



Rep. Constance A. Howard

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LRB096 09615 RLC 24389 a

1 AMENDMENT TO HOUSE BILL 3961

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3961 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by  
5 changing Sections 5 and 13 and by adding Sections 5.2 and 14 as  
6 follows:

7 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

8 Sec. 5. Arrest reports, ~~expungement~~.

9 (a) All policing bodies of this State shall furnish to the  
10 Department, daily, in the form and detail the Department  
11 requires, fingerprints and descriptions of all persons who are  
12 arrested on charges of violating any penal statute of this  
13 State for offenses that are classified as felonies and Class A  
14 or B misdemeanors and of all minors of the age of 10 and over  
15 who have been arrested for an offense which would be a felony  
16 if committed by an adult, and may forward such fingerprints and

1 descriptions for minors arrested for Class A or B misdemeanors.  
2 Moving or nonmoving traffic violations under the Illinois  
3 Vehicle Code shall not be reported except for violations of  
4 Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In  
5 addition, conservation offenses, as defined in the Supreme  
6 Court Rule 501(c), that are classified as Class B misdemeanors  
7 shall not be reported.

8 ~~Whenever an adult or minor prosecuted as an adult, not~~  
9 ~~having previously been convicted of any criminal offense or~~  
10 ~~municipal ordinance violation, charged with a violation of a~~  
11 ~~municipal ordinance or a felony or misdemeanor, is acquitted or~~  
12 ~~released without being convicted, whether the acquittal or~~  
13 ~~release occurred before, on, or after the effective date of~~  
14 ~~this amendatory Act of 1991, the Chief Judge of the circuit~~  
15 ~~wherein the charge was brought, any judge of that circuit~~  
16 ~~designated by the Chief Judge, or in counties of less than~~  
17 ~~3,000,000 inhabitants, the presiding trial judge at the~~  
18 ~~defendant's trial may upon verified petition of the defendant~~  
19 ~~order the record of arrest expunged from the official records~~  
20 ~~of the arresting authority and the Department and order that~~  
21 ~~the records of the clerk of the circuit court be sealed until~~  
22 ~~further order of the court upon good cause shown and the name~~  
23 ~~of the defendant obliterated on the official index required to~~  
24 ~~be kept by the circuit court clerk under Section 16 of the~~  
25 ~~Clerks of Courts Act, but the order shall not affect any index~~  
26 ~~issued by the circuit court clerk before the entry of the~~

1 ~~order. The Department may charge the petitioner a fee~~  
2 ~~equivalent to the cost of processing any order to expunge or~~  
3 ~~seal the records, and the fee shall be deposited into the State~~  
4 ~~Police Services Fund. The records of those arrests, however,~~  
5 ~~that result in a disposition of supervision for any offense~~  
6 ~~shall not be expunged from the records of the arresting~~  
7 ~~authority or the Department nor impounded by the court until 2~~  
8 ~~years after discharge and dismissal of supervision. Those~~  
9 ~~records that result from a supervision for a violation of~~  
10 ~~Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois~~  
11 ~~Vehicle Code or a similar provision of a local ordinance, or~~  
12 ~~for a violation of Section 12-3.2, 12-15 or 16A-3 of the~~  
13 ~~Criminal Code of 1961, or probation under Section 10 of the~~  
14 ~~Cannabis Control Act, Section 410 of the Illinois Controlled~~  
15 ~~Substances Act, Section 70 of the Methamphetamine Control and~~  
16 ~~Community Protection Act, Section 12-4.3(b)(1) and (2) of the~~  
17 ~~Criminal Code of 1961 (as those provisions existed before their~~  
18 ~~deletion by Public Act 89-313), Section 10-102 of the Illinois~~  
19 ~~Alcoholism and Other Drug Dependency Act when the judgment of~~  
20 ~~conviction has been vacated, Section 40-10 of the Alcoholism~~  
21 ~~and Other Drug Abuse and Dependency Act when the judgment of~~  
22 ~~conviction has been vacated, or Section 10 of the Steroid~~  
23 ~~Control Act shall not be expunged from the records of the~~  
24 ~~arresting authority nor impounded by the court until 5 years~~  
25 ~~after termination of probation or supervision. Those records~~  
26 ~~that result from a supervision for a violation of Section~~

1 ~~11-501 of the Illinois Vehicle Code or a similar provision of a~~  
2 ~~local ordinance, shall not be expunged. All records set out~~  
3 ~~above may be ordered by the court to be expunged from the~~  
4 ~~records of the arresting authority and impounded by the court~~  
5 ~~after 5 years, but shall not be expunged by the Department, but~~  
6 ~~shall, on court order be sealed by the Department and may be~~  
7 ~~disseminated by the Department only as required by law or to~~  
8 ~~the arresting authority, the State's Attorney, and the court~~  
9 ~~upon a later arrest for the same or a similar offense or for~~  
10 ~~the purpose of sentencing for any subsequent felony. Upon~~  
11 ~~conviction for any offense, the Department of Corrections shall~~  
12 ~~have access to all sealed records of the Department pertaining~~  
13 ~~to that individual.~~

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

17 ~~(b) Whenever a person has been convicted of a crime or of~~  
18 ~~the violation of a municipal ordinance, in the name of a person~~  
19 ~~whose identity he has stolen or otherwise come into possession~~  
20 ~~of, the aggrieved person from whom the identity was stolen or~~  
21 ~~otherwise obtained without authorization, upon learning of the~~  
22 ~~person having been arrested using his identity, may, upon~~  
23 ~~verified petition to the chief judge of the circuit wherein the~~  
24 ~~arrest was made, have a court order entered nunc pro tunc by~~  
25 ~~the chief judge to correct the arrest record, conviction~~  
26 ~~record, if any, and all official records of the arresting~~

1 ~~authority, the Department, other criminal justice agencies,~~  
2 ~~the prosecutor, and the trial court concerning such arrest, if~~  
3 ~~any, by removing his name from all such records in connection~~  
4 ~~with the arrest and conviction, if any, and by inserting in the~~  
5 ~~records the name of the offender, if known or ascertainable, in~~  
6 ~~lieu of the aggrieved's name. The records of the clerk of the~~  
7 ~~circuit court clerk shall be sealed until further order of the~~  
8 ~~court upon good cause shown and the name of the aggrieved~~  
9 ~~person obliterated on the official index required to be kept by~~  
10 ~~the circuit court clerk under Section 16 of the Clerks of~~  
11 ~~Courts Act, but the order shall not affect any index issued by~~  
12 ~~the circuit court clerk before the entry of the order. Nothing~~  
13 ~~in this Section shall limit the Department of State Police or~~  
14 ~~other criminal justice agencies or prosecutors from listing~~  
15 ~~under an offender's name the false names he or she has used.~~  
16 ~~For purposes of this Section, convictions for moving and~~  
17 ~~nonmoving traffic violations other than convictions for~~  
18 ~~violations of Chapter 4, Section 11-204.1 or Section 11-501 of~~  
19 ~~the Illinois Vehicle Code shall not be a bar to expunging the~~  
20 ~~record of arrest and court records for violation of a~~  
21 ~~misdemeanor or municipal ordinance.~~

22 ~~(c) Whenever a person who has been convicted of an offense~~  
23 ~~is granted a pardon by the Governor which specifically~~  
24 ~~authorizes expungement, he may, upon verified petition to the~~  
25 ~~chief judge of the circuit where the person had been convicted,~~  
26 ~~any judge of the circuit designated by the Chief Judge, or in~~

1 ~~counties of less than 3,000,000 inhabitants, the presiding~~  
2 ~~trial judge at the defendant's trial, may have a court order~~  
3 ~~entered expunging the record of arrest from the official~~  
4 ~~records of the arresting authority and order that the records~~  
5 ~~of the clerk of the circuit court and the Department be sealed~~  
6 ~~until further order of the court upon good cause shown or as~~  
7 ~~otherwise provided herein, and the name of the defendant~~  
8 ~~obliterated from the official index requested to be kept by the~~  
9 ~~circuit court clerk under Section 16 of the Clerks of Courts~~  
10 ~~Act in connection with the arrest and conviction for the~~  
11 ~~offense for which he had been pardoned but the order shall not~~  
12 ~~affect any index issued by the circuit court clerk before the~~  
13 ~~entry of the order. All records sealed by the Department may be~~  
14 ~~disseminated by the Department only as required by law or to~~  
15 ~~the arresting authority, the State's Attorney, and the court~~  
16 ~~upon a later arrest for the same or similar offense or for the~~  
17 ~~purpose of sentencing for any subsequent felony. Upon~~  
18 ~~conviction for any subsequent offense, the Department of~~  
19 ~~Corrections shall have access to all sealed records of the~~  
20 ~~Department pertaining to that individual. Upon entry of the~~  
21 ~~order of expungement, the clerk of the circuit court shall~~  
22 ~~promptly mail a copy of the order to the person who was~~  
23 ~~pardoned.~~

24 ~~(c-5) Whenever a person has been convicted of criminal~~  
25 ~~sexual assault, aggravated criminal sexual assault, predatory~~  
26 ~~criminal sexual assault of a child, criminal sexual abuse, or~~

1 ~~aggravated criminal sexual abuse, the victim of that offense~~  
2 ~~may request that the State's Attorney of the county in which~~  
3 ~~the conviction occurred file a verified petition with the~~  
4 ~~presiding trial judge at the defendant's trial to have a court~~  
5 ~~order entered to seal the records of the clerk of the circuit~~  
6 ~~court in connection with the proceedings of the trial court~~  
7 ~~concerning that offense. However, the records of the arresting~~  
8 ~~authority and the Department of State Police concerning the~~  
9 ~~offense shall not be sealed. The court, upon good cause shown,~~  
10 ~~shall make the records of the clerk of the circuit court in~~  
11 ~~connection with the proceedings of the trial court concerning~~  
12 ~~the offense available for public inspection.~~

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

19 ~~(d) Notice of the petition for subsections (a), (b), and~~  
20 ~~(c) shall be served by the clerk upon the State's Attorney or~~  
21 ~~prosecutor charged with the duty of prosecuting the offense,~~  
22 ~~the Department of State Police, the arresting agency and the~~  
23 ~~chief legal officer of the unit of local government affecting~~  
24 ~~the arrest. Unless the State's Attorney or prosecutor, the~~  
25 ~~Department of State Police, the arresting agency or such chief~~  
26 ~~legal officer objects to the petition within 30 days from the~~

1 ~~date of the notice, the court shall enter an order granting or~~  
2 ~~denying the petition. The clerk of the court shall promptly~~  
3 ~~mail a copy of the order to the person, the arresting agency,~~  
4 ~~the prosecutor, the Department of State Police and such other~~  
5 ~~criminal justice agencies as may be ordered by the judge.~~

6 ~~(e) Nothing herein shall prevent the Department of State~~  
7 ~~Police from maintaining all records of any person who is~~  
8 ~~admitted to probation upon terms and conditions and who~~  
9 ~~fulfills those terms and conditions pursuant to Section 10 of~~  
10 ~~the Cannabis Control Act, Section 410 of the Illinois~~  
11 ~~Controlled Substances Act, Section 70 of the Methamphetamine~~  
12 ~~Control and Community Protection Act, Section 12-4.3 of the~~  
13 ~~Criminal Code of 1961, Section 10-102 of the Illinois~~  
14 ~~Alcoholism and Other Drug Dependency Act, Section 40-10 of the~~  
15 ~~Alcoholism and Other Drug Abuse and Dependency Act, or Section~~  
16 ~~10 of the Steroid Control Act.~~

17 ~~(f) No court order issued under the expungement provisions~~  
18 ~~of this Section shall become final for purposes of appeal until~~  
19 ~~30 days after notice is received by the Department. Any court~~  
20 ~~order contrary to the provisions of this Section is void.~~

21 ~~(g) Except as otherwise provided in subsection (c-5) of~~  
22 ~~this Section, the court shall not order the sealing or~~  
23 ~~expungement of the arrest records and records of the circuit~~  
24 ~~court clerk of any person granted supervision for or convicted~~  
25 ~~of any sexual offense committed against a minor under 18 years~~  
26 ~~of age. For the purposes of this Section, "sexual offense~~



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

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

9 ~~(2) Sealable offenses. The following offenses may be~~  
10 ~~sealed:~~

11 ~~(A) All municipal ordinance violations and~~  
12 ~~misdemeanors, with the exception of the following:~~

13 ~~(i) violations of Section 11-501 of the Illinois~~  
14 ~~Vehicle Code or a similar provision of a local~~  
15 ~~ordinance;~~

16 ~~(ii) violations of Article 11 of the Criminal Code~~  
17 ~~of 1961 or a similar provision of a local ordinance,~~  
18 ~~except Section 11-14 of the Criminal Code of 1961 as~~  
19 ~~provided in clause B(i) of this subsection (h);~~

20 ~~(iii) violations of Section 12-15, 12-30, or 26-5~~  
21 ~~of the Criminal Code of 1961 or a similar provision of~~  
22 ~~a local ordinance;~~

23 ~~(iv) violations that are a crime of violence as~~  
24 ~~defined in Section 2 of the Crime Victims Compensation~~  
25 ~~Act or a similar provision of a local ordinance;~~

26 ~~(v) Class A misdemeanor violations of the Humane~~

1 ~~Care for Animals Act; and~~

2 ~~(vi) any offense or attempted offense that would~~  
3 ~~subject a person to registration under the Sex Offender~~  
4 ~~Registration Act.~~

5 ~~(B) Misdemeanor and Class 4 felony violations of:~~

6 ~~(i) Section 11-14 of the Criminal Code of 1961;~~

7 ~~(ii) Section 4 of the Cannabis Control Act;~~

8 ~~(iii) Section 402 of the Illinois Controlled~~  
9 ~~Substances Act; and~~

10 ~~(iv) Section 60 of the Methamphetamine Control and~~  
11 ~~Community Protection Act.~~

12 ~~However, for purposes of this subsection (h), a~~  
13 ~~sentence of first offender probation under Section 10 of~~  
14 ~~the Cannabis Control Act, Section 410 of the Illinois~~  
15 ~~Controlled Substances Act, or Section 70 of the~~  
16 ~~Methamphetamine Control and Community Protection Act shall~~  
17 ~~be treated as a Class 4 felony conviction.~~

18 ~~(3) Requirements for sealing. Records identified as~~  
19 ~~sealable under clause (h) (2) may be sealed when the individual~~  
20 ~~was:~~

21 ~~(A) Acquitted of the offense or offenses or released~~  
22 ~~without being convicted.~~

23 ~~(B) Convicted of the offense or offenses and the~~  
24 ~~conviction or convictions were reversed.~~

25 ~~(C) Placed on misdemeanor supervision for an offense or~~  
26 ~~offenses; and~~

1           ~~(i) at least 3 years have elapsed since the~~  
2 ~~completion of the term of supervision, or terms of~~  
3 ~~supervision, if more than one term has been ordered;~~  
4 ~~and~~

5           ~~(ii) the individual has not been convicted of a~~  
6 ~~felony or misdemeanor or placed on supervision for a~~  
7 ~~misdemeanor or felony during the period specified in~~  
8 ~~clause (i).~~

9 ~~(D) Convicted of an offense or offenses; and~~

10           ~~(i) at least 4 years have elapsed since the last~~  
11 ~~such conviction or term of any sentence, probation,~~  
12 ~~parole, or supervision, if any, whichever is last in~~  
13 ~~time; and~~

14           ~~(ii) the individual has not been convicted of a~~  
15 ~~felony or misdemeanor or placed on supervision for a~~  
16 ~~misdemeanor or felony during the period specified in~~  
17 ~~clause (i).~~

18           ~~(4) Requirements for sealing of records when more than one~~  
19 ~~charge and disposition have been filed. When multiple offenses~~  
20 ~~are petitioned to be sealed under this subsection (h), the~~  
21 ~~requirements of the relevant provisions of clauses (h) (3) (A)~~  
22 ~~through (D) each apply. In instances in which more than one~~  
23 ~~waiting period is applicable under clauses (h) (C) (i) and (ii)~~  
24 ~~and (h) (D) (i) and (ii), the longer applicable period applies,~~  
25 ~~and the requirements of clause (h) (3) shall be considered met~~  
26 ~~when the petition is filed after the passage of the longer~~

1 ~~applicable waiting period. That period commences on the date of~~  
2 ~~the completion of the last sentence or the end of supervision,~~  
3 ~~probation, or parole, whichever is last in time.~~

4 ~~(5) Subsequent convictions. A person may not have~~  
5 ~~subsequent felony conviction records sealed as provided in this~~  
6 ~~subsection (h) if he or she is convicted of any felony offense~~  
7 ~~after the date of the sealing of prior felony records as~~  
8 ~~provided in this subsection (h).~~

9 ~~(6) Notice of eligibility for sealing. Upon acquittal,~~  
10 ~~release without conviction, or being placed on supervision for~~  
11 ~~a sealable offense, or upon conviction of a sealable offense,~~  
12 ~~the person shall be informed by the court of the right to have~~  
13 ~~the records sealed and the procedures for the sealing of the~~  
14 ~~records.~~

15 ~~(7) Procedure. Upon becoming eligible for the sealing of~~  
16 ~~records under this subsection (h), the person who seeks the~~  
17 ~~sealing of his or her records shall file a petition requesting~~  
18 ~~the sealing of records with the clerk of the court where the~~  
19 ~~charge or charges were brought. The records may be sealed by~~  
20 ~~the Chief Judge of the circuit wherein the charge was brought,~~  
21 ~~any judge of that circuit designated by the Chief Judge, or in~~  
22 ~~counties of less than 3,000,000 inhabitants, the presiding~~  
23 ~~trial judge at the defendant's trial, if any. If charges were~~  
24 ~~brought in multiple jurisdictions, a petition must be filed in~~  
25 ~~each such jurisdiction. The petitioner shall pay the applicable~~  
26 ~~fee, if not waived.~~

1           ~~(A) Contents of petition. The petition shall contain~~  
2           ~~the petitioner's name, date of birth, current address, each~~  
3           ~~charge, each case number, the date of each charge, the~~  
4           ~~identity of the arresting authority, and such other~~  
5           ~~information as the court may require. During the pendency~~  
6           ~~of the proceeding, the petitioner shall promptly notify the~~  
7           ~~clerk of the court of any change of address.~~

8           ~~(B) Drug test. A person filing a petition to have his~~  
9           ~~or her records sealed for a Class 4 felony violation of~~  
10           ~~Section 4 of the Cannabis Control Act or for a Class 4~~  
11           ~~felony violation of Section 402 of the Illinois Controlled~~  
12           ~~Substances Act must attach to the petition proof that the~~  
13           ~~petitioner has passed a test taken within the previous 30~~  
14           ~~days before the filing of the petition showing the absence~~  
15           ~~within his or her body of all illegal substances in~~  
16           ~~violation of either the Illinois Controlled Substances Act~~  
17           ~~or the Cannabis Control Act.~~

18           ~~(C) Service of petition. The clerk shall promptly serve~~  
19           ~~a copy of the petition on the State's Attorney or~~  
20           ~~prosecutor charged with the duty of prosecuting the~~  
21           ~~offense, the Department of State Police, the arresting~~  
22           ~~agency and the chief legal officer of the unit of local~~  
23           ~~government effecting the arrest.~~

24           ~~(D) Entry of order. Unless the State's Attorney or~~  
25           ~~prosecutor, the Department of State Police, the arresting~~  
26           ~~agency or such chief legal officer objects to sealing of~~

1 ~~the records within 90 days of notice the court shall enter~~  
2 ~~an order sealing the defendant's records.~~

3 ~~(E) Hearing upon objection. If an objection is filed,~~  
4 ~~the court shall set a date for a hearing and notify the~~  
5 ~~petitioner and the parties on whom the petition had been~~  
6 ~~served, and shall hear evidence on whether the sealing of~~  
7 ~~the records should or should not be granted, and shall make~~  
8 ~~a determination on whether to issue an order to seal the~~  
9 ~~records based on the evidence presented at the hearing.~~

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

19 ~~(8) Fees. Notwithstanding any provision of the Clerk of the~~  
20 ~~Courts Act to the contrary, and subject to the approval of the~~  
21 ~~county board, the clerk may charge a fee equivalent to the cost~~  
22 ~~associated with the sealing of records by the clerk and the~~  
23 ~~Department of State Police. The clerk shall forward the~~  
24 ~~Department of State Police portion of the fee to the Department~~  
25 ~~and it shall be deposited into the State Police Services Fund.~~

26 ~~(i) Subject to available funding, the Illinois Department~~

1 ~~of Corrections shall conduct a study of the impact of sealing,~~  
2 ~~especially on employment and recidivism rates, utilizing a~~  
3 ~~random sample of those who apply for the sealing of their~~  
4 ~~criminal records under Public Act 93-211, in accordance to~~  
5 ~~rules adopted by the Department. At the request of the Illinois~~  
6 ~~Department of Corrections, records of the Illinois Department~~  
7 ~~of Employment Security shall be utilized as appropriate to~~  
8 ~~assist in the study. The study shall not disclose any data in a~~  
9 ~~manner that would allow the identification of any particular~~  
10 ~~individual or employing unit. The study shall be made available~~  
11 ~~to the General Assembly no later than September 1, 2006.~~

12 ~~(j) Notwithstanding any provision of the Clerks of Courts~~  
13 ~~Act to the contrary, the clerk may charge a fee equivalent to~~  
14 ~~the cost associated with the sealing or expungement of records~~  
15 ~~by the clerk. From the total filing fee collected for the~~  
16 ~~Petition to seal or expunge, the clerk shall deposit \$10 into~~  
17 ~~the Circuit Court Clerk Operation and Administrative Fund, to~~  
18 ~~be used to offset the costs incurred by the Circuit Court Clerk~~  
19 ~~in performing the additional duties required to serve the~~  
20 ~~Petition to Seal or Expunge on all parties. The clerk shall~~  
21 ~~also charge a filing fee equivalent to the cost of sealing or~~  
22 ~~expunging the record by the Department of State Police. The~~  
23 ~~clerk shall collect and forward the Department of State Police~~  
24 ~~portion of the fee to the Department and it shall be deposited~~  
25 ~~in the State Police Services Fund.~~

26 (Source: P.A. 94-556, eff. 9-11-05; 95-955, eff. 1-1-09;

1 revised 10-28-08.)

2 (20 ILCS 2630/5.2 new)

3 Sec. 5.2. Expungement and sealing.

4 (a) General Provisions.

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

8 (A) The following terms shall have the meanings  
9 ascribed to them in the Unified Code of Corrections,  
10 730 ILCS 5/5-1-2 through 5/5-1-22:

11 (i) Business Offense (730 ILCS 5/5-1-2),  
12 (ii) Charge (730 ILCS 5/5-1-3),  
13 (iii) Court (730 ILCS 5/5-1-6),  
14 (iv) Defendant (730 ILCS 5/5-1-7),  
15 (v) Felony (730 ILCS 5/5-1-9),  
16 (vi) Imprisonment (730 ILCS 5/5-1-10),  
17 (vii) Judgment (730 ILCS 5/5-1-12),  
18 (viii) Misdemeanor (730 ILCS 5/5-1-14),  
19 (ix) Offense (730 ILCS 5/5-1-15),  
20 (x) Parole (730 ILCS 5/5-1-16),  
21 (xi) Petty Offense (730 ILCS 5/5-1-17),  
22 (xii) Probation (730 ILCS 5/5-1-18),  
23 (xiii) Sentence (730 ILCS 5/5-1-19),  
24 (xiv) Supervision (730 ILCS 5/5-1-21), and  
25 (xv) Victim (730 ILCS 5/5-1-22).



1           (B) As used in this Section, "charge not initiated  
2 by arrest" means a charge (as defined by 730 ILCS  
3 5/5-1-3) brought against a defendant where the  
4 defendant is not arrested prior to or as a direct  
5 result of the charge.

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

21           (D) "Criminal offense" means a petty offense,  
22 business offense, misdemeanor, felony, or municipal  
23 ordinance violation (as defined in subsection  
24 (a)(1)(H)). As used in this Section, a minor traffic  
25 offense (as defined in subsection (a)(1)(G)) shall not  
26 be considered a criminal offense.

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

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

24           (G) "Minor traffic offense" means a petty offense,  
25           business offense, or Class C misdemeanor under the  
26           Illinois Vehicle Code or a similar provision of a

1           municipal or local ordinance.

2           (H) "Municipal ordinance violation" means an  
3 offense defined by a municipal or local ordinance that  
4 is criminal in nature and with which the petitioner was  
5 charged or for which the petitioner was arrested and  
6 released without charging.

7           (I) "Petitioner" means an adult or a minor  
8 prosecuted as an adult who has applied for relief under  
9 this Section.

10           (J) "Qualified probation" means an order of  
11 probation under Section 10 of the Cannabis Control Act,  
12 Section 410 of the Illinois Controlled Substances Act,  
13 Section 70 of the Methamphetamine Control and  
14 Community Protection Act, Section 12-4.3(b)(1) and (2)  
15 of the Criminal Code of 1961 (as those provisions  
16 existed before their deletion by Public Act 89-313),  
17 Section 10-102 of the Illinois Alcoholism and Other  
18 Drug Dependency Act, Section 40-10 of the Alcoholism  
19 and Other Drug Abuse and Dependency Act, or Section 10  
20 of the Steroid Control Act. For the purpose of this  
21 Section, "successful completion" of an order of  
22 qualified probation under Section 10-102 of the  
23 Illinois Alcoholism and Other Drug Dependency Act and  
24 Section 40-10 of the Alcoholism and Other Drug Abuse  
25 and Dependency Act means that the probation was  
26 terminated satisfactorily and the judgment of

1           conviction was vacated.

2           (K) "Seal" means to physically and electronically  
3           maintain the records, unless the records would  
4           otherwise be destroyed due to age, but to make the  
5           records unavailable without a court order, subject to  
6           the exceptions in Sections 12 and 13 of this Act. The  
7           petitioner's name shall also be obliterated from the  
8           official index required to be kept by the circuit court  
9           clerk under Section 16 of the Clerks of Courts Act, but  
10           any index issued by the circuit court clerk before the  
11           entry of the order to seal shall not be affected.

12           (L) "Sexual offense committed against a minor"  
13           includes but is not limited to the offenses of indecent  
14           solicitation of a child or criminal sexual abuse when  
15           the victim of such offense is under 18 years of age.

16           (M) "Terminate" as it relates to a sentence or  
17           order of supervision or qualified probation includes  
18           either satisfactory or unsatisfactory termination of  
19           the sentence, unless otherwise specified in this  
20           Section.

21           (2) Minor Traffic Offenses. Orders of supervision or  
22           convictions for minor traffic offenses shall not affect a  
23           petitioner's eligibility to expunge or seal records  
24           pursuant to this Section.

25           (3) Exclusions. Except as otherwise provided in  
26           subsections (b) (5), (b) (6), and (e) of this Section, the

1       court shall not order:

2               (A) the sealing or expungement of the records of  
3       arrests or charges not initiated by arrest that result  
4       in an order of supervision for or conviction of: (i)  
5       any sexual offense committed against a minor; (ii)  
6       Section 11-501 of the Illinois Vehicle Code or a  
7       similar provision of a local ordinance; or (iii)  
8       Section 11-503 of the Illinois Vehicle Code or a  
9       similar provision of a local ordinance.

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

14              (C) the sealing of the records of arrests or  
15       charges not initiated by arrest which result in an  
16       order of supervision, an order of qualified probation  
17       (as defined in subsection (a)(1)(J)), or a conviction  
18       for the following offenses:

19                      (i) offenses included in Article 11 of the  
20                      Criminal Code of 1961 or a similar provision of a  
21                      local ordinance, except Section 11-14 of the  
22                      Criminal Code of 1961 or a similar provision of a  
23                      local ordinance;

24                      (ii) Section 12-15, 12-30, or 26-5 of the  
25                      Criminal Code of 1961 or a similar provision of a  
26                      local ordinance;

1           (iv) offenses defined as "crimes of violence"  
2           in Section 2 of the Crime Victims Compensation Act  
3           or a similar provision of a local ordinance;

4           (v) offenses which are Class A misdemeanors  
5           under the Humane Care for Animals Act; or

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

9           (D) the sealing of the records of an arrest which  
10          results in the petitioner being charged with a felony  
11          offense or records of a charge not initiated by arrest  
12          for a felony offense, regardless of the disposition,  
13          unless:

14           (i) the charge is amended to a misdemeanor and  
15           is otherwise eligible to be sealed pursuant to  
16           subsection (c);

17           (ii) the charge results in first offender  
18           probation as set forth in subsection (c) (2) (E); or

19           (iii) the charge is for a Class 4 felony  
20           offense listed in subsection (c) (2) (F) or the  
21           charge is amended to a Class 4 felony offense  
22           listed in subsection (c) (2) (F). Records of arrests  
23           which result in the petitioner being charged with a  
24           Class 4 felony offense listed in subsection  
25           (c) (2) (F), records of charges not initiated by  
26           arrest for Class 4 felony offenses listed in

1           subsection (c)(2)(F), and records of charges  
2           amended to a Class 4 felony offense listed in  
3           (c)(2)(F) may be sealed, regardless of the  
4           disposition, subject to any waiting periods set  
5           forth in subsection (c)(3).

6           (b) Expungement.

7           (1) A petitioner may petition the circuit court to  
8           expunge the records of his or her arrests and charges not  
9           initiated by arrest when:

10           (A) He or she has never been convicted of a  
11           criminal offense; and

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

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

25           (A) When the arrest or charge not initiated by  
26           arrest sought to be expunged resulted in an acquittal,

1 dismissal, the petitioner's release without charging,  
2 or the reversal or vacation of a conviction, there is  
3 no waiting period to petition for the expungement of  
4 such records.

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

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

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

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



1           satisfactory termination of the probation.

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

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

1       Section 16 of the Clerks of Courts Act, but the order shall  
2       not affect any index issued by the circuit court clerk  
3       before the entry of the order. Nothing in this Section  
4       shall limit the Department of State Police or other  
5       criminal justice agencies or prosecutors from listing  
6       under an offender's name the false names he or she has  
7       used.

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

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

1 innocent of the charge, the court shall enter an  
2 expungement order as provided in subsection (b) of Section  
3 5-5-4 of the Unified Code of Corrections.

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

16 (c) Sealing.

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

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

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

26 (B) Arrests or charges not initiated by arrest

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

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

8           (D) Arrests or charges not initiated by arrest  
9           resulting in convictions unless excluded by subsection  
10          (a) (3);

11          (E) Arrests or charges not initiated by arrest  
12          resulting in orders of first offender probation under  
13          Section 10 of the Cannabis Control Act, Section 410 of  
14          the Illinois Controlled Substances Act, or Section 70  
15          Methamphetamine Control and Community Protection Act;  
16          and

17          (F) Arrests or charges not initiated by arrest  
18          resulting in Class 4 felony convictions for the  
19          following offenses:

20                 (i) Section 11-14 of the Criminal Code of 1961;

21                 (ii) Section 4 of the Cannabis Control Act;

22                 (iii) Section 402 of the Illinois Controlled  
23                 Substances Act;

24                 (iv) the Methamphetamine Precursor Control  
25                 Act; and

26                 (v) the Steroid Control Act.

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

4           (A) Records identified as eligible under  
5           subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
6           time.

7           (B) Records identified as eligible under  
8           subsection (c)(2)(C) may be sealed (i) 3 years after  
9           the termination of petitioner's last sentence (as  
10           defined in subsection (a)(1)(F)) if the petitioner has  
11           never been convicted of a criminal offense (as defined  
12           in subsection (a)(1)(D)); or (ii) 4 years after the  
13           termination of the petitioner's last sentence (as  
14           defined in subsection (a)(1)(F)) if the petitioner has  
15           ever been convicted of a criminal offense (as defined  
16           in subsection (a)(1)(D)).

17           (C) Records identified as eligible under  
18           subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be  
19           sealed 4 years after the termination of the  
20           petitioner's last sentence (as defined in subsection  
21           (a)(1)(F)).

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

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

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

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

12      (1) Filing the petition. Upon becoming eligible to  
13      petition for the expungement or sealing of records under  
14      this Section, the petitioner shall file a petition  
15      requesting the expungement or sealing of records with the  
16      clerk of the court where the arrests occurred or the  
17      charges were brought, or both. If arrests occurred or  
18      charges were brought in multiple jurisdictions, a petition  
19      must be filed in each such jurisdiction. The petitioner  
20      shall pay the applicable fee, if not waived.

21      (2) Contents of petition. The petition shall be  
22      verified and shall contain the petitioner's name, date of  
23      birth, current address and, for each arrest or charge not  
24      initiated by arrest sought to be sealed or expunged, the  
25      case number, the date of arrest (if any), the identity of  
26      the arresting authority, and such other information as the

1 court may require. During the pendency of the proceeding,  
2 the petitioner shall promptly notify the circuit court  
3 clerk of any change of his or her address.

4 (3) Drug test. The petitioner must attach to the  
5 petition proof that the petitioner has passed a test taken  
6 within 30 days before the filing of the petition showing  
7 the absence within his or her body of all illegal  
8 substances as defined by the Illinois Controlled  
9 Substances Act, the Methamphetamine Control and Community  
10 Protection Act, and the Cannabis Control Act if he or she  
11 is petitioning to seal felony records pursuant to clause  
12 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is  
13 petitioning to expunge felony records of a qualified  
14 probation pursuant to clause (b) (1) (B) (iv).

15 (4) Service of petition. The circuit court clerk shall  
16 promptly serve a copy of the petition on the State's  
17 Attorney or prosecutor charged with the duty of prosecuting  
18 the offense, the Department of State Police, the arresting  
19 agency and the chief legal officer of the unit of local  
20 government effecting the arrest.

21 (5) Objections.

22 (A) Any party entitled to notice of the petition  
23 may file an objection to the petition. All objections  
24 shall be in writing, shall be filed with the circuit  
25 court clerk, and shall state with specificity the basis  
26 of the objection.

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

4           (6) Entry of order.

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

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

18          (7) Hearings. If an objection is filed, the court shall  
19          set a date for a hearing and notify the petitioner and all  
20          parties entitled to notice of the petition of the hearing  
21          date at least 30 days prior to the hearing, and shall hear  
22          evidence on whether the petition should or should not be  
23          granted, and shall grant or deny the petition to expunge or  
24          seal the records based on the evidence presented at the  
25          hearing.

26          (8) Service of order. After entering an order to



1 expunge or seal records, the court must provide copies of  
2 the order to the Department, in a form and manner  
3 prescribed by the Department, to the petitioner, to the  
4 State's Attorney or prosecutor charged with the duty of  
5 prosecuting the offense, to the arresting agency, to the  
6 chief legal officer of the unit of local government  
7 effecting the arrest, and to such other criminal justice  
8 agencies as may be ordered by the court.

9 (9) Effect of order.

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

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

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

1           and

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

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

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

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

24           (iii) the records shall be impounded by the  
25           Department within 60 days of the date of service of  
26           the order as ordered by the court, unless a motion

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

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

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

17          (C) Upon entry of an order to seal records under  
18          subsection (c), the arresting agency, any other agency  
19          as ordered by the court, the Department, and the court  
20          shall seal the records (as defined in subsection  
21          (a) (1) (K)). In response to an inquiry for such records  
22          from anyone not authorized by law to access such  
23          records the court, the Department, or the agency  
24          receiving such inquiry shall reply as it does in  
25          response to inquiries when no records ever existed.

26          (10) Fees. The Department may charge the petitioner a

1 fee equivalent to the cost of processing any order to  
2 expunge or seal records. Notwithstanding any provision of  
3 the Clerks of Courts Act to the contrary, the circuit court  
4 clerk may charge a fee equivalent to the cost associated  
5 with the sealing or expungement of records by the circuit  
6 court clerk. From the total filing fee collected for the  
7 petition to seal or expunge, the circuit court clerk shall  
8 deposit \$10 into the Circuit Court Clerk Operation and  
9 Administrative Fund, to be used to offset the costs  
10 incurred by the circuit court clerk in performing the  
11 additional duties required to serve the petition to seal or  
12 expunge on all parties. The circuit court clerk shall  
13 collect and forward the Department of State Police portion  
14 of the fee to the Department and it shall be deposited in  
15 the State Police Services Fund.

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

21 (12) Motion to Vacate, Modify, or Reconsider. The  
22 petitioner or any party entitled to notice may file a  
23 motion to vacate, modify, or reconsider the order granting  
24 or denying the petition to expunge or seal within 60 days  
25 of service of the order.

26 (e) Whenever a person who has been convicted of an offense

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

1 pardoned.

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

14 (20 ILCS 2630/13)

15 Sec. 13. Retention and release of sealed records.

16 (a) The Department of State Police shall retain records  
17 sealed under subsection (c) ~~(h)~~ of Section 5.2 ~~5~~ and shall  
18 release them only as authorized by this Act. Felony records  
19 sealed under subsection (c) ~~(h)~~ of Section 5.2 ~~5~~ shall be used  
20 and disseminated by the Department only as otherwise  
21 specifically required or authorized by a federal or State law,  
22 rule, or regulation that requires inquiry into and release of  
23 criminal records, including, but not limited to, subsection (A)  
24 of Section 3 of this Act. However, all requests for records  
25 that have been expunged, sealed, and impounded and the use of

1 those records are subject to the provisions of Section 2-103 of  
2 the Illinois Human Rights Act. Upon conviction for any offense,  
3 the Department of Corrections shall have access to all sealed  
4 records of the Department pertaining to that individual.

5 (b) Notwithstanding the foregoing, all sealed records are  
6 subject to inspection and use by the court and inspection and  
7 use by law enforcement agencies and State's Attorneys or other  
8 prosecutors in carrying out the duties of their offices.

9 (c) The sealed records maintained under subsection (a) are  
10 exempt from disclosure under the Freedom of Information Act.

11 (d) The Department of State Police shall commence the  
12 sealing of records of felony arrests and felony convictions  
13 pursuant to the provisions of subsection (c) ~~(h)~~ of Section 5.2  
14 ~~5~~ of this Act no later than one year from the date that funds  
15 have been made available for purposes of establishing the  
16 technologies necessary to implement the changes made by this  
17 amendatory Act of the 93rd General Assembly.

18 (Source: P.A. 93-211, eff. 1-1-04; 93-1084, eff. 6-1-05.)

19 (20 ILCS 2630/14 new)

20 Sec. 14. Expungement Backlog Accountability Law.

21 (a) On or before August 1 of each year, the Department of  
22 State Police shall report to the Governor, the Attorney  
23 General, the Office of the State Appellate Defender, and both  
24 houses of the General Assembly the following information for  
25 the previous fiscal year:

1           (1) the number of petitions to expunge received by the  
2           Department;

3           (2) the number of petitions to expunge to which the  
4           Department objected pursuant to subdivision (d)(5)(B) of  
5           Section 5.2 of this Act;

6           (3) the number of petitions to seal records received by  
7           the Department;

8           (4) the number of petitions to seal records to which  
9           the Department objected pursuant to subdivision (d)(5)(B)  
10          of Section 5.2 of this Act;

11          (5) the number of orders to expunge received by the  
12          Department;

13          (6) the number of orders to expunge to which the  
14          Department successfully filed a motion to vacate, modify or  
15          reconsider under paragraph (12) of subsection (d) of  
16          Section 5.2 of this Act;

17          (7) the number of orders to expunge records entered by  
18          the Department;

19          (8) the number of orders to seal records received by  
20          the Department;

21          (9) the number of orders to seal records to which the  
22          Department successfully filed a motion to vacate, modify or  
23          reconsider under paragraph (12) of subsection (d) of  
24          Section 5.2 of this Act;

25          (10) the number of orders to seal records entered by  
26          the Department;



1           (11) the amount of fees received by the Department  
2           pursuant to subdivision (d) (10) of Section 5.2 of this Act  
3           and deposited into the State Police Services Fund;

4           (12) the number of orders to expunge or to seal records  
5           received by the Department that have not been entered as of  
6           June 30 of the previous fiscal year.

7           (b) The information reported under this Section shall be  
8           made available to the public, at the time it is reported, on  
9           the official web site of the Department of State Police.

10           Section 10. The Unified Code of Corrections is amended by  
11           changing Section 5-6-3.1 as follows:

12           (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

13           (Text of Section after amendment by P.A. 95-983)

14           Sec. 5-6-3.1. Incidents and Conditions of Supervision.

15           (a) When a defendant is placed on supervision, the court  
16           shall enter an order for supervision specifying the period of  
17           such supervision, and shall defer further proceedings in the  
18           case until the conclusion of the period.

19           (b) The period of supervision shall be reasonable under all  
20           of the circumstances of the case, but may not be longer than 2  
21           years, unless the defendant has failed to pay the assessment  
22           required by Section 10.3 of the Cannabis Control Act, Section  
23           411.2 of the Illinois Controlled Substances Act, or Section 80  
24           of the Methamphetamine Control and Community Protection Act, in

1 which case the court may extend supervision beyond 2 years.  
2 Additionally, the court shall order the defendant to perform no  
3 less than 30 hours of community service and not more than 120  
4 hours of community service, if community service is available  
5 in the jurisdiction and is funded and approved by the county  
6 board where the offense was committed, when the offense (1) was  
7 related to or in furtherance of the criminal activities of an  
8 organized gang or was motivated by the defendant's membership  
9 in or allegiance to an organized gang; or (2) is a violation of  
10 any Section of Article 24 of the Criminal Code of 1961 where a  
11 disposition of supervision is not prohibited by Section 5-6-1  
12 of this Code. The community service shall include, but not be  
13 limited to, the cleanup and repair of any damage caused by  
14 violation of Section 21-1.3 of the Criminal Code of 1961 and  
15 similar damages to property located within the municipality or  
16 county in which the violation occurred. Where possible and  
17 reasonable, the community service should be performed in the  
18 offender's neighborhood.

19 For the purposes of this Section, "organized gang" has the  
20 meaning ascribed to it in Section 10 of the Illinois Streetgang  
21 Terrorism Omnibus Prevention Act.

22 (c) The court may in addition to other reasonable  
23 conditions relating to the nature of the offense or the  
24 rehabilitation of the defendant as determined for each  
25 defendant in the proper discretion of the court require that  
26 the person:

1           (1) make a report to and appear in person before or  
2 participate with the court or such courts, person, or  
3 social service agency as directed by the court in the order  
4 of supervision;

5           (2) pay a fine and costs;

6           (3) work or pursue a course of study or vocational  
7 training;

8           (4) undergo medical, psychological or psychiatric  
9 treatment; or treatment for drug addiction or alcoholism;

10          (5) attend or reside in a facility established for the  
11 instruction or residence of defendants on probation;

12          (6) support his dependents;

13          (7) refrain from possessing a firearm or other  
14 dangerous weapon;

15          (8) and in addition, if a minor:

16           (i) reside with his parents or in a foster home;

17           (ii) attend school;

18           (iii) attend a non-residential program for youth;

19           (iv) contribute to his own support at home or in a  
20 foster home; or

21           (v) with the consent of the superintendent of the  
22 facility, attend an educational program at a facility  
23 other than the school in which the offense was  
24 committed if he or she is placed on supervision for a  
25 crime of violence as defined in Section 2 of the Crime  
26 Victims Compensation Act committed in a school, on the

1 real property comprising a school, or within 1,000 feet  
2 of the real property comprising a school;

3 (9) make restitution or reparation in an amount not to  
4 exceed actual loss or damage to property and pecuniary loss  
5 or make restitution under Section 5-5-6 to a domestic  
6 violence shelter. The court shall determine the amount and  
7 conditions of payment;

8 (10) perform some reasonable public or community  
9 service;

10 (11) comply with the terms and conditions of an order  
11 of protection issued by the court pursuant to the Illinois  
12 Domestic Violence Act of 1986 or an order of protection  
13 issued by the court of another state, tribe, or United  
14 States territory. If the court has ordered the defendant to  
15 make a report and appear in person under paragraph (1) of  
16 this subsection, a copy of the order of protection shall be  
17 transmitted to the person or agency so designated by the  
18 court;

19 (12) reimburse any "local anti-crime program" as  
20 defined in Section 7 of the Anti-Crime Advisory Council Act  
21 for any reasonable expenses incurred by the program on the  
22 offender's case, not to exceed the maximum amount of the  
23 fine authorized for the offense for which the defendant was  
24 sentenced;

25 (13) contribute a reasonable sum of money, not to  
26 exceed the maximum amount of the fine authorized for the

1 offense for which the defendant was sentenced, (i) to a  
2 "local anti-crime program", as defined in Section 7 of the  
3 Anti-Crime Advisory Council Act, or (ii) for offenses under  
4 the jurisdiction of the Department of Natural Resources, to  
5 the fund established by the Department of Natural Resources  
6 for the purchase of evidence for investigation purposes and  
7 to conduct investigations as outlined in Section 805-105 of  
8 the Department of Natural Resources (Conservation) Law;

9 (14) refrain from entering into a designated  
10 geographic area except upon such terms as the court finds  
11 appropriate. Such terms may include consideration of the  
12 purpose of the entry, the time of day, other persons  
13 accompanying the defendant, and advance approval by a  
14 probation officer;

15 (15) refrain from having any contact, directly or  
16 indirectly, with certain specified persons or particular  
17 types of person, including but not limited to members of  
18 street gangs and drug users or dealers;

19 (16) refrain from having in his or her body the  
20 presence of any illicit drug prohibited by the Cannabis  
21 Control Act, the Illinois Controlled Substances Act, or the  
22 Methamphetamine Control and Community Protection Act,  
23 unless prescribed by a physician, and submit samples of his  
24 or her blood or urine or both for tests to determine the  
25 presence of any illicit drug;

26 (17) refrain from operating any motor vehicle not

1 equipped with an ignition interlock device as defined in  
2 Section 1-129.1 of the Illinois Vehicle Code; under this  
3 condition the court may allow a defendant who is not  
4 self-employed to operate a vehicle owned by the defendant's  
5 employer that is not equipped with an ignition interlock  
6 device in the course and scope of the defendant's  
7 employment; and

8 (18) if placed on supervision for a sex offense as  
9 defined in subsection (a-5) of Section 3-1-2 of this Code,  
10 unless the offender is a parent or guardian of the person  
11 under 18 years of age present in the home and no  
12 non-familial minors are present, not participate in a  
13 holiday event involving children under 18 years of age,  
14 such as distributing candy or other items to children on  
15 Halloween, wearing a Santa Claus costume on or preceding  
16 Christmas, being employed as a department store Santa  
17 Claus, or wearing an Easter Bunny costume on or preceding  
18 Easter.

19 (d) The court shall defer entering any judgment on the  
20 charges until the conclusion of the supervision.

21 (e) At the conclusion of the period of supervision, if the  
22 court determines that the defendant has successfully complied  
23 with all of the conditions of supervision, the court shall  
24 discharge the defendant and enter a judgment dismissing the  
25 charges.

26 (f) Discharge and dismissal upon a successful conclusion of

1 a disposition of supervision shall be deemed without  
2 adjudication of guilt and shall not be termed a conviction for  
3 purposes of disqualification or disabilities imposed by law  
4 upon conviction of a crime. Two years after the discharge and  
5 dismissal under this Section, unless the disposition of  
6 supervision was for a violation of Sections 3-707, 3-708,  
7 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
8 similar provision of a local ordinance, or for a violation of  
9 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
10 case it shall be 5 years after discharge and dismissal, a  
11 person may have his record of arrest sealed or expunged as may  
12 be provided by law. However, any defendant placed on  
13 supervision before January 1, 1980, may move for sealing or  
14 expungement of his arrest record, as provided by law, at any  
15 time after discharge and dismissal under this Section. A person  
16 placed on supervision for a sexual offense committed against a  
17 minor as defined in clause (a) (1) (L) ~~subsection (g)~~ of Section  
18 5.2 ~~5~~ of the Criminal Identification Act or for a violation of  
19 Section 11-501 of the Illinois Vehicle Code or a similar  
20 provision of a local ordinance shall not have his or her record  
21 of arrest sealed or expunged.

22 (g) A defendant placed on supervision and who during the  
23 period of supervision undergoes mandatory drug or alcohol  
24 testing, or both, or is assigned to be placed on an approved  
25 electronic monitoring device, shall be ordered to pay the costs  
26 incidental to such mandatory drug or alcohol testing, or both,

1 and costs incidental to such approved electronic monitoring in  
2 accordance with the defendant's ability to pay those costs. The  
3 county board with the concurrence of the Chief Judge of the  
4 judicial circuit in which the county is located shall establish  
5 reasonable fees for the cost of maintenance, testing, and  
6 incidental expenses related to the mandatory drug or alcohol  
7 testing, or both, and all costs incidental to approved  
8 electronic monitoring, of all defendants placed on  
9 supervision. The concurrence of the Chief Judge shall be in the  
10 form of an administrative order. The fees shall be collected by  
11 the clerk of the circuit court. The clerk of the circuit court  
12 shall pay all moneys collected from these fees to the county  
13 treasurer who shall use the moneys collected to defray the  
14 costs of drug testing, alcohol testing, and electronic  
15 monitoring. The county treasurer shall deposit the fees  
16 collected in the county working cash fund under Section 6-27001  
17 or Section 6-29002 of the Counties Code, as the case may be.

18 (h) A disposition of supervision is a final order for the  
19 purposes of appeal.

20 (i) The court shall impose upon a defendant placed on  
21 supervision after January 1, 1992 or to community service under  
22 the supervision of a probation or court services department  
23 after January 1, 2004, as a condition of supervision or  
24 supervised community service, a fee of \$50 for each month of  
25 supervision or supervised community service ordered by the  
26 court, unless after determining the inability of the person



1 placed on supervision or supervised community service to pay  
2 the fee, the court assesses a lesser fee. The court may not  
3 impose the fee on a minor who is made a ward of the State under  
4 the Juvenile Court Act of 1987 while the minor is in placement.  
5 The fee shall be imposed only upon a defendant who is actively  
6 supervised by the probation and court services department. The  
7 fee shall be collected by the clerk of the circuit court. The  
8 clerk of the circuit court shall pay all monies collected from  
9 this fee to the county treasurer for deposit in the probation  
10 and court services fund pursuant to Section 15.1 of the  
11 Probation and Probation Officers Act.

12 A circuit court may not impose a probation fee in excess of  
13 \$25 per month unless: (1) the circuit court has adopted, by  
14 administrative order issued by the chief judge, a standard  
15 probation fee guide determining an offender's ability to pay,  
16 under guidelines developed by the Administrative Office of the  
17 Illinois Courts; and (2) the circuit court has authorized, by  
18 administrative order issued by the chief judge, the creation of  
19 a Crime Victim's Services Fund, to be administered by the Chief  
20 Judge or his or her designee, for services to crime victims and  
21 their families. Of the amount collected as a probation fee, not  
22 to exceed \$5 of that fee collected per month may be used to  
23 provide services to crime victims and their families.

24 (j) All fines and costs imposed under this Section for any  
25 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
26 Code, or a similar provision of a local ordinance, and any

1 violation of the Child Passenger Protection Act, or a similar  
2 provision of a local ordinance, shall be collected and  
3 disbursed by the circuit clerk as provided under Section 27.5  
4 of the Clerks of Courts Act.

5 (k) A defendant at least 17 years of age who is placed on  
6 supervision for a misdemeanor in a county of 3,000,000 or more  
7 inhabitants and who has not been previously convicted of a  
8 misdemeanor or felony may as a condition of his or her  
9 supervision be required by the court to attend educational  
10 courses designed to prepare the defendant for a high school  
11 diploma and to work toward a high school diploma or to work  
12 toward passing the high school level Test of General  
13 Educational Development (GED) or to work toward completing a  
14 vocational training program approved by the court. The  
15 defendant placed on supervision must attend a public  
16 institution of education to obtain the educational or  
17 vocational training required by this subsection (k). The  
18 defendant placed on supervision shall be required to pay for  
19 the cost of the educational courses or GED test, if a fee is  
20 charged for those courses or test. The court shall revoke the  
21 supervision of a person who wilfully fails to comply with this  
22 subsection (k). The court shall resentence the defendant upon  
23 revocation of supervision as provided in Section 5-6-4. This  
24 subsection (k) does not apply to a defendant who has a high  
25 school diploma or has successfully passed the GED test. This  
26 subsection (k) does not apply to a defendant who is determined

1 by the court to be developmentally disabled or otherwise  
2 mentally incapable of completing the educational or vocational  
3 program.

4 (l) The court shall require a defendant placed on  
5 supervision for possession of a substance prohibited by the  
6 Cannabis Control Act, the Illinois Controlled Substances Act,  
7 or the Methamphetamine Control and Community Protection Act  
8 after a previous conviction or disposition of supervision for  
9 possession of a substance prohibited by the Cannabis Control  
10 Act, the Illinois Controlled Substances Act, or the  
11 Methamphetamine Control and Community Protection Act or a  
12 sentence of probation under Section 10 of the Cannabis Control  
13 Act or Section 410 of the Illinois Controlled Substances Act  
14 and after a finding by the court that the person is addicted,  
15 to undergo treatment at a substance abuse program approved by  
16 the court.

17 (m) The Secretary of State shall require anyone placed on  
18 court supervision for a violation of Section 3-707 of the  
19 Illinois Vehicle Code or a similar provision of a local  
20 ordinance to give proof of his or her financial responsibility  
21 as defined in Section 7-315 of the Illinois Vehicle Code. The  
22 proof shall be maintained by the individual in a manner  
23 satisfactory to the Secretary of State for a minimum period of  
24 3 years after the date the proof is first filed. The proof  
25 shall be limited to a single action per arrest and may not be  
26 affected by any post-sentence disposition. The Secretary of

1 State shall suspend the driver's license of any person  
2 determined by the Secretary to be in violation of this  
3 subsection.

4 (n) Any offender placed on supervision for any offense that  
5 the court or probation department has determined to be sexually  
6 motivated as defined in the Sex Offender Management Board Act  
7 shall be required to refrain from any contact, directly or  
8 indirectly, with any persons specified by the court and shall  
9 be available for all evaluations and treatment programs  
10 required by the court or the probation department.

11 (o) An offender placed on supervision for a sex offense as  
12 defined in the Sex Offender Management Board Act shall refrain  
13 from residing at the same address or in the same condominium  
14 unit or apartment unit or in the same condominium complex or  
15 apartment complex with another person he or she knows or  
16 reasonably should know is a convicted sex offender or has been  
17 placed on supervision for a sex offense. The provisions of this  
18 subsection (o) do not apply to a person convicted of a sex  
19 offense who is placed in a Department of Corrections licensed  
20 transitional housing facility for sex offenders.

21 (p) An offender placed on supervision for an offense  
22 committed on or after June 1, 2008 (the effective date of  
23 Public Act 95-464) that would qualify the accused as a child  
24 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
25 Criminal Code of 1961 shall refrain from communicating with or  
26 contacting, by means of the Internet, a person who is not

1 related to the accused and whom the accused reasonably believes  
2 to be under 18 years of age. For purposes of this subsection  
3 (p), "Internet" has the meaning ascribed to it in Section 16J-5  
4 of the Criminal Code of 1961; and a person is not related to  
5 the accused if the person is not: (i) the spouse, brother, or  
6 sister of the accused; (ii) a descendant of the accused; (iii)  
7 a first or second cousin of the accused; or (iv) a step-child  
8 or adopted child of the accused.

9 (q) An offender placed on supervision for an offense  
10 committed on or after June 1, 2008 (the effective date of  
11 Public Act 95-464) that would qualify the accused as a child  
12 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
13 Criminal Code of 1961 shall, if so ordered by the court,  
14 refrain from communicating with or contacting, by means of the  
15 Internet, a person who is related to the accused and whom the  
16 accused reasonably believes to be under 18 years of age. For  
17 purposes of this subsection (q), "Internet" has the meaning  
18 ascribed to it in Section 16J-5 of the Criminal Code of 1961;  
19 and a person is related to the accused if the person is: (i)  
20 the spouse, brother, or sister of the accused; (ii) a  
21 descendant of the accused; (iii) a first or second cousin of  
22 the accused; or (iv) a step-child or adopted child of the  
23 accused.

24 (r) An offender placed on supervision for an offense under  
25 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of  
26 the Criminal Code of 1961, or any attempt to commit any of

1 these offenses, committed on or after the effective date of  
2 this amendatory Act of the 95th General Assembly shall:

3 (i) not access or use a computer or any other device  
4 with Internet capability without the prior written  
5 approval of the court, except in connection with the  
6 offender's employment or search for employment with the  
7 prior approval of the court;

8 (ii) submit to periodic unannounced examinations of  
9 the offender's computer or any other device with Internet  
10 capability by the offender's probation officer, a law  
11 enforcement officer, or assigned computer or information  
12 technology specialist, including the retrieval and copying  
13 of all data from the computer or device and any internal or  
14 external peripherals and removal of such information,  
15 equipment, or device to conduct a more thorough inspection;

16 (iii) submit to the installation on the offender's  
17 computer or device with Internet capability, at the  
18 offender's expense, of one or more hardware or software  
19 systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions  
21 concerning the offender's use of or access to a computer or  
22 any other device with Internet capability imposed by the  
23 court.

24 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
25 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.  
26 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff.

1 8-21-08; 95-983, eff. 6-1-09.)

2 Section 15. The Illinois Human Rights Act is amended by  
3 changing Section 2-103 as follows:

4 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

5 Sec. 2-103. Arrest Record.

6 (A) Unless otherwise authorized by law, it is a civil  
7 rights violation for any employer, employment agency or labor  
8 organization to inquire into or to use the fact of an arrest or  
9 criminal history record information ordered expunged, sealed  
10 or impounded under Section 5.2 ~~5~~ of the Criminal Identification  
11 Act as a basis to refuse to hire, to segregate, or to act with  
12 respect to recruitment, hiring, promotion, renewal of  
13 employment, selection for training or apprenticeship,  
14 discharge, discipline, tenure or terms, privileges or  
15 conditions of employment. This Section does not prohibit a  
16 State agency, unit of local government or school district, or  
17 private organization from requesting or utilizing sealed  
18 felony conviction information obtained from the Department of  
19 State Police under the provisions of Section 3 of the Criminal  
20 Identification Act or under other State or federal laws or  
21 regulations that require criminal background checks in  
22 evaluating the qualifications and character of an employee or a  
23 prospective employee.

24 (B) The prohibition against the use of the fact of an

1     arrest contained in this Section shall not be construed to  
2     prohibit an employer, employment agency, or labor organization  
3     from obtaining or using other information which indicates that  
4     a person actually engaged in the conduct for which he or she  
5     was arrested.

6     (Source: P.A. 93-1084, eff. 6-1-05.)".