



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5023

Introduced 2/8/2024, by Rep. Kevin John Olickal

SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2
735 ILCS 5/9-121

Amends the Code of Civil Procedure. Provides that in the Eviction Article the term "impounded" has the meaning ascribed to the term in the Court Record and Document Accessibility Act. In that Article, replaces the term "seal" with "impound". Amends the Criminal Identification Act to make conforming changes.

LRB103 37573 JRC 67699 b

1 AN ACT concerning civil law.

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 (E-5) As used in this Section, "impounded" has the
17 same meaning as in paragraph (2) of subsection (b) of
18 Section 5 of the Court Record and Document
19 Accessibility Act.

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

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

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

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

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

26 (I) "Petitioner" means an adult or a minor

1 prosecuted as an adult who has applied for relief
2 under this Section.

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

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

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

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

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

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

21 (2.5) Commencing 180 days after July 29, 2016 (the
22 effective date of Public Act 99-697), the law enforcement
23 agency issuing the citation shall automatically expunge,
24 on or before January 1 and July 1 of each year, the law
25 enforcement records of a person found to have committed a
26 civil law violation of subsection (a) of Section 4 of the

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

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

23 (A) the sealing or expungement of the records of
24 arrests or charges not initiated by arrest that result
25 in an order of supervision for or conviction of: (i)
26 any sexual offense committed against a minor; (ii)

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

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

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

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

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

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

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

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

15 (D) (blank).

16 (b) Expungement.

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

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

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

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

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

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

21 (i) Those arrests or charges that resulted in
22 orders of supervision under Section 3-707, 3-708,
23 3-710, or 5-401.3 of the Illinois Vehicle Code or
24 a similar provision of a local ordinance, or under
25 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, or a

1 similar provision of a local ordinance, shall not
2 be eligible for expungement until 5 years have
3 passed following the satisfactory termination of
4 the supervision.

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

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

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

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

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

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

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

24 (6) If a conviction has been set aside on direct
25 review or on collateral attack and the court determines by
26 clear and convincing evidence that the petitioner was

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

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

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

1 of the Code of Civil Procedure.

2 (c) Sealing.

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

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

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

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

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

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

26 (E) Arrests or charges not initiated by arrest

1 resulting in orders of first offender probation under
2 Section 10 of the Cannabis Control Act, Section 410 of
3 the Illinois Controlled Substances Act, Section 70 of
4 the Methamphetamine Control and Community Protection
5 Act, or Section 5-6-3.3 of the Unified Code of
6 Corrections; and

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

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

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

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

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

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

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

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

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

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

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

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

1 waiving fees under Supreme Court Rule 298 or it is
2 otherwise waived.

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

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

1 Code of Corrections, the certificate shall be attached to
2 the petition.

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

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

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

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

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

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

25 (5) Objections.

26 (A) Any party entitled to notice of the petition

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

8 (B) Objections to a petition to expunge or seal
9 must be filed within 60 days of the date of service of
10 the petition.

11 (6) Entry of order.

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

19 (B) Unless the State's Attorney or prosecutor, the
20 Illinois State Police, the arresting agency, or the
21 chief legal officer files an objection to the petition
22 to expunge or seal within 60 days from the date of
23 service of the petition, the court shall enter an
24 order granting or denying the petition.

25 (C) Notwithstanding any other provision of law,
26 the court shall not deny a petition for sealing under

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

16 (D) Notwithstanding any other provision of law,
17 the court shall not deny a petition to expunge or seal
18 under this Section because the petitioner has
19 submitted a drug test taken within 30 days before the
20 filing of the petition to expunge or seal that
21 indicates a positive test for the presence of cannabis
22 within the petitioner's body. In this subparagraph
23 (D), "cannabis" has the meaning ascribed to it in
24 Section 3 of the Cannabis Control Act.

25 (7) Hearings. If an objection is filed, the court
26 shall set a date for a hearing and notify the petitioner

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

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

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

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

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

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

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

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

6 (9) Implementation of order.

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

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

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

1 (iii) in response to an inquiry for expunged
2 records, the court, the Illinois State Police, or
3 the agency receiving such inquiry, shall reply as
4 it does in response to inquiries when no records
5 ever existed.

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

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

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

24 (iii) the records shall be impounded by the
25 Illinois State Police within 60 days of the date
26 of service of the order as ordered by the court,

1 unless a motion to vacate, modify, or reconsider
2 the order is filed pursuant to paragraph (12) of
3 subsection (d) of this Section;

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

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

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

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

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

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

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

23 (v) in response to an inquiry for these
24 records from anyone not authorized by law to
25 access the records, the court, the Illinois State
26 Police, or the agency receiving the inquiry shall

1 reply as it does in response to inquiries when no
2 records ever existed.

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

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

1 reconsider, or any appeal or petition for
2 discretionary appellate review, is pending.

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

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

23 (10) Fees. The Illinois State Police may charge the
24 petitioner a fee equivalent to the cost of processing any
25 order to expunge or seal records. Notwithstanding any
26 provision of the Clerks of Courts Act to the contrary, the

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

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

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

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

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

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

24 (15) Compliance with Order Granting Petition to
25 Expunge Records. While a party is seeking relief from the
26 order granting the petition to expunge through a motion

1 filed under paragraph (12) of this subsection (d) or is
2 appealing the order, and unless a court has entered a stay
3 of that order, the parties entitled to notice of the
4 petition must seal, but need not expunge, the records
5 until there is a final order on the motion for relief or,
6 in the case of an appeal, the issuance of that court's
7 mandate.

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

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

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

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

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

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

1 presiding trial judge at the petitioner's trial, have a court
2 order entered expunging the record of arrest from the official
3 records of the arresting authority and order that the records
4 of the circuit court clerk and the Illinois State Police be
5 impounded ~~sealed~~ until further order of the court upon good
6 cause shown or as otherwise provided herein, and the name of
7 the petitioner obliterated from the official index requested
8 to be kept by the circuit court clerk under Section 16 of the
9 Clerks of Courts Act in connection with the arrest and
10 conviction for the offense for which he or she had been granted
11 the certificate but the order shall not affect any index
12 issued by the circuit court clerk before the entry of the
13 order. All 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 expunged records of the Illinois State Police
21 pertaining to that individual. Upon entry of the order of
22 expungement, the circuit court clerk shall promptly mail a
23 copy of the order to the person who was granted the certificate
24 of eligibility for expungement.

25 (f) Subject to available funding, the Illinois Department
26 of Corrections shall conduct a study of the impact of sealing,

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

11 (g) Immediate Sealing.

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

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

25 (3) When Records are Eligible to be Immediately
26 Sealed. Eligible records under paragraph (2) of this

1 subsection (g) may be sealed immediately after entry of
2 the final disposition of a case, notwithstanding the
3 disposition of other charges in the same case.

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

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

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

25 (B) Contents of Petition. The immediate sealing
26 petition shall be verified and shall contain the

1 petitioner's name, date of birth, current address, and
2 for each eligible record, the case number, the date of
3 arrest if applicable, the identity of the arresting
4 authority if applicable, and other information as the
5 court may require.

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

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

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

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

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

25 (H) Implementation of Order. An order to
26 immediately seal records shall be implemented in

1 conformance with subsections (d) (9) (C) and (d) (9) (D).

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

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

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

20 (L) Effect of Order. An order granting an
21 immediate sealing petition shall not be considered
22 void because it fails to comply with the provisions of
23 this Section or because of an error asserted in a
24 motion to vacate, modify, or reconsider. The circuit
25 court retains jurisdiction to determine whether the
26 order is voidable, and to vacate, modify, or

1 reconsider its terms based on a motion filed under
2 subparagraph (L) of this subsection (g).

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

9 (h) Sealing or vacation and expungement of trafficking
10 victims' crimes.

11 (1) A trafficking victim, as defined by paragraph (10)
12 of subsection (a) of Section 10-9 of the Criminal Code of
13 2012, may petition for vacation and expungement or
14 immediate sealing of his or her criminal record upon the
15 completion of his or her last sentence if his or her
16 participation in the underlying offense was a result of
17 human trafficking under Section 10-9 of the Criminal Code
18 of 2012 or a severe form of trafficking under the federal
19 Trafficking Victims Protection Act.

20 (1.5) A petition under paragraph (1) shall be
21 prepared, signed, and filed in accordance with Supreme
22 Court Rule 9. The court may allow the petitioner to attend
23 any required hearing remotely in accordance with local
24 rules. The court may allow a petition to be filed under
25 seal if the public filing of the petition would constitute
26 a risk of harm to the petitioner.

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

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

26 (i) Minor Cannabis Offenses under the Cannabis Control

1 Act.

2 (1) Expungement of Arrest Records of Minor Cannabis
3 Offenses.

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

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

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

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

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

25 (i) Records created prior to June 25, 2019
26 (the effective date of Public Act 101-27), but on

1 or after January 1, 2013, shall be automatically
2 expunged prior to January 1, 2021;

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

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

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

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

22 (2) Pardons Authorizing Expungement of Minor Cannabis
23 Offenses.

24 (A) Upon June 25, 2019 (the effective date of
25 Public Act 101-27), the Department of State Police
26 shall review all criminal history record information

1 and identify all records that meet all of the
2 following criteria:

3 (i) one or more convictions for a Minor
4 Cannabis Offense;

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

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

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

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

1 later date set by the Prisoner Review Board in the
2 notice after the State's Attorney received notice
3 from the Prisoner Review Board.

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

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

15 (C) If an individual has been granted a pardon
16 authorizing expungement as described in this Section,
17 the Prisoner Review Board, through the Attorney
18 General, shall file a petition for expungement with
19 the Chief Judge of the circuit or any judge of the
20 circuit designated by the Chief Judge where the
21 individual had been convicted. Such petition may
22 include more than one individual. Whenever an
23 individual who has been convicted of an offense is
24 granted a pardon by the Governor that specifically
25 authorizes expungement, an objection to the petition
26 may not be filed. Petitions to expunge under this

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

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

24 (3) Any individual may file a motion to vacate and
25 expunge a conviction for a misdemeanor or Class 4 felony
26 violation of Section 4 or Section 5 of the Cannabis

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

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

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

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

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

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

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

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

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

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

25 (11) Information. The Illinois State Police shall post
26 general information on its website about the expungement

1 process described in this subsection (i).

2 (j) Felony Prostitution Convictions.

3 (1) Any individual may file a motion to vacate and
4 expunge a conviction for a prior Class 4 felony violation
5 of 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 designated by the Chief Judge. When considering the motion
9 to vacate and expunge, a court shall consider the
10 following:

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 and

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

1 Assistance Act, assisting individuals seeking to file
2 a motion to vacate and expunge under this subsection
3 may file motions to vacate and expunge with the Chief
4 Judge of a judicial circuit or any judge of the circuit
5 designated by the Chief Judge, and the motion may
6 include more than one individual.

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

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

17 (B) the petitioner's age;

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

19 (D) the time since the conviction; and

20 (E) the specific adverse consequences if denied.

21 If the State's Attorney files a motion to vacate and
22 expunge records for felony prostitution convictions
23 pursuant to this Section, the State's Attorney shall
24 notify the Prisoner Review Board within 30 days of the
25 filing. If a motion to vacate and expunge is granted, the
26 records shall be expunged in accordance with subparagraph

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

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

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

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

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

22 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
23 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
24 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

25 Section 10. The Code of Civil Procedure is amended by

1 changing Section 9-121 as follows:

2 (735 ILCS 5/9-121)

3 Sec. 9-121. Impounding ~~Sealing~~ of court file.

4 (a) Definition. As used in this Section, "court file"
5 means the court file created when an eviction action is filed
6 with the court. As used in this Section, "impounded" has the
7 same meaning as in paragraph (2) of subsection (b) of Section 5
8 of the Court Record and Document Accessibility Act.

9 (b) Discretionary impounding ~~sealing~~ of court file. The
10 court may order that a court file in an eviction action be
11 impounded ~~placed under seal~~ if the court finds that the
12 plaintiff's action is insufficiently without a basis in fact or
13 law, which may include a lack of jurisdiction, that impounding
14 ~~placing~~ the court file ~~under seal~~ is clearly in the interests
15 of justice, and that those interests are not outweighed by the
16 public's interest in knowing about the record.

17 (b-5) Impounding of court file by agreement. The court may
18 order that a file may be impounded by agreement of the parties.

19 (c) Mandatory impounding ~~sealing~~ of court file. The court
20 file relating to an eviction action brought against a tenant
21 under Section 9-207.5 of this Code or as set forth in
22 subdivision (h)(6) of Section 15-1701 of this Code shall be
23 impounded ~~placed under seal~~.

24 (d) This Section is operative on and after August 1, 2022.

25 (Source: P.A. 102-5, eff. 5-17-21.)