

1 AN ACT concerning education.

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

4 Section 5. The Higher Education Student Assistance Act is  
5 amended by changing Section 62 as follows:

6 (110 ILCS 947/62)

7 Sec. 62. Grants for exonerated persons and their  
8 dependents.

9 (a) In this Section:

10 "Dependent" means any spouse, natural child, legally  
11 adopted child, or child in the legal custody of an individual.

12 "Exonerated person" means an individual who has received a  
13 pardon from the Governor of the State of Illinois stating that  
14 such a pardon is issued on the grounds of innocence of the  
15 crime for which he or she was imprisoned or an individual who  
16 has received a certificate of innocence from a circuit court  
17 pursuant to Section 2-702 of the Code of Civil Procedure.

18 "Satisfactory academic progress" means the qualified  
19 applicant's maintenance of minimum standards of academic  
20 performance, consistent with requirements for maintaining  
21 federal financial aid eligibility, as determined by the  
22 institution of higher learning.

23 (b) Subject to a separate appropriation for this purpose,

1 the Commission shall, each year, receive and consider  
2 applications for grant assistance under this Section.  
3 Recipients of grants issued by the Commission in accordance  
4 with this Section must be exonerated persons or, as provided  
5 in subsection (c-5) of this Section, their dependents.  
6 Provided that the recipient is maintaining satisfactory  
7 academic progress and subject to subsection (c-5) of this  
8 Section, the funds from the grant may be used to pay up to 8  
9 semesters or 12 quarters of full payment of tuition and  
10 mandatory fees at any public university or public community  
11 college located in this State for either full or part-time  
12 study. This benefit may be used for undergraduate or graduate  
13 study. Beginning with grants awarded for the 2025-2026  
14 academic year, a grant under this Section may also be used at  
15 any private, not-for-profit college or university in this  
16 State that is approved to participate in the Monetary Award  
17 Program under Section 35 of this Act. A recipient attending  
18 such a private, not-for-profit college or university shall  
19 receive payment of tuition and mandatory fees in an amount not  
20 to exceed the maximum grant payable to a student enrolled in  
21 the most expensive comparable program of study at a public  
22 college or university in this State.

23 In addition, an exonerated person or, as provided in  
24 subsection (c-5) of this Section, a dependent who has not yet  
25 received a high school diploma or a State of Illinois High  
26 School Diploma and completes a high school equivalency

1 preparation course through an Illinois Community College  
2 Board-approved provider may use grant funds to pay costs  
3 associated with obtaining a State of Illinois High School  
4 Diploma, including payment of the cost of the high school  
5 equivalency test and up to one retest on each test module, and  
6 any additional fees that may be required in order to obtain a  
7 State of Illinois High School Diploma or an official  
8 transcript of test scores after successful completion of the  
9 high school equivalency test.

10 (c) An applicant for a grant under this Section need not  
11 demonstrate financial need to qualify for the benefits and  
12 need not be a resident of this State at the time of enrollment.

13 (c-5) Beginning no later than the 2025-2026 academic year,  
14 if an exonerated person has been found by the Commission to  
15 qualify for a grant under this Section and the exonerated  
16 person has not yet exhausted the benefit for which the  
17 exonerated person is eligible under subsection (b), the  
18 exonerated person may designate one or more dependents to use  
19 any unexpended portion of the benefit for which the exonerated  
20 person is eligible, up to the total benefit for which the  
21 exonerated person is eligible under subsection (b). The  
22 combined benefit used by the exonerated person and any  
23 designated dependents may not exceed the total benefit for  
24 which the exonerated person is eligible under subsection (b).  
25 If funding is insufficient to serve all applicants, the  
26 Commission may prioritize applicants who have been exonerated

1 over applicants who are dependents of exonerated persons.

2 (d) The Commission may adopt any rules necessary to  
3 implement and administer this Section.

4 (Source: P.A. 102-1100, eff. 1-1-23.)

5 Section 10. The Code of Civil Procedure is amended by  
6 changing Section 2-702 as follows:

7 (735 ILCS 5/2-702)

8 Sec. 2-702. Petition for a certificate of innocence that  
9 the petitioner was innocent of all offenses for which he or she  
10 was incarcerated.

11 (a) The General Assembly finds and declares that innocent  
12 persons who have been wrongly convicted of crimes in Illinois  
13 and subsequently imprisoned have been frustrated in seeking  
14 legal redress due to a variety of substantive and technical  
15 obstacles in the law and that such persons should have an  
16 available avenue to obtain a finding of innocence so that they  
17 may obtain relief through a petition in the Court of Claims.  
18 The General Assembly further finds misleading the current  
19 legal nomenclature which compels an innocent person to seek a  
20 pardon for being wrongfully incarcerated. It is the intent of  
21 the General Assembly that the court, in exercising its  
22 discretion as permitted by law regarding the weight and  
23 admissibility of evidence submitted pursuant to this Section,  
24 shall, in the interest of justice, give due consideration to

1 difficulties of proof caused by the passage of time, the death  
2 or unavailability of witnesses, the destruction of evidence or  
3 other factors not caused by such persons or those acting on  
4 their behalf.

5 (b) Any person convicted and subsequently imprisoned for  
6 one or more felonies by the State of Illinois which he or she  
7 did not commit may, under the conditions hereinafter provided,  
8 file a petition for certificate of innocence in the circuit  
9 court of the county in which the person was convicted. The  
10 petition shall request a certificate of innocence finding that  
11 the petitioner was innocent of all offenses for which he or she  
12 was incarcerated.

13 (c) In order to present the claim for certificate of  
14 innocence of an unjust conviction and imprisonment, the  
15 petitioner must attach to his or her petition documentation  
16 demonstrating that:

17 (1) he or she has been convicted of one or more  
18 felonies by the State of Illinois and subsequently  
19 sentenced to a term of imprisonment, and has served all or  
20 any part of the sentence; and

21 (2) his or her judgment of conviction was reversed or  
22 vacated, and the indictment or information dismissed or,  
23 if a new trial was ordered, either he or she was found not  
24 guilty at the new trial or he or she was not retried and  
25 the indictment or information dismissed; or the statute,  
26 or application thereof, on which the indictment or

1 information was based violated the Constitution of the  
2 United States or the State of Illinois; and

3 (3) his or her claim is not time barred by the  
4 provisions of subsection (i) of this Section.

5 (d) The petition shall state facts in sufficient detail to  
6 permit the court to find that the petitioner is likely to  
7 succeed at trial in proving that the petitioner is innocent of  
8 the offenses charged in the indictment or information or his  
9 or her acts or omissions charged in the indictment or  
10 information did not constitute a felony or misdemeanor against  
11 the State of Illinois, and the petitioner did not by his or her  
12 own conduct voluntarily cause or bring about his or her  
13 conviction. The petition shall be verified by the petitioner.

14 (e) A copy of the petition shall be served on the Attorney  
15 General and the State's Attorney of the county where the  
16 conviction was had. The Attorney General and the State's  
17 Attorney of the county where the conviction was had shall have  
18 the right to intervene as parties.

19 (f) In any hearing seeking a certificate of innocence, the  
20 court may take judicial notice of prior sworn testimony or  
21 evidence admitted in the criminal proceedings related to the  
22 convictions which resulted in the alleged wrongful  
23 incarceration, if the petitioner was either represented by  
24 counsel at such prior proceedings or the right to counsel was  
25 knowingly waived.

26 (g) In order to obtain a certificate of innocence the

1 petitioner must prove by a preponderance of evidence that:

2 (1) the petitioner was convicted of one or more  
3 felonies by the State of Illinois and subsequently  
4 sentenced to a term of imprisonment, and has served all or  
5 any part of the sentence;

6 (2) (A) the judgment of conviction was reversed or  
7 vacated, and the indictment or information dismissed or,  
8 if a new trial was ordered, either the petitioner was  
9 found not guilty at the new trial or the petitioner was not  
10 retried and the indictment or information dismissed; or

11 (B) the statute, or application thereof, on which the  
12 indictment or information was based violated the  
13 Constitution of the United States or the State of  
14 Illinois;

15 (3) the petitioner is innocent of the offenses charged  
16 in the indictment or information or his or her acts or  
17 omissions charged in the indictment or information did not  
18 constitute a felony or misdemeanor against the State; and

19 (4) the petitioner did not by his or her own conduct  
20 voluntarily cause or bring about his or her conviction.

21 (h) If the court finds that the petitioner is entitled to a  
22 judgment, it shall enter a certificate of innocence finding  
23 that the petitioner was innocent of all offenses for which he  
24 or she was incarcerated. Upon entry of the certificate of  
25 innocence or pardon from the Governor stating that such pardon  
26 was issued on the ground of innocence of the crime for which he

1 or she was imprisoned, (1) the clerk of the court shall  
2 transmit a copy of the certificate of innocence to the clerk of  
3 the Court of Claims, together with the claimant's current  
4 address; and (2) the court shall enter an order expunging the  
5 record of arrest from the official records of the arresting  
6 authority and order that the records of the clerk of the  
7 circuit court and the Illinois State Police be sealed until  
8 further order of the court upon good cause shown or as  
9 otherwise provided herein, and the name of the defendant  
10 obliterated from the official index requested to be kept by  
11 the circuit court clerk under Section 16 of the Clerks of  
12 Courts Act in connection with the arrest and conviction for  
13 the offense but the order shall not affect any index issued by  
14 the circuit court clerk before the entry of the order. The  
15 court shall enter the expungement order regardless of whether  
16 the petitioner has prior criminal convictions.

17 All records sealed by the Illinois State Police may be  
18 disseminated by the Department only as required by law or to  
19 the arresting authority, the State's Attorney, the court upon  
20 a later arrest for the same or similar offense, or for the  
21 purpose of sentencing for any subsequent felony. Upon  
22 conviction for any subsequent offense, the Department of  
23 Corrections shall have access to all sealed records of the  
24 Department pertaining to that individual.

25 Upon entry of the order of expungement, the clerk of the  
26 circuit court shall promptly mail a copy of the order to the



1 person whose records were expunged and sealed. The clerk shall  
2 post in the common areas of the courthouse a notice containing  
3 information about grants for exonerated persons and their  
4 dependents under Section 62 of the Higher Education Student  
5 Assistance Act, including the Internet address of the Illinois  
6 Student Assistance Commission. The Illinois Student Assistance  
7 Commission shall develop a uniform statewide notice and  
8 provide the format of the notice to each clerk.

9 (i) Any person seeking a certificate of innocence under  
10 this Section based on the dismissal of an indictment or  
11 information or acquittal that occurred before the effective  
12 date of this amendatory Act of the 95th General Assembly shall  
13 file his or her petition within 2 years after the effective  
14 date of this amendatory Act of the 95th General Assembly. Any  
15 person seeking a certificate of innocence under this Section  
16 based on the dismissal of an indictment or information or  
17 acquittal that occurred on or after the effective date of this  
18 amendatory Act of the 95th General Assembly shall file his or  
19 her petition within 2 years after the dismissal.

20 (j) The decision to grant or deny a certificate of  
21 innocence shall be binding only with respect to claims filed  
22 in the Court of Claims and shall not have a res judicata effect  
23 on any other proceedings.

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