



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4796

Introduced 1/27/2022, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 2630/5.2

55 ILCS 5/5-1058

65 ILCS 5/11-42-5

from Ch. 34, par. 5-1058

from Ch. 24, par. 11-42-5

Creates the Sidewalk Vendor Access Act. Includes findings and definitions. Provides that a governmental unit (a municipality or county) may not regulate sidewalk vendors except as provided for in the Act. Provides that a governmental unit may adopt a program, by ordinance or resolution, to regulate sidewalk vendors allowing specified regulations. Allows specified fines for violation of a sidewalk vendor program, but criminal penalties are prohibited. Limits home rule powers. Amends the Criminal Identification Act, Counties Code, and Illinois Municipal Code making conforming changes.

LRB102 25458 AWJ 34744 b

1 AN ACT concerning local government.

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

4 Section 1. Short title. This Act may be cited as the
5 Sidewalk Vendor Access Act.

6 Section 5. Findings.

7 (a) The General Assembly finds and declares all of the
8 following:

9 (1) Sidewalk vending provides important
10 entrepreneurship and economic development opportunities to
11 low-income and immigrant communities.

12 (2) Sidewalk vending increases access to desired
13 goods, such as culturally significant food and
14 merchandise.

15 (3) Sidewalk vending contributes to a safe and dynamic
16 public space.

17 (4) The safety and welfare of the general public is
18 promoted by encouraging local authorities to support and
19 properly regulate sidewalk vending.

20 (5) The safety and welfare of the general public is
21 promoted by prohibiting criminal penalties for violations
22 of sidewalk vending ordinances and regulations.

23 (6) The criminalization of small business

1 entrepreneurs, and the challenges that those entrepreneurs
2 face as a result of a criminal record, are matters of
3 statewide concern. Further, unnecessary barriers have been
4 erected blocking aspiring entrepreneurs from accessing the
5 formal economy, harming Illinois' economy in the process,
6 and disrupting the regulation of business, which is a
7 matter of statewide concern. Moreover, Illinois has an
8 interest in the regulation of traffic, a matter of
9 statewide concern, whether in ensuring the appropriate
10 flow of traffic or in ensuring the safety of pedestrians
11 on the road or the sidewalk.

12 (b) It is the intent of the General Assembly to promote
13 entrepreneurship and support immigrant and low-income
14 communities.

15 Section 10. Definitions. As used in this Act:

16 "Governmental unit" means a municipality or county.

17 "Roaming sidewalk vendor" means a sidewalk vendor who
18 moves from place to place and stops only to complete a
19 transaction.

20 "Sidewalk vendor" means a person who sells food or
21 merchandise from a pushcart, stand, display, pedal-driven
22 cart, wagon, showcase, rack, or other nonmotorized conveyance,
23 or from one's person, upon a public sidewalk or other
24 pedestrian path.

25 "Stationary sidewalk vendor" means a sidewalk vendor who

1 vends from a fixed location.

2 Section 15. Regulation of sidewalk vendors; applicability.

3 (a) A governmental unit shall not regulate sidewalk
4 vendors except in accordance with Sections Section 20 and
5 Section 25.

6 (b) Nothing in this Act shall be construed to affect the
7 applicability of the Food Handling Regulation Enforcement Act
8 or 77 Ill. Adm. Code 750 to the extent that they apply to a
9 sidewalk vendor who sells food.

10 (c) Nothing in this Act shall be construed to require a
11 governmental unit to adopt a new program to regulate sidewalk
12 vendors if the governmental unit has established an existing
13 program that substantially complies with the requirements in
14 this Act.

15 Section 20. Sidewalk vending program; standards.

16 (a) A governmental unit may adopt a program, by ordinance
17 or resolution, to regulate sidewalk vendors in compliance with
18 this Section.

19 (b) A governmental unit's sidewalk vending program shall
20 comply with all of the following standards:

21 (1) A governmental unit shall not require a sidewalk
22 vendor to operate within specific parts of the public
23 right-of-way, except when that restriction is directly
24 related to objective health, safety, or welfare concerns.

1 (2) A governmental unit shall not prohibit a sidewalk
2 vendor from selling food or merchandise in a park owned or
3 operated by the governmental unit, except the governmental
4 unit may prohibit stationary sidewalk vendors from vending
5 in the park only if the operator of the park has signed an
6 agreement for concessions that exclusively permits the
7 sale of food or merchandise by the concessionaire.

8 (3) Notwithstanding paragraph (2), a governmental unit
9 may adopt additional requirements regulating the time,
10 place, and manner of sidewalk vending in a park owned or
11 operated by the governmental unit if the requirements are
12 any of the following:

13 (A) Directly related to objective health, safety,
14 or welfare concerns.

15 (B) Necessary to ensure the public's use and
16 enjoyment of natural resources and recreational
17 opportunities.

18 (C) Necessary to prevent an undue concentration of
19 commercial activity that unreasonably interferes with
20 the scenic and natural character of the park.

21 (4) A governmental unit shall not require a sidewalk
22 vendor to first obtain the consent or approval of any
23 nongovernmental entity or individual before he or she can
24 sell food or merchandise.

25 (5) A governmental unit shall not restrict sidewalk
26 vendors to operate only in a designated neighborhood or

1 area, except when that restriction is directly related to
2 objective health, safety, or welfare concerns.

3 (6) Notwithstanding paragraph (5), a governmental unit
4 may prohibit stationary sidewalk vendors in areas that are
5 zoned exclusively residential, but shall not prohibit
6 roaming sidewalk vendors in such areas.

7 (7) A governmental unit shall not restrict the overall
8 number of sidewalk vendors permitted to operate within the
9 jurisdiction of the governmental unit unless the
10 restriction is directly related to objective health,
11 safety, or welfare concerns.

12 (c) A governmental unit may, by ordinance or resolution,
13 adopt additional requirements regulating the time, place, and
14 manner of sidewalk vending if the requirements are directly
15 related to objective health, safety, or welfare concerns,
16 including, but not limited to, any of the following:

17 (1) Limitations on hours of operation that are not
18 unduly restrictive. In nonresidential areas, any
19 limitations on the hours of operation for sidewalk vending
20 shall not be more restrictive than any limitations on
21 hours of operation imposed on other businesses or uses on
22 the same street.

23 (2) Requirements to maintain sanitary conditions.

24 (3) Requirements necessary to ensure compliance with
25 the federal Americans with Disabilities Act of 1990
26 (Public Law 101-336) and other disability access

1 standards.

2 (4) Requiring the sidewalk vendor to obtain from the
3 governmental unit a permit for sidewalk vending or a valid
4 business license, provided that the governmental unit
5 issuing the permit or business license accepts an Illinois
6 driver's license or identification card number, an
7 individual taxpayer identification number, or a municipal
8 identification number in lieu of a social security number
9 if the governmental unit otherwise requires a social
10 security number for the issuance of a permit or business
11 license, and that the number collected shall not be
12 available to the public for inspection, is confidential,
13 and shall not be disclosed except as required to
14 administer the permit or licensure program or comply with
15 a State law or State or federal court order.

16 (5) Requiring the sidewalk vendor to possess a
17 certificate of registration from the Department of Revenue
18 if required under Section 3 of the Transient Merchant Act
19 of 1987.

20 (6) Requiring additional licenses from other State or
21 local agencies to the extent required by law.

22 (7) Requiring compliance with other generally
23 applicable laws.

24 (8) Requiring a sidewalk vendor to submit information
25 on his or her operations, including, but not limited to,
26 any of the following:

1 (A) The name and current mailing address of the
2 sidewalk vendor.

3 (B) A description of the merchandise offered for
4 sale or exchange.

5 (C) A certification by the vendor that to his or
6 her knowledge and belief, the information contained on
7 the form is true.

8 (D) The certificate of registration from the
9 Department of Revenue, if any, of the sidewalk vendor.

10 (E) If the sidewalk vendor is an agent of an
11 individual, company, partnership, or corporation, the
12 name and business address of the principal.

13 (d) Notwithstanding subsection (b), a governmental unit
14 may do both of the following:

15 (1) Prohibit sidewalk vendors in areas located within
16 the immediate vicinity of a farmers' market or flea market
17 during the limited operating hours of that farmers' market
18 or flea market. As used in this paragraph:

19 "Farmers' market" has the meaning given to that term
20 in Section 3.3 of the Food Handling Regulation Enforcement
21 Act.

22 "Flea market" has the meaning given to that term in
23 Section 5.5 of the Transient Merchant Act of 1987

24 (2) Restrict or prohibit sidewalk vendors within the
25 immediate vicinity of an area designated for a temporary
26 special permit issued by the governmental unit, provided

1 that any notice, business interruption mitigation, or
2 other rights provided to affected businesses or property
3 owners under the governmental unit's temporary special
4 permit are also provided to any sidewalk vendors
5 specifically permitted to operate in the area, if
6 applicable. For purposes of this paragraph, a "temporary
7 special permit" is a permit issued by the governmental
8 unit for the temporary use of, or encroachment on, the
9 sidewalk or other public area, including, but not limited
10 to, an encroachment permit, special event permit, or
11 temporary event permit, for purposes including, but not
12 limited to, filming, parades, or outdoor concerts. A
13 prohibition of sidewalk vendors pursuant to this paragraph
14 shall only be effective for the limited duration of the
15 temporary special permit.

16 (e) For purposes of this Section, perceived community
17 animus or economic competition does not constitute an
18 objective health, safety, or welfare concern.

19 Section 25. Violations

20 (a) A violation of a governmental unit's sidewalk vending
21 program that complies with Section 20 is punishable only by
22 the following:

23 (1) A fine not exceeding \$100 for a first violation.

24 (2) A fine not exceeding \$200 for a second violation
25 within one year of the first violation.

1 (3) A fine not exceeding \$500 for each additional
2 violation within one year of the first violation.

3 A governmental unit may rescind a permit issued to a
4 sidewalk vendor for the term of that permit upon the fourth
5 violation or subsequent violations.

6 (b) If a governmental unit requires a sidewalk vendor to
7 obtain a sidewalk vending permit from the governmental unit,
8 vending without a sidewalk vending permit may be punishable by
9 the following in lieu of the fines set forth in subsection (a):

10 (1) A fine not exceeding \$250 for a first violation.

11 (2) A fine not exceeding \$500 for a second violation
12 within one year of the first violation.

13 (3) A fine not exceeding \$1,000 for each additional
14 violation within one year of the first violation.

15 Upon proof of a valid permit issued by the governmental
16 unit, the fines set forth in this subsection shall be reduced
17 to the fines set forth in subsection (a), respectively.

18 (c) The proceeds of a fine assessed pursuant to
19 subsections (a) or (b) shall be deposited in the treasury of
20 the governmental unit.

21 (d) Failure to pay a fine pursuant to subsections (a) and
22 (b) is not punishable as an infraction or misdemeanor.
23 Additional fines, fees, assessments, or any other financial
24 conditions beyond those authorized in subsections (a) and (b)
25 shall not be assessed.

26 (e) A violation of a governmental unit's sidewalk vending

1 program that complies with Section 20, or a violation of any
2 rules or regulations adopted prior to the effective date of
3 this amendatory Act of the 102nd General Assembly, that
4 regulate or prohibit sidewalk vendors in the jurisdiction of a
5 governmental unit, shall not be punishable as an infraction or
6 misdemeanor, and the person alleged to have violated any of
7 those provisions shall not be subject to arrest, except when
8 otherwise permitted under law.

9 (f) Notwithstanding any other provision of law, subsection
10 (e) applies to all pending criminal prosecutions under any
11 local ordinance or resolution regulating or prohibiting
12 sidewalk vendors. Any of those criminal prosecutions that have
13 not reached final judgment shall be dismissed.

14 (g) A governmental unit that has not adopted rules or
15 regulations by ordinance or resolution that comply with this
16 Act shall not cite, fine, or prosecute a sidewalk vendor for a
17 violation of any rule or regulation that is inconsistent with
18 the standards described in this Act.

19 (h) When assessing a fine pursuant to subsection (a) or
20 (b), the individual assessing the fine shall take into
21 consideration the person's ability to pay the fine. The
22 governmental unit shall provide the person with notice of his
23 or her right to request an ability-to-pay determination and
24 shall make available instructions or other materials for
25 requesting an ability-to-pay determination. The person may
26 request an ability-to-pay determination at adjudication or

1 while the judgment remains unpaid, including when a case is
2 delinquent or has been referred to a comprehensive collection
3 program.

4 If the person meets the criteria described in Section
5 5-105 of the Code of Civil Procedure, the governmental unit
6 shall accept, in full satisfaction, 20% of the fine imposed
7 pursuant to subsection (a) or (b).

8 The governmental unit may allow the person to complete
9 community service in lieu of paying the total fine, may waive
10 the fine, or may offer an alternative disposition.

11 Section 30. Cases or sentences involving sidewalk vending;
12 sealing of records. A person who is currently serving, or who
13 completed, a sentence, or who is subject to a fine, for a
14 conviction of a misdemeanor or infraction for sidewalk
15 vending, whether by trial or by plea, who would not have been
16 guilty of that offense under this Act had the Act been in
17 effect at the time of the offense, may petition for dismissal
18 of the sentence, fine, or conviction before the trial court
19 that entered the judgment of conviction in his or her case.

20 Upon receiving a petition under this Section, the court
21 shall presume the petitioner satisfies this criteria in this
22 Section unless the party opposing the petition proves by clear
23 and convincing evidence that the petitioner does not satisfy
24 the criteria. If the petitioner satisfies the criteria in this
25 Section, the court shall grant the petition to dismiss the

1 sentence or fine, if applicable. Upon granting the dismissal,
2 the court shall immediately seal the criminal records as
3 provided in subsection (g) of Section 5.2 of the Criminal
4 Identification Act.

5 Unless requested by the petitioner, no hearing is
6 necessary to grant or deny a petition filed under this
7 Section.

8 Nothing in this Section is intended to diminish or
9 abrogate any rights or remedies otherwise available to the
10 petitioner.

11 Nothing in this Section or related provisions is intended
12 to diminish or abrogate the finality of judgments in any case
13 not falling within the purview of this Act.

14 Section 35. Home rule. A home rule governmental unit may
15 not regulate sidewalk vendors in a manner inconsistent with
16 this Act. This Act is a limitation under subsection (i) of
17 Section 6 of Article VII of the Illinois Constitution on the
18 concurrent exercise by home rule units of powers and functions
19 exercised by the State

20 Section 100. The Criminal Identification Act is amended by
21 changing Section 5.2 as follows:

22 (20 ILCS 2630/5.2)

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

1 (a) General Provisions.

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

5 (A) The following terms shall have the meanings
6 ascribed to them in the following Sections of the
7 Unified Code of Corrections, 730 ILCS 5/5-1-2 through
8 5/5-1-22:

9 ~~(i) Business Offense, Section 5-1-2. (730 ILCS~~
10 ~~5/5-1-2),~~

11 ~~(ii) Charge, Section 5-1-3. (730 ILCS~~
12 ~~5/5-1-3),~~

13 ~~(iii) Court, Section 5-1-6. (730 ILCS~~
14 ~~5/5-1-6),~~

15 ~~(iv) Defendant, Section 5-1-7. (730 ILCS~~
16 ~~5/5-1-7),~~

17 ~~(v) Felony, Section 5-1-9. (730 ILCS 5/5-1-9),~~

18 ~~(vi) Imprisonment, Section 5-1-10. (730 ILCS~~
19 ~~5/5-1-10),~~

20 ~~(vii) Judgment, Section 5-1-12. (730 ILCS~~
21 ~~5/5-1-12),~~

22 ~~(viii) Misdemeanor, Section 5-1-14. (730 ILCS~~
23 ~~5/5-1-14),~~

24 ~~(ix) Offense, Section 5-1-15. (730 ILCS~~
25 ~~5/5-1-15),~~

26 ~~(x) Parole, Section 5-1-16. (730 ILCS~~

1 ~~5/5-1-16),~~

2 ~~(xi) Petty Offense, Section 5-1-17. ~~(730 ILCS~~~~

3 ~~5/5-1-17),~~

4 ~~(xii) Probation, Section 5-1-18. ~~(730 ILCS~~~~

5 ~~5/5-1-18),~~

6 ~~(xiii) Sentence, Section 5-1-19. ~~(730 ILCS~~~~

7 ~~5/5-1-19),~~

8 ~~(xiv) Supervision, Section 5-1-21. ~~(730 ILCS~~~~

9 ~~5/5-1-21), and~~

10 ~~(xv) Victim, Section 5-1-22. ~~(730 ILCS~~~~

11 ~~5/5-1-22).~~

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

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

1 of qualified probation that is terminated
2 unsatisfactorily is a conviction, unless the
3 unsatisfactory termination is reversed, vacated, or
4 modified and the judgment of conviction, if any, is
5 reversed or vacated.

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

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

21 (F) As used in this Section, "last sentence" means
22 the sentence, order of supervision, or order of
23 qualified probation (as defined by subsection
24 (a)(1)(J)), for a criminal offense (as defined by
25 subsection (a)(1)(D)) that terminates last in time in
26 any jurisdiction, regardless of whether the petitioner

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

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

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

22 (H) "Municipal ordinance violation" means an
23 offense defined by a municipal or local ordinance that
24 is criminal in nature and with which the petitioner
25 was charged or for which the petitioner was arrested
26 and released without charging.

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

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

22 (K) "Seal" means to physically and electronically
23 maintain the records, unless the records would
24 otherwise be destroyed due to age, but to make the
25 records unavailable without a court order, subject to
26 the exceptions in Sections 12 and 13 of this Act. The

1 petitioner's name shall also be obliterated from the
2 official index required to be kept by the circuit
3 court clerk under Section 16 of the Clerks of Courts
4 Act, but any index issued by the circuit court clerk
5 before the entry of the order to seal shall not be
6 affected.

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

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

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

22 (2.5) Commencing 180 days after July 29, 2016 (the
23 effective date of Public Act 99-697), the law enforcement
24 agency issuing the citation shall automatically expunge,
25 on or before January 1 and July 1 of each year, the law
26 enforcement records of a person found to have committed a

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

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

24 (A) the sealing or expungement of the records of
25 arrests or charges not initiated by arrest that result
26 in an order of supervision for or conviction of: (i)

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

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

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

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

1 of a local ordinance;

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

6 (iii) Sections 12-3.1 or 12-3.2 of the
7 Criminal Code of 1961 or the Criminal Code of
8 2012, or Section 125 of the Stalking No Contact
9 Order Act, or Section 219 of the Civil No Contact
10 Order Act, or a similar provision of a local
11 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 (1.5) When a petitioner seeks to have a record of
7 arrest expunged under this Section, and the offender has
8 been convicted of a criminal offense, the State's Attorney
9 may object to the expungement on the grounds that the
10 records contain specific relevant information aside from
11 the mere fact of the arrest.

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

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

19 (B) When the arrest or charge not initiated by
20 arrest sought to be expunged resulted in an order of
21 supervision, successfully completed by the petitioner,
22 the following time frames will apply:

23 (i) Those arrests or charges that resulted in
24 orders of supervision under Section 3-707, 3-708,
25 3-710, or 5-401.3 of the Illinois Vehicle Code or
26 a similar provision of a local ordinance, or under

1 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
2 Code of 1961 or the Criminal Code of 2012, or a
3 similar provision of a local ordinance, shall not
4 be eligible for expungement until 5 years have
5 passed following the satisfactory termination of
6 the supervision.

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

18 (ii) Those arrests or charges that resulted in
19 orders of supervision for any other offenses shall
20 not be eligible for expungement until 2 years have
21 passed following the satisfactory termination of
22 the supervision.

23 (C) When the arrest or charge not initiated by
24 arrest sought to be expunged resulted in an order of
25 qualified probation, successfully completed by the
26 petitioner, such records shall not be eligible for

1 expungement until 5 years have passed following the
2 satisfactory termination of the probation.

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

7 (4) Whenever a person has been arrested for or
8 convicted of any offense, in the name of a person whose
9 identity he or she has stolen or otherwise come into
10 possession of, the aggrieved person from whom the identity
11 was stolen or otherwise obtained without authorization,
12 upon learning of the person having been arrested using his
13 or her identity, may, upon verified petition to the chief
14 judge of the circuit wherein the arrest was made, have a
15 court order entered nunc pro tunc by the Chief Judge to
16 correct the arrest record, conviction record, if any, and
17 all official records of the arresting authority, the
18 Illinois State Police Department, other criminal justice
19 agencies, the prosecutor, and the trial court concerning
20 such arrest, if any, by removing his or her name from all
21 such records in connection with the arrest and conviction,
22 if any, and by inserting in the records the name of the
23 offender, if known or ascertainable, in lieu of the
24 aggrieved's name. The records of the circuit court clerk
25 shall be sealed until further order of the court upon good
26 cause shown and the name of the aggrieved person

1 obliterated on the official index required to be kept by
2 the circuit court clerk under Section 16 of the Clerks of
3 Courts Act, but the order shall not affect any index
4 issued by the circuit court clerk before the entry of the
5 order. Nothing in this Section shall limit the Illinois
6 ~~Department of~~ State Police or other criminal justice
7 agencies or prosecutors from listing under an offender's
8 name the false names he or she has used.

9 (5) Whenever a person has been convicted of criminal
10 sexual assault, aggravated criminal sexual assault,
11 predatory criminal sexual assault of a child, criminal
12 sexual abuse, or aggravated criminal sexual abuse, the
13 victim of that offense may request that the State's
14 Attorney of the county in which the conviction occurred
15 file a verified petition with the presiding trial judge at
16 the petitioner's trial to have a court order entered to
17 seal the records of the circuit court clerk in connection
18 with the proceedings of the trial court concerning that
19 offense. However, the records of the arresting authority
20 and the Illinois ~~Department of~~ State Police concerning the
21 offense shall not be sealed. The court, upon good cause
22 shown, shall make the records of the circuit court clerk
23 in connection with the proceedings of the trial court
24 concerning the offense available for public inspection.

25 (6) If a conviction has been set aside on direct
26 review or on collateral attack and the court determines by

1 clear and convincing evidence that the petitioner was
2 factually innocent of the charge, the court that finds the
3 petitioner factually innocent of the charge shall enter an
4 expungement order for the conviction for which the
5 petitioner has been determined to be innocent as provided
6 in subsection (b) of Section 5-5-4 of the Unified Code of
7 Corrections.

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

22 (8) If the petitioner has been granted a certificate
23 of innocence under Section 2-702 of the Code of Civil
24 Procedure, the court that grants the certificate of
25 innocence shall also enter an order expunging the
26 conviction for which the petitioner has been determined to

1 be innocent as provided in subsection (h) of Section 2-702
2 of the Code of Civil Procedure.

3 (c) Sealing.

4 (1) Applicability. Notwithstanding any other provision
5 of this Act to the contrary, and cumulative with any
6 rights to expungement of criminal records, this subsection
7 authorizes the sealing of criminal records of adults and
8 of minors prosecuted as adults. Subsection (g) of this
9 Section provides for immediate sealing of certain records.

10 (2) Eligible Records. The following records may be
11 sealed:

12 (A) All arrests resulting in release without
13 charging;

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

18 (C) Arrests or charges not initiated by arrest
19 resulting in orders of supervision, including orders
20 of supervision for municipal ordinance violations,
21 successfully completed by the petitioner, unless
22 excluded by subsection (a) (3);

23 (D) Arrests or charges not initiated by arrest
24 resulting in convictions, including convictions on
25 municipal ordinance violations, unless excluded by
26 subsection (a) (3);

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

8 (F) Arrests or charges not initiated by arrest
9 resulting in felony convictions unless otherwise
10 excluded by subsection (a) paragraph (3) of this
11 Section.

12 (3) When Records Are Eligible to Be Sealed. Records
13 identified as eligible under subsection (c)(2) may be
14 sealed as follows:

15 (A) Records identified as eligible under
16 subsection (c)(2)(A) and (c)(2)(B) may be sealed at
17 any time.

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

23 (C) Except as otherwise provided in subparagraph
24 (E) of this paragraph (3), records identified as
25 eligible under subsections (c)(2)(D), (c)(2)(E), and
26 (c)(2)(F) may be sealed 3 years after the termination

1 of the petitioner's last sentence (as defined in
2 subsection (a)(1)(F)). Convictions requiring public
3 registration under the Arsonist Registration Act, the
4 Sex Offender Registration Act, or the Murderer and
5 Violent Offender Against Youth Registration Act may
6 not be sealed until the petitioner is no longer
7 required to register under that relevant Act.

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

11 (E) Records identified as eligible under
12 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or
13 (c)(2)(F) may be sealed upon termination of the
14 petitioner's last sentence if the petitioner earned a
15 high school diploma, associate's degree, career
16 certificate, vocational technical certification, or
17 bachelor's degree, or passed the high school level
18 Test of General Educational Development, during the
19 period of his or her sentence or mandatory supervised
20 release. This subparagraph shall apply only to a
21 petitioner who has not completed the same educational
22 goal prior to the period of his or her sentence or
23 mandatory supervised release. If a petition for
24 sealing eligible records filed under this subparagraph
25 is denied by the court, the time periods under
26 subparagraph (B) or (C) shall apply to any subsequent

1 petition for sealing filed by the petitioner.

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

10 (5) Notice of eligibility for sealing. Upon entry of a
11 disposition for an eligible record under this subsection
12 (c), the petitioner shall be informed by the court of the
13 right to have the records sealed and the procedures for
14 the sealing of the records.

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

18 (1) Filing the petition. Upon becoming eligible to
19 petition for the expungement or sealing of records under
20 this Section, the petitioner shall file a petition
21 requesting the expungement or sealing of records with the
22 clerk of the court where the arrests occurred or the
23 charges were brought, or both. If arrests occurred or
24 charges were brought in multiple jurisdictions, a petition
25 must be filed in each such jurisdiction. The petitioner
26 shall pay the applicable fee, except no fee shall be

1 required if the petitioner has obtained a court order
2 waiving fees under Supreme Court Rule 298 or it is
3 otherwise waived.

4 (1.5) County fee waiver pilot program. From August 9,
5 2019 (the effective date of Public Act 101-306) through
6 December 31, 2020, in a county of 3,000,000 or more
7 inhabitants, no fee shall be required to be paid by a
8 petitioner if the records sought to be expunged or sealed
9 were arrests resulting in release without charging or
10 arrests or charges not initiated by arrest resulting in
11 acquittal, dismissal, or conviction when the conviction
12 was reversed or vacated, unless excluded by subsection
13 (a)(3)(B). The provisions of this paragraph (1.5), other
14 than this sentence, are inoperative on and after January
15 1, 2022.

16 (2) Contents of petition. The petition shall be
17 verified and shall contain the petitioner's name, date of
18 birth, current address and, for each arrest or charge not
19 initiated by arrest sought to be sealed or expunged, the
20 case number, the date of arrest (if any), the identity of
21 the arresting authority, and such other information as the
22 court may require. During the pendency of the proceeding,
23 the petitioner shall promptly notify the circuit court
24 clerk of any change of his or her address. If the
25 petitioner has received a certificate of eligibility for
26 sealing from the Prisoner Review Board under paragraph

1 (10) of subsection (a) of Section 3-3-2 of the Unified
2 Code of Corrections, the certificate shall be attached to
3 the petition.

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

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

13 (B) seal felony records for a violation of the
14 Illinois Controlled Substances Act, the
15 Methamphetamine Control and Community Protection Act,
16 or the Cannabis Control Act under clause (c) (2) (F);

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

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

20 (4) Service of petition. The circuit court clerk shall
21 promptly serve a copy of the petition and documentation to
22 support the petition under subsection (e-5) or (e-6) on
23 the State's Attorney or prosecutor charged with the duty
24 of prosecuting the offense, the Illinois ~~Department of~~
25 State Police, the arresting agency and the chief legal
26 officer of the unit of local government effecting the

1 arrest.

2 (5) Objections.

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

11 (B) Objections to a petition to expunge or seal
12 must be filed within 60 days of the date of service of
13 the petition.

14 (6) Entry of order.

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

22 (B) Unless the State's Attorney or prosecutor, the
23 Illinois Department ~~of~~ State Police, the arresting
24 agency, or the chief legal officer files an objection
25 to the petition to expunge or seal within 60 days from
26 the date of service of the petition, the court shall

1 enter an order granting or denying the petition.

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

19 (7) Hearings. If an objection is filed, the court
20 shall set a date for a hearing and notify the petitioner
21 and all parties entitled to notice of the petition of the
22 hearing date at least 30 days prior to the hearing. Prior
23 to the hearing, the State's Attorney shall consult with
24 the Illinois State Police ~~Department~~ as to the
25 appropriateness of the relief sought in the petition to
26 expunge or seal. At the hearing, the court shall hear

1 evidence on whether the petition should or should not be
2 granted, and shall grant or deny the petition to expunge
3 or seal the records based on the evidence presented at the
4 hearing. The court may consider the following:

5 (A) the strength of the evidence supporting the
6 defendant's conviction;

7 (B) the reasons for retention of the conviction
8 records by the State;

9 (C) the petitioner's age, criminal record history,
10 and employment history;

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

14 (E) the specific adverse consequences the
15 petitioner may be subject to if the petition is
16 denied.

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

1 (9) Implementation of order.

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

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

13 (ii) the records of the circuit court clerk
14 shall be impounded until further order of the
15 court 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 and

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

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

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

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

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

25 (iv) records impounded by the Illinois State
26 Police ~~Department~~ may be disseminated by the

1 Illinois State Police Department only as required
2 by law or to the arresting authority, the State's
3 Attorney, and the court upon a later arrest for
4 the same or a similar offense or for the purpose of
5 sentencing for any subsequent felony, and to the
6 Department of Corrections upon conviction for any
7 offense; and

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

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

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

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

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

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

11 (iv) records impounded by the Illinois State
12 Police Department may be disseminated by the
13 Illinois State Police 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
16 the 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
21 records from anyone not authorized by law to
22 access the records, the court, the Illinois State
23 Police Department, or the agency receiving the
24 inquiry shall reply as it does in response to
25 inquiries when no records ever 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 Illinois State Police
3 ~~Department~~, and the court shall seal the records (as
4 defined in subsection (a)(1)(K)). In response to an
5 inquiry for such records, from anyone not authorized
6 by law to access such records, the court, the Illinois
7 State Police ~~Department~~, or the agency receiving such
8 inquiry shall reply as it does in response to
9 inquiries when no records ever existed.

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

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

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

21 (10) Fees. The Illinois State Police ~~Department~~ may
22 charge the petitioner a fee equivalent to the cost of
23 processing any order to expunge or seal records.
24 Notwithstanding any provision of the Clerks of Courts Act
25 to the contrary, the circuit court clerk may charge a fee
26 equivalent to the cost associated with the sealing or

1 expungement of records by the circuit court clerk. From
2 the total filing fee collected for the petition to seal or
3 expunge, the circuit court clerk shall deposit \$10 into
4 the Circuit Court Clerk Operation and Administrative Fund,
5 to be used to offset the costs incurred by the circuit
6 court clerk in performing the additional duties required
7 to serve the petition to seal or expunge on all parties.
8 The circuit court clerk shall collect and remit the
9 Illinois ~~Department of~~ State Police portion of the fee to
10 the State Treasurer and it shall be deposited in the State
11 Police Services Fund. If the record brought under an
12 expungement petition was previously sealed under this
13 Section, the fee for the expungement petition for that
14 same record shall be waived.

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

20 (12) Motion to Vacate, Modify, or Reconsider. Under
21 Section 2-1203 of the Code of Civil Procedure, the
22 petitioner or any party entitled to notice may file a
23 motion to vacate, modify, or reconsider the order granting
24 or denying the petition to expunge or seal within 60 days
25 of service of the order. If filed more than 60 days after
26 service of the order, a petition to vacate, modify, or

1 reconsider shall comply with subsection (c) of Section
2 2-1401 of the Code of Civil Procedure. Upon filing of a
3 motion to vacate, modify, or reconsider, notice of the
4 motion shall be served upon the petitioner and all parties
5 entitled to notice of the petition.

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

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

23 (15) Compliance with Order Granting Petition to
24 Expunge Records. While a party is seeking relief from the
25 order granting the petition to expunge through a motion
26 filed under paragraph (12) of this subsection (d) or is

1 appealing the order, and unless a court has entered a stay
2 of that order, the parties entitled to notice of the
3 petition must seal, but need not expunge, the records
4 until there is a final order on the motion for relief or,
5 in the case of an appeal, the issuance of that court's
6 mandate.

7 (16) The changes to this subsection (d) made by Public
8 Act 98-163 apply to all petitions pending on August 5,
9 2013 (the effective date of Public Act 98-163) and to all
10 orders ruling on a petition to expunge or seal on or after
11 August 5, 2013 (the effective date of Public Act 98-163).

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

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

15 (e-5) Whenever a person who has been convicted of an
16 offense is granted a certificate of eligibility for sealing by
17 the Prisoner Review Board which specifically authorizes
18 sealing, he or she may, upon verified petition to the Chief
19 Judge of the circuit where the person had been convicted, any
20 judge of the circuit designated by the Chief Judge, or in
21 counties of less than 3,000,000 inhabitants, the presiding
22 trial judge at the petitioner's trial, have a court order
23 entered sealing the record of arrest from the official records
24 of the arresting authority and order that the records of the
25 circuit court clerk and the Illinois State Police ~~Department~~
26 be sealed until further order of the court upon good cause

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

20 (e-6) Whenever a person who has been convicted of an
21 offense is granted a certificate of eligibility for
22 expungement by the Prisoner Review Board which specifically
23 authorizes expungement, he or she may, upon verified petition
24 to the Chief Judge of the circuit where the person had been
25 convicted, any judge of the circuit designated by the Chief
26 Judge, or in counties of less than 3,000,000 inhabitants, the

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

26 (f) Subject to available funding, the Illinois Department

1 of Corrections shall conduct a study of the impact of sealing,
2 especially on employment and recidivism rates, utilizing a
3 random sample of those who apply for the sealing of their
4 criminal records under Public Act 93-211. At the request of
5 the Illinois Department of Corrections, records of the
6 Illinois Department of Employment Security shall be utilized
7 as appropriate to assist in the study. The study shall not
8 disclose any data in a manner that would allow the
9 identification of any particular individual or employing unit.
10 The study shall be made available to the General Assembly no
11 later than September 1, 2010.

12 (g) Immediate Sealing.

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

18 (2) Eligible Records.

19 (A) Arrests or charges not initiated by arrest
20 resulting in acquittal or dismissal with prejudice,
21 except as excluded by subsection (a) (3) (B), that occur
22 on or after January 1, 2018 (the effective date of
23 Public Act 100-282), may be sealed immediately if the
24 petition is filed with the circuit court clerk on the
25 same day and during the same hearing in which the case
26 is disposed.

1 (B) Arrests or charges, relating to sidewalk
2 vending that occurred on or before the effective date
3 of this amendatory Act of the 102nd General Assembly
4 that would not have occurred had the Sidewalk Vendor
5 Access Act been in effect at the time of the offense,
6 may be sealed immediately upon granting of a petition
7 under Section 30 of the Sidewalk Vendor Access Act.

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

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

19 (5) Procedure. The following procedures apply to
20 immediate sealing under this subsection (g), except for
21 records under subparagraph (B) of paragraph (2) of this
22 subsection (g).

23 (A) Filing the Petition. Upon entry of the final
24 disposition of the case, the defendant's attorney may
25 immediately petition the court, on behalf of the
26 defendant, for immediate sealing of eligible records

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

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

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

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

24 (E) Entry of Order. The presiding trial judge
25 shall enter an order granting or denying the petition
26 for immediate sealing during the hearing in which it

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

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

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

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

13 (I) Fees. The fee imposed by the circuit court
14 clerk and the Illinois ~~Department of~~ State Police
15 shall comply with paragraph (1) of subsection (d) of
16 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 Illinois
25 ~~Department of~~ State Police may file a motion to
26 vacate, modify, or reconsider the order denying the

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

6 (L) Effect of Order. An order granting an
7 immediate sealing petition shall not be considered
8 void because it fails to comply with the provisions of
9 this Section or because of an error asserted in a
10 motion to vacate, modify, or reconsider. The circuit
11 court retains jurisdiction to determine whether the
12 order is voidable, and to vacate, modify, or
13 reconsider its terms based on a motion filed under
14 subparagraph (L) of 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
25 of 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
2 trafficking under Section 10-9 of the Criminal Code of
3 2012 or a severe form of trafficking under the federal
4 Trafficking Victims Protection Act.

5 (2) A petitioner under this subsection (h), in
6 addition to the requirements provided under paragraph (4)
7 of subsection (d) of this Section, shall include in his or
8 her petition a clear and concise statement that: (A) he or
9 she 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
20 to immediate sealing under this subsection (h). A
21 petitioner is eligible for immediate relief under this
22 subsection (h) if he or she shows, by a preponderance of
23 the evidence, that: (A) he or she was a victim of human
24 trafficking at the time of the offense; and (B) that his or
25 her participation in the offense was a direct result of
26 human trafficking under Section 10-9 of the Criminal Code

1 of 2012 or a severe form of trafficking under the federal
2 Trafficking Victims Protection Act.

3 (i) Minor Cannabis Offenses under the Cannabis Control
4 Act.

5 (1) Expungement of Arrest Records of Minor Cannabis
6 Offenses.

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

14 (i) One year or more has elapsed since the
15 date of the arrest or law enforcement interaction
16 documented in the records; and

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

22 (B) If the law enforcement agency is unable to
23 verify satisfaction of condition (ii) in paragraph
24 (A), records that satisfy condition (i) in paragraph
25 (A) shall be automatically expunged.

26 (C) Records shall be expunged by the law

1 enforcement agency under the following timelines:

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

6 (ii) Records created prior to January 1, 2013,
7 but on or after January 1, 2000, shall be
8 automatically expunged prior to January 1, 2023;

9 (iii) Records created prior to January 1, 2000
10 shall be automatically expunged prior to January
11 1, 2025.

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

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

25 (2) Pardons Authorizing Expungement of Minor Cannabis
26 Offenses.

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

6 (i) one or more convictions for a Minor
7 Cannabis Offense;

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

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

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

21 (i) The Prisoner Review Board shall notify the
22 State's Attorney of the county of conviction of
23 each record identified by State Police in
24 paragraph (2)(A) that is classified as a Class 4
25 felony. The State's Attorney may provide a written
26 objection to the Prisoner Review Board on the sole

1 basis that the record identified does not meet the
2 criteria established in paragraph (2) (A). Such an
3 objection must be filed within 60 days or by such
4 later date set by the Prisoner Review Board in the
5 notice after the State's Attorney received notice
6 from the Prisoner Review Board.

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

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

18 (C) If an individual has been granted a pardon
19 authorizing expungement as described in this Section,
20 the Prisoner Review Board, through the Attorney
21 General, shall file a petition for expungement with
22 the Chief Judge of the circuit or any judge of the
23 circuit designated by the Chief Judge where the
24 individual had been convicted. Such petition may
25 include more than one individual. Whenever an
26 individual who has been convicted of an offense is

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

24 (D) Nothing in this Section is intended to
25 diminish or abrogate any rights or remedies otherwise
26 available to the individual.

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

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

9 (4) Any State's Attorney may file a motion to vacate
10 and expunge a conviction for a misdemeanor or Class 4
11 felony violation of Section 4 or Section 5 of the Cannabis
12 Control Act. Motions to vacate and expunge under this
13 subsection (i) may be filed with the circuit court, Chief
14 Judge of a judicial circuit or any judge of the circuit
15 designated by the Chief Judge, and may include more than
16 one individual. Motions filed by a State's Attorney
17 concerning more than one individual may be prepared,
18 presented, and signed electronically. When considering
19 such a motion to vacate and expunge, a court shall
20 consider the following: the reasons to retain the records
21 provided by law enforcement, the individual's age, the
22 individual's age at the time of offense, the time since
23 the conviction, and the specific adverse consequences if
24 denied. Upon entry of an order granting a motion to vacate
25 and expunge records pursuant to this Section, the State's
26 Attorney shall notify the Prisoner Review Board within 30

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

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

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

1 been sentenced of the minor cannabis violation eligible
2 for expungement under this subsection, the court shall
3 consider the following: the reasons to retain the records
4 provided by law enforcement, the petitioner's age, the
5 petitioner's age at the time of offense, the time since
6 the conviction, and the specific adverse consequences if
7 denied. If a motion to dismiss and expunge is granted, the
8 records shall be expunged in accordance with subparagraph
9 (d) (9) (A) of this Section.

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

14 (8) The Illinois ~~Department of~~ State Police shall
15 allow a person to use the access and review process,
16 established in the Illinois ~~Department of~~ State Police,
17 for verifying that his or her records relating to Minor
18 Cannabis Offenses of the Cannabis Control Act eligible
19 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
24 expunge an expungeable offense shall not be limited under
25 this Section. The effect of an order of expungement shall
26 be to restore the person to the status he or she occupied

1 before the arrest, charge, or conviction.

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

5 (j) Felony Prostitution Convictions.

6 (1) Any individual may file a motion to vacate and
7 expunge a conviction for a prior Class 4 felony violation
8 of prostitution. Motions to vacate and expunge under this
9 subsection (j) may be filed with the circuit court, Chief
10 Judge of a judicial circuit, or any judge of the circuit
11 designated by the Chief Judge. When considering the motion
12 to vacate and expunge, a court shall consider the
13 following:

14 (A) the reasons to retain the records provided by
15 law enforcement;

16 (B) the petitioner's age;

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

18 and

19 (D) the time since the conviction, and the
20 specific adverse consequences if denied. An individual
21 may file the petition after the completion of any
22 sentence or condition imposed by the conviction.
23 Within 60 days of the filing of the motion, a State's
24 Attorney may file an objection to the petition along
25 with supporting evidence. If a motion to vacate and
26 expunge is granted, the records shall be expunged in

1 accordance with subparagraph (d)(9)(A) of this
2 Section. An agency providing civil legal aid, as
3 defined in Section 15 of the Public Interest Attorney
4 Assistance Act, assisting individuals seeking to file
5 a motion to vacate and expunge under this subsection
6 may file motions to vacate and expunge with the Chief
7 Judge of a judicial circuit or any judge of the circuit
8 designated by the Chief Judge, and the motion may
9 include more than one individual.

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

18 (A) the reasons to retain the records provided by
19 law enforcement;

20 (B) the petitioner's age;

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

22 (D) the time since the conviction; and

23 (E) the specific adverse consequences if denied.

24 If the State's Attorney files a motion to vacate and
25 expunge records for felony prostitution convictions
26 pursuant to this Section, the State's Attorney shall

1 notify the Prisoner Review Board within 30 days of the
2 filing. If a motion to vacate and expunge is granted, the
3 records shall be expunged in accordance with subparagraph
4 (d) (9) (A) of this Section.

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

9 (4) The Illinois State Police shall allow a person to
10 use the access and review process, established in the
11 Illinois State Police, for verifying that his or her
12 records relating to felony prostitution eligible under
13 this Section have been expunged.

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

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

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

25 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
26 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.

1 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
2 102-558, 8-20-21; 102-639, eff. 8-27-21; revised 10-5-21.)

3 Section 105. The Counties Code is amended by changing
4 Section 5-1058 as follows:

5 (55 ILCS 5/5-1058) (from Ch. 34, par. 5-1058)

6 Sec. 5-1058. Hawkers, peddlers, itinerant merchants, and
7 transient vendors. A county board may regulate, in the manner
8 authorized by this Section hawkers, peddlers, itinerant
9 merchants and transient vendors of merchandise in any area not
10 within the corporate limits of a municipality which licenses
11 or regulates hawkers, peddlers, itinerant merchants, and
12 transient vendors of merchandise. The county board may require
13 that any such person register his name and the name of any firm
14 he represents with the county clerk and may make reasonable
15 restrictions of the hours during which he may engage in door -
16 to - door solicitation. The board shall not require a fee from
17 such persons or make regulations other than those authorized
18 by this Section. The provisions of this Section do not apply to
19 any county which is a home rule unit.

20 To the extent that this Section conflicts with the
21 Sidewalk Vendor Access Act, the Sidewalk Vendor Access Act
22 prevails.

23 (Source: P.A. 86-962.)

1 Section 110. The Illinois Municipal Code is amended by
2 changing Section 11-42-5 as follows:

3 (65 ILCS 5/11-42-5) (from Ch. 24, par. 11-42-5)

4 Sec. 11-42-5. The corporate authorities of each
5 municipality may license, tax, regulate, or prohibit hawkers,
6 peddlers, pawnbrokers, itinerant merchants, transient vendors
7 of merchandise, theatricals and other exhibitions, shows, and
8 amusements and may license, tax, and regulate all places for
9 eating or amusement. No municipality may impose a tax under
10 this Section, or impose any other amusement or exhibition tax,
11 on ticket sales, membership fees, or any other charges for
12 attending exhibitions or attractions associated with a
13 zoological park authorized under Section 40 of the Cook County
14 Forest Preserve District Act, nor may any municipality impose
15 a duty to collect a tax under this Section, or any other
16 amusement or exhibition tax, on any owner or operator of a
17 zoological park authorized under Section 40 of the Cook County
18 Forest Preserve District Act.

19 To the extent that this Section conflicts with the
20 Sidewalk Vendor Access Act, the Sidewalk Vendor Access Act
21 prevails.

22 (Source: P.A. 96-1516, eff. 2-4-11.)