



Rep. La Shawn K. Ford

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LRB103 03535 AWJ 57519 a

1 AMENDMENT TO HOUSE BILL 48

2 AMENDMENT NO. _____. Amend House Bill 48 by replacing
3 everything after the enacting clause with the following:

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

6 (20 ILCS 2630/5.2)

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

8 (a) General Provisions.

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

12 (A) The following terms shall have the meanings
13 ascribed to them in the following Sections of the
14 Unified Code of Corrections:

15 Business Offense, Section 5-1-2.

1 Charge, Section 5-1-3.
2 Court, Section 5-1-6.
3 Defendant, Section 5-1-7.
4 Felony, Section 5-1-9.
5 Imprisonment, Section 5-1-10.
6 Judgment, Section 5-1-12.
7 Misdemeanor, Section 5-1-14.
8 Offense, Section 5-1-15.
9 Parole, Section 5-1-16.
10 Petty Offense, Section 5-1-17.
11 Probation, Section 5-1-18.
12 Sentence, Section 5-1-19.
13 Supervision, Section 5-1-21.
14 Victim, Section 5-1-22.

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

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

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

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

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

24 (F) As used in this Section, "last sentence" means
25 the sentence, order of supervision, or order of
26 qualified probation (as defined by subsection

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

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

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

25 (H) "Municipal ordinance violation" means an
26 offense defined by a municipal or local ordinance that

1 is criminal in nature and with which the petitioner
2 was charged or for which the petitioner was arrested
3 and released without charging.

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

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

25 (K) "Seal" means to physically and electronically
26 maintain the records, unless the records would

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

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

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

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

25 (2.5) Commencing 180 days after July 29, 2016 (the
26 effective date of Public Act 99-697), the law enforcement

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

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

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

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

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

24 (i) offenses included in Article 11 of the
25 Criminal Code of 1961 or the Criminal Code of 2012
26 or a similar provision of a local ordinance,

1 except Section 11-14 and a misdemeanor violation
2 of Section 11-30 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, or a similar provision
4 of a local ordinance;

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

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

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

17 (v) any offense or attempted offense that
18 would subject a person to registration under the
19 Sex Offender Registration Act.

20 (D) (blank).

21 (b) Expungement.

22 (1) A petitioner may petition the circuit court to
23 expunge the records of his or her arrests and charges not
24 initiated by arrest when each arrest or charge not
25 initiated by arrest sought to be expunged resulted in: (i)
26 acquittal, dismissal, or the petitioner's release without

1 charging, unless excluded by subsection (a)(3)(B); (ii) a
2 conviction which was vacated or reversed, unless excluded
3 by subsection (a)(3)(B); (iii) an order of supervision and
4 such supervision was successfully completed by the
5 petitioner, unless excluded by subsection (a)(3)(A) or
6 (a)(3)(B); or (iv) an order of qualified probation (as
7 defined in subsection (a)(1)(J)) and such probation was
8 successfully completed by the petitioner.

9 (1.5) When a petitioner seeks to have a record of
10 arrest expunged under this Section, and the offender has
11 been convicted of a criminal offense, the State's Attorney
12 may object to the expungement on the grounds that the
13 records contain specific relevant information aside from
14 the mere fact of the arrest.

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

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

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

26 (i) Those arrests or charges that resulted in

1 orders of supervision under Section 3-707, 3-708,
2 3-710, or 5-401.3 of the Illinois Vehicle Code or
3 a similar provision of a local ordinance, or under
4 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
5 Code of 1961 or the Criminal Code of 2012, or a
6 similar provision of a local ordinance, shall not
7 be eligible for expungement until 5 years have
8 passed following the satisfactory termination of
9 the supervision.

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

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

26 (C) When the arrest or charge not initiated by

1 arrest sought to be expunged resulted in an order of
2 qualified probation, successfully completed by the
3 petitioner, such records shall not be eligible for
4 expungement until 5 years have passed following the
5 satisfactory termination of the probation.

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

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

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

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

1 offense available for public inspection.

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

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

25 (8) If the petitioner has been granted a certificate
26 of innocence under Section 2-702 of the Code of Civil

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

6 (c) Sealing.

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

13 (2) Eligible Records. The following records may be
14 sealed:

15 (A) All arrests resulting in release without
16 charging;

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

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

26 (D) Arrests or charges not initiated by arrest

1 resulting in convictions, including convictions on
2 municipal ordinance violations, unless excluded by
3 subsection (a) (3);

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

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

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

18 (A) Records identified as eligible under
19 subsections ~~subsection~~ (c) (2) (A) and (c) (2) (B) may be
20 sealed at any time.

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

26 (C) Except as otherwise provided in subparagraph

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

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

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

1 petition for sealing eligible records filed under this
2 subparagraph is denied by the court, the time periods
3 under subparagraph (B) or (C) shall apply to any
4 subsequent petition for sealing filed by the
5 petitioner.

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

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

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

22 (1) Filing the petition. Upon becoming eligible to
23 petition for the expungement or sealing of records under
24 this Section, the petitioner shall file a petition
25 requesting the expungement or sealing of records with the
26 clerk of the court where the arrests occurred or the

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

8 (1.5) County fee waiver pilot program. From August 9,
9 2019 (the effective date of Public Act 101-306) through
10 December 31, 2020, in a county of 3,000,000 or more
11 inhabitants, no fee shall be required to be paid by a
12 petitioner if the records sought to be expunged or sealed
13 were arrests resulting in release without charging or
14 arrests or charges not initiated by arrest resulting in
15 acquittal, dismissal, or conviction when the conviction
16 was reversed or vacated, unless excluded by subsection
17 (a)(3)(B). The provisions of this paragraph (1.5), other
18 than this sentence, are inoperative on and after January
19 1, 2022.

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

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

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

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

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

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

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

23 (4) Service of petition. The circuit court clerk shall
24 promptly serve a copy of the petition and documentation to
25 support the petition under subsection (e-5) or (e-6) on
26 the State's Attorney or prosecutor charged with the duty

1 of prosecuting the offense, the Illinois State Police, the
2 arresting agency and the chief legal officer of the unit
3 of local government effecting the arrest.

4 (5) Objections.

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

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

16 (6) Entry of order.

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

24 (B) Unless the State's Attorney or prosecutor, the
25 Illinois State Police, the arresting agency, or the
26 chief legal officer files an objection to the petition

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

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

21 (D) Notwithstanding any other provision of law,
22 the court shall not deny a petition to expunge or seal
23 under this Section because the petitioner has
24 submitted a drug test taken within 30 days before the
25 filing of the petition to expunge or seal that
26 indicates a positive test for the presence of cannabis

1 within the petitioner's body. In this subparagraph
2 (D), "cannabis" has the meaning ascribed to it in
3 Section 3 of the Cannabis Control Act.

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

16 (A) the strength of the evidence supporting the
17 defendant's conviction;

18 (B) the reasons for retention of the conviction
19 records by the State;

20 (C) the petitioner's age, criminal record history,
21 and employment history;

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

25 (E) the specific adverse consequences the
26 petitioner may be subject to if the petition is

1 denied.

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

11 (9) Implementation of order.

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

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

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

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

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

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

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

21 (ii) the records of the circuit court clerk
22 shall be impounded until further order of the
23 court upon good cause shown and the name of the
24 petitioner obliterated on the official index
25 required to be kept by the circuit court clerk
26 under Section 16 of the Clerks of Courts Act, but

1 the order shall not affect any index issued by the
2 circuit court clerk before the entry of the order;

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

9 (iv) records impounded by the Illinois State
10 Police may be disseminated by the Illinois State
11 Police only as required by law or to the arresting
12 authority, the State's Attorney, and the court
13 upon a later arrest for the same or a similar
14 offense or for the purpose of sentencing for any
15 subsequent felony, and to the Department of
16 Corrections upon conviction for any 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, or
20 the agency receiving such inquiry shall reply as
21 it does in response to inquiries when no records
22 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 within 60 days of the date
16 of service of the order as ordered by the court,
17 unless a motion to vacate, modify, or reconsider
18 the order is filed under paragraph (12) of
19 subsection (d) of this Section;

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

1 Corrections upon conviction for any offense; and

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

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

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

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

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

22 (F) Notwithstanding any other provision of this
23 Section, a circuit court clerk may access a sealed
24 record for the limited purpose of collecting payment
25 for any legal financial obligations that were
26 established, imposed, or originated in the criminal

1 proceedings for which those records have been sealed.

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

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

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

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

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

21 (14) Compliance with Order Granting Petition to Seal
22 Records. Unless a court has entered a stay of an order
23 granting a petition to seal, all parties entitled to
24 notice of the petition must fully comply with the terms of
25 the order within 60 days of service of the order even if a
26 party is seeking relief from the order through a motion

1 filed under paragraph (12) of this subsection (d) or is
2 appealing the order.

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

13 (16) The changes to this subsection (d) made by Public
14 Act 98-163 apply to all petitions pending on August 5,
15 2013 (the effective date of Public Act 98-163) and to all
16 orders ruling on a petition to expunge or seal on or after
17 August 5, 2013 (the effective date of Public Act 98-163).

18 (e) Whenever a person who has been convicted of an offense
19 is granted a pardon by the Governor which specifically
20 authorizes expungement, he or she may, upon verified petition
21 to the Chief Judge of the circuit where the person had been
22 convicted, any judge of the circuit designated by the Chief
23 Judge, or in counties of less than 3,000,000 inhabitants, the
24 presiding trial judge at the defendant's trial, have a court
25 order entered expunging the record of arrest from the official
26 records of the arresting authority and order that the records

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

20 (e-5) Whenever a person who has been convicted of an
21 offense is granted a certificate of eligibility for sealing by
22 the Prisoner Review Board which specifically authorizes
23 sealing, he or she may, upon verified petition to the Chief
24 Judge of the circuit where the person had been convicted, any
25 judge of the circuit designated by the Chief Judge, or in
26 counties of less than 3,000,000 inhabitants, the presiding

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

25 (e-6) Whenever a person who has been convicted of an
26 offense is granted a certificate of eligibility for

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

1 expungement, the circuit court clerk shall promptly mail a
2 copy of the order to the person who was granted the certificate
3 of eligibility for expungement.

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

16 (g) Immediate Sealing.

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

22 (2) Eligible Records. Arrests or charges not initiated
23 by arrest resulting in acquittal or dismissal with
24 prejudice, except as excluded by subsection (a)(3)(B),
25 that occur on or after January 1, 2018 (the effective date
26 of Public Act 100-282), may be sealed immediately if the

1 petition is filed with the circuit court clerk on the same
2 day and during the same hearing in which the case is
3 disposed.

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

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

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

17 (A) Filing the Petition. Upon entry of the final
18 disposition of the case, the defendant's attorney may
19 immediately petition the court, on behalf of the
20 defendant, for immediate sealing of eligible records
21 under paragraph (2) of this subsection (g) that are
22 entered on or after January 1, 2018 (the effective
23 date of Public Act 100-282). The immediate sealing
24 petition may be filed with the circuit court clerk
25 during the hearing in which the final disposition of
26 the case is entered. If the defendant's attorney does

1 not file the petition for immediate sealing during the
2 hearing, the defendant may file a petition for sealing
3 at any time as authorized under subsection (c) (3) (A).

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

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

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

18 (E) Entry of Order. The presiding trial judge
19 shall enter an order granting or denying the petition
20 for immediate sealing during the hearing in which it
21 is filed. Petitions for immediate sealing shall be
22 ruled on in the same hearing in which the final
23 disposition of the case is entered.

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

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

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

7 (I) Fees. The fee imposed by the circuit court
8 clerk and the Illinois State Police shall comply with
9 paragraph (1) of subsection (d) of this Section.

10 (J) Final Order. No court order issued under this
11 subsection (g) shall become final for purposes of
12 appeal until 30 days after service of the order on the
13 petitioner and all parties entitled to service of the
14 order in conformance with subsection (d) (8).

15 (K) Motion to Vacate, Modify, or Reconsider. Under
16 Section 2-1203 of the Code of Civil Procedure, the
17 petitioner, State's Attorney, or the Illinois State
18 Police may file a motion to vacate, modify, or
19 reconsider the order denying the petition to
20 immediately seal within 60 days of service of the
21 order. If filed more than 60 days after service of the
22 order, a petition to vacate, modify, or reconsider
23 shall comply with subsection (c) of Section 2-1401 of
24 the Code of Civil Procedure.

25 (L) Effect of Order. An order granting an
26 immediate sealing petition shall not be considered

1 void because it fails to comply with the provisions of
2 this Section or because of an error asserted in a
3 motion to vacate, modify, or reconsider. The circuit
4 court retains jurisdiction to determine whether the
5 order is voidable, and to vacate, modify, or
6 reconsider its terms based on a motion filed under
7 subparagraph (L) of this subsection (g).

8 (M) Compliance with Order Granting Petition to
9 Seal Records. Unless a court has entered a stay of an
10 order granting a petition to immediately seal, all
11 parties entitled to service of the order must fully
12 comply with the terms of the order within 60 days of
13 service of the order.

14 (h) Sealing; trafficking victims.

15 (1) A trafficking victim as defined by paragraph (10)
16 of subsection (a) of Section 10-9 of the Criminal Code of
17 2012 shall be eligible to petition for immediate sealing
18 of his or her criminal record upon the completion of his or
19 her last sentence if his or her participation in the
20 underlying offense was a direct result of human
21 trafficking under Section 10-9 of the Criminal Code of
22 2012 or a severe form of trafficking under the federal
23 Trafficking Victims Protection Act.

24 (2) A petitioner under this subsection (h), in
25 addition to the requirements provided under paragraph (4)
26 of subsection (d) of this Section, shall include in his or

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

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

22 (i) Minor Cannabis Offenses under the Cannabis Control
23 Act.

24 (1) Expungement of Arrest Records of Minor Cannabis
25 Offenses.

26 (A) The Illinois State Police and all law

1 enforcement agencies within the State shall
2 automatically expunge all criminal history records of
3 an arrest, charge not initiated by arrest, order of
4 supervision, or order of qualified probation for a
5 Minor Cannabis Offense committed prior to June 25,
6 2019 (the effective date of Public Act 101-27) if:

7 (i) One year or more has elapsed since the
8 date of the arrest or law enforcement interaction
9 documented in the records; and

10 (ii) No criminal charges were filed relating
11 to the arrest or law enforcement interaction or
12 criminal charges were filed and subsequently
13 dismissed or vacated or the arrestee was
14 acquitted.

15 (B) If the law enforcement agency is unable to
16 verify satisfaction of condition (ii) in paragraph
17 (A), records that satisfy condition (i) in paragraph
18 (A) shall be automatically expunged.

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

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

25 (ii) Records created prior to January 1, 2013,
26 but on or after January 1, 2000, shall be

1 automatically expunged prior to January 1, 2023;

2 (iii) Records created prior to January 1, 2000
3 shall be automatically expunged prior to January
4 1, 2025.

5 In response to an inquiry for expunged records,
6 the law enforcement agency receiving such inquiry
7 shall reply as it does in response to inquiries when no
8 records ever existed; however, it shall provide a
9 certificate of disposition or confirmation that the
10 record was expunged to the individual whose record was
11 expunged if such a record exists.

12 (D) Nothing in this Section shall be construed to
13 restrict or modify an individual's right to have that
14 individual's records expunged except as otherwise may
15 be provided in this Act, or diminish or abrogate any
16 rights or remedies otherwise available to the
17 individual.

18 (2) Pardons Authorizing Expungement of Minor Cannabis
19 Offenses.

20 (A) Upon June 25, 2019 (the effective date of
21 Public Act 101-27), the Department of State Police
22 shall review all criminal history record information
23 and identify all records that meet all of the
24 following criteria:

25 (i) one or more convictions for a Minor
26 Cannabis Offense;

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

4 (iii) the conviction identified in paragraph
5 (2) (A) (i) is not associated with a conviction for
6 a violent crime as defined in subsection (c) of
7 Section 3 of the Rights of Crime Victims and
8 Witnesses Act.

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

14 (i) The Prisoner Review Board shall notify the
15 State's Attorney of the county of conviction of
16 each record identified by State Police in
17 paragraph (2) (A) that is classified as a Class 4
18 felony. The State's Attorney may provide a written
19 objection to the Prisoner Review Board on the sole
20 basis that the record identified does not meet the
21 criteria established in paragraph (2) (A). Such an
22 objection must be filed within 60 days or by such
23 later date set by the Prisoner Review Board in the
24 notice after the State's Attorney received notice
25 from the Prisoner Review Board.

26 (ii) In response to a written objection from a

1 State's Attorney, the Prisoner Review Board is
2 authorized to conduct a non-public hearing to
3 evaluate the information provided in the
4 objection.

5 (iii) The Prisoner Review Board shall make a
6 confidential and privileged recommendation to the
7 Governor as to whether to grant a pardon
8 authorizing expungement for each of the records
9 identified by the Department of State Police as
10 described in paragraph (2) (A).

11 (C) If an individual has been granted a pardon
12 authorizing expungement as described in this Section,
13 the Prisoner Review Board, through the Attorney
14 General, shall file a petition for expungement with
15 the Chief Judge of the circuit or any judge of the
16 circuit designated by the Chief Judge where the
17 individual had been convicted. Such petition may
18 include more than one individual. Whenever an
19 individual who has been convicted of an offense is
20 granted a pardon by the Governor that specifically
21 authorizes expungement, an objection to the petition
22 may not be filed. Petitions to expunge under this
23 subsection (i) may include more than one individual.
24 Within 90 days of the filing of such a petition, the
25 court shall enter an order expunging the records of
26 arrest from the official records of the arresting

1 authority and order that the records of the circuit
2 court clerk and the Illinois State Police be expunged
3 and the name of the defendant obliterated from the
4 official index requested to be kept by the circuit
5 court clerk under Section 16 of the Clerks of Courts
6 Act in connection with the arrest and conviction for
7 the offense for which the individual had received a
8 pardon but the order shall not affect any index issued
9 by the circuit court clerk before the entry of the
10 order. Upon entry of the order of expungement, the
11 circuit court clerk shall promptly provide a copy of
12 the order and a certificate of disposition to the
13 individual who was pardoned to the individual's last
14 known address or by electronic means (if available) or
15 otherwise make it available to the individual upon
16 request.

17 (D) Nothing in this Section is intended to
18 diminish or abrogate any rights or remedies otherwise
19 available to the individual.

20 (3) Any individual may file a motion to vacate and
21 expunge a conviction for a misdemeanor or Class 4 felony
22 violation of Section 4 or Section 5 of the Cannabis
23 Control Act. Motions to vacate and expunge under this
24 subsection (i) may be filed with the circuit court, Chief
25 Judge of a judicial circuit or any judge of the circuit
26 designated by the Chief Judge. The circuit court clerk

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

1 electronically.

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

1 expunged in accordance with subparagraphs (d)(8) and
2 (d)(9)(A) of this Section.

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

7 (6) If a person is arrested for a Minor Cannabis
8 Offense as defined in this Section before June 25, 2019
9 (the effective date of Public Act 101-27) and the person's
10 case is still pending but a sentence has not been imposed,
11 the person may petition the court in which the charges are
12 pending for an order to summarily dismiss those charges
13 against him or her, and expunge all official records of
14 his or her arrest, plea, trial, conviction, incarceration,
15 supervision, or expungement. If the court determines, upon
16 review, that: (A) the person was arrested before June 25,
17 2019 (the effective date of Public Act 101-27) for an
18 offense that has been made eligible for expungement; (B)
19 the case is pending at the time; and (C) the person has not
20 been sentenced of the minor cannabis violation eligible
21 for expungement under this subsection, the court shall
22 consider the following: the reasons to retain the records
23 provided by law enforcement, the petitioner's age, the
24 petitioner's age at the time of offense, the time since
25 the conviction, and the specific adverse consequences if
26 denied. If a motion to dismiss and expunge is granted, the

1 records shall be expunged in accordance with subparagraph
2 (d) (9) (A) of this Section.

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

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

13 (9) 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 (10) Effect of Expungement. A person's right to
17 expunge an expungeable offense shall not be limited under
18 this Section. The effect of an order of expungement shall
19 be to restore the person to the status he or she occupied
20 before the arrest, charge, or conviction.

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

24 (j) Felony Prostitution Convictions.

25 (1) Any individual may file a motion to vacate and
26 expunge a conviction for a prior Class 4 felony violation

1 of prostitution. Motions to vacate and expunge under this
2 subsection (j) may be filed with the circuit court, Chief
3 Judge of a judicial circuit, or any judge of the circuit
4 designated by the Chief Judge. When considering the motion
5 to vacate and expunge, a court shall consider the
6 following:

7 (A) the reasons to retain the records provided by
8 law enforcement;

9 (B) the petitioner's age;

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

11 and

12 (D) the time since the conviction, and the
13 specific adverse consequences if denied. An individual
14 may file the petition after the completion of any
15 sentence or condition imposed by the conviction.
16 Within 60 days of the filing of the motion, a State's
17 Attorney may file an objection to the petition along
18 with supporting evidence. If a motion to vacate and
19 expunge is granted, the records shall be expunged in
20 accordance with subparagraph (d)(9)(A) of this
21 Section. An agency providing civil legal aid, as
22 defined in Section 15 of the Public Interest Attorney
23 Assistance Act, assisting individuals seeking to file
24 a motion to vacate and expunge under this subsection
25 may file motions to vacate and expunge with the Chief
26 Judge of a judicial circuit or any judge of the circuit

1 designated by the Chief Judge, and the motion may
2 include more than one individual.

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

11 (A) the reasons to retain the records provided by
12 law enforcement;

13 (B) the petitioner's age;

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

15 (D) the time since the conviction; and

16 (E) the specific adverse consequences if denied.

17 If the State's Attorney files a motion to vacate and
18 expunge records for felony prostitution convictions
19 pursuant to this Section, the State's Attorney shall
20 notify the Prisoner Review Board within 30 days of the
21 filing. If a motion to vacate and expunge is granted, the
22 records shall be expunged in accordance with subparagraph
23 (d) (9) (A) of this Section.

24 (3) In the public interest, the State's Attorney of a
25 county has standing to file motions to vacate and expunge
26 pursuant to this Section in the circuit court with

1 jurisdiction over the underlying conviction.

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

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

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

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

18 (k) Convictions for Driving under a Suspended License for
19 Failure to Pay Support or to Comply with a Visitation Order.

20 (1) Expungement of arrest records for driving with a
21 driver's license suspended for failure to pay support or
22 to comply with a visitation order.

23 (A) A petitioner may petition the circuit court to
24 expunge all criminal history records of an arrest or
25 charge not initiated by arrest for a violation of
26 Section 6-303 of the Illinois Vehicle Code (driving

1 with a driver's license suspended for failure to pay
2 support or to comply with a visitation order as
3 provided in Section 7-702 of the Illinois Vehicle
4 Code) committed prior to January 1, 2019 if:

5 (i) one year or more has elapsed since the
6 date of the arrest or law enforcement interaction
7 documented in the records; and

8 (ii) no criminal charges were filed relating
9 to the arrest or law enforcement interaction or
10 criminal charges were filed and subsequently
11 dismissed or vacated or the arrestee was
12 acquitted.

13 (B) If the circuit court is unable to verify
14 satisfaction of condition (ii) in subparagraph (A),
15 records that satisfy condition (i) in subparagraph (A)
16 may be expunged.

17 (C) Records shall be expunged under the procedures
18 set forth in subparagraph (d) (9) (A).

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

25 (2) Pardons authorizing expungement for driving under
26 a suspended license for failure to pay support or to

1 comply with a visitation order.

2 (A) Upon the effective date of this amendatory Act
3 of the 103rd General Assembly, the Illinois State
4 Police shall review all criminal history record
5 information and identify all records that meet all of
6 the following criteria:

7 (i) one or more convictions for a violation of
8 Section 6-303 of the Illinois Vehicle Code
9 (driving with a driver's license suspended for
10 failure to pay support or to comply with a
11 visitation order as provided in Section 7-702 of
12 the Illinois Vehicle Code); and

13 (ii) the conviction identified in subdivision
14 (2)(A)(i) is not associated with an arrest,
15 conviction, or other disposition for a violent
16 crime as defined in subsection (c) of Section 3 of
17 the Rights of Crime Victims and Witnesses Act.

18 (B) Within 180 days after the effective date of
19 this amendatory Act of the 103rd General Assembly, the
20 Illinois State Police shall notify the Prisoner Review
21 Board of all such records that meet the criteria
22 established in subparagraph (2)(A).

23 The Prisoner Review Board shall notify the
24 State's Attorney of the county of conviction of
25 each record identified by the Illinois State
26 Police in subparagraph (2)(A) that is classified

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

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

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

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

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

25 (D) Nothing in this Section is intended to
26 diminish or abrogate any rights or remedies otherwise

1 available to the individual.

2 (3) Petition to vacate and expunge by individual. Any
3 individual may file a petition to vacate and expunge a
4 conviction for a misdemeanor or felony violation of
5 Section 6-303 of the Illinois Vehicle Code for driving
6 with a driver's license suspended for failure to pay
7 support or to comply with a visitation order as provided
8 in Section 7-702 of that Code. Petitions to vacate and
9 expunge under this subsection may be filed with the
10 circuit court, Chief Judge of a judicial circuit, or any
11 judge of the circuit designated by the Chief Judge. When
12 considering such a petition to vacate and expunge, a court
13 shall consider the following: the reasons to retain the
14 records provided by law enforcement, the petitioner's age,
15 the petitioner's age at the time of the offense, the time
16 since the conviction, and the specific adverse
17 consequences if denied. An individual may file such a
18 petition after the completion of any sentence or condition
19 imposed by the conviction. Within 60 days of the filing of
20 such a petition, a State's Attorney may file an objection
21 to the petition along with supporting evidence. If a
22 petition to vacate and expunge is granted, the records
23 shall be expunged in accordance with subparagraph
24 (d) (9) (A). An agency providing civil legal aid, as defined
25 in Section 15 of the Public Interest Attorney Assistance
26 Act, assisting individuals seeking to file a petition to

1 vacate and expunge under this subsection may file a
2 petition to vacate and expunge with the Chief Judge of a
3 judicial circuit or any judge of the circuit designated by
4 the Chief Judge, and the petition may include more than
5 one individual.

6 (4) Petition to vacate and expunge by State's
7 Attorney. Any State's Attorney may file a petition to
8 vacate and expunge a conviction for a misdemeanor or
9 felony violation of Section 6-303 of the Illinois Vehicle
10 Code for driving with a driver's license suspended for
11 failure to pay support or to comply with a visitation
12 order as provided in Section 7-702 of that Code. Petitions
13 to vacate and expunge under this subsection may be filed
14 with the circuit court, Chief Judge of a judicial circuit,
15 or any judge of the circuit designated by the Chief Judge,
16 and may include more than one individual. When considering
17 such a petition to vacate and expunge, a court shall
18 consider the following: the reasons to retain the records
19 provided by law enforcement, the individual's age, the
20 individual's age at the time of offense, the time since
21 the conviction, and the specific adverse consequences if
22 denied. If the State's Attorney files a petition under
23 this Section to vacate and expunge records for a violation
24 of Section 6-303 of the Illinois Vehicle Code for driving
25 with a driver's license suspended for failure to pay
26 support or to comply with a visitation order as provided

1 in Section 7-702 of that Code, the State's Attorney shall
2 notify the Prisoner Review Board within 30 days of such a
3 filing. If a petition to vacate and expunge is granted,
4 the records shall be expunged in accordance with
5 subparagraph (d) (9) (A).

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

10 (6) Pending cases. If a person is arrested for a
11 violation of Section 6-303 of the Illinois Vehicle Code
12 for driving with a driver's license suspended for failure
13 to pay support or to comply with a visitation order as
14 provided in Section 7-702 of that Code before the
15 effective date of this amendatory Act of the 103rd General
16 Assembly and the person's case is still pending but a
17 sentence has not been imposed, the person may file a
18 motion with the court in which the charges are pending for
19 an order to summarily dismiss those charges against him or
20 her and to expunge all official records of his or her
21 arrest, plea, trial, conviction, incarceration,
22 supervision, or expungement. The court may grant the
23 petition if the court determines, upon review, that: (A)
24 the person was arrested before the effective date of this
25 amendatory Act of the 103rd General Assembly for an
26 offense that has been made eligible for expungement; (B)

1 the case is pending; and (C) the person has not been
2 sentenced for a violation of Section 6-303 of the Illinois
3 Vehicle Code for driving with a driver's license suspended
4 for failure to pay support or to comply with a visitation
5 order as provided in Section 7-702 of that Code. When
6 considering a motion under this subsection, the court
7 shall consider the following: the reasons to retain the
8 records provided by law enforcement, the petitioner's age,
9 the petitioner's age at the time of the offense, the time
10 since the conviction, and the specific adverse
11 consequences if denied. If a motion to dismiss and expunge
12 is granted, the records shall be expunged in accordance
13 with subparagraph (d) (9) (A).

14 (7) Incarcerated persons. A person imprisoned solely
15 as a result of one or more convictions for a violation of
16 Section 6-303 of the Illinois Vehicle Code for driving
17 with a driver's license suspended for failure to pay
18 support or to comply with a visitation order as provided
19 in Section 7-702 of that Code shall be released from
20 incarceration upon the issuance of an order under this
21 subsection.

22 (8) Verification of expungement. The Illinois State
23 Police shall allow a person to use the access and review
24 process, established by the Illinois State Police, for
25 verifying that his or her eligible records relating to
26 violations of Section 6-303 of the Illinois Vehicle Code

1 for driving with a driver's license suspended for failure
2 to pay support or to comply with a visitation order as
3 provided in Section 7-702 of that Code have been expunged.

4 (9) Other claims. No conviction vacated under this
5 Section shall serve as the basis for damages for time
6 unjustly served as provided in the Court of Claims Act.

7 (10) Effect of expungement. A person's right to
8 expunge an expungeable offense shall not be limited under
9 this Section. The effect of an order of expungement shall
10 be to restore the person to the status he or she occupied
11 before the arrest, charge, or conviction.

12 (11) Information. The Illinois State Police shall post
13 general information on its website about the expungement
14 process described in this subsection.

15 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
16 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
17 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
18 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
19 5-13-22; 102-933, eff. 1-1-23; revised 12-8-22.)".