



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5495

Introduced 2/9/2024, by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

See Index

Amends the Seizure and Forfeiture Reporting Act. Removes provisions about the State Police Asset Forfeiture Section. Amends the State Finance Act. Changes the name of the State Police Revocation Enforcement Fund to the State Police Firearm Enforcement Fund (and makes conforming changes within the Act, the Illinois State Police Law of the Civil Administrative Code of Illinois, and the Firearm Owners Identification Card Act). Provides that the balance remaining in the State Police Training and Academy Fund shall be transferred to the State Police Law Enforcement Administration Fund, and dissolves the State Police Training and Academy Fund (amends the Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Act and the Illinois Insurance Code to make conforming changes). Makes changes concerning the uses of the State Police Law Enforcement Administration Fund. Amends the School Code. Includes provisions relating to reporting of verified incidents involving a firearm or drugs to the State Board of Education, the State Board of Education reporting data by school district on its website, and local law enforcement reporting specified data from the previous year to the Illinois State Police's Illinois Uniform Crime Reporting Program. Amends the Illinois Gambling Act. Makes changes regarding applying for licensure and Fingerprinting. Amends the Criminal Code of 2012 and the Drug Asset Forfeiture Procedure Act. In provisions concerning non-judicial forfeiture, provides that the director or the directors designee (instead of just the director) shall dispose of property forfeited in accordance with law. Amends the Arsonist Registration Act. Changes the short title of the Act to the Arsonist Registry Act. Eliminates registration of arsonists (makes conforming changes in the Criminal Identification Act, the Unified Code of Corrections, and the Code of Civil Procedure). Provides that the Illinois State Police shall establish and maintain a Statewide Arsonist Database for the purpose of identifying arsonists and making that information available to law enforcement and the general public. Contains requirements for operation of the Database. Effective July 1, 2024.

LRB103 39013 AWJ 69150 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Seizure and Forfeiture Reporting Act is
5 amended by changing Section 10 as follows:

6 (5 ILCS 810/10)

7 Sec. 10. Reporting by law enforcement agency.

8 (a) Each law enforcement agency that seizes property
9 subject to reporting under this Act shall report the following
10 information about property seized or forfeited under State
11 law:

12 (1) the name of the law enforcement agency that seized
13 the property;

14 (2) the date of the seizure;

15 (3) the type of property seized, including a building,
16 vehicle, boat, cash, negotiable security, or firearm,
17 except reporting is not required for seizures of
18 contraband including alcohol, gambling devices, drug
19 paraphernalia, and controlled substances;

20 (4) a description of the property seized and the
21 estimated value of the property and if the property is a
22 conveyance, the description shall include the make, model,
23 year, and vehicle identification number or serial number;

1 and

2 (5) the location where the seizure occurred.

3 The filing requirement shall be met upon filing Illinois
4 State Police Notice/Inventory of Seized Property (Form 4-64)
5 with the State's Attorney's Office in the county where the
6 forfeiture action is being commenced or with the Attorney
7 General's Office if the forfeiture action is being commenced
8 by that office, and the forwarding of Form 4-64 upon approval
9 of the State's Attorney's Office or the Attorney General's
10 Office to the Illinois State Police Asset Forfeiture Section.
11 With regard to seizures for which Form 4-64 is not required to
12 be filed, the filing requirement shall be met by the filing of
13 an annual summary report with the Illinois State Police no
14 later than 60 days after December 31 of that year.

15 (b) Each law enforcement agency, including a drug task
16 force or Metropolitan Enforcement Group (MEG) unit, that
17 receives proceeds from forfeitures subject to reporting under
18 this Act shall file an annual report with the Illinois State
19 Police no later than 60 days after December 31 of that year.
20 The format of the report shall be developed by the Illinois
21 State Police and shall be completed by the law enforcement
22 agency. The report shall include, at a minimum, the amount of
23 funds and other property distributed to the law enforcement
24 agency by the Illinois State Police, the amount of funds
25 expended by the law enforcement agency, and the category of
26 expenditure, including:

1 (1) crime, gang, or abuse prevention or intervention
2 programs;

3 (2) compensation or services for crime victims;

4 (3) witness protection, informant fees, and controlled
5 purchases of contraband;

6 (4) salaries, overtime, and benefits, as permitted by
7 law;

8 (5) operating expenses, including but not limited to,
9 capital expenditures for vehicles, firearms, equipment,
10 computers, furniture, office supplies, postage, printing,
11 membership fees paid to trade associations, and fees for
12 professional services including auditing, court reporting,
13 expert witnesses, and attorneys;

14 (6) travel, meals, entertainment, conferences,
15 training, and continuing education seminars; and

16 (7) other expenditures of forfeiture proceeds.

17 (c) The Illinois State Police shall establish and maintain
18 on its official website a public database that includes annual
19 aggregate data for each law enforcement agency that reports
20 seizures of property under subsection (a) of this Section,
21 that receives distributions of forfeiture proceeds subject to
22 reporting under this Act, or reports expenditures under
23 subsection (b) of this Section. This aggregate data shall
24 include, for each law enforcement agency:

25 (1) the total number of asset seizures reported by
26 each law enforcement agency during the calendar year;

1 (2) the monetary value of all currency or its
2 equivalent seized by the law enforcement agency during the
3 calendar year;

4 (3) the number of conveyances seized by the law
5 enforcement agency during the calendar year, and the
6 aggregate estimated value;

7 (4) the aggregate estimated value of all other
8 property seized by the law enforcement agency during the
9 calendar year;

10 (5) the monetary value of distributions by the
11 Illinois State Police of forfeited currency or auction
12 proceeds from forfeited property to the law enforcement
13 agency during the calendar year; and

14 (6) the total amount of the law enforcement agency's
15 expenditures of forfeiture proceeds during the calendar
16 year, categorized as provided under subsection (b) of this
17 Section.

18 The database shall not provide names, addresses, phone
19 numbers, or other personally identifying information of owners
20 or interest holders, persons, business entities, covert office
21 locations, or business entities involved in the forfeiture
22 action and shall not disclose the vehicle identification
23 number or serial number of any conveyance.

24 (d) The Illinois State Police shall adopt rules to
25 administer the asset forfeiture program, including the
26 categories of authorized expenditures consistent with the

1 statutory guidelines for each of the included forfeiture
2 statutes, the use of forfeited funds, other expenditure
3 requirements, and the reporting of seizure and forfeiture
4 information. The Illinois State Police may adopt rules
5 necessary to implement this Act through the use of emergency
6 rulemaking under Section 5-45 of the Illinois Administrative
7 Procedure Act for a period not to exceed 180 days after the
8 effective date of this Act.

9 (e) The Illinois State Police shall have authority and
10 oversight over all law enforcement agencies receiving
11 forfeited funds from the Illinois State Police. This authority
12 shall include enforcement of rules and regulations adopted by
13 the Illinois State Police and sanctions for violations of any
14 rules and regulations, including the withholding of
15 distributions of forfeiture proceeds from the law enforcement
16 agency in violation.

17 (f) Upon application by a law enforcement agency to the
18 Illinois State Police, the reporting of a particular asset
19 forfeited under this Section may be delayed if the asset in
20 question was seized from a person who has become a
21 confidential informant under the agency's confidential
22 informant policy, or if the asset was seized as part of an
23 ongoing investigation. This delayed reporting shall be granted
24 by the Illinois State Police for a maximum period of 6 months
25 if the confidential informant is still providing cooperation
26 to law enforcement or the investigation is still ongoing,

1 after which the asset shall be reported as required under this
2 Act.

3 (g) The Illinois State Police shall, on or before January
4 1, 2019, establish and implement the requirements of this Act.
5 ~~In order to implement the reporting and public database~~
6 ~~requirements under this Act, the Illinois State Police Asset~~
7 ~~Forfeiture Section requires a one time upgrade of its~~
8 ~~information technology software and hardware. This one time~~
9 ~~upgrade shall be funded by a temporary allocation of 5% of all~~
10 ~~forfeited currency and 5% of the auction proceeds from each~~
11 ~~forfeited asset, which are to be distributed after the~~
12 ~~effective date of this Act. The Illinois State Police shall~~
13 ~~transfer these funds at the time of distribution to a separate~~
14 ~~fund established by the Illinois State Police. Moneys~~
15 ~~deposited in this fund shall be accounted for and shall be used~~
16 ~~only to pay for the actual one time cost of purchasing and~~
17 ~~installing the hardware and software required to comply with~~
18 ~~this new reporting and public database requirement. Moneys~~
19 ~~deposited in the fund shall not be subject to reappropriation,~~
20 ~~reallocation, or redistribution for any other purpose. After~~
21 ~~sufficient funds are transferred to the fund to cover the~~
22 ~~actual one time cost of purchasing and installing the hardware~~
23 ~~and software required to comply with this new reporting and~~
24 ~~public database requirement, no additional funds shall be~~
25 ~~transferred to the fund for any purpose. At the completion of~~
26 ~~the one time upgrade of the information technology hardware~~

1 ~~and software to comply with this new reporting and public~~
2 ~~database requirement, any remaining funds in the fund shall be~~
3 ~~returned to the participating agencies under the distribution~~
4 ~~requirements of the statutes from which the funds were~~
5 ~~transferred, and the fund shall no longer exist.~~

6 (h) (1) The Illinois State Police, in consultation with and
7 subject to the approval of the Chief Procurement Officer, may
8 procure a single contract or multiple contracts to implement
9 this Act.

10 (2) A contract or contracts under this subsection (h) are
11 not subject to the Illinois Procurement Code, except for
12 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
13 that Code, provided that the Chief Procurement Officer may, in
14 writing with justification, waive any certification required
15 under Article 50 of the Illinois Procurement Code. The
16 provisions of this paragraph (2), other than this sentence,
17 are inoperative on and after July 1, 2019.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 Section 10. The Illinois State Police Law of the Civil
20 Administrative Code of Illinois is amended by changing Section
21 2605-605 as follows:

22 (20 ILCS 2605/2605-605)

23 Sec. 2605-605. Violent Crime Intelligence Task Force. The
24 Director of the Illinois State Police shall establish a

1 statewide multi-jurisdictional Violent Crime Intelligence Task
2 Force led by the Illinois State Police dedicated to combating
3 gun violence, gun-trafficking, and other violent crime with
4 the primary mission of preservation of life and reducing the
5 occurrence and the fear of crime. The objectives of the Task
6 Force shall include, but not be limited to, reducing and
7 preventing illegal possession and use of firearms,
8 firearm-related homicides, and other violent crimes, and
9 solving firearm-related crimes.

10 (1) The Task Force may develop and acquire information,
11 training, tools, and resources necessary to implement a
12 data-driven approach to policing, with an emphasis on
13 intelligence development.

14 (2) The Task Force may utilize information sharing,
15 partnerships, crime analysis, and evidence-based practices to
16 assist in the reduction of firearm-related shootings,
17 homicides, and gun-trafficking, including, but not limited to,
18 ballistic data, eTrace data, DNA evidence, latent
19 fingerprints, firearm training data, and National Integrated
20 Ballistic Information Network (NIBIN) data. The Task Force may
21 design a model crime gun intelligence strategy which may
22 include, but is not limited to, comprehensive collection and
23 documentation of all ballistic evidence, timely transfer of
24 NIBIN and eTrace leads to an intelligence center, which may
25 include the Division of Criminal Investigation of the Illinois
26 State Police, timely dissemination of intelligence to

1 investigators, investigative follow-up, and coordinated
2 prosecution.

3 (3) The Task Force may recognize and utilize best
4 practices of community policing and may develop potential
5 partnerships with faith-based and community organizations to
6 achieve its goals.

7 (4) The Task Force may identify and utilize best practices
8 in drug-diversion programs and other community-based services
9 to redirect low-level offenders.

10 (5) The Task Force may assist in violence suppression
11 strategies including, but not limited to, details in
12 identified locations that have shown to be the most prone to
13 gun violence and violent crime, focused deterrence against
14 violent gangs and groups considered responsible for the
15 violence in communities, and other intelligence driven methods
16 deemed necessary to interrupt cycles of violence or prevent
17 retaliation.

18 (6) In consultation with the Chief Procurement Officer,
19 the Illinois State Police may obtain contracts for software,
20 commodities, resources, and equipment to assist the Task Force
21 with achieving this Act. Any contracts necessary to support
22 the delivery of necessary software, commodities, resources,
23 and equipment are not subject to the Illinois Procurement
24 Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and
25 Article 50 of that Code, provided that the Chief Procurement
26 Officer may, in writing with justification, waive any

1 certification required under Article 50 of the Illinois
2 Procurement Code.

3 (7) The Task Force shall conduct enforcement operations
4 against persons whose Firearm Owner's Identification Cards
5 have been revoked or suspended and persons who fail to comply
6 with the requirements of Section 9.5 of the Firearm Owners
7 Identification Card Act, prioritizing individuals presenting a
8 clear and present danger to themselves or to others under
9 paragraph (2) of subsection (d) of Section 8.1 of the Firearm
10 Owners Identification Card Act.

11 (8) The Task Force shall collaborate with local law
12 enforcement agencies to enforce provisions of the Firearm
13 Owners Identification Card Act, the Firearm Concealed Carry
14 Act, the Firearm Dealer License Certification Act, and Article
15 24 of the Criminal Code of 2012.

16 (9) To implement this Section, the Director of the
17 Illinois State Police may establish intergovernmental
18 agreements with law enforcement agencies in accordance with
19 the Intergovernmental Cooperation Act.

20 (10) Law enforcement agencies that participate in
21 activities described in paragraphs (7) through (9) may apply
22 to the Illinois State Police for grants from the State Police
23 Firearm Revocation Enforcement Fund.

24 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
25 102-813, eff. 5-13-22.)

1 (20 ILCS 2605/2605-378 rep.)

2 Section 15. The Illinois State Police Law of the Civil
3 Administrative Code of Illinois is amended by repealing
4 Section 2605-378.

5 Section 20. The Criminal Identification Act is amended by
6 changing Section 5.2 as follows:

7 (20 ILCS 2630/5.2)

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

9 (a) General Provisions.

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

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

16 Business Offense, Section 5-1-2.

17 Charge, Section 5-1-3.

18 Court, Section 5-1-6.

19 Defendant, Section 5-1-7.

20 Felony, Section 5-1-9.

21 Imprisonment, Section 5-1-10.

22 Judgment, Section 5-1-12.

23 Misdemeanor, Section 5-1-14.

24 Offense, Section 5-1-15.

1 Parole, Section 5-1-16.

2 Petty Offense, Section 5-1-17.

3 Probation, Section 5-1-18.

4 Sentence, Section 5-1-19.

5 Supervision, Section 5-1-21.

6 Victim, Section 5-1-22.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 affected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (D) (blank).

12 (b) Expungement.

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

26 (1.5) When a petitioner seeks to have a record of

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

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

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

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

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

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

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

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

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

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

1 prosecutors from listing under an offender's name the
2 false names he or she has used.

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

19 (6) If a conviction has been set aside on direct
20 review or on collateral attack and the court determines by
21 clear and convincing evidence that the petitioner was
22 factually innocent of the charge, the court that finds the
23 petitioner factually innocent of the charge shall enter an
24 expungement order for the conviction for which the
25 petitioner has been determined to be innocent as provided
26 in subsection (b) of Section 5-5-4 of the Unified Code of

1 Corrections.

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

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

23 (c) Sealing.

24 (1) Applicability. Notwithstanding any other provision
25 of this Act to the contrary, and cumulative with any
26 rights to expungement of criminal records, this subsection

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

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

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

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

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

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

21 (E) Arrests or charges not initiated by arrest
22 resulting in orders of first offender probation under
23 Section 10 of the Cannabis Control Act, Section 410 of
24 the Illinois Controlled Substances Act, Section 70 of
25 the Methamphetamine Control and Community Protection
26 Act, or Section 5-6-3.3 of the Unified Code of

1 Corrections; and

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

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

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

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

17 (C) Except as otherwise provided in subparagraph
18 (E) of this paragraph (3), records identified as
19 eligible under subsections (c)(2)(D), (c)(2)(E), and
20 (c)(2)(F) may be sealed 3 years after the termination
21 of the petitioner's last sentence (as defined in
22 subsection (a)(1)(F)). Convictions requiring public
23 registration under ~~the Arsonist Registration Act,~~ the
24 Sex Offender Registration Act~~,~~ or the Murderer and
25 Violent Offender Against Youth Registration Act may
26 not be sealed until the petitioner is no longer

1 required to register under that relevant Act.

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

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

22 (4) Subsequent felony convictions. A person may not
23 have subsequent felony conviction records sealed as
24 provided in this subsection (c) if he or she is convicted
25 of any felony offense after the date of the sealing of
26 prior felony convictions as provided in this subsection

1 (c). The court may, upon conviction for a subsequent
2 felony offense, order the unsealing of prior felony
3 conviction records previously ordered sealed by the court.

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

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

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

24 (1.5) County fee waiver pilot program. From August 9,
25 2019 (the effective date of Public Act 101-306) through
26 December 31, 2020, in a county of 3,000,000 or more

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

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

24 (3) Drug test. The petitioner must attach to the
25 petition proof that the petitioner has taken within 30
26 days before the filing of the petition a test showing the

1 absence within his or her body of all illegal substances
2 as defined by the Illinois Controlled Substances Act and
3 the Methamphetamine Control and Community Protection Act
4 if he or she is petitioning to:

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

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

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

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

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

20 (5) Objections.

21 (A) Any party entitled to notice of the petition
22 may file an objection to the petition. All objections
23 shall be in writing, shall be filed with the circuit
24 court clerk, and shall state with specificity the
25 basis of the objection. Whenever a person who has been
26 convicted of an offense is granted a pardon by the

1 Governor which specifically authorizes expungement, an
2 objection to the petition may not be filed.

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

6 (6) Entry of order.

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

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

20 (C) Notwithstanding any other provision of law,
21 the court shall not deny a petition for sealing under
22 this Section because the petitioner has not satisfied
23 an outstanding legal financial obligation established,
24 imposed, or originated by a court, law enforcement
25 agency, or a municipal, State, county, or other unit
26 of local government, including, but not limited to,

1 any cost, assessment, fine, or fee. An outstanding
2 legal financial obligation does not include any court
3 ordered restitution to a victim under Section 5-5-6 of
4 the Unified Code of Corrections, unless the
5 restitution has been converted to a civil judgment.
6 Nothing in this subparagraph (C) waives, rescinds, or
7 abrogates a legal financial obligation or otherwise
8 eliminates or affects the right of the holder of any
9 financial obligation to pursue collection under
10 applicable federal, State, or local law.

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

20 (7) Hearings. If an objection is filed, the court
21 shall set a date for a hearing and notify the petitioner
22 and all parties entitled to notice of the petition of the
23 hearing date at least 30 days prior to the hearing. Prior
24 to the hearing, the State's Attorney shall consult with
25 the Illinois State Police as to the appropriateness of the
26 relief sought in the petition to expunge or seal. At the

1 hearing, the court shall hear evidence on whether the
2 petition should or should not be granted, and shall grant
3 or deny the petition to expunge or seal the records based
4 on the evidence presented at the hearing. The court may
5 consider the following:

6 (A) the strength of the evidence supporting the
7 defendant's conviction;

8 (B) the reasons for retention of the conviction
9 records by the State;

10 (C) the petitioner's age, criminal record history,
11 and employment history;

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

15 (E) the specific adverse consequences the
16 petitioner may be subject to if the petition is
17 denied.

18 (8) Service of order. After entering an order to
19 expunge or seal records, the court must provide copies of
20 the order to the Illinois State Police, in a form and
21 manner prescribed by the Illinois State Police, to the
22 petitioner, to the State's Attorney or prosecutor charged
23 with the duty of prosecuting the offense, to the arresting
24 agency, to the chief legal officer of the unit of local
25 government effecting the arrest, and to such other
26 criminal justice agencies as may be ordered by the court.

1 (9) Implementation of order.

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

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

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

22 (iii) in response to an inquiry for expunged
23 records, the court, the Illinois State Police, or
24 the agency receiving such inquiry, shall reply as
25 it does in response to inquiries when no records
26 ever existed.

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

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

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

19 (iii) the records shall be impounded by the
20 Illinois State Police within 60 days of the date
21 of service of the order as ordered by the court,
22 unless a motion to vacate, modify, or reconsider
23 the order is filed pursuant to paragraph (12) of
24 subsection (d) of this Section;

25 (iv) records impounded by the Illinois State
26 Police may be disseminated by the Illinois State

1 Police only as required by law or to the arresting
2 authority, the State's Attorney, and the court
3 upon a later arrest for the same or a similar
4 offense or for the purpose of sentencing for any
5 subsequent felony, and to the Department of
6 Corrections upon conviction for any offense; and

7 (v) in response to an inquiry for such records
8 from anyone not authorized by law to access such
9 records, the court, the Illinois State Police, or
10 the agency receiving such inquiry shall reply as
11 it does in response to inquiries when no records
12 ever existed.

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

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

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

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

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

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

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

24 (C) Upon entry of an order to seal records under
25 subsection (c), the arresting agency, any other agency
26 as ordered by the court, the Illinois State Police,

1 and the court shall seal the records (as defined in
2 subsection (a)(1)(K)). In response to an inquiry for
3 such records, from anyone not authorized by law to
4 access such records, the court, the Illinois State
5 Police, or the agency receiving such inquiry shall
6 reply as it does in response to inquiries when no
7 records ever existed.

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

24 (E) Upon motion, the court may order that a sealed
25 judgment or other court record necessary to
26 demonstrate the amount of any legal financial

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

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

18 (10) Fees. The Illinois State Police may charge the
19 petitioner a fee equivalent to the cost of processing any
20 order to expunge or seal records. Notwithstanding any
21 provision of the Clerks of Courts Act to the contrary, the
22 circuit court clerk may charge a fee equivalent to the
23 cost associated with the sealing or expungement of records
24 by the circuit court clerk. From the total filing fee
25 collected for the petition to seal or expunge, the circuit
26 court clerk shall deposit \$10 into the Circuit Court Clerk

1 Operation and Administrative Fund, to be used to offset
2 the costs incurred by the circuit court clerk in
3 performing the additional duties required to serve the
4 petition to seal or expunge on all parties. The circuit
5 court clerk shall collect and remit the Illinois State
6 Police portion of the fee to the State Treasurer and it
7 shall be deposited in the State Police Services Fund. If
8 the record brought under an expungement petition was
9 previously sealed under this Section, the fee for the
10 expungement petition for that same record shall be waived.

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

16 (12) Motion to Vacate, Modify, or Reconsider. Under
17 Section 2-1203 of the Code of Civil Procedure, the
18 petitioner or any party entitled to notice may file a
19 motion to vacate, modify, or reconsider the order granting
20 or denying the petition to expunge or seal within 60 days
21 of service of the order. If filed more than 60 days after
22 service of the order, a petition to vacate, modify, or
23 reconsider shall comply with subsection (c) of Section
24 2-1401 of the Code of Civil Procedure. Upon filing of a
25 motion to vacate, modify, or reconsider, notice of the
26 motion shall be served upon the petitioner and all parties

1 entitled to notice of the petition.

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

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

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

1 in the case of an appeal, the issuance of that court's
2 mandate.

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

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

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

10 (e-5) Whenever a person who has been convicted of an
11 offense is granted a certificate of eligibility for sealing by
12 the Prisoner Review Board which specifically authorizes
13 sealing, he or she may, upon verified petition to the Chief
14 Judge of the circuit where the person had been convicted, any
15 judge of the circuit designated by the Chief Judge, or in
16 counties of less than 3,000,000 inhabitants, the presiding
17 trial judge at the petitioner's trial, have a court order
18 entered sealing the record of arrest from the official records
19 of the arresting authority and order that the records of the
20 circuit court clerk and the Illinois State Police be sealed
21 until further order of the court upon good cause shown or as
22 otherwise provided herein, and the name of the petitioner
23 obliterated from the official index requested to be kept by
24 the circuit court clerk under Section 16 of the Clerks of
25 Courts Act in connection with the arrest and conviction for
26 the offense for which he or she had been granted the

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

15 (e-6) Whenever a person who has been convicted of an
16 offense is granted a certificate of eligibility for
17 expungement by the Prisoner Review Board which specifically
18 authorizes expungement, he or she may, upon verified petition
19 to the Chief Judge of the circuit where the person had been
20 convicted, any judge of the circuit designated by the Chief
21 Judge, or in counties of less than 3,000,000 inhabitants, the
22 presiding trial judge at the petitioner's trial, have a court
23 order entered expunging the record of arrest from the official
24 records of the arresting authority and order that the records
25 of the circuit court clerk and the Illinois State Police be
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 expunged records of the Illinois State Police
16 pertaining to that individual. Upon entry of the order of
17 expungement, the circuit court clerk shall promptly mail a
18 copy of the order to the person who was granted the certificate
19 of eligibility for expungement.

20 (f) Subject to available funding, the Illinois Department
21 of Corrections shall conduct a study of the impact of sealing,
22 especially on employment and recidivism rates, utilizing a
23 random sample of those who apply for the sealing of their
24 criminal records under Public Act 93-211. At the request of
25 the Illinois Department of Corrections, records of the
26 Illinois Department of Employment Security shall be utilized

1 as appropriate to assist in the study. The study shall not
2 disclose any data in a manner that would allow the
3 identification of any particular individual or employing unit.
4 The study shall be made available to the General Assembly no
5 later than September 1, 2010.

6 (g) Immediate Sealing.

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

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

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

25 (4) Notice of Eligibility for Immediate Sealing. Upon
26 entry of a disposition for an eligible record under this

1 subsection (g), the defendant shall be informed by the
2 court of his or her right to have eligible records
3 immediately sealed and the procedure for the immediate
4 sealing of these records.

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

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

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

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

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

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

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

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

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

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

26 (J) Final Order. No court order issued under this

1 subsection (g) shall become final for purposes of
2 appeal until 30 days after service of the order on the
3 petitioner and all parties entitled to service of the
4 order in conformance with subsection (d) (8).

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

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

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

1 parties entitled to service of the order must fully
2 comply with the terms of the order within 60 days of
3 service of the order.

4 (h) Sealing or vacation and expungement of trafficking
5 victims' crimes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (ii) the conviction identified in paragraph

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (j) Felony Prostitution Convictions.

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

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

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

8 (B) the petitioner's age;

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

10 and

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

1 include more than one individual.

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

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

12 (B) the petitioner's age;

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

14 (D) the time since the conviction; and

15 (E) the specific adverse consequences if denied.

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

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

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

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

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

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

17 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
18 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
19 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

20 Section 25. The Illinois Vehicle Hijacking and Motor
21 Vehicle Theft Prevention and Insurance Verification Act is
22 amended by changing Section 8.6 as follows:

23 (20 ILCS 4005/8.6)

24 Sec. 8.6. Private passenger motor vehicle insurance. ~~State~~

1 ~~Police Training and Academy Fund; Law Enforcement Training~~
2 ~~Fund.~~ Before April 1 of each year, each insurer engaged in
3 writing private passenger motor vehicle insurance coverage
4 that is included in Class 2 and Class 3 of Section 4 of the
5 Illinois Insurance Code, as a condition of its authority to
6 transact business in this State, may collect and shall pay to
7 the Department of Insurance an amount equal to \$4, or a lesser
8 amount determined by the Illinois Law Enforcement Training
9 Standards Board by rule, multiplied by the insurer's total
10 earned car years of private passenger motor vehicle insurance
11 policies providing physical damage insurance coverage written
12 in this State during the preceding calendar year. Of the
13 amounts collected under this Section, the Department of
14 Insurance shall deposit 10% into the State Police Law
15 Enforcement Administration Fund ~~State Police Training and~~
16 ~~Academy Fund~~ and 90% into the Law Enforcement Training Fund.

17 (Source: P.A. 102-16, eff. 6-17-21; 102-775, eff. 5-13-22;
18 102-1071, eff. 6-10-22; 103-154, eff. 6-30-23.)

19 Section 30. The State Finance Act is amended by changing
20 Sections 5.946, 5.963, 6z-106, 6z-125, and 6z-127 as follows:

21 (30 ILCS 105/5.946)

22 Sec. 5.946. The State Police Training and Academy Fund.
23 This Section is repealed on January 1, 2025.

24 (Source: P.A. 102-16, eff. 6-17-21; 102-813, eff. 5-13-22.)

1 (30 ILCS 105/5.963)

2 Sec. 5.963. The State Police Firearm Revocation
3 Enforcement Fund.

4 (Source: P.A. 102-237, eff. 1-1-22; 102-813, eff. 5-13-22.)

5 (30 ILCS 105/6z-106)

6 Sec. 6z-106. State Police Law Enforcement Administration
7 Fund.

8 (a) There is created in the State treasury a special fund
9 known as the State Police Law Enforcement Administration Fund.
10 The Fund shall receive revenue under subsection (c) of Section
11 10-5 of the Criminal and Traffic Assessment Act and Section
12 500-135 of the Illinois Insurance Code. The Fund shall also
13 receive the moneys designated to be paid in to the Fund under
14 subsection (a-5) of Section 500-135 of the Illinois Insurance
15 Code and Section 8.6 of the Illinois Vehicle Hijacking and
16 Motor Vehicle Theft Prevention and Insurance Verification Act.
17 The Fund may also receive revenue from grants, donations,
18 appropriations, and any other legal source.

19 (b) The Illinois State Police may use moneys in the Fund to
20 finance any of its lawful purposes or functions, including,
21 but not limited to, training for forensic laboratory personnel
22 and other State Police personnel. However, ~~+~~ however, the
23 primary purpose of the Fund shall be to finance State Police
24 cadet classes in May and October of each year.

1 (c) Expenditures may be made from the Fund only as
2 appropriated by the General Assembly by law.

3 (d) Investment income that is attributable to the
4 investment of moneys in the Fund shall be retained in the Fund
5 for the uses specified in this Section.

6 (e) The State Police Law Enforcement Administration Fund
7 shall not be subject to administrative chargebacks.

8 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

9 (30 ILCS 105/6z-125)

10 Sec. 6z-125. State Police Training and Academy Fund. The
11 State Police Training and Academy Fund is hereby created as a
12 special fund in the State treasury. Moneys in the Fund shall
13 consist of: (i) 10% of the revenue from increasing the
14 insurance producer license fees, as provided under subsection
15 (a-5) of Section 500-135 of the Illinois Insurance Code; and
16 (ii) 10% of the moneys collected from auto insurance policy
17 fees under Section 8.6 of the Illinois Vehicle Hijacking and
18 Motor Vehicle Theft Prevention and Insurance Verification Act.
19 This Fund shall be used by the Illinois State Police to fund
20 training and other State Police institutions, including, but
21 not limited to, forensic laboratories. On July 1, 2024, or as
22 soon thereafter as possible, the balance remaining in the
23 State Police Training and Academy Fund shall be transferred to
24 the State Police Law Enforcement Administration Fund. The
25 State Police Training and Academy Fund is dissolved upon that

1 transfer. This Section is repealed on January 1, 2025.

2 (Source: P.A. 102-16, eff. 6-17-21; 102-813, eff. 5-13-22;
3 102-904, eff. 1-1-23.)

4 (30 ILCS 105/6z-127)

5 Sec. 6z-127. State Police Firearm ~~Revocation~~ Enforcement
6 Fund.

7 (a) The State Police Firearm ~~Revocation~~ Enforcement Fund
8 is established as a special fund in the State treasury. This
9 Fund is established to receive moneys from the Firearm Owners
10 Identification Card Act to enforce that Act, the Firearm
11 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
12 and other firearm offenses. The Fund may also receive revenue
13 from grants, donations, appropriations, and any other legal
14 source.

15 (b) The Illinois State Police may use moneys from the Fund
16 to establish task forces and, if necessary, include other law
17 enforcement agencies, under intergovernmental contracts
18 written and executed in conformity with the Intergovernmental
19 Cooperation Act.

20 (c) The Illinois State Police may use moneys in the Fund to
21 hire and train State Police officers and for the prevention of
22 violent crime.

23 (d) The State Police Firearm ~~Revocation~~ Enforcement Fund
24 is not subject to administrative chargebacks.

25 (e) Law enforcement agencies that participate in Firearm

1 Owner's Identification Card revocation enforcement in the
2 Violent Crime Intelligence Task Force may apply for grants
3 from the Illinois State Police.

4 (f) Any surplus in the Fund beyond what is necessary to
5 ensure compliance with subsections (a) through (e) or moneys
6 that are specifically appropriated for those purposes shall be
7 used by the Illinois State Police to award grants to assist
8 with the data reporting requirements of the Gun Trafficking
9 Information Act.

10 (Source: P.A. 102-237, eff. 1-1-22; 102-813, eff. 5-13-22;
11 103-34, eff. 6-9-23.)

12 Section 35. The School Code is amended by changing
13 Sections 10-27.1A and 10-27.1B as follows:

14 (105 ILCS 5/10-27.1A)

15 Sec. 10-27.1A. Firearms in schools.

16 (a) All school officials, including teachers, school
17 counselors, and support staff, shall immediately notify the
18 office of the principal in the event that they observe any
19 person in possession of a firearm on school grounds; provided
20 that taking such immediate action to notify the office of the
21 principal would not immediately endanger the health, safety,
22 or welfare of students who are under the direct supervision of
23 the school official or the school official. If the health,
24 safety, or welfare of students under the direct supervision of

1 the school official or of the school official is immediately
2 endangered, the school official shall notify the office of the
3 principal as soon as the students under his or her supervision
4 and he or she are no longer under immediate danger. A report is
5 not required by this Section when the school official knows
6 that the person in possession of the firearm is a law
7 enforcement official engaged in the conduct of his or her
8 official duties. Any school official acting in good faith who
9 makes such a report under this Section shall have immunity
10 from any civil or criminal liability that might otherwise be
11 incurred as a result of making the report. The identity of the
12 school official making such report shall not be disclosed
13 except as expressly and specifically authorized by law.
14 Knowingly and willfully failing to comply with this Section is
15 a petty offense. A second or subsequent offense is a Class C
16 misdemeanor.

17 (b) Upon receiving a report from any school official
18 pursuant to this Section, or from any other person, the
19 principal or his or her designee shall immediately notify a
20 local law enforcement agency. If the person found to be in
21 possession of a firearm on school grounds is a student, the
22 principal or his or her designee shall also immediately notify
23 that student's parent or guardian. Any principal or his or her
24 designee acting in good faith who makes such reports under
25 this Section shall have immunity from any civil or criminal
26 liability that might otherwise be incurred or imposed as a

1 result of making the reports. Knowingly and willfully failing
2 to comply with this Section is a petty offense. A second or
3 subsequent offense is a Class C misdemeanor. If the person
4 found to be in possession of the firearm on school grounds is a
5 minor, the law enforcement agency shall detain that minor
6 until such time as the agency makes a determination pursuant
7 to clause (a) of subsection (1) of Section 5-401 of the
8 Juvenile Court Act of 1987, as to whether the agency
9 reasonably believes that the minor is delinquent. If the law
10 enforcement agency determines that probable cause exists to
11 believe that the minor committed a violation of item (4) of
12 subsection (a) of Section 24-1 of the Criminal Code of 2012
13 while on school grounds, the agency shall detain the minor for
14 processing pursuant to Section 5-407 of the Juvenile Court Act
15 of 1987.

16 (c) Upon receipt of any written, electronic, or verbal
17 report from any school personnel regarding a verified incident
18 involving a firearm in a school or on school owned or leased
19 property, including any conveyance owned, leased, or used by
20 the school for the transport of students or school personnel,
21 the superintendent or his or her designee shall report all
22 such firearm-related incidents occurring in a school or on
23 school property to the local law enforcement authorities
24 immediately, ~~who shall report to the Illinois State Police in~~
25 ~~a form, manner, and frequency as prescribed by the Illinois~~
26 ~~State Police.~~

1 ~~The State Board of Education shall receive an annual~~
2 ~~statistical compilation and related data associated with~~
3 ~~incidents involving firearms in schools from the Illinois~~
4 ~~State Police. The State Board of Education shall compile this~~
5 ~~information by school district and make it available to the~~
6 ~~public.~~

7 (c-5) Schools shall report any written, electronic, or
8 verbal report of a verified incident involving a firearm made
9 under subsection (c) to the State Board of Education through
10 existing school incident reporting systems as they occur
11 during the year by no later than August 1 of each year. The
12 State Board of Education shall report data by school district,
13 as collected from school districts, and make it available to
14 the public via its website. The local law enforcement
15 authority shall, by March 1 of each year, report the required
16 data from the previous year to the Illinois State Police's
17 Illinois Uniform Crime Reporting Program, which shall be
18 included in its annual Crime in Illinois report.

19 (d) As used in this Section, the term "firearm" shall have
20 the meaning ascribed to it in Section 1.1 of the Firearm Owners
21 Identification Card Act.

22 As used in this Section, the term "school" means any
23 public or private elementary or secondary school.

24 As used in this Section, the term "school grounds"
25 includes the real property comprising any school, any
26 conveyance owned, leased, or contracted by a school to

1 transport students to or from school or a school-related
2 activity, or any public way within 1,000 feet of the real
3 property comprising any school.

4 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
5 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

6 (105 ILCS 5/10-27.1B)

7 Sec. 10-27.1B. Reporting drug-related incidents in
8 schools.

9 (a) In this Section:

10 "Drug" means "cannabis" as defined under subsection (a) of
11 Section 3 of the Cannabis Control Act, "narcotic drug" as
12 defined under subsection (aa) of Section 102 of the Illinois
13 Controlled Substances Act, or "methamphetamine" as defined
14 under Section 10 of the Methamphetamine Control and Community
15 Protection Act.

16 "School" means any public or private elementary or
17 secondary school.

18 (b) Upon receipt of any written, electronic, or verbal
19 report from any school personnel regarding a verified incident
20 involving drugs in a school or on school owned or leased
21 property, including any conveyance owned, leased, or used by
22 the school for the transport of students or school personnel,
23 the superintendent or his or her designee, or other
24 appropriate administrative officer for a private school, shall
25 report all such drug-related incidents occurring in a school

1 or on school property to the local law enforcement authorities
2 immediately ~~and to the Illinois State Police in a form,~~
3 ~~manner, and frequency as prescribed by the Illinois State~~
4 ~~Police.~~

5 (c) (Blank). ~~The State Board of Education shall receive an~~
6 ~~annual statistical compilation and related data associated~~
7 ~~with drug related incidents in schools from the Illinois State~~
8 ~~Police. The State Board of Education shall compile this~~
9 ~~information by school district and make it available to the~~
10 ~~public.~~

11 (d) Schools shall report any written, electronic, or
12 verbal report of an incident involving drugs made under
13 subsection (b) to the State Board of Education through
14 existing school incident reporting systems as they occur
15 during the year by no later than August 1 of each year. The
16 State Board of Education shall report data by school district,
17 as collected from school districts, and make it available to
18 the public via its website. The local law enforcement
19 authority shall, by March 1 of each year, report the required
20 data from the previous year to the Illinois State Police's
21 Illinois Uniform Crime Reporting Program, which shall be
22 included in its annual Crime in Illinois report.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 Section 40. The Illinois Insurance Code is amended by
25 changing Section 500-135 as follows:

1 (215 ILCS 5/500-135)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 500-135. Fees.

4 (a) The fees required by this Article are as follows:

5 (1) a fee of \$215 for a person who is a resident of
6 Illinois, and \$380 for a person who is not a resident of
7 Illinois, payable once every 2 years for an insurance
8 producer license;

9 (2) a fee of \$50 for the issuance of a temporary
10 insurance producer license;

11 (3) a fee of \$150 payable once every 2 years for a
12 business entity;

13 (4) an annual \$50 fee for a limited line producer
14 license issued under items (1) through (8) of subsection
15 (a) of Section 500-100;

16 (5) a \$50 application fee for the processing of a
17 request to take the written examination for an insurance
18 producer license;

19 (6) an annual registration fee of \$1,000 for
20 registration of an education provider;

21 (7) a certification fee of \$50 for each certified
22 pre-licensing or continuing education course and an annual
23 fee of \$20 for renewing the certification of each such
24 course;

25 (8) a fee of \$215 for a person who is a resident of

1 Illinois, and \$380 for a person who is not a resident of
2 Illinois, payable once every 2 years for a car rental
3 limited line license;

4 (9) a fee of \$200 payable once every 2 years for a
5 limited lines license other than the licenses issued under
6 items (1) through (8) of subsection (a) of Section
7 500-100, a car rental limited line license, or a
8 self-service storage facility limited line license;

9 (10) a fee of \$50 payable once every 2 years for a
10 self-service storage facility limited line license.

11 (a-5) Beginning on July 1, 2021, an amount equal to the
12 additional amount of revenue collected under paragraphs (1)
13 and (8) of subsection (a) as a result of the increase in the
14 fees under this amendatory Act of the 102nd General Assembly
15 shall be transferred annually, with 10% of that amount paid
16 into the State Police Law Enforcement Administration Fund
17 ~~State Police Training and Academy Fund~~ and 90% of that amount
18 paid into the Law Enforcement Training Fund.

19 (b) Except as otherwise provided, all fees paid to and
20 collected by the Director under this Section shall be paid
21 promptly after receipt thereof, together with a detailed
22 statement of such fees, into a special fund in the State
23 Treasury to be known as the Insurance Producer Administration
24 Fund. The moneys deposited into the Insurance Producer
25 Administration Fund may be used only for payment of the
26 expenses of the Department in the execution, administration,

1 and enforcement of the insurance laws of this State, and shall
2 be appropriated as otherwise provided by law for the payment
3 of those expenses with first priority being any expenses
4 incident to or associated with the administration and
5 enforcement of this Article.

6 (Source: P.A. 102-16, eff. 6-17-21.)

7 Section 45. The Illinois Gambling Act is amended by
8 changing Sections 7.7 and 22 as follows:

9 (230 ILCS 10/7.7)

10 Sec. 7.7. Organization gaming licenses.

11 (a) The Illinois Gaming Board shall award one organization
12 gaming license to each person or entity having operating
13 control of a racetrack that applies under Section 56 of the
14 Illinois Horse Racing Act of 1975, subject to the application
15 and eligibility requirements of this Section. Within 60 days
16 after the effective date of this amendatory Act of the 101st
17 General Assembly, a person or entity having operating control
18 of a racetrack may submit an application for an organization
19 gaming license. The application shall be made on such forms as
20 provided by the Board and shall contain such information as
21 the Board prescribes, including, but not limited to, the
22 identity of any racetrack at which gaming will be conducted
23 pursuant to an organization gaming license, detailed
24 information regarding the ownership and management of the

1 applicant, and detailed personal information regarding the
2 applicant. The application shall specify the number of gaming
3 positions the applicant intends to use and the place where the
4 organization gaming facility will operate. A person who
5 knowingly makes a false statement on an application is guilty
6 of a Class A misdemeanor.

7 Each applicant shall disclose the identity of every person
8 or entity having a direct or indirect pecuniary interest
9 greater than 1% in any racetrack with respect to which the
10 license is sought. If the disclosed entity is a corporation,
11 the applicant shall disclose the names and addresses of all
12 officers, stockholders, and directors. If the disclosed entity
13 is a limited liability company, the applicant shall disclose
14 the names and addresses of all members and managers. If the
15 disclosed entity is a partnership, the applicant shall
16 disclose the names and addresses of all partners, both general
17 and limited. If the disclosed entity is a trust, the applicant
18 shall disclose the names and addresses of all beneficiaries.

19 An application shall be filed and considered in accordance
20 with the rules of the Board. Each application for an
21 organization gaming license shall include a nonrefundable
22 application fee of \$250,000. In addition, a nonrefundable fee
23 of \$50,000 shall be paid at the time of filing to defray the
24 costs associated with background investigations conducted by
25 the Board. If the costs of the background investigation exceed
26 \$50,000, the applicant shall pay the additional amount to the

1 Board within 7 days after a request by the Board. If the costs
2 of the investigation are less than \$50,000, the applicant
3 shall receive a refund of the remaining amount. All
4 information, records, interviews, reports, statements,
5 memoranda, or other data supplied to or used by the Board in
6 the course of this review or investigation of an applicant for
7 an organization gaming license under this Act shall be
8 privileged and strictly confidential and shall be used only
9 for the purpose of evaluating an applicant for an organization
10 gaming license or a renewal. Such information, records,
11 interviews, reports, statements, memoranda, or other data
12 shall not be admissible as evidence nor discoverable in any
13 action of any kind in any court or before any tribunal, board,
14 agency or person, except for any action deemed necessary by
15 the Board. The application fee shall be deposited into the
16 State Gaming Fund.

17 Any applicant or key person, including the applicant's
18 owners, officers, directors (if a corporation), managers and
19 members (if a limited liability company), and partners (if a
20 partnership), for an organization gaming license shall submit
21 with his or her application, on forms provided by the Board, 2
22 sets of ~~have his or her~~ fingerprints. The board shall charge
23 each applicant a fee set by ~~submitted to~~ the Illinois State
24 Police to defray the costs associated with the search and
25 classification of fingerprints obtained by the Board with
26 respect to the applicant's application. The fees ~~in an~~

1 ~~electronic format that complies with the form and manner for~~
2 ~~requesting and furnishing criminal history record information~~
3 ~~as prescribed by the Illinois State Police. These fingerprints~~
4 ~~shall be checked against the Illinois State Police and Federal~~
5 ~~Bureau of Investigation criminal history record databases now~~
6 ~~and hereafter filed, including, but not limited to, civil,~~
7 ~~criminal, and latent fingerprint databases. The Illinois State~~
8 ~~Police shall charge applicants a fee for conducting the~~
9 ~~criminal history records check, which shall be deposited into~~
10 ~~the State Police Services Fund and shall not exceed the actual~~
11 ~~cost of the records check. The Illinois State Police shall~~
12 ~~furnish, pursuant to positive identification, records of~~
13 ~~Illinois criminal history to the Illinois State Police.~~

14 (b) The Board shall determine within 120 days after
15 receiving an application for an organization gaming license
16 whether to grant an organization gaming license to the
17 applicant. If the Board does not make a determination within
18 that time period, then the Board shall give a written
19 explanation to the applicant as to why it has not reached a
20 determination and when it reasonably expects to make a
21 determination.

22 The organization gaming licensee shall purchase up to the
23 amount of gaming positions authorized under this Act within
24 120 days after receiving its organization gaming license. If
25 an organization gaming licensee is prepared to purchase the
26 gaming positions, but is temporarily prohibited from doing so

1 by order of a court of competent jurisdiction or the Board,
2 then the 120-day period is tolled until a resolution is
3 reached.

4 An organization gaming license shall authorize its holder
5 to conduct gaming under this Act at its racetracks on the same
6 days of the year and hours of the day that owners licenses are
7 allowed to operate under approval of the Board.

8 An organization gaming license and any renewal of an
9 organization gaming license shall authorize gaming pursuant to
10 this Section for a period of 4 years. The fee for the issuance
11 or renewal of an organization gaming license shall be
12 \$250,000.

13 All payments by licensees under this subsection (b) shall
14 be deposited into the Rebuild Illinois Projects Fund.

15 (c) To be eligible to conduct gaming under this Section, a
16 person or entity having operating control of a racetrack must
17 (i) obtain an organization gaming license, (ii) hold an
18 organization license under the Illinois Horse Racing Act of
19 1975, (iii) hold an inter-track wagering license, (iv) pay an
20 initial fee of \$30,000 per gaming position from organization
21 gaming licensees where gaming is conducted in Cook County and,
22 except as provided in subsection (c-5), \$17,500 for
23 organization gaming licensees where gaming is conducted
24 outside of Cook County before beginning to conduct gaming plus
25 make the reconciliation payment required under subsection (k),
26 (v) conduct live racing in accordance with subsections (e-1),

1 (e-2), and (e-3) of Section 20 of the Illinois Horse Racing Act
2 of 1975, (vi) meet the requirements of subsection (a) of
3 Section 56 of the Illinois Horse Racing Act of 1975, (vii) for
4 organization licensees conducting standardbred race meetings,
5 keep backstretch barns and dormitories open and operational
6 year-round unless a lesser schedule is mutually agreed to by
7 the organization licensee and the horsemen association racing
8 at that organization licensee's race meeting, (viii) for
9 organization licensees conducting thoroughbred race meetings,
10 the organization licensee must maintain accident medical
11 expense liability insurance coverage of \$1,000,000 for
12 jockeys, and (ix) meet all other requirements of this Act that
13 apply to owners licensees.

14 An organization gaming licensee may enter into a joint
15 venture with a licensed owner to own, manage, conduct, or
16 otherwise operate the organization gaming licensee's
17 organization gaming facilities, unless the organization gaming
18 licensee has a parent company or other affiliated company that
19 is, directly or indirectly, wholly owned by a parent company
20 that is also licensed to conduct organization gaming, casino
21 gaming, or their equivalent in another state.

22 All payments by licensees under this subsection (c) shall
23 be deposited into the Rebuild Illinois Projects Fund.

24 (c-5) A person or entity having operating control of a
25 racetrack located in Madison County shall only pay the initial
26 fees specified in subsection (c) for 540 of the gaming

1 positions authorized under the license.

2 (d) A person or entity is ineligible to receive an
3 organization gaming license if:

4 (1) the person or entity has been convicted of a
5 felony under the laws of this State, any other state, or
6 the United States, including a conviction under the
7 Racketeer Influenced and Corrupt Organizations Act;

8 (2) the person or entity has been convicted of any
9 violation of Article 28 of the Criminal Code of 2012, or
10 substantially similar laws of any other jurisdiction;

11 (3) the person or entity has submitted an application
12 for a license under this Act that contains false
13 information;

14 (4) the person is a member of the Board;

15 (5) a person defined in (1), (2), (3), or (4) of this
16 subsection (d) is an officer, director, or managerial
17 employee of the entity;

18 (6) the person or entity employs a person defined in
19 (1), (2), (3), or (4) of this subsection (d) who
20 participates in the management or operation of gambling
21 operations authorized under this Act; or

22 (7) a license of the person or entity issued under
23 this Act or a license to own or operate gambling
24 facilities in any other jurisdiction has been revoked.

25 (e) The Board may approve gaming positions pursuant to an
26 organization gaming license statewide as provided in this

1 Section. The authority to operate gaming positions under this
2 Section shall be allocated as follows: up to 1,200 gaming
3 positions for any organization gaming licensee in Cook County
4 and up to 900 gaming positions for any organization gaming
5 licensee outside of Cook County.

6 (f) Each applicant for an organization gaming license
7 shall specify in its application for licensure the number of
8 gaming positions it will operate, up to the applicable
9 limitation set forth in subsection (e) of this Section. Any
10 unreserved gaming positions that are not specified shall be
11 forfeited and retained by the Board. For the purposes of this
12 subsection (f), an organization gaming licensee that did not
13 conduct live racing in 2010 and is located within 3 miles of
14 the Mississippi River may reserve up to 900 positions and
15 shall not be penalized under this Section for not operating
16 those positions until it meets the requirements of subsection
17 (e) of this Section, but such licensee shall not request
18 unreserved gaming positions under this subsection (f) until
19 its 900 positions are all operational.

20 Thereafter, the Board shall publish the number of
21 unreserved gaming positions and shall accept requests for
22 additional positions from any organization gaming licensee
23 that initially reserved all of the positions that were
24 offered. The Board shall allocate expeditiously the unreserved
25 gaming positions to requesting organization gaming licensees
26 in a manner that maximizes revenue to the State. The Board may

1 allocate any such unused gaming positions pursuant to an open
2 and competitive bidding process, as provided under Section 7.5
3 of this Act. This process shall continue until all unreserved
4 gaming positions have been purchased. All positions obtained
5 pursuant to this process and all positions the organization
6 gaming licensee specified it would operate in its application
7 must be in operation within 18 months after they were obtained
8 or the organization gaming licensee forfeits the right to
9 operate those positions, but is not entitled to a refund of any
10 fees paid. The Board may, after holding a public hearing,
11 grant extensions so long as the organization gaming licensee
12 is working in good faith to make the positions operational.
13 The extension may be for a period of 6 months. If, after the
14 period of the extension, the organization gaming licensee has
15 not made the positions operational, then another public
16 hearing must be held by the Board before it may grant another
17 extension.

18 Unreserved gaming positions retained from and allocated to
19 organization gaming licensees by the Board pursuant to this
20 subsection (f) shall not be allocated to owners licensees
21 under this Act.

22 For the purpose of this subsection (f), the unreserved
23 gaming positions for each organization gaming licensee shall
24 be the applicable limitation set forth in subsection (e) of
25 this Section, less the number of reserved gaming positions by
26 such organization gaming licensee, and the total unreserved

1 gaming positions shall be the aggregate of the unreserved
2 gaming positions for all organization gaming licensees.

3 (g) An organization gaming licensee is authorized to
4 conduct the following at a racetrack:

5 (1) slot machine gambling;

6 (2) video game of chance gambling;

7 (3) gambling with electronic gambling games as defined
8 in this Act or defined by the Illinois Gaming Board; and

9 (4) table games.

10 (h) Subject to the approval of the Illinois Gaming Board,
11 an organization gaming licensee may make modification or
12 additions to any existing buildings and structures to comply
13 with the requirements of this Act. The Illinois Gaming Board
14 shall make its decision after consulting with the Illinois
15 Racing Board. In no case, however, shall the Illinois Gaming
16 Board approve any modification or addition that alters the
17 grounds of the organization licensee such that the act of live
18 racing is an ancillary activity to gaming authorized under
19 this Section. Gaming authorized under this Section may take
20 place in existing structures where inter-track wagering is
21 conducted at the racetrack or a facility within 300 yards of
22 the racetrack in accordance with the provisions of this Act
23 and the Illinois Horse Racing Act of 1975.

24 (i) An organization gaming licensee may conduct gaming at
25 a temporary facility pending the construction of a permanent
26 facility or the remodeling or relocation of an existing

1 facility to accommodate gaming participants for up to 24
2 months after the temporary facility begins to conduct gaming
3 authorized under this Section. Upon request by an organization
4 gaming licensee and upon a showing of good cause by the
5 organization gaming licensee, the Board shall extend the
6 period during which the licensee may conduct gaming authorized
7 under this Section at a temporary facility by up to 12 months.
8 The Board shall make rules concerning the conduct of gaming
9 authorized under this Section from temporary facilities.

10 The gaming authorized under this Section may take place in
11 existing structures where inter-track wagering is conducted at
12 the racetrack or a facility within 300 yards of the racetrack
13 in accordance with the provisions of this Act and the Illinois
14 Horse Racing Act of 1975.

15 (i-5) Under no circumstances shall an organization gaming
16 licensee conduct gaming at any State or county fair.

17 (j) The Illinois Gaming Board must adopt emergency rules
18 in accordance with Section 5-45 of the Illinois Administrative
19 Procedure Act as necessary to ensure compliance with the
20 provisions of this amendatory Act of the 101st General
21 Assembly concerning the conduct of gaming by an organization
22 gaming licensee. The adoption of emergency rules authorized by
23 this subsection (j) shall be deemed to be necessary for the
24 public interest, safety, and welfare.

25 (k) Each organization gaming licensee who obtains gaming
26 positions must make a reconciliation payment 3 years after the

1 date the organization gaming licensee begins operating the
2 positions in an amount equal to 75% of the difference between
3 its adjusted gross receipts from gaming authorized under this
4 Section and amounts paid to its purse accounts pursuant to
5 item (1) of subsection (b) of Section 56 of the Illinois Horse
6 Racing Act of 1975 for the 12-month period for which such
7 difference was the largest, minus an amount equal to the
8 initial per position fee paid by the organization gaming
9 licensee. If this calculation results in a negative amount,
10 then the organization gaming licensee is not entitled to any
11 reimbursement of fees previously paid. This reconciliation
12 payment may be made in installments over a period of no more
13 than 6 years.

14 All payments by licensees under this subsection (k) shall
15 be deposited into the Rebuild Illinois Projects Fund.

16 (1) As soon as practical after a request is made by the
17 Illinois Gaming Board, to minimize duplicate submissions by
18 the applicant, the Illinois Racing Board must provide
19 information on an applicant for an organization gaming license
20 to the Illinois Gaming Board.

21 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19;
22 101-648, eff. 6-30-20; 102-538, eff. 8-20-21.)

23 (230 ILCS 10/22) (from Ch. 120, par. 2422)

24 Sec. 22. Criminal history record information. Whenever the
25 Board is authorized or required by law, including, but not

1 limited to, requirements under Sections 6, 7, 7.4, 7.7, and 9
2 of this Act, to consider some aspect of criminal history
3 record information for the purpose of carrying out its
4 statutory powers and responsibilities, the Board shall, in the
5 form and manner required by the Illinois State Police and the
6 Federal Bureau of Investigation, cause to be conducted a
7 criminal history record investigation to obtain any
8 information currently or thereafter contained in the files of
9 the Illinois State Police or the Federal Bureau of
10 Investigation, including, but not limited to, civil, criminal,
11 and latent fingerprint databases. To facilitate this
12 investigation, the Board shall direct each ~~Each~~ applicant for
13 ~~occupational~~ licensing under sections 6, 7, 7.4, 7.7, and
14 ~~Section~~ 9 or key person as defined by the Board in
15 administrative rules to ~~shall~~ submit his or her fingerprints
16 to the Illinois State Police in the form and manner prescribed
17 by the Illinois State Police. These fingerprints shall be
18 checked against the fingerprint records now and hereafter
19 filed in the Illinois State Police and Federal Bureau of
20 Investigation criminal history records databases, including,
21 but not limited to, civil, criminal, and latent fingerprint
22 databases. The Illinois State Police shall charge a fee for
23 conducting the criminal history records check, which shall be
24 deposited in the State Police Services Fund and shall not
25 exceed the actual cost of the records check. The Illinois
26 State Police shall provide, on the Board's request,

1 information concerning any criminal charges, and their
2 disposition, currently or thereafter filed against any
3 applicant, key person, or holder of any license or for
4 determinations of suitability. Information obtained as a
5 result of an investigation under this Section shall be used in
6 determining eligibility for any license. Upon request and
7 payment of fees in conformance with the requirements of
8 Section 2605-400 of the Illinois State Police Law, the
9 Illinois State Police is authorized to furnish, pursuant to
10 positive identification, such information contained in State
11 files as is necessary to fulfill the request.

12 (Source: P.A. 101-597, eff. 12-6-19; 102-538, eff. 8-20-21.)

13 Section 50. The Firearm Owners Identification Card Act is
14 amended by changing Section 5 as follows

15 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

16 Sec. 5. Application and renewal.

17 (a) The Illinois State Police shall either approve or deny
18 all applications within 30 days from the date they are
19 received, except as provided in subsections (b) and (c), and
20 every applicant found qualified under Section 8 of this Act by
21 the Illinois State Police shall be entitled to a Firearm
22 Owner's Identification Card upon the payment of a \$10 fee and
23 applicable processing fees. The processing fees shall be
24 limited to charges by the State Treasurer for using the

1 electronic online payment system. Any applicant who is an
2 active duty member of the Armed Forces of the United States, a
3 member of the Illinois National Guard, or a member of the
4 Reserve Forces of the United States is exempt from the
5 application fee. \$5 of each fee derived from the issuance of a
6 Firearm Owner's Identification Card or renewals thereof shall
7 be deposited in the State Police Firearm Services Fund and \$5
8 into the State Police Firearm ~~Revocation~~ Enforcement Fund.

9 (b) Renewal applications shall be approved or denied
10 within 60 business days, provided the applicant submitted his
11 or her renewal application prior to the expiration of his or
12 her Firearm Owner's Identification Card. If a renewal
13 application has been submitted prior to the expiration date of
14 the applicant's Firearm Owner's Identification Card, the
15 Firearm Owner's Identification Card shall remain valid while
16 the Illinois State Police processes the application, unless
17 the person is subject to or becomes subject to revocation
18 under this Act. The cost for a renewal application shall be \$10
19 and may include applicable processing fees, which shall be
20 limited to charges by the State Treasurer for using the
21 electronic online payment system, which shall be deposited
22 into the State Police Firearm Services Fund.

23 (c) If the Firearm Owner's Identification Card of a
24 licensee under the Firearm Concealed Carry Act expires during
25 the term of the licensee's concealed carry license, the
26 Firearm Owner's Identification Card and the license remain

1 valid and the licensee does not have to renew his or her
2 Firearm Owner's Identification Card during the duration of the
3 concealed carry license. Unless the Illinois State Police has
4 reason to believe the licensee is no longer eligible for the
5 card, the Illinois State Police may automatically renew the
6 licensee's Firearm Owner's Identification Card and send a
7 renewed Firearm Owner's Identification Card to the licensee.

8 (d) The Illinois State Police may adopt rules concerning
9 the use of voluntarily submitted fingerprints, as allowed by
10 State and federal law.

11 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
12 102-813, eff. 5-13-22.)

13 Section 55. The Criminal Code of 2012 is amended by
14 changing Sections 29B-7 and 29B-12 as follows:

15 (720 ILCS 5/29B-7)

16 Sec. 29B-7. Safekeeping of seized property pending
17 disposition.

18 (a) If property is seized under this Article, the seizing
19 agency shall promptly conduct an inventory of the seized
20 property and estimate the property's value and shall forward a
21 copy of the inventory of seized property and the estimate of
22 the property's value to the Director. Upon receiving notice of
23 seizure, the Director may:

24 (1) place the property under seal;

1 (2) remove the property to a place designated by the
2 Director;

3 (3) keep the property in the possession of the seizing
4 agency;

5 (4) remove the property to a storage area for
6 safekeeping or, if the property is a negotiable instrument
7 or money and is not needed for evidentiary purposes,
8 deposit it in an interest bearing account;

9 (5) place the property under constructive seizure by
10 posting notice of pending forfeiture on it, by giving
11 notice of pending forfeiture to its owners and interest
12 holders, or by filing notice of pending forfeiture in any
13 appropriate public record relating to the property; or

14 (6) provide for another agency or custodian, including
15 an owner, secured party, or lienholder, to take custody of
16 the property upon the terms and conditions set by the
17 Director.

18 (b) When property is forfeited under this Article, the
19 Director or the Director's designee shall sell all the
20 property unless the property is required by law to be
21 destroyed or is harmful to the public and shall distribute the
22 proceeds of the sale, together with any moneys forfeited or
23 seized, under Section 29B-26 of this Article.

24 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

25 (720 ILCS 5/29B-12)

1 Sec. 29B-12. Non-judicial forfeiture. If non-real
2 property that exceeds \$20,000 in value excluding the value of
3 any conveyance, or if real property is seized under the
4 provisions of this Article, the State's Attorney shall
5 institute judicial in rem forfeiture proceedings as described
6 in Section 29B-13 of this Article within 28 days from receipt
7 of notice of seizure from the seizing agency under Section
8 29B-8 of this Article. However, if non-real property that does
9 not exceed \$20,000 in value excluding the value of any
10 conveyance is seized, the following procedure shall be used:

11 (1) If, after review of the facts surrounding the
12 seizure, the State's Attorney is of the opinion that the
13 seized property is subject to forfeiture, then, within 28
14 days after the receipt of notice of seizure from the
15 seizing agency, the State's Attorney shall cause notice of
16 pending forfeiture to be given to the owner of the
17 property and all known interest holders of the property in
18 accordance with Section 29B-10 of this Article.

19 (2) The notice of pending forfeiture shall include a
20 description of the property, the estimated value of the
21 property, the date and place of seizure, the conduct
22 giving rise to forfeiture or the violation of law alleged,
23 and a summary of procedures and procedural rights
24 applicable to the forfeiture action.

25 (3) (A) Any person claiming an interest in property
26 that is the subject of notice under paragraph (1) of this

1 Section, must, in order to preserve any rights or claims
2 to the property, within 45 days after the effective date
3 of notice as described in Section 29B-10 of this Article,
4 file a verified claim with the State's Attorney expressing
5 his or her interest in the property. The claim shall set
6 forth:

7 (i) the caption of the proceedings as set forth on
8 the notice of pending forfeiture and the name of the
9 claimant;

10 (ii) the address at which the claimant will accept
11 mail;

12 (iii) the nature and extent of the claimant's
13 interest in the property;

14 (iv) the date, identity of the transferor, and
15 circumstances of the claimant's acquisition of the
16 interest in the property;

17 (v) the names and addresses of all other persons
18 known to have an interest in the property;

19 (vi) the specific provision of law relied on in
20 asserting the property is not subject to forfeiture;

21 (vii) all essential facts supporting each
22 assertion; and

23 (viii) the relief sought.

24 (B) If a claimant files the claim, then the State's
25 Attorney shall institute judicial in rem forfeiture
26 proceedings with the clerk of the court as described in

1 Section 29B-13 of this Article within 28 days after
2 receipt of the claim.

3 (4) If no claim is filed within the 28-day period as
4 described in paragraph (3) of this Section, the State's
5 Attorney shall declare the property forfeited and shall
6 promptly notify the owner and all known interest holders
7 of the property and the Director of the Illinois State
8 Police of the declaration of forfeiture and the Director
9 or the Director's designee shall dispose of the property
10 in accordance with law.

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 Section 60. The Drug Asset Forfeiture Procedure Act is
13 amended by changing Section 6 as follows:

14 (725 ILCS 150/6) (from Ch. 56 1/2, par. 1676)

15 Sec. 6. Non-judicial forfeiture. If non-real property that
16 exceeds \$150,000 in value excluding the value of any
17 conveyance, or if real property is seized under the provisions
18 of the Illinois Controlled Substances Act, the Cannabis
19 Control Act, or the Methamphetamine Control and Community
20 Protection Act, the State's Attorney shall institute judicial
21 in rem forfeiture proceedings as described in Section 9 of
22 this Act within 28 days from receipt of notice of seizure from
23 the seizing agency under Section 5 of this Act. However, if
24 non-real property that does not exceed \$150,000 in value

1 excluding the value of any conveyance is seized, the following
2 procedure shall be used:

3 (A) If, after review of the facts surrounding the
4 seizure, the State's Attorney is of the opinion that the
5 seized property is subject to forfeiture, then, within 28
6 days of the receipt of notice of seizure from the seizing
7 agency, the State's Attorney shall cause notice of pending
8 forfeiture to be given to the owner of the property and all
9 known interest holders of the property in accordance with
10 Section 4 of this Act.

11 (B) The notice of pending forfeiture must include a
12 description of the property, the estimated value of the
13 property, the date and place of seizure, the conduct
14 giving rise to forfeiture or the violation of law alleged,
15 and a summary of procedures and procedural rights
16 applicable to the forfeiture action.

17 (C) (1) Any person claiming an interest in property
18 which is the subject of notice under subsection (A) of
19 this Section may, within 45 days after the effective date
20 of notice as described in Section 4 of this Act, file a
21 verified claim with the State's Attorney expressing his or
22 her interest in the property. The claim must set forth:

23 (i) the caption of the proceedings as set forth on
24 the notice of pending forfeiture and the name of the
25 claimant;

26 (ii) the address at which the claimant will accept

1 mail;

2 (iii) the nature and extent of the claimant's
3 interest in the property;

4 (iv) the date, identity of the transferor, and
5 circumstances of the claimant's acquisition of the
6 interest in the property;

7 (v) the names and addresses of all other persons
8 known to have an interest in the property;

9 (vi) the specific provision of law relied on in
10 asserting the property is not subject to forfeiture;

11 (vii) all essential facts supporting each
12 assertion; and

13 (viii) the relief sought.

14 (2) If a claimant files the claim then the State's
15 Attorney shall institute judicial in rem forfeiture
16 proceedings within 28 days after receipt of the claim.

17 (D) If no claim is filed within the 45-day period as
18 described in subsection (C) of this Section, the State's
19 Attorney shall declare the property forfeited and shall
20 promptly notify the owner and all known interest holders
21 of the property and the Director of the Illinois State
22 Police of the declaration of forfeiture and the Director
23 or the Director's designee shall dispose of the property
24 in accordance with law.

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 Section 65. The Unified Code of Corrections is amended by
2 changing Section 5-5.5-5 as follows:

3 (730 ILCS 5/5-5.5-5)

4 Sec. 5-5.5-5. Definition. In this Article, "eligible
5 offender" means a person who has been convicted of a crime in
6 this State or of an offense in any other jurisdiction that does
7 not include any offense or attempted offense that would
8 subject a person to registration under the Sex Offender
9 Registration Act, ~~the Arsonist Registration Act,~~ or the
10 Murderer and Violent Offender Against Youth Registration Act.
11 "Eligible offender" does not include a person who has been
12 convicted of arson, aggravated arson, kidnapping, aggravated
13 kidnaping, aggravated driving under the influence of alcohol,
14 other drug or drugs, or intoxicating compound or compounds, or
15 any combination thereof, or aggravated domestic battery.
16 (Source: P.A. 99-381, eff. 1-1-16; 99-642, eff. 7-28-16.)

17 Section 70. The Arsonist Registration Act is amended by
18 changing Sections 1, 5, 10, 15, 60, and 75 as follows:

19 (730 ILCS 148/1)

20 Sec. 1. Short title. This Act may be cited as the Arsonist
21 Registry ~~Registration~~ Act.

22 (Source: P.A. 93-949, eff. 1-1-05.)

1 (730 ILCS 148/5)

2 Sec. 5. Definitions. In this Act:

3 (a) "Arsonist" means any person who is:

4 (1) charged under Illinois law, or any substantially
5 similar federal, Uniform Code of Military Justice, sister
6 state, or foreign country law, with an arson offense, set
7 forth in subsection (b) of this Section or the attempt to
8 commit an included arson offense, and:

9 (i) is convicted of such offense or an attempt to
10 commit such offense; or

11 (ii) is found not guilty by reason of insanity of
12 such offense or an attempt to commit such offense; or

13 (iii) is found not guilty by reason of insanity
14 under subsection (c) of Section 104-25 of the Code of
15 Criminal Procedure of 1963 of such offense or an
16 attempt to commit such offense; or

17 (iv) is the subject of a finding not resulting in
18 an acquittal at a hearing conducted under subsection
19 (a) of Section 104-25 of the Code of Criminal
20 Procedure of 1963 for the alleged commission or
21 attempted commission of such offense; or

22 (v) is found not guilty by reason of insanity
23 following a hearing conducted under a federal, Uniform
24 Code of Military Justice, sister state, or foreign
25 country law substantially similar to subsection (c) of
26 Section 104-25 of the Code of Criminal Procedure of

1 1963 of such offense or of the attempted commission of
2 such offense; or

3 (vi) is the subject of a finding not resulting in
4 an acquittal at a hearing conducted under a federal,
5 Uniform Code of Military Justice, sister state, or
6 foreign country law substantially similar to
7 subsection (a) of Section 104-25 of the Code of
8 Criminal Procedure of 1963 for the alleged violation
9 or attempted commission of such offense;

10 (2) a minor who has been tried and convicted in an
11 adult criminal prosecution as the result of committing or
12 attempting to commit an offense specified in subsection
13 (b) of this Section or a violation of any substantially
14 similar federal, Uniform Code of Military Justice, sister
15 state, or foreign country law. Convictions that result
16 from or are connected with the same act, or result from
17 offenses committed at the same time, shall be counted for
18 the purpose of this Act as one conviction. Any conviction
19 set aside under law is not a conviction for purposes of
20 this Act.

21 (b) "Arson offense" means:

22 (1) A conviction ~~violation~~ of any of the following
23 Sections of the Criminal Code of 1961 or the Criminal Code
24 of 2012:

25 (i) 20-1 (arson; residential arson; place of
26 worship arson),

1 (ii) 20-1.1 (aggravated arson),

2 (iii) 20-1(b) or 20-1.2 (residential arson),

3 (iv) 20-1(b-5) or 20-1.3 (place of worship arson),

4 (v) 20-2 (possession of explosives or explosive or
5 incendiary devices), or

6 (vi) An attempt to commit any of the offenses
7 listed in clauses (i) through (v).

8 (2) A violation of any former law of this State
9 substantially equivalent to any offense listed in
10 subsection (b) of this Section.

11 ~~(c) A conviction for an offense of federal law, Uniform~~
12 ~~Code of Military Justice, or the law of another state or a~~
13 ~~foreign country that is substantially equivalent to any~~
14 ~~offense listed in subsection (b) of this Section shall~~
15 ~~constitute a conviction for the purpose of this Act.~~

16 ~~(d) "Law enforcement agency having jurisdiction" means the~~
17 ~~Chief of Police in each of the municipalities in which the~~
18 ~~arsonist expects to reside, work, or attend school (1) upon~~
19 ~~his or her discharge, parole or release or (2) during the~~
20 ~~service of his or her sentence of probation or conditional~~
21 ~~discharge, or the Sheriff of the county, in the event no Police~~
22 ~~Chief exists or if the offender intends to reside, work, or~~
23 ~~attend school in an unincorporated area. "Law enforcement~~
24 ~~agency having jurisdiction" includes the location where~~
25 ~~out-of-state students attend school and where out-of-state~~
26 ~~employees are employed or are otherwise required to register.~~

1 ~~(e) "Out of state student" means any arsonist, as defined~~
2 ~~in this Section, who is enrolled in Illinois, on a full time or~~
3 ~~part time basis, in any public or private educational~~
4 ~~institution, including, but not limited to, any secondary~~
5 ~~school, trade or professional institution, or institution of~~
6 ~~higher learning.~~

7 ~~(f) "Out of state employee" means any arsonist, as defined~~
8 ~~in this Section, who works in Illinois, regardless of whether~~
9 ~~the individual receives payment for services performed, for a~~
10 ~~period of time of 10 or more days or for an aggregate period of~~
11 ~~time of 30 or more days during any calendar year. Persons who~~
12 ~~operate motor vehicles in the State accrue one day of~~
13 ~~employment time for any portion of a day spent in Illinois.~~

14 ~~(g) "I-CLEAR" means the Illinois Citizens and Law~~
15 ~~Enforcement Analysis and Reporting System.~~

16 (Source: P.A. 99-78, eff. 7-20-15.)

17 (730 ILCS 148/10)

18 Sec. 10. Statewide Arsonist Database ~~Duty to register.~~

19 (a) The Illinois State Police shall establish and maintain
20 a Statewide Arsonist Database for the purpose of identifying
21 arsonists and making that information available to law
22 enforcement and the general public. For every person convicted
23 of a violation of an arson offense on or after the effective
24 date of this amendatory Act of the 103rd General Assembly, the
25 Statewide Arsonist Database shall contain information relating

1 to each arsonist. The information may include the arsonist's
2 name, date of birth, offense or offenses requiring inclusion
3 in the Statewide Arsonist Database, the conviction date and
4 county of each such offense, and such other identifying
5 information as the Illinois State Police deems necessary to
6 identify the arsonist, but shall not include the social
7 security number of the arsonist. The registry may include a
8 photograph of the arsonist.

9 (b) The Illinois State Police and State Fire Marshal must
10 make the information contained in the Statewide Arsonist
11 Database accessible on the Internet by means of a hyperlink
12 labeled "Statewide Arsonist Information" on their World Wide
13 Web home page. The Illinois State Police must update that
14 information as it deems necessary.

15 (c) The Illinois State Police may adopt rules in
16 accordance with the Illinois Administrative Procedure Act to
17 implement this Section and those rules must include procedures
18 to ensure that the information in the database is accurate,
19 and that the information in the database reflects any changes
20 based on the reversal of a conviction for an offense requiring
21 inclusion in the Statewide Arsonist Database, or a court order
22 requiring the sealing or expungement of records relating to
23 the offense. A certified copy of such an order shall be deemed
24 prima facie true and correct and shall be sufficient to
25 require the immediate amendment or removal of any person's
26 information from the Statewide Arsonist Database by the

1 Illinois State Police.

2 ~~An arsonist shall, within the time period prescribed in~~
3 ~~subsections (b) and (c), register in person and provide~~
4 ~~accurate information as required by the Illinois State Police.~~
5 ~~Such information shall include current address, current place~~
6 ~~of employment, and school attended. The arsonist shall~~
7 ~~register:~~

8 ~~(1) with the chief of police in each of the~~
9 ~~municipalities in which he or she attends school, is~~
10 ~~employed, resides or is temporarily domiciled for a period~~
11 ~~of time of 10 or more days, unless the municipality is the~~
12 ~~City of Chicago, in which case he or she shall register at~~
13 ~~a fixed location designated by the Superintendent of the~~
14 ~~Chicago Police Department; or~~

15 ~~(2) with the sheriff in each of the counties in which~~
16 ~~he or she attends school, is employed, resides or is~~
17 ~~temporarily domiciled in an unincorporated area or, if~~
18 ~~incorporated, no police chief exists. For purposes of this~~
19 ~~Act, the place of residence or temporary domicile is~~
20 ~~defined as any and all places where the arsonist resides~~
21 ~~for an aggregate period of time of 10 or more days during~~
22 ~~any calendar year. The arsonist shall provide accurate~~
23 ~~information as required by the Illinois State Police. That~~
24 ~~information shall include the arsonist's current place of~~
25 ~~employment.~~

26 ~~(a 5) An out of state student or out of state employee~~

1 ~~shall, within 10 days after beginning school or employment in~~
2 ~~this State, register in person and provide accurate~~
3 ~~information as required by the Illinois State Police. Such~~
4 ~~information must include current place of employment, school~~
5 ~~attended, and address in state of residence:~~

6 ~~(1) with the chief of police in each of the~~
7 ~~municipalities in which he or she attends school or is~~
8 ~~employed for a period of time of 10 or more days or for an~~
9 ~~aggregate period of time of more than 30 days during any~~
10 ~~calendar year, unless the municipality is the City of~~
11 ~~Chicago, in which case he or she shall register at a fixed~~
12 ~~location designated by the Superintendent of the Chicago~~
13 ~~Police Department; or~~

14 ~~(2) with the sheriff in each of the counties in which~~
15 ~~he or she attends school or is employed for a period of~~
16 ~~time of 10 or more days or for an aggregate period of time~~
17 ~~of more than 30 days during any calendar year in an~~
18 ~~unincorporated area or, if incorporated, no police chief~~
19 ~~exists. The out of state student or out of state employee~~
20 ~~shall provide accurate information as required by the~~
21 ~~Illinois State Police. That information shall include the~~
22 ~~out of state student's current place of school attendance~~
23 ~~or the out of state employee's current place of~~
24 ~~employment.~~

25 ~~(b) An arsonist as defined in Section 5 of this Act,~~
26 ~~regardless of any initial, prior, or other registration,~~

1 ~~shall, within 10 days of beginning school, or establishing a~~
2 ~~residence, place of employment, or temporary domicile in any~~
3 ~~county, register in person as set forth in subsection (a) or~~
4 ~~(a-5).~~

5 ~~(c) The registration for any person required to register~~
6 ~~under this Act shall be as follows:~~

7 ~~(1) Except as provided in paragraph (3) of this~~
8 ~~subsection (c), any person who has not been notified of~~
9 ~~his or her responsibility to register shall be notified by~~
10 ~~a criminal justice entity of his or her responsibility to~~
11 ~~register. Upon notification the person must then register~~
12 ~~within 10 days of notification of his or her requirement~~
13 ~~to register. If notification is not made within the~~
14 ~~offender's 10 year registration requirement, and the~~
15 ~~Illinois State Police determines no evidence exists or~~
16 ~~indicates the offender attempted to avoid registration,~~
17 ~~the offender will no longer be required to register under~~
18 ~~this Act.~~

19 ~~(2) Except as provided in paragraph (3) of this~~
20 ~~subsection (c), any person convicted on or after the~~
21 ~~effective date of this Act shall register in person within~~
22 ~~10 days after the entry of the sentencing order based upon~~
23 ~~his or her conviction.~~

24 ~~(3) Any person unable to comply with the registration~~
25 ~~requirements of this Act because he or she is confined,~~
26 ~~institutionalized, or imprisoned in Illinois on or after~~

1 ~~the effective date of this Act shall register in person~~
2 ~~within 10 days of discharge, parole or release.~~

3 ~~(4) The person shall provide positive identification~~
4 ~~and documentation that substantiates proof of residence at~~
5 ~~the registering address.~~

6 ~~(5) The person shall pay a \$10 initial registration~~
7 ~~fee and a \$5 annual renewal fee. The fees shall be used by~~
8 ~~the registering agency for official purposes. The agency~~
9 ~~shall establish procedures to document receipt and use of~~
10 ~~the funds. The law enforcement agency having jurisdiction~~
11 ~~may waive the registration fee if it determines that the~~
12 ~~person is indigent and unable to pay the registration fee.~~

13 ~~(d) Within 10 days after obtaining or changing employment,~~
14 ~~a person required to register under this Section must report,~~
15 ~~in person or in writing to the law enforcement agency having~~
16 ~~jurisdiction, the business name and address where he or she is~~
17 ~~employed. If the person has multiple businesses or work~~
18 ~~locations, every business and work location must be reported~~
19 ~~to the law enforcement agency having jurisdiction.~~

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 (730 ILCS 148/15)

22 Sec. 15. Conviction information ~~Discharge of arsonist from~~
23 ~~penal institution.~~

24 (a) Within 60 days after the effective date of this
25 amendatory Act of the 103rd General Assembly, each circuit

1 clerk shall forward monthly to the Illinois State Police a
2 copy of the judgment for each and all persons convicted of an
3 offense within the definition of arson offense, as defined in
4 Section 5 of this Act, during the previous month.

5 (b) Within 120 days after the effective date of this
6 amendatory Act of the 103rd General Assembly, the Director of
7 Corrections shall forward to the Illinois State Police a list
8 of all persons incarcerated or on mandatory supervised
9 release, who have been convicted of an offense within the
10 definition of arson offense, as defined in Section 5 of this
11 Act. Any arsonist who is discharged, paroled or released from
12 a Department of Corrections facility, a facility where such
13 person was placed by the Department of Corrections or another
14 penal institution, and whose liability for registration has
15 not terminated under Section 45 shall, within 10 days prior to
16 discharge, parole, or release from the facility or
17 institution, be informed of his or her duty to register in
18 person under this Act by the facility or institution in which
19 he or she was confined. The facility or institution shall also
20 inform any person who must register that if he or she
21 establishes a residence outside of the State of Illinois, is
22 employed outside of the State of Illinois, or attends school
23 outside of the State of Illinois, he or she must register in
24 the new state within 10 days after establishing the residence,
25 beginning employment, or beginning school. The facility shall
26 require the person to read and sign such form as may be

1 ~~required by the Illinois State Police stating that the duty to~~
2 ~~register and the procedure for registration has been explained~~
3 ~~to him or her and that he or she understands the duty to~~
4 ~~register and the procedure for registration. The facility~~
5 ~~shall further advise the person in writing that the failure to~~
6 ~~register or other violation of this Act shall result in~~
7 ~~revocation of parole, mandatory supervised release or~~
8 ~~conditional release. The facility shall obtain information~~
9 ~~about where the person expects to reside, work, and attend~~
10 ~~school upon his or her discharge, parole or release and shall~~
11 ~~report the information to the Illinois State Police. The~~
12 ~~facility shall give one copy of the form to the person and~~
13 ~~shall send one copy to each of the law enforcement agencies~~
14 ~~having jurisdiction where the person expects to reside, work,~~
15 ~~and attend school upon his or her discharge, parole or release~~
16 ~~and retain one copy for the files. Electronic data files that~~
17 ~~include all notification form information and photographs of~~
18 ~~arsonists being released from an Illinois Department of~~
19 ~~Corrections facility shall be shared on a regular basis as~~
20 ~~determined between the Illinois State Police and the~~
21 ~~Department of Corrections.~~

22 (Source: P.A. 102-538, eff. 8-20-21.)

23 (730 ILCS 148/60)

24 Sec. 60. Public inspection of registry ~~registration data.~~

25 (a) Except as otherwise provided in subsection (b), the

1 statements or any other information required by this Act shall
2 not be open to inspection by the public, or by any person other
3 than by a law enforcement officer or other individual as may be
4 authorized by law and shall include law enforcement agencies
5 of this State, any other state, or of the federal government.
6 Similar information may be requested from any law enforcement
7 agency of another state or of the federal government for
8 purposes of this Act. It is a Class B misdemeanor to permit the
9 unauthorized release of any information required by this Act.

10 (b) The Illinois State Police shall furnish to the Office
11 of the State Fire Marshal the registry ~~registration~~
12 information concerning persons covered ~~who are required to~~
13 ~~register~~ under this Act. The Office of the State Fire Marshal
14 shall establish and maintain a Statewide Arsonist Database for
15 the purpose of making that information available to the public
16 on the Internet by means of a hyperlink labeled "Arsonist
17 Information" on the Office of the State Fire Marshal's
18 website.

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 (730 ILCS 148/75)

21 Sec. 75. Access to State of Illinois databases. The
22 Illinois State Police shall have access to State of Illinois
23 databases containing information that may help in the
24 identification or location of persons covered ~~required to~~
25 ~~register~~ under this Act. Interagency agreements shall be

1 implemented, consistent with security and procedures
2 established by the State agency and consistent with the laws
3 governing the confidentiality of the information in the
4 databases. Information shall be used only for administration
5 of this Act.

6 (Source: P.A. 102-538, eff. 8-20-21.)

7 (730 ILCS 148/20 rep.)

8 (730 ILCS 148/25 rep.)

9 (730 ILCS 148/30 rep.)

10 (730 ILCS 148/35 rep.)

11 (730 ILCS 148/40 rep.)

12 (730 ILCS 148/45 rep.)

13 (730 ILCS 148/50 rep.)

14 (730 ILCS 148/55 rep.)

15 (730 ILCS 148/65 rep.)

16 (730 ILCS 148/70 rep.)

17 (730 ILCS 148/80 rep.)

18 Section 75. The Arsonist Registration Act is amended by
19 repealing Sections 20, 25, 30, 35, 40, 45, 50, 55, 65, 70, and
20 80.

21 Section 80. The Code of Civil Procedure is amended by
22 changing Sections 21-101 and 21-102 as follows:

23 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

1 Sec. 21-101. Proceedings; parties.

2 (a) If any person who is a resident of this State and has
3 resided in this State for 6 months desires to change his or her
4 name and to assume another name by which to be afterwards
5 called and known, the person may file a petition requesting
6 that relief in the circuit court of the county wherein he or
7 she resides.

8 (b) A person who has been convicted of any offense for
9 which a person is required to register under the Sex Offender
10 Registration Act or the Murderer and Violent Offender Against
11 Youth Registration Act, ~~or the Arsonist Registration Act~~ in
12 this State or any other state and who has not been pardoned is
13 not permitted to file a petition for a name change in the
14 courts of this State during the period that the person is
15 required to register, unless that person verifies under oath,
16 as provided under Section 1-109, that the petition for the
17 name change is due to marriage, religious beliefs, status as a
18 victim of trafficking or gender-related identity as defined by
19 the Illinois Human Rights Act. A judge may grant or deny the
20 request for legal name change filed by such persons. Any such
21 persons granted a legal name change shall report the change to
22 the law enforcement agency having jurisdiction of their
23 current registration pursuant to the Duty to Report
24 requirements specified in ~~Section 35 of the Arsonist~~
25 ~~Registration Act~~, Section 20 of the Murderer and Violent
26 Offender Against Youth Registration Act, and Section 6 of the

1 Sex Offender Registration Act. For the purposes of this
2 subsection, a person will not face a felony charge if the
3 person's request for legal name change is denied without proof
4 of perjury.

5 (b-1) A person who has been convicted of a felony offense
6 in this State or any other state and whose sentence has not
7 been completed, terminated, or discharged is not permitted to
8 file a petition for a name change in the courts of this State
9 unless that person is pardoned for the offense.

10 (c) A petitioner may include his or her spouse and adult
11 unmarried children, with their consent, and his or her minor
12 children where it appears to the court that it is for their
13 best interest, in the petition and relief requested, and the
14 court's order shall then include the spouse and children.
15 Whenever any minor has resided in the family of any person for
16 the space of 3 years and has been recognized and known as an
17 adopted child in the family of that person, the application
18 herein provided for may be made by the person having that minor
19 in his or her family.

20 An order shall be entered as to a minor only if the court
21 finds by clear and convincing evidence that the change is
22 necessary to serve the best interest of the child. In
23 determining the best interest of a minor child under this
24 Section, the court shall consider all relevant factors,
25 including:

26 (1) The wishes of the child's parents and any person

1 acting as a parent who has physical custody of the child.

2 (2) The wishes of the child and the reasons for those
3 wishes. The court may interview the child in chambers to
4 ascertain the child's wishes with respect to the change of
5 name. Counsel shall be present at the interview unless
6 otherwise agreed upon by the parties. The court shall
7 cause a court reporter to be present who shall make a
8 complete record of the interview instantaneously to be
9 part of the record in the case.

10 (3) The interaction and interrelationship of the child
11 with his or her parents or persons acting as parents who
12 have physical custody of the child, step-parents,
13 siblings, step-siblings, or any other person who may
14 significantly affect the child's best interest.

15 (4) The child's adjustment to his or her home, school,
16 and community.

17 (d) If it appears to the court that the conditions and
18 requirements under this Article have been complied with and
19 that there is no reason why the relief requested should not be
20 granted, the court, by an order to be entered of record, may
21 direct and provide that the name of that person be changed in
22 accordance with the relief requested in the petition. If the
23 circuit court orders that a name change be granted to a person
24 who has been adjudicated or convicted of a felony or
25 misdemeanor offense under the laws of this State or any other
26 state for which a pardon has not been granted, or has an arrest

1 for which a charge has not been filed or a pending charge on a
2 felony or misdemeanor offense, a copy of the order, including
3 a copy of each applicable access and review response, shall be
4 forwarded to the Illinois State Police. The Illinois State
5 Police shall update any criminal history transcript or
6 offender registration of each person 18 years of age or older
7 in the order to include the change of name as well as his or
8 her former name.

9 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;
10 revised 12-15-23.)

11 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

12 Sec. 21-102. Petition; update criminal history transcript.

13 (a) The petition shall be a statewide standardized form
14 approved by the Illinois Supreme Court and shall set forth the
15 name then held, the name sought to be assumed, the residence of
16 the petitioner, the length of time the petitioner has resided
17 in this State, and the state or country of the petitioner's
18 nativity or supposed nativity. The petition shall include a
19 statement, verified under oath as provided under Section 1-109
20 of this Code, whether or not the petitioner or any other person
21 18 years of age or older who will be subject to a change of
22 name under the petition if granted: (1) has been adjudicated
23 or convicted of a felony or misdemeanor offense under the laws
24 of this State or any other state for which a pardon has not
25 been granted; or (2) has an arrest for which a charge has not

1 been filed or a pending charge on a felony or misdemeanor
2 offense. The petition shall be signed by the person
3 petitioning or, in case of minors, by the parent or guardian
4 having the legal custody of the minor.

5 (b) If the statement provided under subsection (a) of this
6 Section indicates the petitioner or any other person 18 years
7 of age or older who will be subject to a change of name under
8 the petition, if granted, has been adjudicated or convicted of
9 a felony or misdemeanor offense under the laws of this State or
10 any other state for which a pardon has not been granted, or has
11 an arrest for which a charge has not been filed or a pending
12 charge on a felony or misdemeanor offense, the State's
13 Attorney may request the court to or the court may on its own
14 motion, require the person, prior to a hearing on the
15 petition, to initiate an update of his or her criminal history
16 transcript with the Illinois State Police. The Illinois State
17 Police Department shall allow a person to use the Access and
18 Review process, established by rule in the Illinois State
19 Police Department, for this purpose. Upon completion of the
20 update of the criminal history transcript, the petitioner
21 shall file confirmation of each update with the court, which
22 shall seal the records from disclosure outside of court
23 proceedings on the petition.

24 (c) Any petition filed under subsection (a) shall include
25 the following: "WARNING: If you are required to register under
26 the Sex Offender Registration Act or, the Murderer and Violent

1 Offender Against Youth Registration Act, ~~or the Arsonist~~
2 ~~Registration Act~~ in this State or a similar law in any other
3 state and have not been pardoned, you will be committing a
4 felony under those respective Acts by seeking a change of name
5 during the registration period UNLESS your request for legal
6 name change is due to marriage, religious beliefs, status as a
7 victim of trafficking or gender related identity as defined by
8 the Illinois Human Rights Act.".

9 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;
10 revised 12-15-23.)

11 Section 999. Effective date. This Act takes effect July 1,
12 2024.

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- 4 20 ILCS 2605/2605-605
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- 6 20 ILCS 2630/5.2
- 7 20 ILCS 4005/8.6
- 8 30 ILCS 105/5.946
- 9 30 ILCS 105/5.963
- 10 30 ILCS 105/6z-106
- 11 30 ILCS 105/6z-125
- 12 30 ILCS 105/6z-127
- 13 105 ILCS 5/10-27.1A
- 14 105 ILCS 5/10-27.1B
- 15 215 ILCS 5/500-135
- 16 230 ILCS 10/7.7
- 17 230 ILCS 10/22 from Ch. 120, par. 2422
- 18 430 ILCS 65/5 from Ch. 38, par. 83-5
- 19 720 ILCS 5/29B-7
- 20 720 ILCS 5/29B-12
- 21 725 ILCS 150/6 from Ch. 56 1/2, par. 1676
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- 3 730 ILCS 148/75
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- 12 730 ILCS 148/65 rep.
- 13 730 ILCS 148/70 rep.
- 14 730 ILCS 148/80 rep.
- 15 735 ILCS 5/21-101 from Ch. 110, par. 21-101
- 16 735 ILCS 5/21-102 from Ch. 110, par. 21-102