



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3606

Introduced 1/19/2022, by Sen. Celina Villanueva

#### SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 2630/5.2

730 ILCS 5/5-9-1

730 ILCS 5/5-9-2

730 ILCS 5/5-9-3 rep.

from Ch. 38, par. 1005-9-1

from Ch. 38, par. 1005-9-2

Creates the Second Chance State Reimagined Justice Act. Contains declarations and findings. Provides that the clerk of the circuit court shall provide an arraigned defendant with written information about the Reimagined Justice Program, sets forth criteria for participation in a Program, and provides that, if an eligible defendant consents to participation in a Program, a pretrial navigator assigned to the eligible defendant shall create a proposed Program. Specifies the contents of a proposed Reimagined Justice Program. Provides that the court shall conduct a hearing on the eligible defendant's proposed Reimagined Justice Program. Provides for procedure and matters to be considered at the hearing and for the approval, modification, or rejection of the proposed Reimagined Justice Program. Provides for the implementation and completion of the Reimagined Justice Program or for the resumption of criminal proceedings under specified circumstances. Provides that the Department of Returning Resident Affairs shall annually report on the efficacy of the Reimagined Justice Program. Amends the Criminal Identification Act. Provides for the immediate expungement of certain records under specified circumstances. Amends the Fines Article of the Unified Code of Corrections. In provisions regarding the determination of the amount and method of payment of a fine, adds criteria to be considered by the court and applies specified provisions to restitution. Adds provisions regarding collection of fines and restitution and the revocation of a fine or restitution. Repeals a Section providing that an offender who defaults in the payment of a fine or any installment of that fine may be held in contempt and imprisoned for nonpayment and that the court may issue a summons or a warrant of arrest. Contains provisions regarding severability and other matters. Effective immediately, but certain provisions do not take effect at all unless another Act becomes law.

LRB102 22627 RLC 34008 b

1 AN ACT concerning criminal law.

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 Second  
5 Chance State Reimagined Justice Act.

6 Section 5. Legislative declarations and findings. The  
7 General Assembly finds and declares that:

8 (1) It is in the best interests of the people of Illinois  
9 to move from our failed response to crime, which prioritizes  
10 incarceration for the purpose of imposing punishment and  
11 creating deterrence.

12 (2) The intolerable 41% recidivism rate in Illinois, with  
13 a cost of over \$151,000 for each recidivism event, 39% rate of  
14 formerly incarcerated individuals being re-arrested for a  
15 violent crime within 9 years of release and 83% rate of  
16 homicide offenders in Illinois having arrest or conviction  
17 records are but a few of the indicators that Illinois'  
18 response to crime is not working.

19 (3) It is in the best interests of all Illinois citizens  
20 for the State to reduce the cost of recidivism by moving from  
21 this failed approach. It is therefore in the best interests of  
22 all Illinois citizens for the State to create a comprehensive,  
23 coordinated, and holistic program that:

1 (A) will result in the rehabilitation of defendants in  
2 criminal proceedings through reconciliation with their  
3 victims and the community at large;

4 (B) addresses the social determinants which  
5 precipitated the defendants' commission of the offenses  
6 with which they are charged; and

7 (C) places defendants in a position where it is  
8 unlikely that they will commit a future criminal offense.

9 (4) The enactment of this Act will accomplish these goals.

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

11 "Eligible defendant" means any defendant in a criminal  
12 proceeding pending in any State court in which:

13 (1) the defendant has not previously participated in  
14 an alternative prosecution program similar to the Program  
15 and which was conducted by any governmental entity in any  
16 State or federal territory;

17 (2) the offense which the defendant is alleged in the  
18 pending criminal proceeding to have committed was not  
19 committed while the defendant was on bond, under the  
20 supervision of a court, on conditional discharge or  
21 subject to similar conditions;

22 (3) the defendant has not been convicted of committing  
23 another criminal offense since the defendant filed or  
24 otherwise advised a court of the defendant's request to  
25 participate in the Reimagined Justice Program under this

1 Act.

2 "Pretrial navigator" means a pretrial navigator employed  
3 by a hub site operator under the Department of Returning  
4 Resident Affairs Act.

5 "Program" means the Reimagined Justice Program authorized  
6 by this Act.

7 Section 15. Arraignment requirements. Simultaneously with  
8 a defendant's arraignment in a criminal proceeding, the clerk  
9 of the circuit court in which that proceeding is pending shall  
10 provide the defendant with written information about the  
11 Reimagined Justice Program. That written information shall  
12 include, without limitation, a description of the Program,  
13 criteria for eligibility to participate in the Program,  
14 Program benefits, requirements, and deadlines, timelines for  
15 participation in the Program, and a form pursuant to which the  
16 defendant consents to participation in the Program. That  
17 consent shall include, without limitation, the defendant's  
18 consent to a pretrial navigator's collaboration with the  
19 defendant's family, counselors, teachers and law enforcement,  
20 the State's Attorney, and such other persons as the pretrial  
21 navigator deems necessary to create the proposed Reimagined  
22 Justice Program, all as described in this Act. That written  
23 information shall also include the following statement printed  
24 in 16 point or larger bold type:

25 You have the right to be represented by an attorney

1 throughout your participation in a Reimagined Justice  
2 Program. Your participation in a Reimagined Justice  
3 Program will require you to waive your right to a  
4 preliminary hearing on the criminal offense that has been  
5 charged against you. You should consult with an attorney  
6 to determine how that waiver will impact you. If you fail  
7 to comply with the requirements of the Reimagined Justice  
8 Program that has been approved by the court, the court may  
9 proceed to a trial of your case.

10 Each clerk of the circuit court shall have copies of such  
11 information written in English, Spanish, and Polish and may  
12 have copies written in other languages, and shall attempt to  
13 provide the defendant with a copy written in a language that  
14 the defendant understands.

15 Section 20. Procedure for participation in Reimagined  
16 Justice Program. Any eligible defendant may participate in a  
17 Reimagined Justice Program under this Act if the eligible  
18 defendant files a written consent to participation in that  
19 Program with the court in which the eligible defendant's  
20 criminal proceeding is pending within 120 days after the  
21 eligible defendant's arraignment in that criminal proceeding.  
22 The consent shall be filed using a standardized form that the  
23 clerk of each circuit court shall make available to eligible  
24 defendants without charge. The consent may also be filed in  
25 any other form reasonably acceptable to the court in which the

1 eligible defendant's criminal proceeding is pending. The  
2 eligible defendant shall serve a copy of the consent upon the  
3 State's Attorney who is prosecuting the pending criminal  
4 proceeding against the eligible defendant. That State's  
5 Attorney shall serve a copy of that consent upon any  
6 complaining witnesses in the proceeding. There shall be no  
7 charge to or fee required from an eligible defendant for  
8 requesting participation or participating in a Reimagined  
9 Justice Program.

10 Section 25. Prehearing proceedings.

11 (a) Upon an eligible defendant's filing of a consent to  
12 participation in a Reimagined Justice Program, the court shall  
13 set a date for a hearing on the eligible defendant's proposed  
14 Reimagined Justice Program. The date of that hearing shall be  
15 not less than 120 days after the filing of the consent, but the  
16 hearing date may be continued for good cause. All other  
17 proceedings in the prosecution of the eligible defendant shall  
18 be stayed pending the disposition of the hearing on the  
19 eligible defendant's proposed Reimagined Justice Program;  
20 however, discovery shall continue in accordance with existing  
21 rules and the hearing date shall be vacated and the  
22 prosecution shall proceed as otherwise required by law if the  
23 eligible defendant becomes ineligible to participate in a  
24 Reimagined Justice Program prior to the hearing.

25 (b) The clerk of the circuit court for the court in which

1 the eligible defendant's criminal proceeding is pending shall  
2 electronically transmit a copy of the eligible defendant's  
3 consent to participation in a Reimagined Justice Program to  
4 the Department of Returning Resident Affairs within 5 business  
5 days after the request is filed. The Department shall  
6 electronically transmit a copy of the consent to the hub site  
7 operated under the Second Chance State Program that serves the  
8 area in which the eligible defendant resides within 48 hours  
9 of that Department's receipt of the request. The hub site  
10 operator for that hub site shall then assign a pretrial  
11 navigator to the eligible defendant and the pretrial navigator  
12 shall use best efforts to attempt to contact the eligible  
13 defendant within 48 hours after the hub site operator receives  
14 the request. The pretrial navigator's failure to make such  
15 contact within 48 hours shall not negatively impact an  
16 eligible defendant.

17 Section 30. Proposed Reimagined Justice Program.

18 (a) The pretrial navigator assigned to the eligible  
19 defendant shall create a written proposed Reimagined Justice  
20 Program for the eligible defendant that includes components  
21 that will:

22 (1) result in the rehabilitation of the eligible  
23 defendant through reconciliation with the eligible  
24 defendant's victims and the community at large;

25 (2) address the social determinants that precipitated

1 the eligible defendant's commission of the charged offense  
2 at issue in the eligible defendant's pending criminal  
3 proceeding; and

4 (3) place the eligible defendant in a position where  
5 it is unlikely that the eligible defendant will commit a  
6 future criminal offense.

7 The proposed Reimagined Justice Program shall include a  
8 completion date, which shall be the date when the eligible  
9 defendant shall be considered to have successfully completed  
10 the Program and shall thereafter no longer be subject to it if  
11 the eligible defendant has complied with its terms and  
12 conditions. Those components may, but shall not be required  
13 to, include completing educational or job training  
14 programming, finding or maintaining employment or safe  
15 housing, apologizing and providing restitution to victims,  
16 obtaining substance abuse or mental health counseling, and  
17 maintaining sobriety. The pretrial navigator shall collaborate  
18 with the eligible defendant and the eligible defendant's  
19 victims and community members and may collaborate with the  
20 eligible defendant's family, counselors, teachers and law  
21 enforcement, the State's Attorney, and such other persons as  
22 the pretrial navigator deems necessary to create the proposed  
23 Reimagined Justice Program.

24 (b) Not less than 30 days before the date set for hearing  
25 on the approval of the eligible defendant's Reimagined Justice  
26 Program, the pretrial navigator shall cause copies of the



1 proposed Reimagined Justice Agreement to be:

2 (1) filed in the eligible defendant's pending criminal  
3 proceeding;

4 (2) served upon the eligible defendant, any  
5 complaining witnesses in the criminal proceeding, and the  
6 State's Attorney prosecuting the eligible defendant's  
7 criminal proceeding; and

8 (3) tendered to the judge who will conduct the hearing  
9 on the eligible defendant's proposed Reimagined Justice  
10 Program.

11 (c) The State's Attorney prosecuting the eligible  
12 defendant's criminal proceeding shall file any response it has  
13 to the proposed Reimagined Justice Program within 14 days  
14 after service of the proposed Reimagined Justice Program on  
15 the State's Attorney. That response shall also include the  
16 identities of all witnesses the State's Attorney will call at  
17 the hearing on the proposed Reimagined Justice Program, a  
18 description of the testimony that each of those witnesses is  
19 expected to provide, copies of all statements, reports, or  
20 opinions those witnesses have provided to the State's Attorney  
21 regarding the proposed Reimagined Justice Program, copies of  
22 all other statements, reports, or opinions in the State's  
23 Attorney's possession or control regarding the proposed  
24 Reimagined Justice Program and copies of all exhibits the  
25 State's Attorney will be offering into the record at the  
26 hearing on the proposed Reimagined Justice Program. The

1 State's Attorney shall also provide a description of any  
2 testimony that any complaining witnesses in the criminal  
3 proceeding or the eligible defendant's victims intend to make  
4 at the hearing on the proposed Reimagined Justice Program. Any  
5 matters the State's Attorney has in opposition to or  
6 pertaining to the modification of the proposed Reimagined  
7 Justice Program that are not raised in that response shall be  
8 waived. The State's Attorney shall be barred from:

9 (1) calling any witnesses who were not disclosed in  
10 that response;

11 (2) eliciting testimony from a witness other than  
12 testimony that was disclosed for that witness in that  
13 response; and

14 (3) seeking the admission of exhibits that were not  
15 provided to the eligible defendant as part of that  
16 response.

17 Section 35. Hearing on the proposed Reimagined Justice  
18 Program.

19 (a) Standards for approval, modification, or rejection of  
20 the proposed Reimagined Justice Program and presumptions. The  
21 court's determination to approve, modify, or reject the  
22 eligible defendant's proposed Reimagined Justice Program shall  
23 be solely based upon evidence of what actions are reasonably  
24 necessary to:

25 (1) result in the rehabilitation of the eligible

1 defendant through reconciliation with the eligible  
2 defendant's victims and the community at large;

3 (2) address the social determinants that precipitated  
4 the eligible defendant's commission of the charged offense  
5 at issue in the eligible defendant's pending criminal  
6 proceeding; and

7 (3) place the eligible defendant in a position in  
8 which it is unlikely that the eligible defendant will  
9 commit a future criminal offense.

10 Evidence regarding other matters, including, without  
11 limitation, punishment or deterrence, shall be irrelevant to  
12 the court's determination to approve, modify, or reject the  
13 eligible defendant's proposed Reimagined Justice Program. The  
14 proposed Reimagined Justice Program filed by the pretrial  
15 navigator shall be presumed to meet the standards for  
16 approval. The State's Attorney shall have the burden of  
17 rebutting that presumption. That presumption shall only be  
18 rebutted by clear and convincing evidence to the contrary. The  
19 court shall liberally construe the provisions of this Act and  
20 the evidence presented to the court in favor of approving the  
21 proposed Reimagined Justice Program filed by the pretrial  
22 navigator.

23 (b) At the hearing on the proposed Reimagined Justice  
24 Program, the court shall hear any relevant testimony that any  
25 complaining witnesses in the criminal proceeding or the  
26 eligible defendant's victims wish to provide, in addition to

1 relevant testimony and evidence offered by the eligible  
2 defendant, pretrial navigator, and witnesses for the eligible  
3 defendant and State's Attorney. After the conclusion of the  
4 hearing, the court shall enter a written order approving,  
5 modifying, or rejecting the proposed Reimagined Justice  
6 Program. The order shall also include the court's reasons for  
7 approving, modifying, or rejecting the proposed Reimagined  
8 Justice Program. Any order approving or modifying the proposed  
9 Reimagined Justice Program shall also include, among other  
10 provisions:

11 (1) The condition that the order shall only be in full  
12 force and effect if, within 14 days after the eligible  
13 defendant is served with the order, the eligible defendant  
14 files a waiver of the eligible defendant's right to a  
15 preliminary hearing in the criminal proceeding pending  
16 against the eligible defendant;

17 (2) A completion date, which shall be the date when  
18 the eligible defendant shall be considered to have  
19 successfully completed the Program and shall thereafter no  
20 longer be subject to it if the eligible defendant has  
21 complied with its terms and conditions.

22 Section 40. Post-hearing proceedings.

23 (a) Resumption of criminal proceeding. The criminal  
24 proceeding against the eligible defendant shall proceed as  
25 otherwise provided by law if either of the following occurs:

1 (1) the eligible defendant withdraws the eligible  
2 defendant's consent to participate in the Program;

3 (2) the court orders the rejection of the proposed  
4 Reimagined Justice Program; or

5 (3) the court enters an order approving or modifying  
6 the proposed Reimagined Justice Program and the eligible  
7 defendant fails to file a waiver of the eligible  
8 defendant's right to a preliminary hearing in the criminal  
9 proceeding pending against the eligible defendant within  
10 14 days after the eligible defendant is served with that  
11 order.

12 (b) Implementation of the Reimagined Justice Program. The  
13 Reimagined Justice Program set forth in the court's order  
14 shall be in full force and effect upon the eligible  
15 defendant's filing of a waiver of the eligible defendant's  
16 right to a preliminary hearing in the criminal proceeding  
17 pending against the eligible defendant. The eligible defendant  
18 shall have the right to withdraw the eligible defendant's  
19 consent to participate in the Program at any time before that  
20 order is in full force and effect. After the Reimagined  
21 Justice Program set forth in the court's order is in full force  
22 and effect:

23 (1) The court shall set a schedule for the court to  
24 hear a status report from the eligible defendant and the  
25 pretrial navigator on the eligible defendant's progress  
26 toward compliance with the Reimagined Justice Program,

1 with such hearings occurring no less than every 90 days.  
2 At each such hearing, all evidence of the eligible  
3 defendant's compliance and noncompliance with the  
4 Reimagined Justice Program and the pretrial navigator's  
5 efforts to bring the eligible defendant into compliance  
6 with the Program when the eligible defendant has been  
7 noncompliant. That evidence shall be presented by the  
8 pretrial navigator to the court and shall be set forth in  
9 detail in a verified written report by the pretrial  
10 navigator. The pretrial navigator shall file a copy of  
11 that report with the court and shall serve it upon the  
12 eligible defendant in open court and upon the State's  
13 Attorney;

14 (2) The pretrial navigator shall monitor and use best  
15 efforts to assist with the eligible defendant's compliance  
16 with the Reimagined Justice Program and bring the eligible  
17 defendant into compliance with the Program if the eligible  
18 defendant has been noncompliant. The eligible defendant  
19 shall be in contact with and provide the pretrial  
20 navigator with such information as the pretrial navigator  
21 deems reasonably necessary for that purpose.

22 (c) Subsequent conviction. The order setting forth an  
23 eligible defendant's Reimagined Justice Program shall be  
24 vacated and the criminal proceeding pending against the  
25 eligible defendant shall proceed as otherwise provided by law  
26 if the eligible defendant is convicted of committing another

1 felony offense after that order is entered.

2 (d) Completion.

3 (1) State's Attorney and pretrial navigator reports on  
4 compliance. Not more than 14 days after the completion  
5 date provided in the order setting forth the Reimagined  
6 Justice Program, the State's Attorney and pretrial  
7 navigator shall file their individual written reports with  
8 the court in which the eligible defendant's criminal  
9 proceeding are pending. Those reports shall state the  
10 State's Attorney's and pretrial navigator's opinion on  
11 whether the eligible defendant complied with the  
12 Reimagined Justice Program set forth in the court's order.  
13 Those reports shall also include detailed facts and other  
14 relevant information to support those opinions. The  
15 State's Attorney and the pretrial navigator shall serve  
16 copies of their reports on the eligible defendant.

17 (2) Probable cause hearing. If the reports of the  
18 State's Attorney or the pretrial navigator required under  
19 paragraph (1) state that the eligible defendant failed to  
20 comply with the order setting forth the Reimagined Justice  
21 Program, the eligible defendant shall have 30 days after  
22 the eligible defendant's receipt of those reports to file  
23 a response to them. The court shall consider the reports,  
24 the eligible defendant's response, and any oral arguments  
25 it deems necessary to hear to determine whether there is  
26 probable cause to believe that the eligible defendant

1 failed to comply with the order setting forth the  
2 Reimagined Justice Program.

3 (3) Compliance hearing.

4 (A) The court shall schedule an evidentiary  
5 hearing on the issue of the eligible defendant's  
6 compliance with the order setting forth the Reimagined  
7 Justice Program if the court determines that there is  
8 probable cause to believe that the eligible defendant  
9 failed to comply with the order setting forth the  
10 Reimagined Justice Program. That hearing shall not be  
11 convened for at least 30 days after the eligible  
12 defendant receives notice of the court's probable  
13 cause determination. The hearing may be continued for  
14 good cause.

15 (B) Not less than 14 days before the evidentiary  
16 hearing described in subparagraph (A):

17 (i) the pretrial navigator shall provide the  
18 eligible defendant with a description of the  
19 testimony the pretrial navigator expects to  
20 provide at that hearing and copies of all files  
21 and other documents in the pretrial navigator's  
22 possession or control that pertain to the eligible  
23 defendant; and

24 (ii) the State's Attorney shall provide the  
25 eligible defendant with the identities of all  
26 witnesses the State's Attorney will call at that



1 hearing, a description of the testimony that each  
2 of those witnesses is expected to provide, copies  
3 of all statements, reports, or opinions those  
4 witnesses have provided to the State's Attorney  
5 regarding the matters at issue in that hearing,  
6 copies of all other statements, reports, or  
7 opinions in the State's Attorney's possession or  
8 control regarding the matters at issue in that  
9 hearing, and copies of all exhibits the State's  
10 Attorney will be offering into the record at that  
11 hearing.

12 (C) The pretrial navigator shall be barred from  
13 testifying about any matters that have not been  
14 disclosed to the eligible defendant under item (i) of  
15 subparagraph (B). The State's Attorney shall be barred  
16 from:

17 (i) calling any witnesses who were not  
18 disclosed to the eligible defendant pursuant to  
19 item (ii) of subparagraph (B);

20 (ii) eliciting testimony from a witness other  
21 than testimony that was disclosed for that witness  
22 under item (ii) of subparagraph (B); and

23 (iii) seeking the admission of exhibits that  
24 were not provided to the eligible defendant under  
25 item (ii) of subparagraph (B).

26 (D) The State's Attorney or pretrial navigator who

1           alleged that the eligible defendant has failed to  
2           comply with the order setting forth the Reimagined  
3           Justice Program has the burden of proving that the  
4           eligible defendant so failed to comply. That burden  
5           shall only be satisfied with the admission of clear  
6           and convincing evidence.

7           (E) The court shall consider the relevant  
8           testimony and other evidence admitted during the  
9           hearing to determine whether the eligible defendant  
10          complied with the Reimagined Justice Program set forth  
11          in the court's order. If the court determines that  
12          clear and convincing evidence demonstrates that the  
13          eligible defendant failed to comply with the  
14          Reimagined Justice Program, the eligible defendant's  
15          criminal proceeding shall proceed in accordance with  
16          applicable law. The eligible defendant's participation  
17          in and failure to comply with the Reimagined Justice  
18          Program shall not otherwise be considered by the court  
19          or presented to any jury in the criminal proceeding  
20          against the eligible defendant.

21          (4) Post-compliance. If either: (i) the State's  
22          Attorney and pretrial navigator report that the eligible  
23          defendant has complied with the Reimagined Justice Program  
24          set forth in the court's order; or (ii) the court  
25          determined under paragraph (d)(2) that there is not  
26          probable cause to believe that the eligible defendant

1 failed to comply with the order setting forth the  
2 Reimagined Justice Program; or (iii) the court determines  
3 that clear and convincing evidence of the eligible  
4 defendant's failure to comply with that order was not  
5 presented at the hearing described in paragraph (3), then:

6 (A) the criminal proceeding pending against the  
7 eligible defendant shall be dismissed nunc pro tunc to  
8 the earlier of the date the complaint, information, or  
9 indictment in that proceeding was filed; and

10 (B) all records pertaining to the proceeding shall  
11 be expunged in accordance with the Criminal  
12 Identification Act within 60 days thereafter without  
13 need for further action by the eligible defendant or  
14 the court, including, without limitation, arrest  
15 records, law enforcement records (including, without  
16 limitation, records of the arresting agency and the  
17 Illinois State Police), investigatory records, the  
18 State's Attorney's records, records maintained by the  
19 clerk of the circuit court that indicate the existence  
20 of the proceeding, and all filings in the criminal  
21 proceeding that were pending against the eligible  
22 defendant.

23 Section 45. Reporting. The Department of Returning  
24 Resident Affairs shall annually report on the efficacy of the  
25 Program to the Governor and General Assembly and make that

1 report available on its website. That report shall include,  
2 without limitation, data showing the following for the  
3 reporting period:

4 (1) Number of eligible defendants who: (A) requested  
5 participation in the Program; (B) were denied  
6 participation in the Program due to ineligibility; (C) had  
7 a proposed Reimagined Justice Program granted; (D) had a  
8 proposed Reimagined Justice Program modified; (E) had a  
9 proposed Reimagined Justice Program rejected; (F) entered  
10 guilty pleas pursuant to the Program; (G) failed to enter  
11 guilty pleas pursuant to the Program; (H) successfully  
12 completed the Program; (I) failed to successfully complete  
13 the Program; and (J) recidivated after successfully  
14 completing the Program.

15 (2) (A) Criminal offenses for which eligible defendants  
16 have been charged; (B) the number of Program participants  
17 at each hub site; (C) basic components of proposed and  
18 final Reimagined Justice Programs; (D) the nature of  
19 modifications to proposed Reimagined Justice Programs; and  
20 (E) the operating costs of the Program.

21 Pretrial navigators and the Illinois Department of  
22 Corrections shall provide the Department of Returning Resident  
23 Affairs with such information as is necessary for the  
24 Department of Returning Resident Affairs to compile these  
25 reports.

1 Section 50. Provisions of Act mandatory. Subject only to  
2 appropriation, the provisions of this Act are mandatory and  
3 shall not be considered to be directory or discretionary.

4 Section 905. 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 following Sections of the  
14 Unified Code of Corrections, ~~730 ILCS 5/5-1-2 through~~  
15 ~~5/5-1-22:~~

16 ~~(i) Business Offense, Section 5-1-2. (730 ILCS~~  
17 ~~5/5-1-2),~~

18 ~~(ii) Charge, Section 5-1-3. (730 ILCS~~  
19 ~~5/5-1-3),~~

20 ~~(iii) Court, Section 5-1-6. (730 ILCS~~  
21 ~~5/5-1-6),~~

22 ~~(iv) Defendant, Section 5-1-7. (730 ILCS~~  
23 ~~5/5-1-7),~~

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

- 1           ~~(vi)~~ Imprisonment, Section 5-1-10. ~~(730 ILCS~~  
2           ~~5/5-1-10)~~,
- 3           ~~(vii)~~ Judgment, Section 5-1-12. ~~(730 ILCS~~  
4           ~~5/5-1-12)~~,
- 5           ~~(viii)~~ Misdemeanor, Section 5-1-14. ~~(730 ILCS~~  
6           ~~5/5-1-14)~~,
- 7           ~~(ix)~~ Offense, Section 5-1-15. ~~(730 ILCS~~  
8           ~~5/5-1-15)~~,
- 9           ~~(x)~~ Parole, Section 5-1-16. ~~(730 ILCS~~  
10           ~~5/5-1-16)~~,
- 11           ~~(xi)~~ Petty Offense, Section 5-1-17. ~~(730 ILCS~~  
12           ~~5/5-1-17)~~,
- 13           ~~(xii)~~ Probation, Section 5-1-18. ~~(730 ILCS~~  
14           ~~5/5-1-18)~~,
- 15           ~~(xiii)~~ Sentence, Section 5-1-19. ~~(730 ILCS~~  
16           ~~5/5-1-19)~~,
- 17           ~~(xiv)~~ Supervision, Section 5-1-21. ~~(730 ILCS~~  
18           ~~5/5-1-21)~~, and
- 19           ~~(xv)~~ Victim, Section 5-1-22. ~~(730 ILCS~~  
20           ~~5/5-1-22).~~

21           (B) As used in this Section, "charge not initiated  
22           by arrest" means a charge (as defined by Section 5-1-3  
23           of the Unified Code of Corrections 730 ILCS 5/5-1-3)  
24           brought against a defendant where the defendant is not  
25           arrested prior to or as a direct result of the charge.

26           (C) "Conviction" means a judgment of conviction or

1 sentence entered upon a plea of guilty or upon a  
2 verdict or finding of guilty of an offense, rendered  
3 by a legally constituted jury or by a court of  
4 competent jurisdiction authorized to try the case  
5 without a jury. An order of supervision successfully  
6 completed by the petitioner is not a conviction. An  
7 order of qualified probation (as defined in subsection  
8 (a)(1)(J)) successfully completed by the petitioner is  
9 not a conviction. An order of supervision or an order  
10 of qualified probation that is terminated  
11 unsatisfactorily is a conviction, unless the  
12 unsatisfactory termination is reversed, vacated, or  
13 modified and the judgment of conviction, if any, is  
14 reversed or vacated.

15 (D) "Criminal offense" means a petty offense,  
16 business offense, misdemeanor, felony, or municipal  
17 ordinance violation (as defined in subsection  
18 (a)(1)(H)). As used in this Section, a minor traffic  
19 offense (as defined in subsection (a)(1)(G)) shall not  
20 be considered a criminal offense.

21 (E) "Expunge" means to physically destroy the  
22 records or return them to the petitioner and to  
23 obliterate the petitioner's name from any official  
24 index or public record, or both. Nothing in this Act  
25 shall require the physical destruction of the circuit  
26 court file, but such records relating to arrests or

1 charges, or both, ordered expunged shall be impounded  
2 as required by subsections (d)(9)(A)(ii) and  
3 (d)(9)(B)(ii).

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

18 (G) "Minor traffic offense" means a petty offense,  
19 business offense, or Class C misdemeanor under the  
20 Illinois Vehicle Code or a similar provision of a  
21 municipal or local ordinance.

22 (G-5) "Minor Cannabis Offense" means a violation  
23 of Section 4 or 5 of the Cannabis Control Act  
24 concerning not more than 30 grams of any substance  
25 containing cannabis, provided the violation did not  
26 include a penalty enhancement under Section 7 of the



1 Cannabis Control Act and is not associated with an  
2 arrest, conviction or other disposition for a violent  
3 crime as defined in subsection (c) of Section 3 of the  
4 Rights of Crime Victims and Witnesses Act.

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

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

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

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

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

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

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

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

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

1 clerk's possession or control and which contains the final  
2 satisfactory disposition which pertain to the person  
3 issued a citation for any of those offenses.

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

7 (A) the sealing or expungement of the records of  
8 arrests or charges not initiated by arrest that result  
9 in an order of supervision for or conviction of: (i)  
10 any sexual offense committed against a minor; (ii)  
11 Section 11-501 of the Illinois Vehicle Code or a  
12 similar provision of a local ordinance; or (iii)  
13 Section 11-503 of the Illinois Vehicle Code or a  
14 similar provision of a local ordinance, unless the  
15 arrest or charge is for a misdemeanor violation of  
16 subsection (a) of Section 11-503 or a similar  
17 provision of a local ordinance, that occurred prior to  
18 the offender reaching the age of 25 years and the  
19 offender has no other conviction for violating Section  
20 11-501 or 11-503 of the Illinois Vehicle Code or a  
21 similar provision of a local ordinance.

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

26 (C) the sealing of the records of arrests or

1 charges not initiated by arrest which result in an  
2 order of supervision or a conviction for the following  
3 offenses:

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

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

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

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

23 (v) any offense or attempted offense that  
24 would subject a person to registration under the  
25 Sex Offender Registration Act.

26 (D) (blank).

1 (b) Expungement.

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

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  
9 a 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  
20 of 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           (D) Immediate expungement.

13           (i) Applicability. Notwithstanding any other  
14 provision of law and cumulative with any rights to  
15 expungement or sealing of criminal records, this  
16 subparagraph (D) authorizes immediate expungement  
17 of arrests or charges not initiated by arrest  
18 resulting in an acquittal, dismissal, the  
19 petitioner's release without charging, or the  
20 reversal or vacation of a conviction.

21           (ii) When records are eligible to be  
22 immediately expunged. Records eligible to be  
23 expunged under subdivision (i) of this  
24 subparagraph (D) may be expunged immediately after  
25 entry of the final disposition of a case.

26           (iii) Procedure.



1           (aa) Filing the petition. A petition for  
2           the immediate expungement of records under  
3           subdivision (i) of this subparagraph (D) may  
4           be filed with the circuit court clerk during  
5           the hearing in which the final disposition of  
6           the case is entered and heard instanter. The  
7           defendant may also file a petition for  
8           immediate expungement and set the petition for  
9           hearing on the date in which the final  
10           disposition of the case is anticipated. The  
11           defendant may also file a petition for  
12           expungement at any other time after the final  
13           disposition of the case.

14           (bb) Contents of the petition. The  
15           petition for the immediate expungement of  
16           records under subdivision (i) of this  
17           subparagraph (D) shall be verified and shall  
18           contain the petitioner's name, date of birth,  
19           current address, and, for each eligible  
20           record, the case number, the date of the  
21           arrest if applicable, the identity of the  
22           arresting authority if applicable, and other  
23           information the court may require.

24           (cc) Service of petition. A copy of the  
25           petition for the immediate expungement of  
26           records under subdivision (i) of this

1 subparagraph (D) shall be served on the  
2 State's Attorney in open court. The petitioner  
3 shall not be required to serve a copy of the  
4 petition on any other agency.

5 (dd) Hearing and entry of order. The  
6 presiding trial judge shall enter an order  
7 granting or denying the petition for the  
8 immediate expungement of records under  
9 subdivision (i) of this subparagraph (D)  
10 during any hearing in which that petition is  
11 filed, including, without limitation, the  
12 hearing in which the final disposition of the  
13 case is entered. A petition for the immediate  
14 expungement of records under subdivision (i)  
15 of this subparagraph (D) that was filed at a  
16 time other than during a hearing shall be set  
17 for hearing by the presiding trial judge and  
18 the presiding trial judge shall enter an order  
19 granting or denying that petition at that  
20 hearing.

21 (ee) Service of order. An order to  
22 immediately expunge eligible records under  
23 this subparagraph (D) shall be served in  
24 accordance with paragraph (8) of subsection  
25 (d).

26 (ff) Implementation of order. An order to

1 immediately expunge records under this  
2 subparagraph (D) shall be implemented in  
3 accordance with subparagraph (A) of paragraph  
4 (8) of subsection (d).

5 (gg) Final order. No court order entered  
6 under this subparagraph (D) becomes final for  
7 purposes of appeal until 30 days after service  
8 of the order on the petitioner and all parties  
9 entitled to service of the order.

10 (hh) Motion to vacate, modify, or  
11 reconsider. Under Section 2-1203 of the Code  
12 of Civil Procedure, the petitioner, the  
13 State's Attorney, or the Illinois State Police  
14 may file a motion to vacate, modify, or  
15 reconsider an order denying a petition to  
16 immediately expunge within 30 days of service  
17 of the order. If filed more than 30 days after  
18 service of the order, a petition to vacate,  
19 modify, or reconsider shall comply with  
20 Section 2-1401 of the Code of Civil Procedure.

21 (ii) Effect of order. An order granting an  
22 immediate expungement petition under this  
23 subparagraph (D) shall not be considered void  
24 because it fails to comply with the provisions  
25 of this subparagraph (D). The circuit court  
26 retains jurisdiction to determine whether the

1           order is voidable, and to vacate, modify, or  
2           reconsider its terms based on a motion filed  
3           under paragraph (12) of subsection (d).

4           (jj) Compliance with order granting  
5           petition to expunge records. Unless a court  
6           has entered a stay of an order granting a  
7           petition to immediately expunge under this  
8           subparagraph (D), all parties entitled to  
9           service of the order must fully comply with  
10           the terms of the order within 60 days of  
11           service of the order.

12           (3) Those records maintained by the Illinois State  
13           Police Department for persons arrested prior to their 17th  
14           birthday shall be expunged as provided in Section 5-915 of  
15           the Juvenile Court 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        Illinois State Police Department, other criminal justice  
2 agencies, the prosecutor, and the trial court concerning  
3 such arrest, if any, by removing his or her name from all  
4 such records in connection with the arrest and conviction,  
5 if any, and by inserting in the records the name of the  
6 offender, if known or ascertainable, in lieu of the  
7 aggrieved's name. The records of the circuit court clerk  
8 shall be sealed until further order of the court upon good  
9 cause shown and the name of the aggrieved person  
10 obliterated on the official index required to be kept by  
11 the circuit court clerk under Section 16 of the Clerks of  
12 Courts Act, but the order shall not affect any index  
13 issued by the circuit court clerk before the entry of the  
14 order. Nothing in this Section shall limit the Illinois  
15 ~~Department~~ of State Police or other criminal justice  
16 agencies or prosecutors from listing under an offender's  
17 name the false names he or she has 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 Illinois ~~Department of~~ State Police concerning the  
4 offense shall not be sealed. The court, upon good cause  
5 shown, shall make the records of the circuit court clerk  
6 in 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  
9 review or on collateral attack and the court determines by  
10 clear and convincing evidence that the petitioner was  
11 factually innocent of the charge, the court that finds the  
12 petitioner factually innocent of the charge shall enter an  
13 expungement order for the conviction for which the  
14 petitioner has been determined to be innocent as provided  
15 in subsection (b) of Section 5-5-4 of the Unified Code of  
16 Corrections.

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

1 Criminal Code of 2012, Section 10-102 of the Illinois  
2 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
3 the Substance Use Disorder Act, or Section 10 of the  
4 Steroid Control Act.

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

12 (c) Sealing.

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

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

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

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

1 (C) Arrests or charges not initiated by arrest  
2 resulting in orders of supervision, including orders  
3 of supervision for municipal ordinance violations,  
4 successfully completed by the petitioner, unless  
5 excluded by subsection (a) (3);

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

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

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

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

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



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

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

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

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

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

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

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

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

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

13           (1.5) County fee waiver pilot program. From August 9,  
14 2019 (the effective date of Public Act 101-306) through  
15 December 31, 2020, in a county of 3,000,000 or more  
16 inhabitants, no fee shall be required to be paid by a  
17 petitioner if the records sought to be expunged or sealed  
18 were arrests resulting in release without charging or  
19 arrests or charges not initiated by arrest resulting in  
20 acquittal, dismissal, or conviction when the conviction  
21 was reversed or vacated, unless excluded by subsection  
22 (a) (3) (B). The provisions of this paragraph (1.5), other  
23 than this sentence, are inoperative on and after January  
24 1, 2022.

25           (2) Contents of petition. The petition shall be  
26 verified and shall contain the petitioner's name, date of

1 birth, current address and, for each arrest or charge not  
2 initiated by arrest sought to be sealed or expunged, the  
3 case number, the date of arrest (if any), the identity of  
4 the arresting authority, and such other information as the  
5 court may require. During the pendency of the proceeding,  
6 the petitioner shall promptly notify the circuit court  
7 clerk of any change of his or her address. If the  
8 petitioner has received a certificate of eligibility for  
9 sealing from the Prisoner Review Board under paragraph  
10 (10) of subsection (a) of Section 3-3-2 of the Unified  
11 Code of Corrections, the certificate shall be attached to  
12 the petition.

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

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

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

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

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

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

11 (5) Objections.

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

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

23 (6) Entry of order.

24 (A) The Chief Judge of the circuit wherein the  
25 charge was brought, any judge of that circuit  
26 designated by the Chief Judge, or in counties of less

1 than 3,000,000 inhabitants, the presiding trial judge  
2 at the petitioner's trial, if any, shall rule on the  
3 petition to expunge or seal as set forth in this  
4 subsection (d) (6).

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

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

1 applicable federal, State, or local law.

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

14 (A) the strength of the evidence supporting the  
15 defendant's conviction;

16 (B) the reasons for retention of the conviction  
17 records by the State;

18 (C) the petitioner's age, criminal record history,  
19 and employment history;

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

23 (E) the specific adverse consequences the  
24 petitioner may be subject to if the petition is  
25 denied.

26 (8) Service of order. After entering an order to

1 expunge or seal records, the court must provide copies of  
2 the order to the Illinois State Police ~~Department~~, in a  
3 form and manner prescribed by the Illinois State Police  
4 ~~Department~~, to the petitioner, to the State's Attorney or  
5 prosecutor charged with the duty of prosecuting the  
6 offense, to the arresting agency, to the chief legal  
7 officer of the unit of local government effecting the  
8 arrest, and to such other criminal justice agencies as may  
9 be ordered by the court.

10 (9) Implementation of order.

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

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

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



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

5 (iii) in response to an inquiry for expunged  
6 records, the court, the Illinois State Police  
7 ~~Department~~, or the agency receiving such inquiry,  
8 shall reply as it does in response to inquiries  
9 when no records ever existed.

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

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

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

1 circuit court clerk before the entry of the order;

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

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

17 (v) in response to an inquiry for such records  
18 from anyone not authorized by law to access such  
19 records, the court, the Illinois State Police  
20 ~~Department~~, or the agency receiving such inquiry  
21 shall reply as it does in response to inquiries  
22 when no records ever existed.

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

25 (i) the records shall be expunged (as defined  
26 in subsection (a)(1)(E)) by the arresting agency

1 and any other agency as ordered by the court,  
2 within 60 days of the date of service of the order,  
3 unless a motion to vacate, modify, or reconsider  
4 the order is filed under paragraph (12) of  
5 subsection (d) of this Section;

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

14 (iii) the records shall be impounded by the  
15 Illinois State Police ~~Department~~ within 60 days of  
16 the date of service of the order as ordered by the  
17 court, unless a motion to vacate, modify, or  
18 reconsider the order is filed under paragraph (12)  
19 of subsection (d) of this Section;

20 (iv) records impounded by the Illinois State  
21 Police ~~Department~~ may be disseminated by the  
22 Illinois State Police ~~Department~~ only as required  
23 by law or to the arresting authority, the State's  
24 Attorney, and the court upon a later arrest for  
25 the same or a similar offense or for the purpose of  
26 sentencing for any subsequent felony, and to the

1 Department of Corrections upon conviction for any  
2 offense; and

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

9 (C) Upon entry of an order to seal records under  
10 subsection (c), the arresting agency, any other agency  
11 as ordered by the court, the Illinois State Police  
12 Department, and the court shall seal the records (as  
13 defined in subsection (a)(1)(K)). In response to an  
14 inquiry for such records, from anyone not authorized  
15 by law to access such records, the court, the Illinois  
16 State Police Department, or the agency receiving such  
17 inquiry shall reply as it does in response to  
18 inquiries when no records ever existed.

19 (D) The Illinois State Police Department shall  
20 send written notice to the petitioner of its  
21 compliance with each order to expunge or seal records  
22 within 60 days of the date of service of that order or,  
23 if a motion to vacate, modify, or reconsider is filed,  
24 within 60 days of service of the order resolving the  
25 motion, if that order requires the Illinois State  
26 Police Department to expunge or seal records. In the

1 event of an appeal from the circuit court order, the  
2 Illinois State Police ~~Department~~ shall send written  
3 notice to the petitioner of its compliance with an  
4 Appellate Court or Supreme Court judgment to expunge  
5 or seal records within 60 days of the issuance of the  
6 court's mandate. The notice is not required while any  
7 motion to vacate, modify, or reconsider, or any appeal  
8 or petition for discretionary appellate review, is  
9 pending.

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

24 (F) Notwithstanding any other provision of this  
25 Section, a circuit court clerk may access a sealed  
26 record for the limited purpose of collecting payment

1           for any legal financial obligations that were  
2           established, imposed, or originated in the criminal  
3           proceedings for which those records have been sealed.

4           (10) Fees. The Illinois State Police ~~Department~~ may  
5           charge the petitioner a fee equivalent to the cost of  
6           processing any order to expunge or seal records.  
7           Notwithstanding any provision of the Clerks of Courts Act  
8           to the contrary, the circuit court clerk may charge a fee  
9           equivalent to the cost associated with the sealing or  
10          expungement of records by the circuit court clerk. From  
11          the total filing fee collected for the petition to seal or  
12          expunge, the circuit court clerk shall deposit \$10 into  
13          the Circuit Court Clerk Operation and Administrative Fund,  
14          to be used to offset the costs incurred by the circuit  
15          court clerk in performing the additional duties required  
16          to serve the petition to seal or expunge on all parties.  
17          The circuit court clerk shall collect and remit the  
18          Illinois ~~Department of~~ State Police portion of the fee to  
19          the State Treasurer and it shall be deposited in the State  
20          Police Services Fund. If the record brought under an  
21          expungement petition was previously sealed under this  
22          Section, the fee for the expungement petition for that  
23          same record shall be waived.

24          (11) Final Order. No court order issued under the  
25          expungement or sealing provisions of this Section shall  
26          become final for purposes of appeal until 30 days after

1 service of the order on the petitioner and all parties  
2 entitled to notice of the petition.

3 (12) Motion to Vacate, Modify, or Reconsider. Under  
4 Section 2-1203 of the Code of Civil Procedure, the  
5 petitioner or any party entitled to notice may file a  
6 motion to vacate, modify, or reconsider the order granting  
7 or denying the petition to expunge or seal within 30 ~~60~~  
8 days of service of the order. If filed more than 30 ~~60~~  
9 after service of the order, a petition to vacate, modify,  
10 or reconsider shall comply with subsection (c) of Section  
11 2-1401 of the Code of Civil Procedure. Upon filing of a  
12 motion to vacate, modify, or reconsider, notice of the  
13 motion shall be served upon the petitioner and all parties  
14 entitled to notice of the petition.

15 (13) Effect of Order. An order granting a petition  
16 under the expungement or sealing provisions of this  
17 Section shall not be considered void because it fails to  
18 comply with the provisions of this Section or because of  
19 any error asserted in a motion to vacate, modify, or  
20 reconsider. The circuit court retains jurisdiction to  
21 determine whether the order is voidable and to vacate,  
22 modify, or reconsider its terms based on a motion filed  
23 under paragraph (12) of this subsection (d).

24 (14) Compliance with Order Granting Petition to Seal  
25 Records. Unless a court has entered a stay of an order  
26 granting a petition to seal, all parties entitled to

1 notice of the petition must fully comply with the terms of  
2 the order within 60 days of service of the order even if a  
3 party is seeking relief from the order through a motion  
4 filed under paragraph (12) of this subsection (d) or is  
5 appealing the order.

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

16 (16) The changes to this subsection (d) made by Public  
17 Act 98-163 apply to all petitions pending on August 5,  
18 2013 (the effective date of Public Act 98-163) and to all  
19 orders ruling on a petition to expunge or seal on or after  
20 August 5, 2013 (the effective date of Public Act 98-163).

21 (e) Whenever a person who has been convicted of an offense  
22 is granted a pardon by the Governor 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 defendant'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 defendant obliterated from the official index requested  
8 to be kept by the circuit court clerk under Section 16 of the  
9 Clerks of Courts Act in connection with the arrest and  
10 conviction for the offense for which he or she had been  
11 pardoned but the order shall not affect any index issued by the  
12 circuit court clerk before the entry of the order. All records  
13 sealed by the Illinois State Police ~~Department~~ may be  
14 disseminated by the Illinois State Police ~~Department~~ only to  
15 the arresting authority, the State's Attorney, and the court  
16 upon a later arrest for the same or similar offense or for the  
17 purpose of sentencing for any subsequent felony. Upon  
18 conviction for any subsequent offense, the Department of  
19 Corrections shall have access to all sealed records of the  
20 Illinois State Police ~~Department~~ pertaining to that  
21 individual. Upon entry of the order of expungement, the  
22 circuit court clerk shall promptly mail a copy of the order to  
23 the person who was pardoned.

24 (e-5) Whenever a person who has been convicted of an  
25 offense is granted a certificate of eligibility for sealing by  
26 the Prisoner Review Board which specifically authorizes

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

1 a copy of the order to the person who was granted the  
2 certificate of eligibility for sealing.

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

1 or for the purpose of sentencing for any subsequent felony.  
2 Upon conviction for any subsequent offense, the Department of  
3 Corrections shall have access to all expunged records of the  
4 Illinois State Police ~~Department~~ pertaining to that  
5 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 granted the certificate of eligibility for  
8 expungement.

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

21 (g) Immediate Sealing.

22 (1) Applicability. Notwithstanding any other provision  
23 of this Act to the contrary, and cumulative with any  
24 rights to expungement or sealing of criminal records, this  
25 subsection authorizes the immediate sealing of criminal  
26 records of adults and of minors prosecuted as adults.

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

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

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

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

22                (A) Filing the Petition. Upon entry of the final  
23                disposition of the case, the defendant's attorney may  
24                immediately petition the court, on behalf of the  
25                defendant, for immediate sealing of eligible records  
26                under paragraph (2) of this subsection (g) that are

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

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

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

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

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

1 ruled on in the same hearing in which the final  
2 disposition of the case is entered.

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

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

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

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

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

21 (K) Motion to Vacate, Modify, or Reconsider. Under  
22 Section 2-1203 of the Code of Civil Procedure, the  
23 petitioner, State's Attorney, or the Illinois  
24 ~~Department of~~ State Police may file a motion to  
25 vacate, modify, or reconsider the order denying the  
26 petition to immediately seal within 30 ~~60~~ days of

1 service of the order. If filed more than 30 ~~60~~ days  
2 after service of the order, a petition to vacate,  
3 modify, or reconsider shall comply with subsection (c)  
4 of Section 2-1401 of the Code of Civil Procedure.

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

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

20 (h) Sealing; trafficking victims.

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



1 trafficking under Section 10-9 of the Criminal Code of  
2 2012 or a severe form of trafficking under the federal  
3 Trafficking Victims Protection Act.

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

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

1 Trafficking Victims Protection Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (A) Upon June 25, 2019 (the effective date of

1 Public Act 101-27), the Department of State Police  
2 shall review all criminal history record information  
3 and identify all records that meet all of the  
4 following criteria:

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

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

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

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

20 (i) The Prisoner Review Board shall notify the  
21 State's Attorney of the county of conviction of  
22 each record identified by State Police in  
23 paragraph (2) (A) that is classified as a Class 4  
24 felony. The State's Attorney may provide a written  
25 objection to the Prisoner Review Board on the sole  
26 basis that the record identified does not meet the

1 criteria established in paragraph (2) (A). Such an  
2 objection must be filed within 60 days or by such  
3 later date set by the Prisoner Review Board in the  
4 notice after the State's Attorney received notice  
5 from the Prisoner Review Board.

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

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

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

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

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

26 (3) Any individual may file a motion to vacate and

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

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

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



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

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

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

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

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

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

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

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

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

4           (j) Felony Prostitution Convictions.

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

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

15                   (B) the petitioner's age;

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

17 and

18                   (D) the time since the conviction, and the  
19 specific adverse consequences if denied. An individual  
20 may file the petition after the completion of any  
21 sentence or condition imposed by the conviction.  
22 Within 60 days of the filing of the motion, a State's  
23 Attorney may file an objection to the petition along  
24 with supporting evidence. If a motion to vacate and  
25 expunge is granted, the records shall be expunged in  
26 accordance with subparagraph (d)(9)(A) of this

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

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

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

19 (B) the petitioner's age;

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

21 (D) the time since the conviction; and

22 (E) the specific adverse consequences if denied.

23 If the State's Attorney files a motion to vacate and  
24 expunge records for felony prostitution convictions  
25 pursuant to this Section, the State's Attorney shall  
26 notify the Prisoner Review Board within 30 days of the

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

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

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

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

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

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

24 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
25 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.  
26 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;

1 102-558, 8-20-21; 102-639, eff. 8-27-21; revised 10-5-21.)

2 Section 910. The Unified Code of Corrections is amended by  
3 changing Sections 5-9-1 and 5-9-2 as follows:

4 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

5 Sec. 5-9-1. Authorized fines.

6 (a) An offender may be sentenced to pay a fine as provided  
7 in Article 4.5 of Chapter V.

8 (b) (Blank).

9 (c) (Blank).

10 (c-5) (Blank).

11 (c-7) (Blank).

12 (c-9) (Blank).

13 (d) In determining the amount and method of payment of a  
14 fine or restitution, except for those fines established for  
15 violations of Chapter 15 of the Illinois Vehicle Code, the  
16 court shall consider:

17 (1) the financial resources and current and future  
18 ability of the offender to reasonably pay the fine or  
19 restitution; and

20 (2) whether the fine will prevent the offender from  
21 making court ordered restitution or reparation to the  
22 victim of the offense; and

23 (2.1) the impact that payment of the fine or  
24 restitution will have on the offender's current and future

1           ability to:

2                   (A) obtain or maintain decent and stable housing  
3                   for the offender, the offender's family, and all  
4                   others who are dependent upon the offender for stable  
5                   housing;

6                   (B) obtain stable and financially meaningful  
7                   employment; and

8                   (C) obtain any education or training that is or  
9                   may become reasonably necessary for the offender to  
10                   support the offender, the offender's family, or others  
11                   who are financially dependent upon the offender or  
12                   otherwise dependent upon the offender's care; and

13                   (2.2) the impact of the fine or restitution on the  
14                   offender's family or others who are financially dependent  
15                   upon the offender or otherwise dependent upon the  
16                   offender's care; and

17                   (2.3) the likelihood that the fine or restitution may  
18                   cause the offender to recidivate; and

19                   (3) in a case where the accused is a dissolved  
20                   corporation and the court has appointed counsel to  
21                   represent the corporation, the costs incurred either by  
22                   the county or the State for such representation.

23                   (e) The court may order the fine to be paid forthwith or  
24                   within a specified period of time or in installments.  
25                   Notwithstanding any other provision of law:

26                   (1) the amount to be collected from an offender for

1 payment of a fine or restitution shall never exceed the  
2 amount that could be collected from that offender pursuant  
3 to a deduction order entered under Part 8 of Article XII of  
4 the Code of Civil Procedure; and

5 (2) no payment of the whole or any part or any fine or  
6 restitution or any installment thereof shall be due,  
7 otherwise required, or collected while the individual who  
8 is liable for that payment is incarcerated.

9 (f) (Blank).

10 (Source: P.A. 99-352, eff. 1-1-16; 100-987, eff. 7-1-19.)

11 (730 ILCS 5/5-9-2) (from Ch. 38, par. 1005-9-2)

12 Sec. 5-9-2. Revocation of a fine or restitution ~~Fine~~.  
13 Except as to fines established for violations of Chapter 15 of  
14 the Illinois Vehicle Code, the court, upon good cause shown,  
15 may revoke all or any portion of any fine or restitution  
16 imposed upon an individual, or the unpaid portion of any such  
17 fine or restitution, or may modify the method of payment. Any  
18 individual who is liable for the payment of a fine or  
19 restitution may petition the court that imposed the fine or  
20 restitution for relief under this Section at any time. The  
21 second and all succeeding petitions for such relief by such an  
22 individual shall include evidence of a material change in the  
23 individual's circumstances. The court's determination to grant  
24 relief under this Section shall be based upon the impact of any  
25 fine or restitution on:



1           (1) the petitioner's current and anticipated future  
2           ability to:

3                   (A) reasonably pay such fine or restitution;

4                   (B) obtain or maintain stable housing for the  
5           petitioner, the petitioner's family, and all others  
6           who are dependent upon the petitioner for stable  
7           housing;

8                   (C) obtain stable and financially meaningful  
9           employment; and

10                   (D) obtain any education or training that is or  
11           may become reasonably necessary for the petitioner to  
12           support the petitioner, the petitioner's family, or  
13           others who are financially dependent upon the  
14           petitioner or otherwise dependent upon the  
15           petitioner's care;

16           (2) the impact of the fine or restitution on the  
17           petitioner's family or others who are financially  
18           dependent upon the petitioner or otherwise dependent upon  
19           the petitioner's care; and

20                   (3) the likelihood that the fine or restitution may  
21           cause the petitioner to recidivate.

22           The provisions of this Section shall be liberally  
23           construed in favor of granting the relief authorized by this  
24           Section. This Section shall not be construed to authorize a  
25           court to increase the amount due from an individual upon whom a  
26           fine or restitution has been imposed or the amount of any

1 installments or other payments of such fine or restitution ~~the~~  
2 ~~fine or the unpaid portion or may modify the method of payment.~~

3 (Source: P.A. 87-396.)

4 (730 ILCS 5/5-9-3 rep.)

5 Section 915. The Unified Code of Corrections is amended by  
6 repealing Section 5-9-3.

7 Section 997. Severability. The provisions of this Act are  
8 severable under Section 1.31 of the Statute on Statutes.

9 Section 999. Effective date. This Section and Sections 905  
10 through 997 take effect upon becoming law. Sections 1 through  
11 45 take effect upon becoming law, but Sections 1 through 45 do  
12 not take effect at all unless "An Act creating the Department  
13 of Returning Resident Affairs" of the 102nd General Assembly  
14 becomes law.