



Rep. Kevin John Olickal

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10300HB5023ham001

LRB103 37573 AWJ 71231 a

1 AMENDMENT TO HOUSE BILL 5023

2 AMENDMENT NO. _____. Amend House Bill 5023 by replacing
3 everything after the enacting clause with the following:

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

6 (20 ILCS 2630/5.2)

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

8 (a) General Provisions.

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

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

15 Business Offense, Section 5-1-2.

16 Charge, Section 5-1-3.

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

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

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

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

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

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

23 (1) has the same meaning as in paragraph (5)
24 of subsection (b) of Section 5 of the Court Record
25 and Document Accessibility Act for circuit court
26 clerks. Nothing in this Act or the Court Record

1 and Document Accessibility Act shall require the
2 physical destruction of the circuit court clerk
3 file. The petitioner's name shall be obliterated
4 from the official index required to be kept by the
5 circuit court clerk under Section 16 of the Clerks
6 of Courts Act, but the order shall not affect any
7 index issued by the circuit court clerk before the
8 entry of the order to expunge; or

9 (2) means to physically destroy the records or
10 return them to the petitioner and to obliterate
11 the petitioner's name from any official index or
12 public record, or both for the arresting agency,
13 the Illinois State Police, and any other agency as
14 so ordered by the court not covered in subsection
15 (a) (1) (E) (i).

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 (1) has the same meaning as in paragraph (4)
3 of subsection (b) of Section 5 of the Court Record
4 and Document Accessibility Act for circuit court
5 clerks. The petitioner's name shall also be
6 obliterated from the official index required to be
7 kept by the circuit court clerk under Section 16
8 of the Clerks of Courts Act, but any index issued
9 by the circuit court clerk before the entry of the
10 order to seal shall not be affected; or

11 (2) means to physically and electronically
12 maintain the records, for the arresting agency,
13 the Illinois State Police, and any other agency as
14 so ordered by the court not covered in subsection
15 (a)(1)(K)(i), unless the records would otherwise
16 be destroyed due to age, but to make the records
17 unavailable without a court order, subject to the
18 exceptions in Sections 12 and 13 of this Act.

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

24 (M) "Terminate" as it relates to a sentence or
25 order of supervision or qualified probation includes
26 either satisfactory or unsatisfactory termination of

1 the sentence, unless otherwise specified in this
2 Section. A sentence is terminated notwithstanding any
3 outstanding financial legal obligation.

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

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

1 committed a civil law violation of subsection (a) of
2 Section 4 of the Cannabis Control Act or subsection (c) of
3 Section 3.5 of the Drug Paraphernalia Control Act in the
4 clerk's possession or control and which contains the final
5 satisfactory disposition which pertain to the person
6 issued a citation for any of those offenses.

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

10 (A) the sealing or expungement of the records of
11 arrests or charges not initiated by arrest that result
12 in an order of supervision for or conviction of: (i)
13 any sexual offense committed against a minor; (ii)
14 Section 11-501 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance; or (iii)
16 Section 11-503 of the Illinois Vehicle Code or a
17 similar provision of a local ordinance, unless the
18 arrest or charge is for a misdemeanor violation of
19 subsection (a) of Section 11-503 or a similar
20 provision of a local ordinance, that occurred prior to
21 the offender reaching the age of 25 years and the
22 offender has no other conviction for violating Section
23 11-501 or 11-503 of the Illinois Vehicle Code or a
24 similar provision of a local ordinance.

25 (B) the sealing or expungement of records of minor
26 traffic offenses (as defined in subsection (a)(1)(G)),

1 unless the petitioner was arrested and released
2 without charging.

3 (C) the sealing of the records of arrests or
4 charges not initiated by arrest which result in an
5 order of supervision or a conviction for the following
6 offenses:

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

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

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

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

25 (v) any offense or attempted offense that
26 would subject a person to registration under the

1 Sex Offender Registration Act.

2 (D) (blank).

3 (b) Expungement.

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

17 (1.5) When a petitioner seeks to have a record of
18 arrest expunged under this Section, and the offender has
19 been convicted of a criminal offense, the State's Attorney
20 may object to the expungement on the grounds that the
21 records contain specific relevant information aside from
22 the mere fact of the arrest.

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

24 (A) When the arrest or charge not initiated by
25 arrest sought to be expunged resulted in an acquittal,
26 dismissal, the petitioner's release without charging,

1 or the reversal or vacation of a conviction, there is
2 no waiting period to petition for the expungement of
3 such records.

4 (B) When the arrest or charge not initiated by
5 arrest sought to be expunged resulted in an order of
6 supervision, successfully completed by the petitioner,
7 the following time frames will apply:

8 (i) Those arrests or charges that resulted in
9 orders of supervision under Section 3-707, 3-708,
10 3-710, or 5-401.3 of the Illinois Vehicle Code or
11 a similar provision of a local ordinance, or under
12 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
13 Code of 1961 or the Criminal Code of 2012, or a
14 similar provision of a local ordinance, shall not
15 be eligible for expungement until 5 years have
16 passed following the satisfactory termination of
17 the supervision.

18 (i-5) Those arrests or charges that resulted
19 in orders of supervision for a misdemeanor
20 violation of subsection (a) of Section 11-503 of
21 the Illinois Vehicle Code or a similar provision
22 of a local ordinance, that occurred prior to the
23 offender reaching the age of 25 years and the
24 offender has no other conviction for violating
25 Section 11-501 or 11-503 of the Illinois Vehicle
26 Code or a similar provision of a local ordinance

1 shall not be eligible for expungement until the
2 petitioner has reached the age of 25 years.

3 (ii) Those arrests or charges that resulted in
4 orders of supervision for any other offenses shall
5 not be eligible for expungement until 2 years have
6 passed following the satisfactory termination of
7 the supervision.

8 (C) When the arrest or charge not initiated by
9 arrest sought to be expunged resulted in an order of
10 qualified probation, successfully completed by the
11 petitioner, such records shall not be eligible for
12 expungement until 5 years have passed following the
13 satisfactory termination of the probation.

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

18 (4) Whenever a person has been arrested for or
19 convicted of any offense, in the name of a person whose
20 identity he or she has stolen or otherwise come into
21 possession of, the aggrieved person from whom the identity
22 was stolen or otherwise obtained without authorization,
23 upon learning of the person having been arrested using his
24 or her identity, may, upon verified petition to the chief
25 judge of the circuit wherein the arrest was made, have a
26 court order entered nunc pro tunc by the Chief Judge to

1 correct the arrest record, conviction record, if any, and
2 all official records of the arresting authority, the
3 Illinois State Police, other criminal justice agencies,
4 the prosecutor, and the trial court concerning such
5 arrest, if any, by removing his or her name from all such
6 records in connection with the arrest and conviction, if
7 any, and by inserting in the records the name of the
8 offender, if known or ascertainable, in lieu of the
9 aggrieved's name. The records of the circuit court clerk
10 shall be impounded ~~sealed~~ until further order of the court
11 upon good cause shown and the name of the aggrieved person
12 obliterated on the official index required to be kept by
13 the circuit court clerk under Section 16 of the Clerks of
14 Courts Act, but the order shall not affect any index
15 issued by the circuit court clerk before the entry of the
16 order. Nothing in this Section shall limit the Illinois
17 State Police or other criminal justice agencies or
18 prosecutors from listing under an offender's name the
19 false names he or she has used.

20 (5) Whenever a person has been convicted of criminal
21 sexual assault, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, criminal
23 sexual abuse, or aggravated criminal sexual abuse, the
24 victim of that offense may request that the State's
25 Attorney of the county in which the conviction occurred
26 file a verified petition with the presiding trial judge at

1 the petitioner's trial to have a court order entered to
2 impound ~~seal~~ the records of the circuit court clerk in
3 connection with the proceedings of the trial court
4 concerning that offense. However, the records of the
5 arresting authority and the Illinois State Police
6 concerning the offense shall not be sealed. The court,
7 upon good cause shown, shall make the records of the
8 circuit court clerk in connection with the proceedings of
9 the trial court concerning the offense available for
10 public inspection.

11 (6) If a conviction has been set aside on direct
12 review or on collateral attack and the court determines by
13 clear and convincing evidence that the petitioner was
14 factually innocent of the charge, the court that finds the
15 petitioner factually innocent of the charge shall enter an
16 expungement order for the conviction for which the
17 petitioner has been determined to be innocent as provided
18 in subsection (b) of Section 5-5-4 of the Unified Code of
19 Corrections.

20 (7) Nothing in this Section shall prevent the Illinois
21 State Police from maintaining all records of any person
22 who is admitted to probation upon terms and conditions and
23 who fulfills those terms and conditions pursuant to
24 Section 10 of the Cannabis Control Act, Section 410 of the
25 Illinois Controlled Substances Act, Section 70 of the
26 Methamphetamine Control and Community Protection Act,

1 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
2 Corrections, Section 12-4.3 or subdivision (b)(1) of
3 Section 12-3.05 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, Section 10-102 of the Illinois
5 Alcoholism and Other Drug Dependency Act, Section 40-10 of
6 the Substance Use Disorder Act, or Section 10 of the
7 Steroid Control Act.

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

15 (c) Sealing.

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

22 (2) Eligible Records. The following records may be
23 sealed:

24 (A) All arrests resulting in release without
25 charging;

26 (B) Arrests or charges not initiated by arrest

1 resulting in acquittal, dismissal, or conviction when
2 the conviction was reversed or vacated, except as
3 excluded by subsection (a) (3) (B);

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

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

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

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

24 (3) When Records Are Eligible to Be Sealed. Records
25 identified as eligible under subsection (c) (2) may be
26 sealed as follows:

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

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

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

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

23 (E) Records identified as eligible under
24 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or
25 (c)(2)(F) may be sealed upon termination of the
26 petitioner's last sentence if the petitioner earned a

1 high school diploma, associate's degree, career
2 certificate, vocational technical certification, or
3 bachelor's degree, or passed the high school level
4 Test of General Educational Development, during the
5 period of his or her sentence or mandatory supervised
6 release. This subparagraph shall apply only to a
7 petitioner who has not completed the same educational
8 goal prior to the period of his or her sentence or
9 mandatory supervised release. If a petition for
10 sealing eligible records filed under this subparagraph
11 is denied by the court, the time periods under
12 subparagraph (B) or (C) shall apply to any subsequent
13 petition for sealing filed by the petitioner.

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

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

1 (d) Procedure. The following procedures apply to
2 expungement under subsections (b), (e), and (e-6) and sealing
3 under subsections (c) and (e-5):

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

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

1 1, 2022.

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

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

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

24 (B) seal felony records for a violation of the
25 Illinois Controlled Substances Act, the
26 Methamphetamine Control and Community Protection Act,

1 or the Cannabis Control Act under clause (c) (2) (F);

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

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

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

12 (5) Objections.

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

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

24 (6) Entry of order.

25 (A) The Chief Judge of the circuit wherein the
26 charge was brought, any judge of that circuit

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

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

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

1 financial obligation to pursue collection under
2 applicable federal, State, or local law.

3 (D) Notwithstanding any other provision of law,
4 the court shall not deny a petition to expunge or seal
5 under this Section because the petitioner has
6 submitted a drug test taken within 30 days before the
7 filing of the petition to expunge or seal that
8 indicates a positive test for the presence of cannabis
9 within the petitioner's body. In this subparagraph
10 (D), "cannabis" has the meaning ascribed to it in
11 Section 3 of the Cannabis Control Act.

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

24 (A) the strength of the evidence supporting the
25 defendant's conviction;

26 (B) the reasons for retention of the conviction

1 records by the State;

2 (C) the petitioner's age, criminal record history,
3 and employment history;

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

7 (E) the specific adverse consequences the
8 petitioner may be subject to if the petition is
9 denied.

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

19 (9) Implementation of order.

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

23 (i) the records shall be expunged (as defined
24 in subsection (a) (1) (E) (ii) ~~(a) (1) (E)~~) by the
25 arresting agency, the Illinois State Police, and
26 any other agency as ordered by the court, within

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

5 (ii) the records of the circuit court clerk
6 shall be expunged (as defined in subsection
7 (a) (1) (E) (i)), ~~impounded~~ until further order of
8 the court upon good cause shown ~~and the name of the~~
9 ~~petitioner obliterated on the official index~~
10 ~~required to be kept by the circuit court clerk~~
11 ~~under Section 16 of the Clerks of Courts Act, but~~
12 ~~the order shall not affect any index issued by the~~
13 ~~circuit court clerk before the entry of the order;~~
14 and

15 (iii) in response to an inquiry for expunged
16 records, the circuit court clerk ~~court~~, the
17 Illinois State Police, or the agency receiving
18 such inquiry, shall reply as it does in response
19 to inquiries when no records ever existed.

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

23 (i) the records shall be expunged (as defined
24 in subsection (a) (1) (E) (ii) ~~(a) (1) (E)~~) by the
25 arresting agency and any other agency as ordered
26 by the court, within 60 days of the date of service

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

4 (ii) the records of the circuit court clerk
5 shall be expunged (as defined in subsection
6 (a)(1)(E)(i)), ~~impounded~~ until further order of
7 the 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 pursuant to 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 such records
2 from anyone not authorized by law to access such
3 records, the circuit court clerk ~~court~~, the
4 Illinois State Police, or the agency receiving
5 such inquiry shall reply as it does in response to
6 inquiries when no records ever existed.

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

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

16 (ii) the records of the circuit court clerk
17 shall be expunged (as defined in subsection
18 (a) (1) (E) (i)), ~~impounded~~ until further order of
19 the court upon good cause shown ~~and the name of the~~
20 ~~petitioner obliterated on the official index~~
21 ~~required to be kept by the circuit court clerk~~
22 ~~under Section 16 of the Clerks of Courts Act, but~~
23 ~~the order shall not affect any index issued by the~~
24 ~~circuit court clerk before the entry of the order;~~

25 (iii) the records shall be impounded by the
26 Illinois State Police within 60 days of the date

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

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

19 (C) Upon entry of an order to seal records under
20 subsection (c), the arresting agency, any other agency
21 as ordered by the court, the Illinois State Police,
22 and the circuit court clerk ~~court~~ shall seal the
23 records (as defined in subsection (a)(1)(K)). In
24 response to an inquiry for such records, from anyone
25 not authorized by law to access such records, the
26 circuit court clerk ~~court~~, the Illinois State Police,

1 or the agency receiving such inquiry shall reply as it
2 does in response to inquiries when no records ever
3 existed.

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

20 (E) Upon motion, the court may order that a sealed
21 judgment or other court record necessary to
22 demonstrate the amount of any legal financial
23 obligation due and owing be made available for the
24 limited purpose of collecting any legal financial
25 obligations owed by the petitioner that were
26 established, imposed, or originated in the criminal

1 proceeding for which those records have been sealed.
2 The records made available under this subparagraph (E)
3 shall not be entered into the official index required
4 to be kept by the circuit court clerk under Section 16
5 of the Clerks of Courts Act and shall be immediately
6 resealed ~~re-impounded~~ upon the collection of the
7 outstanding financial obligations.

8 (F) Notwithstanding any other provision of this
9 Section, a circuit court clerk may access a sealed
10 record for the limited purpose of collecting payment
11 for any legal financial obligations that were
12 established, imposed, or originated in the criminal
13 proceedings for which those records have been sealed.

14 (10) Fees. The Illinois State Police may charge the
15 petitioner a fee equivalent to the cost of processing any
16 order to expunge or seal records. Notwithstanding any
17 provision of the Clerks of Courts Act to the contrary, the
18 circuit court clerk may charge a fee equivalent to the
19 cost associated with the sealing or expungement of records
20 by the circuit court clerk. From the total filing fee
21 collected for the petition to seal or expunge, the circuit
22 court clerk shall deposit \$10 into the Circuit Court Clerk
23 Operation and Administrative Fund, to be used to offset
24 the costs incurred by the circuit court clerk in
25 performing the additional duties required to serve the
26 petition to seal or expunge on all parties. The circuit

1 court clerk shall collect and remit the Illinois State
2 Police portion of the fee to the State Treasurer and it
3 shall be deposited in the State Police Services Fund. If
4 the record brought under an expungement petition was
5 previously sealed under this Section, the fee for the
6 expungement petition for that same record shall be waived.

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

12 (12) Motion to Vacate, Modify, or Reconsider. Under
13 Section 2-1203 of the Code of Civil Procedure, the
14 petitioner or any party entitled to notice may file a
15 motion to vacate, modify, or reconsider the order granting
16 or denying the petition to expunge or seal within 60 days
17 of service of the order. If filed more than 60 days after
18 service of the order, a petition to vacate, modify, or
19 reconsider shall comply with subsection (c) of Section
20 2-1401 of the Code of Civil Procedure. Upon filing of a
21 motion to vacate, modify, or reconsider, notice of the
22 motion shall be served upon the petitioner and all parties
23 entitled to notice of the petition.

24 (13) Effect of Order. An order granting a petition
25 under the expungement or sealing provisions of this
26 Section shall not be considered void because it fails to

1 comply with the provisions of this Section or because of
2 any error asserted in a motion to vacate, modify, or
3 reconsider. The circuit court retains jurisdiction to
4 determine whether the order is voidable and to vacate,
5 modify, or reconsider its terms based on a motion filed
6 under paragraph (12) of this subsection (d).

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

15 (15) Compliance with Order Granting Petition to
16 Expunge Records. While a party is seeking relief from the
17 order granting the petition to expunge through a motion
18 filed under paragraph (12) of this subsection (d) or is
19 appealing the order, and unless a court has entered a stay
20 of that order, the parties entitled to notice of the
21 petition must seal, but need not expunge, the records
22 until there is a final order on the motion for relief or,
23 in the case of an appeal, the issuance of that court's
24 mandate.

25 (16) The changes to this subsection (d) made by Public
26 Act 98-163 apply to all petitions pending on August 5,

1 2013 (the effective date of Public Act 98-163) and to all
2 orders ruling on a petition to expunge or seal on or after
3 August 5, 2013 (the effective date of Public Act 98-163).

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

1 offense, the Department of Corrections shall have access to
2 all sealed records of the Illinois State Police pertaining to
3 that individual. Upon entry of the order of expungement, the
4 circuit court clerk shall promptly mail a copy of the order to
5 the person who was pardoned.

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

1 this Act or to the arresting authority, a law enforcement
2 agency, the State's Attorney, and the court upon a later
3 arrest for the same or similar offense or for the purpose of
4 sentencing for any subsequent felony. Upon conviction for any
5 subsequent offense, the Department of Corrections shall have
6 access to all sealed records of the Illinois State Police
7 pertaining to that individual. Upon entry of the order of
8 sealing, the circuit court clerk shall promptly mail a copy of
9 the order to the person who was granted the certificate of
10 eligibility for sealing.

11 (e-6) Whenever a person who has been convicted of an
12 offense is granted a certificate of eligibility for
13 expungement by the Prisoner Review Board which specifically
14 authorizes expungement, he or she may, upon verified petition
15 to the Chief Judge of the circuit where the person had been
16 convicted, any judge of the circuit designated by the Chief
17 Judge, or in counties of less than 3,000,000 inhabitants, the
18 presiding trial judge at the petitioner's trial, have a court
19 order entered expunging the record of arrest from the official
20 records of the arresting authority and order that the records
21 of the circuit court clerk and the Illinois State Police be
22 impounded ~~sealed~~ until further order of the court upon good
23 cause shown or as otherwise provided herein, and the name of
24 the petitioner obliterated from the official index requested
25 to be kept by the circuit court clerk under Section 16 of the
26 Clerks of Courts Act in connection with the arrest and

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

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

1 later than September 1, 2010.

2 (g) Immediate Sealing.

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

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

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

21 (4) Notice of Eligibility for Immediate Sealing. Upon
22 entry of a disposition for an eligible record under this
23 subsection (g), the defendant shall be informed by the
24 court of his or her right to have eligible records
25 immediately sealed and the procedure for the immediate
26 sealing of these records.

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

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

16 (B) Contents of Petition. The immediate sealing
17 petition shall be verified and shall contain the
18 petitioner's name, date of birth, current address, and
19 for each eligible record, the case number, the date of
20 arrest if applicable, the identity of the arresting
21 authority if applicable, and other information as the
22 court may require.

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

26 (D) Service of Petition. A copy of the petition

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

4 (E) Entry of Order. The presiding trial judge
5 shall enter an order granting or denying the petition
6 for immediate sealing during the hearing in which it
7 is filed. Petitions for immediate sealing shall be
8 ruled on in the same hearing in which the final
9 disposition of the case is entered.

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

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

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

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

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

1 (K) Motion to Vacate, Modify, or Reconsider. Under
2 Section 2-1203 of the Code of Civil Procedure, the
3 petitioner, State's Attorney, or the Illinois State
4 Police may file a motion to vacate, modify, or
5 reconsider the order denying the petition to
6 immediately seal within 60 days of service of the
7 order. If filed more than 60 days after service of the
8 order, a petition to vacate, modify, or reconsider
9 shall comply with subsection (c) of Section 2-1401 of
10 the Code of Civil Procedure.

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

20 (M) Compliance with Order Granting Petition to
21 Seal Records. Unless a court has entered a stay of an
22 order granting a petition to immediately seal, all
23 parties entitled to service of the order must fully
24 comply with the terms of the order within 60 days of
25 service of the order.

26 (h) Sealing or vacation and expungement of trafficking

1 victims' crimes.

2 (1) A trafficking victim, as defined by paragraph (10)
3 of subsection (a) of Section 10-9 of the Criminal Code of
4 2012, may petition for vacation and expungement or
5 immediate sealing of his or her criminal record upon the
6 completion of his or her last sentence if his or her
7 participation in the underlying offense was a result of
8 human trafficking under Section 10-9 of the Criminal Code
9 of 2012 or a severe form of trafficking under the federal
10 Trafficking Victims Protection Act.

11 (1.5) A petition under paragraph (1) shall be
12 prepared, signed, and filed in accordance with Supreme
13 Court Rule 9. The court may allow the petitioner to attend
14 any required hearing remotely in accordance with local
15 rules. The court may allow a petition to be filed under
16 seal if the public filing of the petition would constitute
17 a risk of harm to the petitioner.

18 (2) A petitioner under this subsection (h), in
19 addition to the requirements provided under paragraph (4)
20 of subsection (d) of this Section, shall include in his or
21 her petition a clear and concise statement that: (A) he or
22 she was a victim of human trafficking at the time of the
23 offense; and (B) that his or her participation in the
24 offense was a result of human trafficking under Section
25 10-9 of the Criminal Code of 2012 or a severe form of
26 trafficking under the federal Trafficking Victims

1 Protection Act.

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

17 (i) Minor Cannabis Offenses under the Cannabis Control
18 Act.

19 (1) Expungement of Arrest Records of Minor Cannabis
20 Offenses.

21 (A) The Illinois State Police and all law
22 enforcement agencies within the State shall
23 automatically expunge all criminal history records of
24 an arrest, charge not initiated by arrest, order of
25 supervision, or order of qualified probation for a
26 Minor Cannabis Offense committed prior to June 25,

1 2019 (the effective date of Public Act 101-27) if:

2 (i) One year or more has elapsed since the
3 date of the arrest or law enforcement interaction
4 documented in the records; and

5 (ii) No criminal charges were filed relating
6 to the arrest or law enforcement interaction or
7 criminal charges were filed and subsequently
8 dismissed or vacated or the arrestee was
9 acquitted.

10 (B) If the law enforcement agency is unable to
11 verify satisfaction of condition (ii) in paragraph
12 (A), records that satisfy condition (i) in paragraph
13 (A) shall be automatically expunged.

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

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

20 (ii) Records created prior to January 1, 2013,
21 but on or after January 1, 2000, shall be
22 automatically expunged prior to January 1, 2023;

23 (iii) Records created prior to January 1, 2000
24 shall be automatically expunged prior to January
25 1, 2025.

26 In response to an inquiry for expunged records,

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

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

13 (2) Pardons Authorizing Expungement of Minor Cannabis
14 Offenses.

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

20 (i) one or more convictions for a Minor
21 Cannabis Offense;

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

25 (iii) the conviction identified in paragraph
26 (2)(A)(i) is not associated with a conviction for

1 a violent crime as defined in subsection (c) of
2 Section 3 of the Rights of Crime Victims and
3 Witnesses Act.

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

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

21 (ii) In response to a written objection from a
22 State's Attorney, the Prisoner Review Board is
23 authorized to conduct a non-public hearing to
24 evaluate the information provided in the
25 objection.

26 (iii) The Prisoner Review Board shall make a

1 confidential and privileged recommendation to the
2 Governor as to whether to grant a pardon
3 authorizing expungement for each of the records
4 identified by the Department of State Police as
5 described in paragraph (2) (A).

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

1 Act in connection with the arrest and conviction for
2 the offense for which the individual had received a
3 pardon but the order shall not affect any index issued
4 by the circuit court clerk before the entry of the
5 order. Upon entry of the order of expungement, the
6 circuit court clerk shall promptly provide a copy of
7 the order and a certificate of disposition to the
8 individual who was pardoned to the individual's last
9 known address or by electronic means (if available) or
10 otherwise make it available to the individual upon
11 request.

12 (D) Nothing in this Section is intended to
13 diminish or abrogate any rights or remedies otherwise
14 available to the individual.

15 (3) Any individual may file a motion to vacate and
16 expunge a conviction for a misdemeanor or Class 4 felony
17 violation of Section 4 or Section 5 of the Cannabis
18 Control Act. Motions to vacate and expunge under this
19 subsection (i) may be filed with the circuit court, Chief
20 Judge of a judicial circuit or any judge of the circuit
21 designated by the Chief Judge. The circuit court clerk
22 shall promptly serve a copy of the motion to vacate and
23 expunge, and any supporting documentation, on the State's
24 Attorney or prosecutor charged with the duty of
25 prosecuting the offense. When considering such a motion to
26 vacate and expunge, a court shall consider the following:

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

23 (4) Any State's Attorney may file a motion to vacate
24 and expunge a conviction for a misdemeanor or Class 4
25 felony violation of Section 4 or Section 5 of the Cannabis
26 Control Act. Motions to vacate and expunge under this

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

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

1 jurisdiction over the underlying conviction.

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

24 (7) A person imprisoned solely as a result of one or
25 more convictions for Minor Cannabis Offenses under this
26 subsection (i) shall be released from incarceration upon

1 the issuance of an order under this subsection.

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

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

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

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

19 (j) Felony Prostitution Convictions.

20 (1) Any individual may file a motion to vacate and
21 expunge a conviction for a prior Class 4 felony violation
22 of prostitution. Motions to vacate and expunge under this
23 subsection (j) 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. When considering the motion
26 to vacate and expunge, a court shall consider the

1 following:

2 (A) the reasons to retain the records provided by
3 law enforcement;

4 (B) the petitioner's age;

5 (C) the petitioner's age at the time of offense;
6 and

7 (D) the time since the conviction, and the
8 specific adverse consequences if denied. An individual
9 may file the petition after the completion of any
10 sentence or condition imposed by the conviction.
11 Within 60 days of the filing of the motion, a State's
12 Attorney may file an objection to the petition along
13 with supporting evidence. If a motion to vacate and
14 expunge is granted, the records shall be expunged in
15 accordance with subparagraph (d)(9)(A) of this
16 Section. An agency providing civil legal aid, as
17 defined in Section 15 of the Public Interest Attorney
18 Assistance Act, assisting individuals seeking to file
19 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
23 include more than one individual.

24 (2) Any State's Attorney may file a motion to vacate
25 and expunge a conviction for a Class 4 felony violation of
26 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 court designated by the Chief Judge, and may include more
4 than one individual. When considering the motion to vacate
5 and expunge, a court shall consider the following reasons:

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 (D) the time since the conviction; and

11 (E) the specific adverse consequences if denied.

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

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

23 (4) The Illinois State Police shall allow a person to
24 a use the access and review process, established in the
25 Illinois State Police, for verifying that his or her
26 records relating to felony prostitution eligible under

1 this Section have been expunged.

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

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

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

13 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
14 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
15 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

16 Section 10. The Court Record and Document Accessibility
17 Act is amended by changing Section 5 as follows:

18 (705 ILCS 86/5)

19 Sec. 5. Record and document accessibility.

20 (a) All records and documents are presumed to be
21 accessible by the court and the clerk of the court. A clerk of
22 the court shall limit access to case information and documents
23 that are not identified as public to the clerk of the court or
24 limited supervisory staff through the use of access codes

1 restricting access. Access to court records and documents
2 remotely over the Internet shall be as authorized by the
3 Illinois Supreme Court Remote Access Policy.

4 (b) Unless otherwise specified by rule, statute, or order,
5 access to case information and documents maintained by the
6 clerk of the court is defined as follows:

7 (1) "Public" means a document or case that is
8 accessible by any person upon request.

9 (2) "Impounded" means a document or case that is
10 accessible only to the parties of record on a case;
11 otherwise, the document or case is only accessible upon
12 order of a court.

13 (3) "Confidential" means a document or case that is
14 accessible only to the party submitting the document or
15 filing the case; otherwise, the document or case is only
16 accessible upon order of a court.

17 (4) "Sealed" means a document or case that is
18 accessible only upon order of a court.

19 (5) "Expunged" means a document or case that is
20 accessible only upon order of a court ~~as provided in~~
21 ~~subparagraph (E) of paragraph (1) of subsection (a) of~~
22 ~~Section 5.2 of the Criminal Identification Act.~~

23 (c) Notwithstanding any provision of subsections (a) and
24 (b), the court may enter an order restricting access to any
25 case or document per order of court.

26 (d) If any law of this State restricts access to any case

1 information and documents maintained by the clerk of the court
2 by using the phrase "shall not be public", or a similar phrase
3 stating that a court record is not available to the public, the
4 clerk of the court shall impound such case information and
5 documents unless the court directs otherwise.

6 (e) Notwithstanding any other provision of law, if any law
7 or statute of this State conflicts with Supreme Court Rule 8,
8 then Supreme Court Rule 8 governs.

9 (Source: P.A. 103-166, eff. 1-1-24.)

10 Section 15. The Code of Civil Procedure is amended by
11 changing Section 9-121 as follows:

12 (735 ILCS 5/9-121)

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

14 (a) Definitions. ~~Definition.~~ As used in this Section:
15 ~~"court~~

16 "Court file" means the court file created when an
17 eviction action is filed with the court.

18 "Impounded" has the same meaning as in paragraph (2)
19 of subsection (b) of Section 5 of the Court Record and Document
20 Accessibility Act.

21 (b) Discretionary impounding ~~sealing~~ of court file. The
22 court may order that a court file in an eviction action be
23 impounded ~~placed under seal~~ if the court finds that the
24 plaintiff's action is sufficiently without a basis in fact or

1 law, which may include a lack of jurisdiction, that impounding
2 ~~placing~~ the court file ~~under seal~~ is clearly in the interests
3 of justice, and that those interests are not outweighed by the
4 public's interest in knowing about the record.

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

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

12 (d) This Section is operative on and after August 1, 2022.
13 (Source: P.A. 102-5, eff. 5-17-21.)".