

# HB1082



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1082

Introduced 1/12/2023, by Rep. Mary E. Flowers

### SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2

Amends the Criminal Identification Act. Provides that notwithstanding current law, objections to a petition to expunge or seal must be filed within 15 days in cases in which a petitioner has met all of eligibility requirements under the Act and has demonstrated employment. Provides that a hearing on the basis of an objection for such an eligible petitioner shall be held within 15 days. Effective January 1, 2024.

LRB103 04852 RLC 49862 b

A BILL FOR

1 AN ACT concerning State government.

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

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.

16 Charge, Section 5-1-3.

17 Court, Section 5-1-6.

18 Defendant, Section 5-1-7.

19 Felony, Section 5-1-9.

20 Imprisonment, Section 5-1-10.

21 Judgment, Section 5-1-12.

22 Misdemeanor, Section 5-1-14.

23 Offense, Section 5-1-15.

1 Parole, Section 5-1-16.

2 Petty Offense, Section 5-1-17.

3 Probation, Section 5-1-18.

4 Sentence, Section 5-1-19.

5 Supervision, Section 5-1-21.

6 Victim, Section 5-1-22.

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

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

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

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

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

1 are last in time, they shall be collectively  
2 considered the "last sentence" regardless of whether  
3 they were ordered to run concurrently.

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

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

17 (H) "Municipal ordinance violation" means an  
18 offense defined by a municipal or local ordinance that  
19 is criminal in nature and with which the petitioner  
20 was charged or for which the petitioner was arrested  
21 and released without charging.

22 (I) "Petitioner" means an adult or a minor  
23 prosecuted as an adult who has applied for relief  
24 under this Section.

25 (J) "Qualified probation" means an order of  
26 probation under Section 10 of the Cannabis Control

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

17 (K) "Seal" means to physically and electronically  
18 maintain the records, unless the records would  
19 otherwise be destroyed due to age, but to make the  
20 records unavailable without a court order, subject to  
21 the exceptions in Sections 12 and 13 of this Act. The  
22 petitioner's name shall also be obliterated from the  
23 official index required to be kept by the circuit  
24 court clerk under Section 16 of the Clerks of Courts  
25 Act, but any index issued by the circuit court clerk  
26 before the entry of the order to seal shall not be

1 affected.

2 (L) "Sexual offense committed against a minor"  
3 includes, but is not limited to, the offenses of  
4 indecent solicitation of a child or criminal sexual  
5 abuse when the victim of such offense is under 18 years  
6 of age.

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

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

17 (2.5) Commencing 180 days after July 29, 2016 (the  
18 effective date of Public Act 99-697), the law enforcement  
19 agency issuing the citation shall automatically expunge,  
20 on or before January 1 and July 1 of each year, the law  
21 enforcement records of a person found to have committed a  
22 civil law violation of subsection (a) of Section 4 of the  
23 Cannabis Control Act or subsection (c) of Section 3.5 of  
24 the Drug Paraphernalia Control Act in the law enforcement  
25 agency's possession or control and which contains the  
26 final satisfactory disposition which pertain to the person

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

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

19 (A) the sealing or expungement of the records of  
20 arrests or charges not initiated by arrest that result  
21 in an order of supervision for or conviction of: (i)  
22 any sexual offense committed against a minor; (ii)  
23 Section 11-501 of the Illinois Vehicle Code or a  
24 similar provision of a local ordinance; or (iii)  
25 Section 11-503 of the Illinois Vehicle Code or a  
26 similar provision of a local ordinance, unless the



1           arrest or charge is for a misdemeanor violation of  
2           subsection (a) of Section 11-503 or a similar  
3           provision of a local ordinance, that occurred prior to  
4           the offender reaching the age of 25 years and the  
5           offender has no other conviction for violating Section  
6           11-501 or 11-503 of the Illinois Vehicle Code or a  
7           similar provision of a local ordinance.

8           (B) the sealing or expungement of records of minor  
9           traffic offenses (as defined in subsection (a)(1)(G)),  
10          unless the petitioner was arrested and released  
11          without charging.

12          (C) the sealing of the records of arrests or  
13          charges not initiated by arrest which result in an  
14          order of supervision or a conviction for the following  
15          offenses:

16               (i) offenses included in Article 11 of the  
17               Criminal Code of 1961 or the Criminal Code of 2012  
18               or a similar provision of a local ordinance,  
19               except Section 11-14 and a misdemeanor violation  
20               of Section 11-30 of the Criminal Code of 1961 or  
21               the Criminal Code of 2012, or a similar provision  
22               of a local ordinance;

23               (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
24               26-5, or 48-1 of the Criminal Code of 1961 or the  
25               Criminal Code of 2012, or a similar provision of a  
26               local ordinance;

1                   (iii) ~~Section Sections~~ 12-3.1 or 12-3.2 of the  
2 Criminal Code of 1961 or the Criminal Code of  
3 2012, or Section 125 of the Stalking No Contact  
4 Order Act, or Section 219 of the Civil No Contact  
5 Order Act, or a similar provision of a local  
6 ordinance;

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

9                   (v) any offense or attempted offense that  
10 would subject a person to registration under the  
11 Sex Offender Registration Act.

12                   (D) (blank).

13                   (b) Expungement.

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

1           (1.5) When a petitioner seeks to have a record of  
2           arrest expunged under this Section, and the offender has  
3           been convicted of a criminal offense, the State's Attorney  
4           may object to the expungement on the grounds that the  
5           records contain specific relevant information aside from  
6           the mere fact of the arrest.

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

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

14          (B) When the arrest or charge not initiated by  
15          arrest sought to be expunged resulted in an order of  
16          supervision, successfully completed by the petitioner,  
17          the following time frames will apply:

18               (i) Those arrests or charges that resulted in  
19               orders of supervision under Section 3-707, 3-708,  
20               3-710, or 5-401.3 of the Illinois Vehicle Code or  
21               a similar provision of a local ordinance, or under  
22               Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
23               Code of 1961 or the Criminal Code of 2012, or a  
24               similar provision of a local ordinance, shall not  
25               be eligible for expungement until 5 years have  
26               passed following the satisfactory termination of

1 the supervision.

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

13 (ii) Those arrests or charges that resulted in  
14 orders of supervision for any other offenses shall  
15 not be eligible for expungement until 2 years have  
16 passed following the satisfactory termination of  
17 the supervision.

18 (C) When the arrest or charge not initiated by  
19 arrest sought to be expunged resulted in an order of  
20 qualified probation, successfully completed by the  
21 petitioner, such records shall not be eligible for  
22 expungement until 5 years have passed following the  
23 satisfactory termination of the probation.

24 (3) Those records maintained by the Illinois State  
25 Police for persons arrested prior to their 17th birthday  
26 shall be expunged as provided in Section 5-915 of the

1 Juvenile Court Act of 1987.

2 (4) Whenever a person has been arrested for or  
3 convicted of any offense, in the name of a person whose  
4 identity he or she has stolen or otherwise come into  
5 possession of, the aggrieved person from whom the identity  
6 was stolen or otherwise obtained without authorization,  
7 upon learning of the person having been arrested using his  
8 or her identity, may, upon verified petition to the chief  
9 judge of the circuit wherein the arrest was made, have a  
10 court order entered nunc pro tunc by the Chief Judge to  
11 correct the arrest record, conviction record, if any, and  
12 all official records of the arresting authority, the  
13 Illinois State Police, other criminal justice agencies,  
14 the prosecutor, and the trial court concerning such  
15 arrest, if any, by removing his or her name from all such  
16 records in connection with the arrest and conviction, if  
17 any, and by inserting in the records the name of the  
18 offender, if known or ascertainable, in lieu of the  
19 aggrieved's name. The records of the circuit court clerk  
20 shall be sealed until further order of the court upon good  
21 cause shown and the name of the aggrieved person  
22 obliterated on the official index required to be kept by  
23 the circuit court clerk under Section 16 of the Clerks of  
24 Courts Act, but the order shall not affect any index  
25 issued by the circuit court clerk before the entry of the  
26 order. Nothing in this Section shall limit the Illinois

1 State Police or other criminal justice agencies or  
2 prosecutors from listing under an offender's name the  
3 false names he or she has used.

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

20 (6) If a conviction has been set aside on direct  
21 review or on collateral attack and the court determines by  
22 clear and convincing evidence that the petitioner was  
23 factually innocent of the charge, the court that finds the  
24 petitioner factually innocent of the charge shall enter an  
25 expungement order for the conviction for which the  
26 petitioner has been determined to be innocent as provided

1 in subsection (b) of Section 5-5-4 of the Unified Code of  
2 Corrections.

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

17 (8) If the petitioner has been granted a certificate  
18 of innocence under Section 2-702 of the Code of Civil  
19 Procedure, the court that grants the certificate of  
20 innocence shall also enter an order expunging the  
21 conviction for which the petitioner has been determined to  
22 be innocent as provided in subsection (h) of Section 2-702  
23 of the Code of Civil Procedure.

24 (c) Sealing.

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

1 rights to expungement of criminal records, this subsection  
2 authorizes the sealing of criminal records of adults and  
3 of minors prosecuted as adults. Subsection (g) of this  
4 Section provides for immediate sealing of certain records.

5 (2) Eligible Records. The following records may be  
6 sealed:

7 (A) All arrests resulting in release without  
8 charging;

9 (B) Arrests or charges not initiated by arrest  
10 resulting in acquittal, dismissal, or conviction when  
11 the conviction was reversed or vacated, except as  
12 excluded by subsection (a) (3) (B);

13 (C) Arrests or charges not initiated by arrest  
14 resulting in orders of supervision, including orders  
15 of supervision for municipal ordinance violations,  
16 successfully completed by the petitioner, unless  
17 excluded by subsection (a) (3);

18 (D) Arrests or charges not initiated by arrest  
19 resulting in convictions, including convictions on  
20 municipal ordinance violations, unless excluded by  
21 subsection (a) (3);

22 (E) Arrests or charges not initiated by arrest  
23 resulting in orders of first offender probation under  
24 Section 10 of the Cannabis Control Act, Section 410 of  
25 the Illinois Controlled Substances Act, Section 70 of  
26 the Methamphetamine Control and Community Protection



1 Act, or Section 5-6-3.3 of the Unified Code of  
2 Corrections; and

3 (F) Arrests or charges not initiated by arrest  
4 resulting in felony convictions unless otherwise  
5 excluded by subsection (a) paragraph (3) of this  
6 Section.

7 (3) When Records Are Eligible to Be Sealed. Records  
8 identified as eligible under subsection (c)(2) may be  
9 sealed as follows:

10 (A) Records identified as eligible under  
11 subsections ~~subsection~~ (c)(2)(A) and (c)(2)(B) may be  
12 sealed at any time.

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

18 (C) Except as otherwise provided in subparagraph  
19 (E) of this paragraph (3), records identified as  
20 eligible under subsections (c)(2)(D), (c)(2)(E), and  
21 (c)(2)(F) may be sealed 3 years after the termination  
22 of the petitioner's last sentence (as defined in  
23 subsection (a)(1)(F)). Convictions requiring public  
24 registration under the Arsonist Registration Act, the  
25 Sex Offender Registration Act, or the Murderer and  
26 Violent Offender Against Youth Registration Act may

1 not be sealed until the petitioner is no longer  
2 required to register under that relevant Act.

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

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

24 (4) Subsequent felony convictions. A person may not  
25 have subsequent felony conviction records sealed as  
26 provided in this subsection (c) if he or she is convicted

1 of any felony offense after the date of the sealing of  
2 prior felony convictions as provided in this subsection  
3 (c). The court may, upon conviction for a subsequent  
4 felony offense, order the unsealing of prior felony  
5 conviction records previously ordered sealed by the court.

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

11 (d) Procedure. The following procedures apply to  
12 expungement under subsections (b), (e), and (e-6) and sealing  
13 under subsections (c) and (e-5):

14 (1) Filing the petition. Upon becoming eligible to  
15 petition for the expungement or sealing of records under  
16 this Section, the petitioner shall file a petition  
17 requesting the expungement or sealing of records with the  
18 clerk of the court where the arrests occurred or the  
19 charges were brought, or both. If arrests occurred or  
20 charges were brought in multiple jurisdictions, a petition  
21 must be filed in each such jurisdiction. The petitioner  
22 shall pay the applicable fee, except no fee shall be  
23 required if the petitioner has obtained a court order  
24 waiving fees under Supreme Court Rule 298 or it is  
25 otherwise waived.

26 (1.5) County fee waiver pilot program. From August 9,

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

12           (2) Contents of petition. The petition shall be  
13          verified and shall contain the petitioner's name, date of  
14          birth, current address and, for each arrest or charge not  
15          initiated by arrest sought to be sealed or expunged, the  
16          case number, the date of arrest (if any), the identity of  
17          the arresting authority, and such other information as the  
18          court may require. During the pendency of the proceeding,  
19          the petitioner shall promptly notify the circuit court  
20          clerk of any change of his or her address. If the  
21          petitioner has received a certificate of eligibility for  
22          sealing from the Prisoner Review Board under paragraph  
23          (10) of subsection (a) of Section 3-3-2 of the Unified  
24          Code of Corrections, the certificate shall be attached to  
25          the petition.

26           (3) Drug test. The petitioner must attach to the

1 petition proof that the petitioner has taken within 30  
2 days before the filing of the petition a test showing the  
3 absence within his or her body of all illegal substances  
4 as defined by the Illinois Controlled Substances Act and  
5 the Methamphetamine Control and Community Protection Act  
6 if he or she is petitioning to:

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

8 (B) seal felony records for a violation of the  
9 Illinois Controlled Substances Act, the  
10 Methamphetamine Control and Community Protection Act,  
11 or the Cannabis Control Act under clause (c) (2) (F);

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

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

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

22 (5) Objections.

23 (A) Any party entitled to notice of the petition  
24 may file an objection to the petition. All objections  
25 shall be in writing, shall be filed with the circuit  
26 court clerk, and shall state with specificity the

1 basis of the objection. Whenever a person who has been  
2 convicted of an offense is granted a pardon by the  
3 Governor which specifically authorizes expungement, an  
4 objection to the petition may not be filed.

5 (B) Objections to a petition to expunge or seal  
6 must be filed within 60 days of the date of service of  
7 the petition.

8 (C) Notwithstanding subdivision (B) of this  
9 paragraph (5), objections to a petition to expunge or  
10 seal must be filed within 15 days in cases in which a  
11 petitioner has met all of eligibility requirements  
12 under this Section and has demonstrated employment. A  
13 hearing on the basis of an objection for such an  
14 eligible petitioner shall be held within 15 days.

15 (6) Entry of order.

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

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

1 service of the petition, the court shall enter an  
2 order granting or denying the petition.

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

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

1 (D), "cannabis" has the meaning ascribed to it in  
2 Section 3 of the Cannabis Control Act.

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

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

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

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

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

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



1           (8) Service of order. After entering an order to  
2 expunge or seal records, the court must provide copies of  
3 the order to the Illinois State Police, in a form and  
4 manner prescribed by the Illinois State Police, to the  
5 petitioner, to the State's Attorney or prosecutor charged  
6 with the duty of prosecuting the offense, to the arresting  
7 agency, to the chief legal officer of the unit of local  
8 government effecting the arrest, and to such other  
9 criminal justice agencies as may 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, and any other agency as  
17 ordered by the court, within 60 days of the date of  
18 service of the order, unless a motion to vacate,  
19 modify, or reconsider the order is filed pursuant  
20 to paragraph (12) of subsection (d) of this  
21 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, or  
7 the agency receiving such inquiry, shall reply as  
8 it does in response to inquiries when no records  
9 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 within 60 days of the date  
4 of service of the order as ordered by the court,  
5 unless a motion to vacate, modify, or reconsider  
6 the order is filed pursuant to paragraph (12) of  
7 subsection (d) of this Section;

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

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

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

24 (i) the records shall be expunged (as defined  
25 in subsection (a)(1)(E)) by the arresting agency  
26 and any other agency as ordered by the court,

1 within 60 days of the date of service of the order,  
2 unless a motion to vacate, modify, or reconsider  
3 the order is filed under paragraph (12) of  
4 subsection (d) of this Section;

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

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

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

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

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

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

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

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

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

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

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

25          (12) Motion to Vacate, Modify, or Reconsider. Under  
26          Section 2-1203 of the Code of Civil Procedure, the

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

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

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



1 appealing the order.

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

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

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

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

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

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

24 (e-6) Whenever a person who has been convicted of an  
25 offense is granted a certificate of eligibility for  
26 expungement by the Prisoner Review Board which specifically

1 authorizes expungement, he or she may, upon verified petition  
2 to the Chief Judge of the circuit where the person had been  
3 convicted, any judge of the circuit designated by the Chief  
4 Judge, or in counties of less than 3,000,000 inhabitants, the  
5 presiding trial judge at the petitioner's trial, have a court  
6 order entered expunging the record of arrest from the official  
7 records of the arresting authority and order that the records  
8 of the circuit court clerk and the Illinois State Police be  
9 sealed until further order of the court upon good cause shown  
10 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 may be  
18 disseminated by the Illinois State Police only as required by  
19 this Act or to the arresting authority, a law enforcement  
20 agency, the State's Attorney, and the court upon a later  
21 arrest for the same or similar offense or for the purpose of  
22 sentencing for any subsequent felony. Upon conviction for any  
23 subsequent offense, the Department of Corrections shall have  
24 access to all expunged records of the Illinois State Police  
25 pertaining to that individual. Upon entry of the order of  
26 expungement, the circuit court clerk shall promptly mail a

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

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

15 (g) Immediate Sealing.

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

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

1 day and during the same hearing in which the case is  
2 disposed.

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

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

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

16 (A) Filing the Petition. Upon entry of the final  
17 disposition of the case, the defendant's attorney may  
18 immediately petition the court, on behalf of the  
19 defendant, for immediate sealing of eligible records  
20 under paragraph (2) of this subsection (g) that are  
21 entered on or after January 1, 2018 (the effective  
22 date of Public Act 100-282). The immediate sealing  
23 petition may be filed with the circuit court clerk  
24 during the hearing in which the final disposition of  
25 the case is entered. If the defendant's attorney does  
26 not file the petition for immediate sealing during the

1 hearing, the defendant may file a petition for sealing  
2 at any time as authorized under subsection (c) (3) (A).

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

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

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

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

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

26 (G) Service of Order. An order to immediately seal

1 eligible records shall be served in conformance with  
2 subsection (d) (8).

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

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

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

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

24 (L) Effect of Order. An order granting an  
25 immediate sealing petition shall not be considered  
26 void because it fails to comply with the provisions of



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

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

13          (h) Sealing; trafficking victims.

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

23           (2) A petitioner under this subsection (h), in  
24          addition to the requirements provided under paragraph (4)  
25          of subsection (d) of this Section, shall include in his or  
26          her petition a clear and concise statement that: (A) he or

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

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

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

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

25 (A) The Illinois State Police and all law  
26 enforcement agencies within the State shall

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

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

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

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

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

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

24 (ii) Records created prior to January 1, 2013,  
25 but on or after January 1, 2000, shall be  
26 automatically expunged prior to January 1, 2023;

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

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

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

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

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

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

26 (ii) the conviction identified in paragraph

1 (2) (A) (i) did not include a penalty enhancement  
2 under Section 7 of the Cannabis Control Act; and

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

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

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

25 (ii) In response to a written objection from a  
26 State's Attorney, the Prisoner Review Board is

1 authorized to conduct a non-public hearing to  
2 evaluate the information provided in the  
3 objection.

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

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

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

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

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

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



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

1 (d) (9) (A) of this Section.

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

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

1 (d) (9) (A) of this Section.

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

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

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

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

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

23 (j) Felony Prostitution Convictions.

24 (1) Any individual may file a motion to vacate and  
25 expunge a conviction for a prior Class 4 felony violation  
26 of prostitution. Motions to vacate and expunge under this

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

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

8 (B) the petitioner's age;

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

10 and

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

1 include more than one individual.

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

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

12 (B) the petitioner's age;

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

14 (D) the time since the conviction; and

15 (E) the specific adverse consequences if denied.

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

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

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

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

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

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

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

22          Section 99. Effective date. This Act takes effect January  
23          1, 2024.