



Rep. La Shawn K. Ford

**Filed: 2/24/2020**

10100HB3849ham002

LRB101 12783 RLC 70738 a

1 AMENDMENT TO HOUSE BILL 3849

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3849 by replacing  
3 everything after the enacting clause with the following:

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

6 (20 ILCS 2630/5.2)

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

8 (a) General Provisions.

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

12 (A) The following terms shall have the meanings  
13 ascribed to them in the Unified Code of Corrections,  
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

1 (iii) Court (730 ILCS 5/5-1-6),  
2 (iv) Defendant (730 ILCS 5/5-1-7),  
3 (v) Felony (730 ILCS 5/5-1-9),  
4 (vi) Imprisonment (730 ILCS 5/5-1-10),  
5 (vii) Judgment (730 ILCS 5/5-1-12),  
6 (viii) Misdemeanor (730 ILCS 5/5-1-14),  
7 (ix) Offense (730 ILCS 5/5-1-15),  
8 (x) Parole (730 ILCS 5/5-1-16),  
9 (xi) Petty Offense (730 ILCS 5/5-1-17),  
10 (xii) Probation (730 ILCS 5/5-1-18),  
11 (xiii) Sentence (730 ILCS 5/5-1-19),  
12 (xiv) Supervision (730 ILCS 5/5-1-21), and  
13 (xv) Victim (730 ILCS 5/5-1-22).

14 (B) As used in this Section, "charge not initiated  
15 by arrest" means a charge (as defined by 730 ILCS  
16 5/5-1-3) brought against a defendant where the  
17 defendant is not arrested prior to or as a direct  
18 result of the charge.

19 (C) "Conviction" means a judgment of conviction or  
20 sentence entered upon a plea of guilty or upon a  
21 verdict or finding of guilty of an offense, rendered by  
22 a legally constituted jury or by a court of competent  
23 jurisdiction authorized to try the case without a jury.  
24 An order of supervision successfully completed by the  
25 petitioner is not a conviction. An order of qualified  
26 probation (as defined in subsection (a)(1)(J))

1           successfully completed by the petitioner is not a  
2 conviction. An order of supervision or an order of  
3 qualified probation that is terminated  
4 unsatisfactorily is a conviction, unless the  
5 unsatisfactory termination is reversed, vacated, or  
6 modified and the judgment of conviction, if any, is  
7 reversed or vacated.

8           (D) "Criminal offense" means a petty offense,  
9 business offense, misdemeanor, felony, or municipal  
10 ordinance violation (as defined in subsection  
11 (a)(1)(H)). As used in this Section, a minor traffic  
12 offense (as defined in subsection (a)(1)(G)) shall not  
13 be considered a criminal offense.

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

23           (F) As used in this Section, "last sentence" means  
24 the sentence, order of supervision, or order of  
25 qualified probation (as defined by subsection  
26 (a)(1)(J)), for a criminal offense (as defined by

1 subsection (a)(1)(D)) that terminates last in time in  
2 any jurisdiction, regardless of whether the petitioner  
3 has included the criminal offense for which the  
4 sentence or order of supervision or qualified  
5 probation was imposed in his or her petition. If  
6 multiple sentences, orders of supervision, or orders  
7 of qualified probation terminate on the same day and  
8 are last in time, they shall be collectively considered  
9 the "last sentence" regardless of whether they were  
10 ordered to run concurrently.

11 (G) "Minor traffic offense" means a petty offense,  
12 business offense, or Class C misdemeanor under the  
13 Illinois Vehicle Code or a similar provision of a  
14 municipal or local ordinance.

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

24 (H) "Municipal ordinance violation" means an  
25 offense defined by a municipal or local ordinance that  
26 is criminal in nature and with which the petitioner was

1 charged or for which the petitioner was arrested and  
2 released without charging.

3 (I) "Petitioner" means an adult or a minor  
4 prosecuted as an adult who has applied for relief under  
5 this Section.

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

24 (K) "Seal" means to physically and electronically  
25 maintain the records, unless the records would  
26 otherwise be destroyed due to age, but to make the

1 records unavailable without a court order, subject to  
2 the exceptions in Sections 12 and 13 of this Act. The  
3 petitioner's name shall also be obliterated from the  
4 official index required to be kept by the circuit court  
5 clerk under Section 16 of the Clerks of Courts Act, but  
6 any index issued by the circuit court clerk before the  
7 entry of the order to seal shall not be affected.

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

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

19 (2) Minor Traffic Offenses. Orders of supervision or  
20 convictions for minor traffic offenses shall not affect a  
21 petitioner's eligibility to expunge or seal records  
22 pursuant to this Section.

23 (2.5) Commencing 180 days after July 29, 2016 (the  
24 effective date of Public Act 99-697), the law enforcement  
25 agency issuing the citation shall automatically expunge,  
26 on or before January 1 and July 1 of each year, the law

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

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

25 (A) the sealing or expungement of the records of  
26 arrests or charges not initiated by arrest that result

1 in an order of supervision for or conviction of: (i)  
2 any sexual offense committed against a minor; (ii)  
3 Section 11-501 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance; or (iii)  
5 Section 11-503 of the Illinois Vehicle Code or a  
6 similar provision of a local ordinance, unless the  
7 arrest or charge is for a misdemeanor violation of  
8 subsection (a) of Section 11-503 or a similar provision  
9 of a local ordinance, that occurred prior to the  
10 offender reaching the age of 25 years and the offender  
11 has no other conviction for violating Section 11-501 or  
12 11-503 of the Illinois Vehicle Code or a similar  
13 provision of a local ordinance.

14 (B) the sealing or expungement of records of minor  
15 traffic offenses (as defined in subsection (a)(1)(G)),  
16 unless the petitioner was arrested and released  
17 without charging.

18 (C) the sealing of the records of arrests or  
19 charges not initiated by arrest which result in an  
20 order of supervision or a conviction for the following  
21 offenses:

22 (i) offenses included in Article 11 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012  
24 or a similar provision of a local ordinance, except  
25 Section 11-14 and a misdemeanor violation of  
26 Section 11-30 of the Criminal Code of 1961 or the



1 Criminal Code of 2012, or a similar provision of a  
2 local ordinance;

3 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
4 26-5, or 48-1 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, or a similar provision of a  
6 local ordinance;

7 (iii) Sections 12-3.1 or 12-3.2 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012,  
9 or Section 125 of the Stalking No Contact Order  
10 Act, or Section 219 of the Civil No Contact Order  
11 Act, or a similar provision of a local ordinance;

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

14 (v) any offense or attempted offense that  
15 would subject a person to registration under the  
16 Sex Offender Registration Act.

17 (D) (blank).

18 (b) Expungement.

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

1 such supervision was successfully completed by the  
2 petitioner, unless excluded by subsection (a)(3)(A) or  
3 (a)(3)(B); or (iv) an order of qualified probation (as  
4 defined in subsection (a)(1)(J)) and such probation was  
5 successfully completed by the petitioner.

6 (1.1) Notwithstanding the eligibility requirements of  
7 this subsection (b), upon the issuance of a certificate of  
8 expungement by the Prisoner Review Board under paragraph  
9 (11) of subsection (a) of Section 3-3-2 of the Unified Code  
10 of Corrections, the circuit court shall automatically  
11 expunge all records of arrests or charges not initiated by  
12 arrest and all court records that resulted in the  
13 conviction for the Class 3 or Class 4 felony listed in the  
14 certificate of expungement.

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

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

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

1 such records.

2 (B) When the arrest or charge not initiated by  
3 arrest sought to be expunged resulted in an order of  
4 supervision, successfully completed by the petitioner,  
5 the following time frames will apply:

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

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

1           (ii) Those arrests or charges that resulted in  
2 orders of supervision for any other offenses shall  
3 not be eligible for expungement until 2 years have  
4 passed following the satisfactory termination of  
5 the supervision.

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

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

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

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

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

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

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

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

1 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
2 the Substance Use Disorder Act, or Section 10 of the  
3 Steroid Control Act.

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

11 (c) Sealing.

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

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

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

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

26 (C) Arrests or charges not initiated by arrest

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

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

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

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

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

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

26 (B) Except as otherwise provided in subparagraph



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

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

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

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

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

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

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

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

26 (1) Filing the petition. Upon becoming eligible to

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

12 (1.5) County fee waiver pilot program. From August 9,  
13 2019 (the effective date of Public Act 101-306) through  
14 December 31, 2020, in a county of 3,000,000 or more  
15 inhabitants, no fee shall be required to be paid by a  
16 petitioner if the records sought to be expunged or sealed  
17 were arrests resulting in release without charging or  
18 arrests or charges not initiated by arrest resulting in  
19 acquittal, dismissal, or conviction when the conviction  
20 was reversed or vacated, unless excluded by subsection  
21 (a)(3)(B). The provisions of this paragraph (1.5), other  
22 than this sentence, are inoperative on and after January 1,  
23 2021.

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

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

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

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

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

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

26 (D) expunge felony records of a qualified

1           probation under clause (b) (1) (iv) .

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

9           (5) Objections.

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

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

21           (6) Entry of order.

22           (A) The Chief Judge of the circuit wherein the  
23 charge was brought, any judge of that circuit  
24 designated by the Chief Judge, or in counties of less  
25 than 3,000,000 inhabitants, the presiding trial judge  
26 at the petitioner's trial, if any, shall rule on the

1 petition to expunge or seal as set forth in this  
2 subsection (d) (6).

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

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

26 (7) Hearings. If an objection is filed, the court shall

1 set a date for a hearing and notify the petitioner and all  
2 parties entitled to notice of the petition of the hearing  
3 date at least 30 days prior to the hearing. Prior to the  
4 hearing, the State's Attorney shall consult with the  
5 Department as to the appropriateness of the relief sought  
6 in the petition to expunge or seal. At the hearing, the  
7 court shall hear evidence on whether the petition should or  
8 should not be granted, and shall grant or deny the petition  
9 to expunge or seal the records based on the evidence  
10 presented at the hearing. The court may consider the  
11 following:

12 (A) the strength of the evidence supporting the  
13 defendant's conviction;

14 (B) the reasons for retention of the conviction  
15 records by the State;

16 (C) the petitioner's age, criminal record history,  
17 and employment history;

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

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

23 (8) Service of order. After entering an order to  
24 expunge or seal records, the court must provide copies of  
25 the order to the Department, in a form and manner  
26 prescribed by the Department, to the petitioner, to the

1 State's Attorney or prosecutor charged with the duty of  
2 prosecuting the offense, to the arresting agency, to the  
3 chief legal officer of the unit of local government  
4 effecting the arrest, and to such other criminal justice  
5 agencies as may be ordered by the court.

6 (9) Implementation of order.

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

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

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

25 (iii) in response to an inquiry for expunged  
26 records, the court, the Department, or the agency



1 receiving such inquiry, shall reply as it does in  
2 response to inquiries when no records ever  
3 existed.

4 (B) Upon entry of an order to expunge records  
5 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

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

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

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

1 (iv) records impounded by the Department may  
2 be disseminated by the Department only as required  
3 by law or to the arresting authority, the State's  
4 Attorney, and the court upon a later arrest for the  
5 same or a similar offense or for the purpose of  
6 sentencing for any subsequent felony, and to the  
7 Department of Corrections upon conviction for any  
8 offense; and

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

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

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

24 (ii) the records of the circuit court clerk  
25 shall be impounded until further order of the court  
26 upon good cause shown and the name of the

1           petitioner obliterated on the official index  
2           required to be kept by the circuit court clerk  
3           under Section 16 of the Clerks of Courts Act, but  
4           the order shall not affect any index issued by the  
5           circuit court clerk before the entry of the order;

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

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

20          (v) in response to an inquiry for these records  
21          from anyone not authorized by law to access the  
22          records, the court, the Department, or the agency  
23          receiving the inquiry shall reply as it does in  
24          response to inquiries when no records ever  
25          existed.

26          (C) Upon entry of an order to seal records under

1 subsection (c), the arresting agency, any other agency  
2 as ordered by the court, the Department, and the court  
3 shall seal the records (as defined in subsection  
4 (a) (1) (K)). In response to an inquiry for such records,  
5 from anyone not authorized by law to access such  
6 records, the court, the Department, or the agency  
7 receiving such inquiry shall reply as it does in  
8 response to inquiries when no records ever existed.

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

24 (E) Upon motion, the court may order that a sealed  
25 judgment or other court record necessary to  
26 demonstrate the amount of any legal financial

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

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

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

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

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

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

1 entitled to notice of the petition.

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

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

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

1 case of an appeal, the issuance of that court's mandate.

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

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



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

8 (e-5) Whenever a person who has been convicted of an  
9 offense is granted a certificate of eligibility for sealing by  
10 the Prisoner Review Board which specifically authorizes  
11 sealing, 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 sealing the record of arrest from the official records  
17 of the arresting authority and order that the records of the  
18 circuit court clerk and the Department be sealed until further  
19 order of the court upon good cause shown or as otherwise  
20 provided herein, and the name of the petitioner obliterated  
21 from the official index requested to be kept by the circuit  
22 court clerk under Section 16 of the Clerks of Courts Act in  
23 connection with the arrest and conviction for the offense for  
24 which he or she had been granted the certificate but the order  
25 shall not affect any index issued by the circuit court clerk  
26 before the entry of the order. All records sealed by the

1 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 sealed records of the Department pertaining  
8 to that individual. Upon entry of the order of sealing, the  
9 circuit court clerk shall promptly mail a copy of the order to  
10 the person who was granted the certificate of eligibility for  
11 sealing.

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

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

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

1 later than September 1, 2010.

2 (g) Immediate Sealing.

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

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

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

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

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

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

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

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

25           (D) Service of Petition. A copy of the petition  
26 shall be served on the State's Attorney in open court.

1           The petitioner shall not be required to serve a copy of  
2           the petition on any other agency.

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

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

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

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

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

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

26          (K) Motion to Vacate, Modify, or Reconsider. Under

1 Section 2-1203 of the Code of Civil Procedure, the  
2 petitioner, State's Attorney, or the Department of  
3 State Police may file a motion to vacate, modify, or  
4 reconsider the order denying the petition to  
5 immediately seal within 60 days of service of the  
6 order. If filed more than 60 days after service of the  
7 order, a petition to vacate, modify, or reconsider  
8 shall comply with subsection (c) of Section 2-1401 of  
9 the Code of Civil Procedure.

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

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

25 (h) Sealing; trafficking victims.

26 (1) A trafficking victim as defined by paragraph (10)

1 of subsection (a) of Section 10-9 of the Criminal Code of  
2 2012 shall be eligible to petition for immediate sealing of  
3 his or her criminal record upon the completion of his or  
4 her last sentence if his or her participation in the  
5 underlying offense was a direct result of human trafficking  
6 under Section 10-9 of the Criminal Code of 2012 or a severe  
7 form of trafficking under the federal Trafficking Victims  
8 Protection Act.

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

19 (3) If an objection is filed alleging that the  
20 petitioner is not entitled to immediate sealing under this  
21 subsection (h), the court shall conduct a hearing under  
22 paragraph (7) of subsection (d) of this Section and the  
23 court shall determine whether the petitioner is entitled to  
24 immediate sealing under this subsection (h). A petitioner  
25 is eligible for immediate relief under this subsection (h)  
26 if he or she shows, by a preponderance of the evidence,



1 that: (A) he or she was a victim of human trafficking at  
2 the time of the offense; and (B) that his or her  
3 participation in the offense was a direct result of human  
4 trafficking under Section 10-9 of the Criminal Code of 2012  
5 or a severe form of trafficking under the federal  
6 Trafficking Victims Protection Act.

7 (i) Minor Cannabis Offenses under the Cannabis Control Act.

8 (1) Expungement of Arrest Records of Minor Cannabis  
9 Offenses.

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

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

20 (ii) No criminal charges were filed relating  
21 to the arrest or law enforcement interaction or  
22 criminal charges were filed and subsequently  
23 dismissed or vacated or the arrestee was  
24 acquitted.

25 (B) If the law enforcement agency is unable to  
26 verify satisfaction of condition (ii) in paragraph

1 (A), records that satisfy condition (i) in paragraph  
2 (A) shall be automatically expunged.

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

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

9 (ii) Records created prior to January 1, 2013,  
10 but on or after January 1, 2000, shall be  
11 automatically expunged prior to January 1, 2023;

12 (iii) Records created prior to January 1, 2000  
13 shall be automatically expunged prior to January  
14 1, 2025.

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

22 (D) Nothing in this Section shall be construed to  
23 restrict or modify an individual's right to have that  
24 individual's records expunged except as otherwise may  
25 be provided in this Act, or diminish or abrogate any  
26 rights or remedies otherwise available to the

1 individual.

2 (2) Pardons Authorizing Expungement of Minor Cannabis  
3 Offenses.

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

9 (i) one or more convictions for a Minor  
10 Cannabis Offense;

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

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

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

24 (i) The Prisoner Review Board shall notify the  
25 State's Attorney of the county of conviction of  
26 each record identified by State Police in

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

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

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

21 (C) If an individual has been granted a pardon  
22 authorizing expungement as described in this Section,  
23 the Prisoner Review Board, through the Attorney  
24 General, shall file a petition for expungement with the  
25 Chief Judge of the circuit or any judge of the circuit  
26 designated by the Chief Judge where the individual had

1           been convicted. Such petition may include more than one  
2           individual. Whenever an individual who has been  
3           convicted of an offense is granted a pardon by the  
4           Governor that specifically authorizes expungement, an  
5           objection to the petition may not be filed. Petitions  
6           to expunge under this subsection (i) may include more  
7           than one individual. Within 90 days of the filing of  
8           such a petition, the court shall enter an order  
9           expunging the records of arrest from the official  
10          records of the arresting authority and order that the  
11          records of the circuit court clerk and the Department  
12          of State Police be expunged and the name of the  
13          defendant obliterated from the official index  
14          requested to be kept by the circuit court clerk under  
15          Section 16 of the Clerks of Courts Act in connection  
16          with the arrest and conviction for the offense for  
17          which the individual had received a pardon but the  
18          order shall not affect any index issued by the circuit  
19          court clerk before the entry of the order. Upon entry  
20          of the order of expungement, the circuit court clerk  
21          shall promptly provide a copy of the order and a  
22          certificate of disposition to the individual who was  
23          pardoned to the individual's last known address or by  
24          electronic means (if available) or otherwise make it  
25          available to the individual upon request.

26                 (D) Nothing in this Section is intended to diminish

1           or abrogate any rights or remedies otherwise available  
2           to the individual.

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

1 Section 15 of the Public Interest Attorney Assistance Act,  
2 assisting individuals seeking to file a motion to vacate  
3 and expunge under this subsection may file motions to  
4 vacate and expunge with the Chief Judge of a judicial  
5 circuit or any judge of the circuit designated by the Chief  
6 Judge, and the motion may include more than one individual.  
7 Motions filed by an agency providing civil legal aid  
8 concerning more than one individual may be prepared,  
9 presented, and signed electronically.

10 (4) Any State's Attorney may file a motion to vacate  
11 and expunge a conviction for a misdemeanor or Class 4  
12 felony violation of Section 4 or Section 5 of the Cannabis  
13 Control Act. Motions to vacate and expunge under this  
14 subsection (i) may be filed with the circuit court, Chief  
15 Judge of a judicial circuit or any judge of the circuit  
16 designated by the Chief Judge, and may include more than  
17 one individual. Motions filed by a State's Attorney  
18 concerning more than one individual may be prepared,  
19 presented, and signed electronically. When considering  
20 such a motion to vacate and expunge, a court shall consider  
21 the following: the reasons to retain the records provided  
22 by law enforcement, the individual's age, the individual's  
23 age at the time of offense, the time since the conviction,  
24 and the specific adverse consequences if denied. Upon entry  
25 of an order granting a motion to vacate and expunge records  
26 pursuant to this Section, the State's Attorney shall notify

1 the Prisoner Review Board within 30 days. Upon entry of the  
2 order of expungement, the circuit court clerk shall  
3 promptly provide a copy of the order and a certificate of  
4 disposition to the individual whose records will be  
5 expunged to the individual's last known address or by  
6 electronic means (if available) or otherwise make  
7 available to the individual upon request. If a motion to  
8 vacate and expunge is granted, the records shall be  
9 expunged in accordance with subparagraphs (d)(8) and  
10 (d)(9)(A) of this Section.

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

15 (6) If a person is arrested for a Minor Cannabis  
16 Offense as defined in this Section before June 25, 2019  
17 (the effective date of Public Act 101-27) and the person's  
18 case is still pending but a sentence has not been imposed,  
19 the person may petition the court in which the charges are  
20 pending for an order to summarily dismiss those charges  
21 against him or her, and expunge all official records of his  
22 or her arrest, plea, trial, conviction, incarceration,  
23 supervision, or expungement. If the court determines, upon  
24 review, that: (A) the person was arrested before June 25,  
25 2019 (the effective date of Public Act 101-27) for an  
26 offense that has been made eligible for expungement; (B)



1 the case is pending at the time; and (C) the person has not  
2 been sentenced of the minor cannabis violation eligible for  
3 expungement under this subsection, the court shall  
4 consider the following: the reasons to retain the records  
5 provided by law enforcement, the petitioner's age, the  
6 petitioner's age at the time of offense, the time since the  
7 conviction, and the specific adverse consequences if  
8 denied. If a motion to dismiss and expunge is granted, the  
9 records shall be expunged in accordance with subparagraph  
10 (d) (9) (A) of this Section.

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

15 (8) The Department of State Police shall allow a person  
16 to use the access and review process, established in the  
17 Department of State Police, for verifying that his or her  
18 records relating to Minor Cannabis Offenses of the Cannabis  
19 Control Act eligible under this Section have been expunged.

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

23 (10) Effect of Expungement. A person's right to expunge  
24 an expungeable offense shall not be limited under this  
25 Section. The effect of an order of expungement shall be to  
26 restore the person to the status he or she occupied before

1 the arrest, charge, or conviction.

2 (11) Information. The Department of State Police shall  
3 post general information on its website about the  
4 expungement process described in this subsection (i).

5 (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;  
6 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.  
7 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,  
8 eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
9 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.  
10 12-4-19.)

11 Section 10. The Unified Code of Corrections is amended by  
12 changing Section 3-3-2 as follows:

13 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

14 Sec. 3-3-2. Powers and duties.

15 (a) The Parole and Pardon Board is abolished and the term  
16 "Parole and Pardon Board" as used in any law of Illinois, shall  
17 read "Prisoner Review Board." After the effective date of this  
18 amendatory Act of 1977, the Prisoner Review Board shall provide  
19 by rule for the orderly transition of all files, records, and  
20 documents of the Parole and Pardon Board and for such other  
21 steps as may be necessary to effect an orderly transition and  
22 shall:

23 (1) hear by at least one member and through a panel of  
24 at least 3 members decide, cases of prisoners who were

1 sentenced under the law in effect prior to the effective  
2 date of this amendatory Act of 1977, and who are eligible  
3 for parole;

4 (2) hear by at least one member and through a panel of  
5 at least 3 members decide, the conditions of parole and the  
6 time of discharge from parole, impose sanctions for  
7 violations of parole, and revoke parole for those sentenced  
8 under the law in effect prior to this amendatory Act of  
9 1977; provided that the decision to parole and the  
10 conditions of parole for all prisoners who were sentenced  
11 for first degree murder or who received a minimum sentence  
12 of 20 years or more under the law in effect prior to  
13 February 1, 1978 shall be determined by a majority vote of  
14 the Prisoner Review Board. One representative supporting  
15 parole and one representative opposing parole will be  
16 allowed to speak. Their comments shall be limited to making  
17 corrections and filling in omissions to the Board's  
18 presentation and discussion;

19 (3) hear by at least one member and through a panel of  
20 at least 3 members decide, the conditions of mandatory  
21 supervised release and the time of discharge from mandatory  
22 supervised release, impose sanctions for violations of  
23 mandatory supervised release, and revoke mandatory  
24 supervised release for those sentenced under the law in  
25 effect after the effective date of this amendatory Act of  
26 1977;

1           (3.5) hear by at least one member and through a panel  
2 of at least 3 members decide, the conditions of mandatory  
3 supervised release and the time of discharge from mandatory  
4 supervised release, to impose sanctions for violations of  
5 mandatory supervised release and revoke mandatory  
6 supervised release for those serving extended supervised  
7 release terms pursuant to paragraph (4) of subsection (d)  
8 of Section 5-8-1;

9           (3.6) hear by at least one member and through a panel  
10 of at least 3 members decide whether to revoke aftercare  
11 release for those committed to the Department of Juvenile  
12 Justice under the Juvenile Court Act of 1987;

13           (4) hear by at least one member and through a panel of  
14 at least 3 members, decide cases brought by the Department  
15 of Corrections against a prisoner in the custody of the  
16 Department for alleged violation of Department rules with  
17 respect to sentence credits under Section 3-6-3 of this  
18 Code in which the Department seeks to revoke sentence  
19 credits, if the amount of time at issue exceeds 30 days or  
20 when, during any 12 month period, the cumulative amount of  
21 credit revoked exceeds 30 days except where the infraction  
22 is committed or discovered within 60 days of scheduled  
23 release. In such cases, the Department of Corrections may  
24 revoke up to 30 days of sentence credit. The Board may  
25 subsequently approve the revocation of additional sentence  
26 credit, if the Department seeks to revoke sentence credit

1 in excess of thirty days. However, the Board shall not be  
2 empowered to review the Department's decision with respect  
3 to the loss of 30 days of sentence credit for any prisoner  
4 or to increase any penalty beyond the length requested by  
5 the Department;

6 (5) hear by at least one member and through a panel of  
7 at least 3 members decide, the release dates for certain  
8 prisoners sentenced under the law in existence prior to the  
9 effective date of this amendatory Act of 1977, in  
10 accordance with Section 3-3-2.1 of this Code;

11 (6) hear by at least one member and through a panel of  
12 at least 3 members decide, all requests for pardon,  
13 reprieve or commutation, and make confidential  
14 recommendations to the Governor;

15 (6.5) hear by at least one member who is qualified in  
16 the field of juvenile matters and through a panel of at  
17 least 3 members, 2 of whom are qualified in the field of  
18 juvenile matters, decide parole review cases in accordance  
19 with Section 5-4.5-115 of this Code and make release  
20 determinations of persons under the age of 21 at the time  
21 of the commission of an offense or offenses, other than  
22 those persons serving sentences for first degree murder or  
23 aggravated criminal sexual assault;

24 (6.6) hear by at least a quorum of the Prisoner Review  
25 Board and decide by a majority of members present at the  
26 hearing, in accordance with Section 5-4.5-115 of this Code,

1 release determinations of persons under the age of 21 at  
2 the time of the commission of an offense or offenses of  
3 those persons serving sentences for first degree murder or  
4 aggravated criminal sexual assault;

5 (7) comply with the requirements of the Open Parole  
6 Hearings Act;

7 (8) hear by at least one member and, through a panel of  
8 at least 3 members, decide cases brought by the Department  
9 of Corrections against a prisoner in the custody of the  
10 Department for court dismissal of a frivolous lawsuit  
11 pursuant to Section 3-6-3(d) of this Code in which the  
12 Department seeks to revoke up to 180 days of sentence  
13 credit, and if the prisoner has not accumulated 180 days of  
14 sentence credit at the time of the dismissal, then all  
15 sentence credit accumulated by the prisoner shall be  
16 revoked;

17 (9) hear by at least 3 members, and, through a panel of  
18 at least 3 members, decide whether to grant certificates of  
19 relief from disabilities or certificates of good conduct as  
20 provided in Article 5.5 of Chapter V;

21 (10) upon a petition by a person who has been convicted  
22 of a Class 3 or Class 4 felony and who meets the  
23 requirements of this paragraph, hear by at least 3 members  
24 and, with the unanimous vote of a panel of 3 members, issue  
25 a certificate of eligibility for sealing recommending that  
26 the court order the sealing of all official records of the

1       arresting authority, the circuit court clerk, and the  
2       Department of State Police concerning the arrest and  
3       conviction for the Class 3 or 4 felony. A person may not  
4       apply to the Board for a certificate of eligibility for  
5       sealing:

6               (A) until 5 years have elapsed since the expiration  
7       of his or her sentence;

8               (B) until 5 years have elapsed since any arrests or  
9       detentions by a law enforcement officer for an alleged  
10      violation of law, other than a petty offense, traffic  
11      offense, conservation offense, or local ordinance  
12      offense;

13              (C) if convicted of a violation of the Cannabis  
14      Control Act, Illinois Controlled Substances Act, the  
15      Methamphetamine Control and Community Protection Act,  
16      the Methamphetamine Precursor Control Act, or the  
17      Methamphetamine Precursor Tracking Act unless the  
18      petitioner has completed a drug abuse program for the  
19      offense on which sealing is sought and provides proof  
20      that he or she has completed the program successfully;

21              (D) if convicted of:

22                      (i) a sex offense described in Article 11 or  
23                      Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
24                      the Criminal Code of 1961 or the Criminal Code of  
25                      2012;

26                      (ii) aggravated assault;

1 (iii) aggravated battery;

2 (iv) domestic battery;

3 (v) aggravated domestic battery;

4 (vi) violation of an order of protection;

5 (vii) an offense under the Criminal Code of  
6 1961 or the Criminal Code of 2012 involving a  
7 firearm;

8 (viii) driving while under the influence of  
9 alcohol, other drug or drugs, intoxicating  
10 compound or compounds or any combination thereof;

11 (ix) aggravated driving while under the  
12 influence of alcohol, other drug or drugs,  
13 intoxicating compound or compounds or any  
14 combination thereof; or

15 (x) any crime defined as a crime of violence  
16 under Section 2 of the Crime Victims Compensation  
17 Act.

18 If a person has applied to the Board for a certificate  
19 of eligibility for sealing and the Board denies the  
20 certificate, the person must wait at least 4 years before  
21 filing again or filing for pardon from the Governor unless  
22 the Chairman of the Prisoner Review Board grants a waiver.

23 The decision to issue or refrain from issuing a  
24 certificate of eligibility for sealing shall be at the  
25 Board's sole discretion, and shall not give rise to any  
26 cause of action against either the Board or its members.



1           The Board may only authorize the sealing of Class 3 and  
2           4 felony convictions of the petitioner from one information  
3           or indictment under this paragraph (10). A petitioner may  
4           only receive one certificate of eligibility for sealing  
5           under this provision for life; and

6           (11) upon a petition by a person who has ~~after having~~  
7           been convicted of a Class 3 or Class 4 felony ~~thereafter~~  
8           ~~served in the United States Armed Forces or National Guard~~  
9           ~~of this or any other state and had received an honorable~~  
10          ~~discharge from the United States Armed Forces or National~~  
11          ~~Guard or who at the time of filing the petition is enlisted~~  
12          ~~in the United States Armed Forces or National Guard of this~~  
13          ~~or any other state and served one tour of duty and who~~  
14          ~~meets the requirements of this paragraph,~~ hear by at least  
15          3 members and, with the unanimous vote of a panel of 3  
16          members, issue a certificate of eligibility for  
17          expungement requiring ~~recommending~~ that the court order  
18          the expungement of all official records of the arresting  
19          authority, the circuit court clerk, and the Illinois  
20          ~~Department of~~ State Police concerning the arrest and  
21          conviction for the Class 3 or 4 felony.

22           A person may not apply to the Board for a certificate  
23          of eligibility for expungement if convicted of:

24           ~~(A) if convicted of:~~

25                   (i) a sex offense described in Article 11 or  
26                   Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of

1 the Criminal Code of 1961 or Criminal Code of 2012;

2 (ii) an offense under the Criminal Code of 1961  
3 or Criminal Code of 2012 involving a firearm; ~~or~~

4 (iii) a crime of violence as defined in Section  
5 2 of the Crime Victims Compensation Act; or

6 (iv) an offense involving domestic violence as  
7 defined in Section 112A-3 of the Code of Criminal  
8 Procedure of 1963, including aggravated assault,  
9 aggravated battery, violation of an order of  
10 protection, domestic battery, or aggravated  
11 domestic battery.

12 ~~(B) if the person has not served in the United~~  
13 ~~States Armed Forces or National Guard of this or any~~  
14 ~~other state or has not received an honorable discharge~~  
15 ~~from the United States Armed Forces or National Guard~~  
16 ~~of this or any other state or who at the time of the~~  
17 ~~filing of the petition is serving in the United States~~  
18 ~~Armed Forces or National Guard of this or any other~~  
19 ~~state and has not completed one tour of duty.~~

20 If a person has applied to the Board for a certificate  
21 of eligibility for expungement and the Board denies the  
22 certificate, the person must wait at least 4 years before  
23 filing again or filing for a pardon with authorization for  
24 expungement from the Governor unless the Governor or  
25 Chairman of the Prisoner Review Board grants a waiver.

26 (a-5) The Prisoner Review Board, with the cooperation of

1 and in coordination with the Department of Corrections and the  
2 Department of Central Management Services, shall implement a  
3 pilot project in 3 correctional institutions providing for the  
4 conduct of hearings under paragraphs (1) and (4) of subsection  
5 (a) of this Section through interactive video conferences. The  
6 project shall be implemented within 6 months after the  
7 effective date of this amendatory Act of 1996. Within 6 months  
8 after the implementation of the pilot project, the Prisoner  
9 Review Board, with the cooperation of and in coordination with  
10 the Department of Corrections and the Department of Central  
11 Management Services, shall report to the Governor and the  
12 General Assembly regarding the use, costs, effectiveness, and  
13 future viability of interactive video conferences for Prisoner  
14 Review Board hearings.

15 (b) Upon recommendation of the Department the Board may  
16 restore sentence credit previously revoked.

17 (c) The Board shall cooperate with the Department in  
18 promoting an effective system of parole and mandatory  
19 supervised release.

20 (d) The Board shall promulgate rules for the conduct of its  
21 work, and the Chairman shall file a copy of such rules and any  
22 amendments thereto with the Director and with the Secretary of  
23 State.

24 (e) The Board shall keep records of all of its official  
25 actions and shall make them accessible in accordance with law  
26 and the rules of the Board.

1           (f) The Board or one who has allegedly violated the  
2 conditions of his or her parole, aftercare release, or  
3 mandatory supervised release may require by subpoena the  
4 attendance and testimony of witnesses and the production of  
5 documentary evidence relating to any matter under  
6 investigation or hearing. The Chairman of the Board may sign  
7 subpoenas which shall be served by any agent or public official  
8 authorized by the Chairman of the Board, or by any person  
9 lawfully authorized to serve a subpoena under the laws of the  
10 State of Illinois. The attendance of witnesses, and the  
11 production of documentary evidence, may be required from any  
12 place in the State to a hearing location in the State before  
13 the Chairman of the Board or his or her designated agent or  
14 agents or any duly constituted Committee or Subcommittee of the  
15 Board. Witnesses so summoned shall be paid the same fees and  
16 mileage that are paid witnesses in the circuit courts of the  
17 State, and witnesses whose depositions are taken and the  
18 persons taking those depositions are each entitled to the same  
19 fees as are paid for like services in actions in the circuit  
20 courts of the State. Fees and mileage shall be vouchered for  
21 payment when the witness is discharged from further attendance.

22           In case of disobedience to a subpoena, the Board may  
23 petition any circuit court of the State for an order requiring  
24 the attendance and testimony of witnesses or the production of  
25 documentary evidence or both. A copy of such petition shall be  
26 served by personal service or by registered or certified mail

1 upon the person who has failed to obey the subpoena, and such  
2 person shall be advised in writing that a hearing upon the  
3 petition will be requested in a court room to be designated in  
4 such notice before the judge hearing motions or extraordinary  
5 remedies at a specified time, on a specified date, not less  
6 than 10 nor more than 15 days after the deposit of the copy of  
7 the written notice and petition in the U.S. mails addressed to  
8 the person at his last known address or after the personal  
9 service of the copy of the notice and petition upon such  
10 person. The court upon the filing of such a petition, may order  
11 the person refusing to obey the subpoena to appear at an  
12 investigation or hearing, or to there produce documentary  
13 evidence, if so ordered, or to give evidence relative to the  
14 subject matter of that investigation or hearing. Any failure to  
15 obey such order of the circuit court may be punished by that  
16 court as a contempt of court.

17 Each member of the Board and any hearing officer designated  
18 by the Board shall have the power to administer oaths and to  
19 take the testimony of persons under oath.

20 (g) Except under subsection (a) of this Section, a majority  
21 of the members then appointed to the Prisoner Review Board  
22 shall constitute a quorum for the transaction of all business  
23 of the Board.

24 (h) The Prisoner Review Board shall annually transmit to  
25 the Director a detailed report of its work for the preceding  
26 calendar year. The annual report shall also be transmitted to

1 the Governor for submission to the Legislature.

2 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20.)".