
22 an indeterminate term which shall automatically terminate upon
23 the delinquent attaining the age of 21 years or upon completion
24 of that period for which an adult could be committed for the
25 same act, whichever occurs sooner, unless the delinquent is
26 sooner discharged from aftercare release or custodianship is

1 otherwise terminated in accordance with this Act or as
2 otherwise provided for by law.

3 (3.5) Every delinquent minor committed to the Department of
4 Juvenile Justice under this Act shall be eligible for aftercare
5 release without regard to the length of time the minor has been
6 confined or whether the minor has served any minimum term
7 imposed. Aftercare release shall be administered by the
8 Department of Juvenile Justice, under the direction of the
9 Director. Unless sooner discharged, the Department of Juvenile
10 Justice shall discharge a minor from aftercare release upon
11 completion of the following aftercare release terms:

12 (a) One and a half years from the date a minor is
13 released from a Department facility, if the minor was
14 committed for a Class X felony;

15 (b) One year from the date a minor is released from a
16 Department facility, if the minor was committed for a Class
17 1 or 2 felony; and

18 (c) Six months from the date a minor is released from a
19 Department facility, if the minor was committed for a Class
20 3 felony or lesser offense.

21 (4) When the court commits a minor to the Department of
22 Juvenile Justice, it shall order him or her conveyed forthwith
23 to the appropriate reception station or other place designated
24 by the Department of Juvenile Justice, and shall appoint the
25 Director of Juvenile Justice legal custodian of the minor. The
26 clerk of the court shall issue to the Director of Juvenile

1 Justice a certified copy of the order, which constitutes proof
2 of the Director's authority. No other process need issue to
3 warrant the keeping of the minor.

4 (5) If a minor is committed to the Department of Juvenile
5 Justice, the clerk of the court shall forward to the
6 Department:

7 (a) the sentencing order and copies of committing
8 petition;

9 (b) all reports;

10 (c) the court's statement of the basis for ordering the
11 disposition;

12 (d) any sex offender evaluations;

13 (e) any risk assessment or substance abuse treatment
14 eligibility screening and assessment of the minor by an
15 agent designated by the State to provide assessment
16 services for the courts;

17 (f) the number of days, if any, which the minor has
18 been in custody and for which he or she is entitled to
19 credit against the sentence, which information shall be
20 provided to the clerk by the sheriff;

21 (g) any medical or mental health records or summaries
22 of the minor;

23 (h) the municipality where the arrest of the minor
24 occurred, the commission of the offense occurred, and the
25 minor resided at the time of commission;

26 (h-5) a report detailing the minor's criminal history

1 in a manner and form prescribed by the Department of
2 Juvenile Justice; and

3 (i) all additional matters which the court directs the
4 clerk to transmit.

5 (6) Whenever the Department of Juvenile Justice lawfully
6 discharges from its custody and control a minor committed to
7 it, the Director of Juvenile Justice shall petition the court
8 for an order terminating his or her custodianship. The
9 custodianship shall terminate automatically 30 days after
10 receipt of the petition unless the court orders otherwise.

11 (7) If, while on aftercare release, a minor committed to
12 the Department of Juvenile Justice who resides in this State is
13 charged under the criminal laws of this State, the criminal
14 laws of any other state, or federal law with an offense that
15 could result in a sentence of imprisonment within the
16 Department of Corrections, the penal system of any state, or
17 the federal Bureau of Prisons, the commitment to the Department
18 of Juvenile Justice and all rights and duties created by that
19 commitment are automatically suspended pending final
20 disposition of the criminal charge. If the minor is found
21 guilty of the criminal charge and sentenced to a term of
22 imprisonment in the penitentiary system of the Department of
23 Corrections, the penal system of any state, or the federal
24 Bureau of Prisons, the commitment to the Department of Juvenile
25 Justice shall be automatically terminated. If the criminal
26 charge is dismissed, the minor is found not guilty, or the

1 minor completes a criminal sentence other than imprisonment
2 within the Department of Corrections, the penal system of any
3 state, or the federal Bureau of Prisons, the previously imposed
4 commitment to the Department of Juvenile Justice and the full
5 aftercare release term shall be automatically reinstated
6 unless custodianship is sooner terminated. Nothing in this
7 subsection (7) shall preclude the court from ordering another
8 sentence under Section 5-710 of this Act or from terminating
9 the Department's custodianship while the commitment to the
10 Department is suspended.

11 (Source: P.A. 99-268, eff. 1-1-16; 100-765, eff. 8-10-18.)

12 Section 20. The Unified Code of Corrections is amended by
13 changing Section 3-2.5-61 as follows:

14 (730 ILCS 5/3-2.5-61)

15 Sec. 3-2.5-61. Annual and other reports.

16 (a) The Director shall make an annual electronic report to
17 the Governor and General Assembly concerning persons committed
18 to the Department, its institutions, facilities, and programs,
19 of all moneys expended and received, and on what accounts
20 expended and received no later than January 1 of each year. The
21 report shall include the ethnic and racial background data, not
22 identifiable to an individual, of all persons committed to the
23 Department, its institutions, facilities, programs, and
24 outcome measures established with the Juvenile Advisory Board.

1 (b) The Department of Juvenile Justice shall, by January 1,
2 April 1, July 1, and October 1 of each year, electronically
3 transmit to the Governor and General Assembly, a report which
4 shall include the following information:

5 (1) the number of youth in each of the Department's
6 facilities and the number of youth on aftercare;

7 (2) the demographics of sex, age, race and ethnicity,
8 classification of offense, and geographic location where
9 the offense occurred;

10 (3) the educational and vocational programs provided
11 at each facility and the number of residents participating
12 in each program;

13 (4) the present capacity levels in each facility;

14 (5) staff-to-youth ratios in accordance with the ~~the~~
15 ~~ratio of the security staff to residents in each facility~~
16 ~~by~~ federal Prison Rape Elimination Act (PREA) definitions;

17 (6) the number of reported assaults on staff at each
18 facility;

19 (7) the number of reported incidents of youth sexual
20 aggression towards staff at each facility including sexual
21 assault, residents exposing themselves, sexual touching,
22 and sexually offensive harassing language such as repeated
23 and unwelcome sexual advances, requests for sexual favors,
24 or verbal comments, gestures, or actions of a derogatory or
25 offensive sexual nature; and

26 (8) the number of staff injuries resulting from youth

1 violence at each facility including descriptions of the
2 nature and location of the injuries, the number of staff
3 injuries requiring medical treatment at the facility, the
4 number of staff injuries requiring outside medical
5 treatment and the number of days off work per injury. For
6 purposes of this Section, the definition of assault on
7 staff includes, but is not limited to, kicking, punching,
8 knocking down, harming or threatening to harm with
9 improvised weapons, or throwing urine or feces at staff.

10 (c) The requirements in subsection (b) do not relieve the
11 Department from the recordkeeping requirements of the
12 Occupational Safety and Health Act.

13 (d) The Department shall:

14 (1) establish a reasonable procedure for employees to
15 report work-related assaults and injuries. A procedure is
16 not reasonable if it would deter or discourage a reasonable
17 employee from accurately reporting a workplace assault or
18 injury;

19 (2) inform each employee:

20 (A) of the procedure for reporting work-related
21 assaults and injuries;

22 (B) of the right to report work-related assaults
23 and injuries; and

24 (C) that the Department is prohibited from
25 discharging or in any manner discriminating against
26 employees for reporting work-related assaults and

1 injuries; and

2 (3) not discharge, discipline or in any manner
3 discriminate against any employee for reporting a
4 work-related assault or injury.

5 (e) For the purposes of paragraphs (7) and (8) of
6 subsection (b) only, reports shall be filed beginning July 1,
7 2019 or the implementation of the Department's Offender 360
8 Program, whichever occurs first.

9 (Source: P.A. 99-255, eff. 1-1-16; 100-1075, eff. 1-1-19.)