

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
21 Sections 2605-35, 2605-40, 2605-605, and 2605-615 as follows:

22 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

23 Sec. 2605-35. Division of Criminal Investigation.

24 (a) The Division of Criminal Investigation shall exercise

1 the following functions and those in Section 2605-30:

2 (1) Exercise the rights, powers, and duties vested by
3 law in the Illinois State Police by the Illinois Horse
4 Racing Act of 1975, including those set forth in Section
5 2605-215.

6 (2) Investigate the origins, activities, personnel,
7 and incidents of crime and enforce the criminal laws of
8 this State related thereto.

9 (3) Enforce all laws regulating the production, sale,
10 prescribing, manufacturing, administering, transporting,
11 having in possession, dispensing, delivering,
12 distributing, or use of controlled substances and
13 cannabis.

14 (4) Cooperate with the police of cities, villages, and
15 incorporated towns and with the police officers of any
16 county in enforcing the laws of the State and in making
17 arrests and recovering property.

18 (5) Apprehend and deliver up any person charged in
19 this State or any other state with treason or a felony or
20 other crime who has fled from justice and is found in this
21 State.

22 (6) Investigate recipients and providers under the
23 Illinois Public Aid Code and any personnel involved in the
24 administration of the Code who are suspected of any
25 violation of the Code pertaining to fraud in the
26 administration, receipt, or provision of assistance and

1 pertaining to any violation of criminal law; and exercise
2 the functions required under Section 2605-220 in the
3 conduct of those investigations.

4 (7) Conduct other investigations as provided by law,
5 including, but not limited to, investigations of human
6 trafficking, illegal drug trafficking, illegal firearms
7 trafficking, and cyber crimes that can be investigated and
8 prosecuted in Illinois.

9 (8) Investigate public corruption.

10 (9) Exercise other duties that may be assigned by the
11 Director in order to fulfill the responsibilities and
12 achieve the purposes of the Illinois State Police, which
13 may include the coordination of gang, terrorist, and
14 organized crime prevention, control activities, and
15 assisting local law enforcement in their crime control
16 activities.

17 (10) Conduct investigations (and cooperate with
18 federal law enforcement agencies in the investigation) of
19 any property-related crimes, such as money laundering,
20 involving individuals or entities listed on the sanctions
21 list maintained by the U.S. Department of Treasury's
22 Office of Foreign Asset Control.

23 (11) Oversee Illinois State Police special weapons and
24 tactics (SWAT) teams, including law enforcement response
25 to weapons of mass destruction.

26 (12) Oversee Illinois State Police air operations.

1 (13) Investigate criminal domestic terrorism
2 incidents, and otherwise deter all criminal threats to
3 Illinois.

4 (a-5) The Division of Criminal Investigation shall gather
5 information, intelligence, and evidence to facilitate the
6 identification, apprehension, and prosecution of persons
7 responsible for committing crime; to provide specialized
8 intelligence and analysis, investigative, tactical, and
9 technological services in support of law enforcement
10 operations throughout the State of Illinois; and to oversee
11 and operate the statewide criminal intelligence fusion center.

12 (b) (Blank).

13 (b-5) The Division of Criminal Investigation shall
14 cooperate and liaise with all federal law enforcement and
15 other partners on criminal investigations, intelligence,
16 information sharing, and national security planning and
17 response.

18 (c) The Division of Criminal Investigation shall provide
19 statewide coordination and strategy pertaining to
20 firearm-related intelligence, firearms trafficking
21 interdiction, and investigations reaching across all divisions
22 of the Illinois State Police, including providing crime gun
23 intelligence support for suspects and firearms involved in
24 firearms trafficking or the commission of a crime involving
25 firearms that is investigated by the Illinois State Police and
26 other federal, State, and local law enforcement agencies, with

1 the objective of reducing and preventing illegal possession
2 and use of firearms, firearms trafficking, firearm-related
3 homicides, and other firearm-related violent crimes in
4 Illinois.

5 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
6 102-1108, eff. 12-21-22; 102-1116, eff. 1-10-23; 103-34, eff.
7 1-1-24.)

8 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

9 Sec. 2605-40. Division of Forensic Services. The Division
10 of Forensic Services shall exercise the following functions:

11 (1) Provide crime scene services and traffic crash
12 reconstruction and examine digital evidence.

13 (2) Exercise the rights, powers, and duties vested by
14 law in the Illinois State Police by Section 2605-300 of
15 this Law.

16 (3) Provide assistance to local law enforcement
17 agencies through training, management, and consultant
18 services.

19 (4) (Blank).

20 (5) Exercise other duties that may be assigned by the
21 Director in order to fulfill the responsibilities and
22 achieve the purposes of the Illinois State Police.

23 (6) Establish and operate a forensic science
24 laboratory system, including a forensic toxicological
25 laboratory service, for the purpose of testing specimens

1 submitted by coroners and other law enforcement officers
2 in their efforts to determine whether alcohol, drugs, or
3 poisonous or other toxic substances have been involved in
4 deaths, accidents, or illness. Forensic laboratories shall
5 be established in Springfield, Chicago, and elsewhere in
6 the State as needed.

7 (6.5) Establish administrative rules in order to set
8 forth standardized requirements for the disclosure of
9 toxicology results and other relevant documents related to
10 a toxicological analysis. These administrative rules are
11 to be adopted to produce uniform and sufficient
12 information to allow a proper, well-informed determination
13 of the admissibility of toxicology evidence and to ensure
14 that this evidence is presented competently. These
15 administrative rules are designed to provide a minimum
16 standard for compliance of toxicology evidence and are not
17 intended to limit the production and discovery of material
18 information.

19 (7) Subject to specific appropriations made for these
20 purposes, establish and coordinate a system for providing
21 accurate and expedited forensic science and other
22 investigative and laboratory services to local law
23 enforcement agencies and local State's Attorneys in aid of
24 the investigation and trial of capital cases.

25 (8) Exercise the rights, powers, and duties vested by
26 law in the Illinois State Police under the Sexual Assault

1 Evidence Submission Act.

2 (9) Serve as the State central repository for all
3 genetic marker grouping analysis information and exercise
4 the rights, powers, and duties vested by law in the
5 Illinois State Police under Section 5-4-3 of the Unified
6 Code of Corrections.

7 (10) Issue reports required under Section 5-4-3a of
8 the Unified Code of Corrections.

9 (11) Oversee the Electronic Laboratory Information
10 Management System under Section 5-4-3b of the Unified Code
11 of Corrections.

12 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
13 103-34, eff. 1-1-24.)

14 (20 ILCS 2605/2605-605)

15 Sec. 2605-605. Violent Crime Intelligence Task Force. The
16 Director of the Illinois State Police shall establish a
17 statewide multi-jurisdictional Violent Crime Intelligence Task
18 Force led by the Illinois State Police dedicated to combating
19 gun violence, gun-trafficking, and other violent crime with
20 the primary mission of preservation of life and reducing the
21 occurrence and the fear of crime. The objectives of the Task
22 Force shall include, but not be limited to, reducing and
23 preventing illegal possession and use of firearms,
24 firearm-related homicides, and other violent crimes, and
25 solving firearm-related crimes.

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

5 (2) The Task Force may utilize information sharing,
6 partnerships, crime analysis, and evidence-based practices to
7 assist in the reduction of firearm-related shootings,
8 homicides, and gun-trafficking, including, but not limited to,
9 ballistic data, eTrace data, DNA evidence, latent
10 fingerprints, firearm training data, and National Integrated
11 Ballistic Information Network (NIBIN) data. The Task Force may
12 design a model crime gun intelligence strategy which may
13 include, but is not limited to, comprehensive collection and
14 documentation of all ballistic evidence, timely transfer of
15 NIBIN and eTrace leads to an intelligence center, which may
16 include the Division of Criminal Investigation of the Illinois
17 State Police, timely dissemination of intelligence to
18 investigators, investigative follow-up, and coordinated
19 prosecution.

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

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

1 (5) The Task Force may assist in violence suppression
2 strategies including, but not limited to, details in
3 identified locations that have shown to be the most prone to
4 gun violence and violent crime, focused deterrence against
5 violent gangs and groups considered responsible for the
6 violence in communities, and other intelligence driven methods
7 deemed necessary to interrupt cycles of violence or prevent
8 retaliation.

9 (6) In consultation with the Chief Procurement Officer,
10 the Illinois State Police may obtain contracts for software,
11 commodities, resources, and equipment to assist the Task Force
12 with achieving this Act. Any contracts necessary to support
13 the delivery of necessary software, commodities, resources,
14 and equipment are not subject to the Illinois Procurement
15 Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and
16 Article 50 of that Code, provided that the Chief Procurement
17 Officer may, in writing with justification, waive any
18 certification required under Article 50 of the Illinois
19 Procurement Code.

20 (7) The Task Force shall conduct enforcement operations
21 against persons whose Firearm Owner's Identification Cards
22 have been revoked or suspended and persons who fail to comply
23 with the requirements of Section 9.5 of the Firearm Owners
24 Identification Card Act, prioritizing individuals presenting a
25 clear and present danger to themselves or to others under
26 paragraph (2) of subsection (d) of Section 8.1 of the Firearm

1 Owners Identification Card Act.

2 (8) The Task Force shall collaborate with local law
3 enforcement agencies to enforce provisions of the Firearm
4 Owners Identification Card Act, the Firearm Concealed Carry
5 Act, the Firearm Dealer License Certification Act, and Article
6 24 of the Criminal Code of 2012.

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

11 (10) Law enforcement agencies that participate in
12 activities described in paragraphs (7) through (9) may apply
13 to the Illinois State Police for grants from the State Police
14 Firearm Revocation Enforcement Fund.

15 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
16 102-813, eff. 5-13-22.)

17 (20 ILCS 2605/2605-615)

18 Sec. 2605-615. Illinois Forensic Science Commission.

19 (a) Creation. There is created within the Illinois State
20 Police the Illinois Forensic Science Commission.

21 (b) Duties and purpose. The Commission shall:

22 (1) Provide guidance to ensure the efficient delivery
23 of forensic services and the sound practice of forensic
24 science.

25 (2) Provide a forum for discussions between forensic

1 science stakeholders to improve communication and
2 coordination and to monitor the important issues impacting
3 all stakeholders.

4 (3) Take a systems-based approach in reviewing all
5 aspects of the delivery of forensic services and the sound
6 practice of forensic science with the goal of reducing or
7 eliminating the factors and inefficiencies that contribute
8 to backlogs and errors, with a focus on education and
9 training, funding, hiring, procurement, and other aspects
10 identified by the Commission.

11 (4) Review significant non-conformities with the sound
12 practice of forensic science documented by each publicly
13 funded ISO 17025 accredited forensic laboratory and offer
14 recommendations for the correction thereof.

15 (5) Subject to appropriation, provide educational,
16 research, and professional training opportunities for
17 practicing forensic scientists, police officers, judges,
18 State's Attorneys and Assistant State's Attorneys, Public
19 Defenders, and defense attorneys comporting with the sound
20 practice of forensic science.

21 (6) Collect and analyze information related to the
22 impact of current laws, rules, policies, and practices on
23 forensic crime laboratories and the practice of forensic
24 science; evaluate the impact of those laws, rules,
25 policies, and practices on forensic crime laboratories and
26 the practice of forensic science; identify new policies

1 and approaches, together with changes in science, and
2 technology; and make recommendations for changes to those
3 laws, rules, policies, and practices that will yield
4 better results in the criminal justice system consistent
5 with the sound practice of forensic science.

6 (7) Perform such other studies or tasks pertaining to
7 forensic crime laboratories as may be requested by the
8 General Assembly by resolution or the Governor, and
9 perform such other functions as may be required by law or
10 as are necessary to carry out the purposes and goals of the
11 Commission prescribed in this Section.

12 (8) Ensure that adequate resources and facilities are
13 available for carrying out the changes proposed in
14 legislation, rules, or policies and that rational
15 priorities are established for the use of those resources.
16 To do so, the Commission may prepare statements to the
17 Governor and General Assembly identifying the fiscal and
18 practical effects of proposed legislation, rules, or
19 policy changes. Such statements may include, but are not
20 limited to: the impact on present levels of staffing and
21 resources; a professional opinion on the practical value
22 of the change or changes; the increase or decrease the
23 number of crime laboratories; the increase or decrease the
24 cost of operating crime laboratories; the impact on
25 efficiencies and caseloads; other information, including
26 but not limited to, facts, data, research, and science

1 relevant to the legislation, rule, or policy; the direct
2 or indirect alteration in any process involving or used by
3 crime laboratories of such proposed legislation, rules, or
4 policy changes; an analysis of the impact, either directly
5 or indirectly, on the technology, improvements, or
6 practices of forensic analyses for use in criminal
7 proceedings; together with the direct or indirect impact
8 on headcount, space, equipment, instruments,
9 accreditation, the volume of cases for analysis,
10 scientific controls, and quality assurance.

11 (c) Members. The Commission shall be composed of the
12 Director of the Illinois State Police, or his or her designee,
13 together with the following members appointed for a term of 4
14 years by the Governor with the advice and consent of the
15 Senate:

16 (1) One crime laboratory director or administrator
17 from each publicly funded ISO 17025 accredited forensic
18 laboratory system.

19 (2) One member with experience in the admission of
20 forensic evidence in trials from a statewide association
21 representing prosecutors.

22 (3) One member with experience in the admission of
23 forensic evidence in trials from a statewide association
24 representing criminal defense attorneys.

25 (4) Three forensic scientists with bench work
26 background from various forensic disciplines (e.g., DNA,

1 chemistry, pattern evidence, etc.).

2 (5) One retired circuit court judge or associate
3 circuit court judge with criminal trial experience,
4 including experience in the admission of forensic evidence
5 in trials.

6 (6) One academic specializing in the field of forensic
7 sciences.

8 (7) One or more community representatives (e.g.,
9 victim advocates, innocence project organizations, sexual
10 assault examiners, etc.).

11 (8) One member who is a medical examiner or coroner.

12 The Governor shall designate one of the members of the
13 Commission to serve as the chair of the Commission. The
14 members of the Commission shall elect from their number such
15 other officers as they may determine. Members of the
16 Commission shall serve without compensation, but may be
17 reimbursed for reasonable expenses incurred in the performance
18 of their duties from funds appropriated for that purpose.

19 (d) Subcommittees. The Commission may form subcommittees
20 to study specific issues identified under paragraph (3) of
21 subsection (b), including, but not limited to, subcommittees
22 on education and training, procurement, funding and hiring. Ad
23 hoc subcommittees may also be convened to address other
24 issues. Such subcommittees shall meet as needed to complete
25 their work, and shall report their findings back to the
26 Commission. Subcommittees shall include members of the

1 Commission, and may also include non-members such as forensic
2 science stakeholders and subject matter experts.

3 (e) Meetings. The Commission shall meet quarterly, at the
4 call of the chairperson. Facilities for meeting, whether
5 remotely or in person, shall be provided for the Commission by
6 the Illinois State Police.

7 (f) Reporting by publicly funded ISO 17025 accredited
8 forensic laboratories. All State and local publicly funded ISO
9 17025 accredited forensic laboratory systems, including, but
10 not limited to, the DuPage County Forensic Science Center, the
11 Northeastern Illinois Regional Crime Laboratory, and the
12 Illinois State Police, shall annually provide to the
13 Commission a report summarizing its significant
14 non-conformities with the efficient delivery of forensic
15 services and the sound practice of forensic science. The
16 report will identify: each significant non-conformity or
17 deficient method; how the non-conformity or deficient method
18 was detected; the nature and extent of the non-conformity or
19 deficient method; all corrective actions implemented to
20 address the non-conformity or deficient method; and an
21 analysis of the effectiveness of the corrective actions taken.

22 (g) Definition. As used in this Section, "Commission"
23 means the Illinois Forensic Science Commission.

24 (Source: P.A. 102-523, eff. 8-20-21; 103-34, eff. 1-1-24.)

25 (20 ILCS 2605/2605-378 rep.)

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

4 Section 20. The Illinois State Police Act is amended by
5 changing Section 40.1 as follows:

6 (20 ILCS 2610/40.1)

7 Sec. 40.1. Mandated training compliance. The Director of
8 the Illinois State Police and the Illinois State Police
9 Academy shall ensure all Illinois State Police cadets and
10 officers comply with all statutory, regulatory, and department
11 mandated training. The Illinois State Police Academy shall
12 maintain and store training records for Illinois State Police
13 officers.

14 (Source: P.A. 101-652, eff. 1-1-22.)

15 Section 25. The Narcotic Control Division Abolition Act is
16 amended by by changing Section 9 as follows:

17 (20 ILCS 2620/9) (from Ch. 127, par. 551)

18 Sec. 9. The Director shall ~~make, in an annual report to the~~
19 ~~Governor, report~~ the results obtained in the enforcement of
20 this Act available on the Illinois State Police website and
21 may make, together with such other information and
22 recommendations to the Governor annually as the Director ~~he~~

1 deems proper.

2 (Source: P.A. 76-442.)

3 Section 30. The Criminal Identification Act is amended by
4 changing Section 5.2 as follows:

5 (20 ILCS 2630/5.2)

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

7 (a) General Provisions.

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

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

14 Business Offense, Section 5-1-2.

15 Charge, Section 5-1-3.

16 Court, Section 5-1-6.

17 Defendant, Section 5-1-7.

18 Felony, Section 5-1-9.

19 Imprisonment, Section 5-1-10.

20 Judgment, Section 5-1-12.

21 Misdemeanor, Section 5-1-14.

22 Offense, Section 5-1-15.

23 Parole, Section 5-1-16.

24 Petty Offense, Section 5-1-17.

1 Probation, Section 5-1-18.

2 Sentence, Section 5-1-19.

3 Supervision, Section 5-1-21.

4 Victim, Section 5-1-22.

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

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

25 (D) "Criminal offense" means a petty offense,
26 business offense, misdemeanor, felony, or municipal

1 ordinance violation (as defined in subsection
2 (a)(1)(H)). As used in this Section, a minor traffic
3 offense (as defined in subsection (a)(1)(G)) shall not
4 be considered a criminal offense.

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

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

1 they were ordered to run concurrently.

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

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

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

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

23 (J) "Qualified probation" means an order of
24 probation under Section 10 of the Cannabis Control
25 Act, Section 410 of the Illinois Controlled Substances
26 Act, Section 70 of the Methamphetamine Control and

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

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

26 (L) "Sexual offense committed against a minor"

1 includes, but is not limited to, the offenses of
2 indecent solicitation of a child or criminal sexual
3 abuse when the victim of such offense is under 18 years
4 of age.

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

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

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

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

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

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

1 provision of a local ordinance, that occurred prior to
2 the offender reaching the age of 25 years and the
3 offender has no other conviction for violating Section
4 11-501 or 11-503 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance.

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

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

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

21 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
22 26-5, or 48-1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, or a similar provision of a
24 local ordinance;

25 (iii) Section 12-3.1 or 12-3.2 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, or

1 Section 125 of the Stalking No Contact Order Act,
2 or Section 219 of the Civil No Contact Order Act,
3 or a similar provision of a local ordinance;

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

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

9 (D) (blank).

10 (b) Expungement.

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

24 (1.5) When a petitioner seeks to have a record of
25 arrest expunged under this Section, and the offender has
26 been convicted of a criminal offense, the State's Attorney

1 may object to the expungement on the grounds that the
2 records contain specific relevant information aside from
3 the mere fact of the arrest.

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

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

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

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

25 (i-5) Those arrests or charges that resulted
26 in orders of supervision for a misdemeanor

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

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

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

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

25 (4) Whenever a person has been arrested for or
26 convicted of any offense, in the name of a person whose

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

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

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

26 (7) Nothing in this Section shall prevent the Illinois

1 State Police from maintaining all records of any person
2 who is admitted to probation upon terms and conditions and
3 who fulfills those terms and conditions pursuant to
4 Section 10 of the Cannabis Control Act, Section 410 of the
5 Illinois Controlled Substances Act, Section 70 of the
6 Methamphetamine Control and Community Protection Act,
7 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
8 Corrections, Section 12-4.3 or subdivision (b)(1) of
9 Section 12-3.05 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, Section 10-102 of the Illinois
11 Alcoholism and Other Drug Dependency Act, Section 40-10 of
12 the Substance Use Disorder Act, or Section 10 of the
13 Steroid Control Act.

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

21 (c) Sealing.

22 (1) Applicability. Notwithstanding any other provision
23 of this Act to the contrary, and cumulative with any
24 rights to expungement of criminal records, this subsection
25 authorizes the sealing of criminal records of adults and
26 of minors prosecuted as adults. Subsection (g) of this

1 Section provides for immediate sealing of certain records.

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

4 (A) All arrests resulting in release without
5 charging;

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

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

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

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

26 (F) Arrests or charges not initiated by arrest

1 resulting in felony convictions unless otherwise
2 excluded by subsection (a) paragraph (3) of this
3 Section.

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

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

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

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

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

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

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

1 felony offense, order the unsealing of prior felony
2 conviction records previously ordered sealed by the court.

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

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

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

23 (1.5) County fee waiver pilot program. From August 9,
24 2019 (the effective date of Public Act 101-306) through
25 December 31, 2020, in a county of 3,000,000 or more
26 inhabitants, no fee shall be required to be paid by a

1 petitioner if the records sought to be expunged or sealed
2 were arrests resulting in release without charging or
3 arrests or charges not initiated by arrest resulting in
4 acquittal, dismissal, or conviction when the conviction
5 was reversed or vacated, unless excluded by subsection
6 (a)(3)(B). The provisions of this paragraph (1.5), other
7 than this sentence, are inoperative on and after January
8 1, 2022.

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

23 (3) Drug test. The petitioner must attach to the
24 petition proof that the petitioner has taken within 30
25 days before the filing of the petition a test showing the
26 absence within his or her body of all illegal substances

1 as defined by the Illinois Controlled Substances Act and
2 the Methamphetamine Control and Community Protection Act
3 if he or she is petitioning to:

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

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

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

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

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

19 (5) Objections.

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

1 objection to the petition may not be filed.

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

5 (6) Entry of order.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (9) Implementation of order.

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

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

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

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

26 (B) Upon entry of an order to expunge records

1 pursuant to subsection (b)(2)(B)(i) or (b)(2)(C), or
2 both:

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

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

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

24 (iv) records impounded by the Illinois State
25 Police may be disseminated by the Illinois State
26 Police only as required by law or to the arresting

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

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

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

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

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

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

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

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

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

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

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

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

23 (E) Upon motion, the court may order that a sealed
24 judgment or other court record necessary to
25 demonstrate the amount of any legal financial
26 obligation due and owing be made available for the

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

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

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

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

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

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

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

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

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

1 mandate.

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

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

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

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

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

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

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

19 (f) Subject to available funding, the Illinois Department
20 of Corrections shall conduct a study of the impact of sealing,
21 especially on employment and recidivism rates, utilizing a
22 random sample of those who apply for the sealing of their
23 criminal records under Public Act 93-211. At the request of
24 the Illinois Department of Corrections, records of the
25 Illinois Department of Employment Security shall be utilized
26 as appropriate to assist in the study. The study shall not

1 disclose any data in a manner that would allow the
2 identification of any particular individual or employing unit.
3 The study shall be made available to the General Assembly no
4 later than September 1, 2010.

5 (g) Immediate Sealing.

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

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

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

24 (4) Notice of Eligibility for Immediate Sealing. Upon
25 entry of a disposition for an eligible record under this
26 subsection (g), the defendant shall be informed by the

1 court of his or her right to have eligible records
2 immediately sealed and the procedure for the immediate
3 sealing of these records.

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

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

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

26 (C) Drug Test. The petitioner shall not be

1 required to attach proof that he or she has passed a
2 drug test.

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

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

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

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

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

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

25 (J) Final Order. No court order issued under this
26 subsection (g) shall become final for purposes of

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

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

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

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

1 comply with the terms of the order within 60 days of
2 service of the order.

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

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

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

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

1 offense was a result of human trafficking under Section
2 10-9 of the Criminal Code of 2012 or a severe form of
3 trafficking under the federal Trafficking Victims
4 Protection Act.

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

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

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

24 (A) The Illinois State Police and all law
25 enforcement agencies within the State shall
26 automatically expunge all criminal history records of

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

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

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

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

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

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

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

26 (iii) Records created prior to January 1, 2000

1 shall be automatically expunged prior to January
2 1, 2025.

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

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

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

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

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

25 (ii) the conviction identified in paragraph
26 (2)(A)(i) did not include a penalty enhancement

1 under Section 7 of the Cannabis Control Act; and

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

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

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

24 (ii) In response to a written objection from a
25 State's Attorney, the Prisoner Review Board is
26 authorized to conduct a non-public hearing to

1 evaluate the information provided in the
2 objection.

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

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

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

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

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

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

26 (4) Any State's Attorney may file a motion to vacate

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

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

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

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

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

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

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

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

22 (j) Felony Prostitution Convictions.

23 (1) Any individual may file a motion to vacate and
24 expunge a conviction for a prior Class 4 felony violation
25 of prostitution. Motions to vacate and expunge under this
26 subsection (j) may be filed with the circuit court, Chief

1 Judge of a judicial circuit, or any judge of the circuit
2 designated by the Chief Judge. When considering the motion
3 to vacate and expunge, a court shall consider the
4 following:

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

7 (B) the petitioner's age;

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

9 and

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

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

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

11 (B) the petitioner's age;

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

13 (D) the time since the conviction; and

14 (E) the specific adverse consequences if denied.

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

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

26 (4) The Illinois State Police shall allow a person to

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

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

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

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

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

19 Section 35. The Illinois Vehicle Hijacking and Motor
20 Vehicle Theft Prevention and Insurance Verification Act is
21 amended by changing Section 8.6 as follows:

22 (20 ILCS 4005/8.6)

23 Sec. 8.6. Private passenger motor vehicle insurance. ~~State~~
24 ~~Police Training and Academy Fund; Law Enforcement Training~~

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

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

18 Section 40. The State Finance Act is amended by changing
19 Sections 5.946, 5.963, 6z-106, 6z-125, and 6z-127 as follows:

20 (30 ILCS 105/5.946)

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

23 (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 into 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.~~

25 (c) Expenditures may be made from the Fund only as

1 appropriated by the General Assembly by law.

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

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

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

8 (30 ILCS 105/6z-125)

9 Sec. 6z-125. State Police Training and Academy Fund. The
10 State Police Training and Academy Fund is hereby created as a
11 special fund in the State treasury. Moneys in the Fund shall
12 consist of: (i) 10% of the revenue from increasing the
13 insurance producer license fees, as provided under subsection
14 (a-5) of Section 500-135 of the Illinois Insurance Code; and
15 (ii) 10% of the moneys collected from auto insurance policy
16 fees under Section 8.6 of the Illinois Vehicle Hijacking and
17 Motor Vehicle Theft Prevention and Insurance Verification Act.
18 This Fund shall be used by the Illinois State Police to fund
19 training and other State Police institutions, including, but
20 not limited to, forensic laboratories. On July 1, 2025, or as
21 soon thereafter as possible, the balance remaining in the
22 State Police Training and Academy Fund shall be transferred to
23 the State Police Law Enforcement Administration Fund. The
24 State Police Training and Academy Fund is dissolved upon that
25 transfer. This Section is repealed on January 1, 2026.

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

3 (30 ILCS 105/6z-127)

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

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

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

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

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

24 (e) Law enforcement agencies that participate in Firearm
25 Owner's Identification Card revocation enforcement in the

1 Violent Crime Intelligence Task Force may apply for grants
2 from the Illinois State Police.

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

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

11 Section 45. The School Code is amended by changing
12 Sections 10-27.1A and 10-27.1B as follows:

13 (105 ILCS 5/10-27.1A)

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

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

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

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

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

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

26 ~~The State Board of Education shall receive an annual~~

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

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

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

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

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

1 activity, or any public way within 1,000 feet of the real
2 property comprising any school.

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

5 (105 ILCS 5/10-27.1B)

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

8 (a) In this Section:

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

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

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

1 immediately ~~and to the Illinois State Police in a form,~~
2 ~~manner, and frequency as prescribed by the Illinois State~~
3 ~~Police.~~

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

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

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

23 Section 50. The Illinois Insurance Code is amended by
24 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
26 Illinois, and \$380 for a person who is not a resident of

1 Illinois, payable once every 2 years for a car rental
2 limited line license;

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

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

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

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

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

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

6 Section 55. The Illinois Gambling Act is amended by
7 changing Sections 7.7 and 22 as follows:

8 (230 ILCS 10/7.7)

9 Sec. 7.7. Organization gaming licenses.

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

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

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

18 An application shall be filed and considered in accordance
19 with the rules of the Board. Each application for an
20 organization gaming license shall include a nonrefundable
21 application fee of \$250,000. In addition, a nonrefundable fee
22 of \$50,000 shall be paid at the time of filing to defray the
23 costs associated with background investigations conducted by
24 the Board. If the costs of the background investigation exceed
25 \$50,000, the applicant shall pay the additional amount to the
26 Board within 7 days after a request by the Board. If the costs

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

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

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

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

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

1 then the 120-day period is tolled until a resolution is
2 reached.

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

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

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

14 (c) To be eligible to conduct gaming under this Section, a
15 person or entity having operating control of a racetrack must
16 (i) obtain an organization gaming license, (ii) hold an
17 organization license under the Illinois Horse Racing Act of
18 1975, (iii) hold an inter-track wagering license, (iv) pay an
19 initial fee of \$30,000 per gaming position from organization
20 gaming licensees where gaming is conducted in Cook County and,
21 except as provided in subsection (c-5), \$17,500 for
22 organization gaming licensees where gaming is conducted
23 outside of Cook County before beginning to conduct gaming plus
24 make the reconciliation payment required under subsection (k),
25 (v) conduct live racing in accordance with subsections (e-1),
26 (e-2), and (e-3) of Section 20 of the Illinois Horse Racing Act

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

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

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

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

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

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

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

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

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

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

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

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

24 (e) The Board may approve gaming positions pursuant to an
25 organization gaming license statewide as provided in this
26 Section. The authority to operate gaming positions under this

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

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

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

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

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

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

1 gaming positions for all organization gaming licensees.

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

4 (1) slot machine gambling;

5 (2) video game of chance gambling;

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

8 (4) table games.

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

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

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

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

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

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

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

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

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

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

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

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

23 Sec. 22. Criminal history record information. Whenever the
24 Board is authorized or required by law, including, but not
25 limited to, requirements under Sections 6, 7, 7.4, 7.7, and 9

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

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

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

12 Section 60. The Firearm Owners Identification Card Act is
13 amended by changing Section 5 as follows

14 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

15 Sec. 5. Application and renewal.

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

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

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

22 (c) If the Firearm Owner's Identification Card of a
23 licensee under the Firearm Concealed Carry Act expires during
24 the term of the licensee's concealed carry license, the
25 Firearm Owner's Identification Card and the license remain
26 valid and the licensee does not have to renew his or her

1 Firearm Owner's Identification Card during the duration of the
2 concealed carry license. Unless the Illinois State Police has
3 reason to believe the licensee is no longer eligible for the
4 card, the Illinois State Police may automatically renew the
5 licensee's Firearm Owner's Identification Card and send a
6 renewed Firearm Owner's Identification Card to the licensee.

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

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

12 Section 65. The Criminal Code of 2012 is amended by
13 changing Sections 29B-7 and 29B-12 as follows:

14 (720 ILCS 5/29B-7)

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

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

23 (1) place the property under seal;

24 (2) remove the property to a place designated by the

1 Director;

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

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

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

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

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

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

24 (720 ILCS 5/29B-12)

25 Sec. 29B-12. Non-judicial forfeiture. If non-real

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

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

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

24 (3) (A) Any person claiming an interest in property
25 that is the subject of notice under paragraph (1) of this
26 Section, must, in order to preserve any rights or claims

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

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

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

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

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

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

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

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

22 (viii) the relief sought.

23 (B) If a claimant files the claim, then the State's
24 Attorney shall institute judicial in rem forfeiture
25 proceedings with the clerk of the court as described in
26 Section 29B-13 of this Article within 28 days after

1 receipt of the claim.

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

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

11 Section 70. The Drug Asset Forfeiture Procedure Act is
12 amended by changing Section 6 as follows:

13 (725 ILCS 150/6) (from Ch. 56 1/2, par. 1676)

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

1 procedure shall be used:

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

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

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

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

25 (ii) the address at which the claimant will accept
26 mail;

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

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

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

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

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

12 (viii) the relief sought.

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

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

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

25 Section 75. The Unified Code of Corrections is amended by

1 changing Section 5-5.5-5 as follows:

2 (730 ILCS 5/5-5.5-5)

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

16 (Source: P.A. 99-381, eff. 1-1-16; 99-642, eff. 7-28-16.)

17 Section 80. The Arsonist Registration Act is amended by
18 changing Sections 1, 5, 10, 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 for a period of 10 years after conviction for
2 an arson offense. The information may include the arsonist's
3 name, date of birth, offense or offenses requiring inclusion
4 in the Statewide Arsonist Database, the conviction date and
5 county of each such offense, and such other identifying
6 information as the Illinois State Police deems necessary to
7 identify the arsonist, but shall not include the social
8 security number of the arsonist. The registry may include a
9 photograph of the arsonist.

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

23 (c) The Illinois State Police must have the Statewide
24 Arsonist Database created and ready to comply with the
25 requirements of this Section no later than July 1, 2025. ~~An~~
26 arsonist shall, within the time period prescribed in

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

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

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

24 ~~(a-5) An out-of-state student or out-of-state employee~~
25 ~~shall, within 10 days after beginning school or employment in~~
26 ~~this State, register in person and provide accurate~~

1 ~~information as required by the Illinois State Police. Such~~
2 ~~information must include current place of employment, school~~
3 ~~attended, and address in state of residence:~~

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

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

23 ~~(b) An arsonist as defined in Section 5 of this Act,~~
24 ~~regardless of any initial, prior, or other registration,~~
25 ~~shall, within 10 days of beginning school, or establishing a~~
26 ~~residence, place of employment, or temporary domicile in any~~

1 ~~county, register in person as set forth in subsection (a) or~~
2 ~~(a-5).~~

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

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

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

22 ~~(3) Any person unable to comply with the registration~~
23 ~~requirements of this Act because he or she is confined,~~
24 ~~institutionalized, or imprisoned in Illinois on or after~~
25 ~~the effective date of this Act shall register in person~~
26 ~~within 10 days of discharge, parole or release.~~

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

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

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

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

19 (730 ILCS 148/60)

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

21 (a) Except as otherwise provided in subsection (b), the
22 statements or any other information required by this Act shall
23 not be open to inspection by the public, or by any person other
24 than by a law enforcement officer or other individual as may be
25 authorized by law and shall include law enforcement agencies

1 of this State, any other state, or of the federal government.
2 Similar information may be requested from any law enforcement
3 agency of another state or of the federal government for
4 purposes of this Act. It is a Class B misdemeanor to permit the
5 unauthorized release of any information required by this Act.

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

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

16 (730 ILCS 148/75)

17 Sec. 75. Access to State of Illinois databases. The
18 Illinois State Police shall have access to State of Illinois
19 databases containing information that may help in the
20 identification or location of persons covered ~~required to~~
21 ~~register~~ under this Act. Interagency agreements shall be
22 implemented, consistent with security and procedures
23 established by the State agency and consistent with the laws
24 governing the confidentiality of the information in the
25 databases. Information shall be used only for administration

1 of this Act.

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

3 (730 ILCS 148/15 rep.)

4 (730 ILCS 148/20 rep.)

5 (730 ILCS 148/25 rep.)

6 (730 ILCS 148/30 rep.)

7 (730 ILCS 148/35 rep.)

8 (730 ILCS 148/40 rep.)

9 (730 ILCS 148/45 rep.)

10 (730 ILCS 148/50 rep.)

11 (730 ILCS 148/55 rep.)

12 (730 ILCS 148/65 rep.)

13 (730 ILCS 148/70 rep.)

14 (730 ILCS 148/80 rep.)

15 Section 85. The Arsonist Registration Act is amended by
16 repealing Sections 15, 20, 25, 30, 35, 40, 45, 50, 55, 65, 70,
17 and 80.

18 Section 90. The Code of Civil Procedure is amended by
19 changing Sections 21-101 and 21-102 as follows:

20 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

21 Sec. 21-101. Proceedings; parties.

22 (a) If any person who is a resident of this State and has
23 resided in this State for 6 months desires to change his or her

1 name and to assume another name by which to be afterwards
2 called and known, the person may file a petition requesting
3 that relief in the circuit court of the county wherein he or
4 she resides.

5 (b) A person who has been convicted of any offense for
6 which a person is required to register under the Sex Offender
7 Registration Act, the Murderer and Violent Offender Against
8 Youth Registration Act, or the Arsonist Registry Act ~~Arsonist~~
9 ~~Registration Act~~ in this State or any other state and who has
10 not been pardoned is not permitted to file a petition for a
11 name change in the courts of this State during the period that
12 the person is required to register, unless that person
13 verifies under oath, as provided under Section 1-109, that the
14 petition for the name change is due to marriage, religious
15 beliefs, status as a victim of trafficking or gender-related
16 identity as defined by the Illinois Human Rights Act. A judge
17 may grant or deny the request for legal name change filed by
18 such persons. Any such persons granted a legal name change
19 shall report the change to the law enforcement agency having
20 jurisdiction of their current registration pursuant to the
21 Duty to Report requirements specified in ~~Section 35 of the~~
22 ~~Arsonist Registration Act,~~ Section 20 of the Murderer and
23 Violent Offender Against Youth Registration Act~~,~~ and Section 6
24 of the Sex Offender Registration Act. For the purposes of this
25 subsection, a person will not face a felony charge if the
26 person's request for legal name change is denied without proof

1 of perjury.

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

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

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

23 (1) The wishes of the child's parents and any person
24 acting as a parent who has physical custody of the child.

25 (2) The wishes of the child and the reasons for those
26 wishes. The court may interview the child in chambers to

1 ascertain the child's wishes with respect to the change of
2 name. Counsel shall be present at the interview unless
3 otherwise agreed upon by the parties. The court shall
4 cause a court reporter to be present who shall make a
5 complete record of the interview instantaneously to be
6 part of the record in the case.

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

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

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

1 forwarded to the Illinois State Police. The Illinois State
2 Police shall update any criminal history transcript or
3 offender registration of each person 18 years of age or older
4 in the order to include the change of name as well as his or
5 her former name.

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

8 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

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

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

1 having the legal custody of the minor.

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

21 (c) Any petition filed under subsection (a) shall include
22 the following: "WARNING: If you are required to register under
23 the Sex Offender Registration Act, the Murderer and Violent
24 Offender Against Youth Registration Act, or the Arsonist
25 Registry Act ~~Arsonist Registration Act~~ in this State or a
26 similar law in any other state and have not been pardoned, you

1 will be committing a felony under those respective Acts by
2 seeking a change of name during the registration period UNLESS
3 your request for legal name change is due to marriage,
4 religious beliefs, status as a victim of trafficking or gender
5 related identity as defined by the Illinois Human Rights
6 Act.".

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

9 Section 99. Effective date. This Act takes effect July 1,
10 2024.