



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4847

Introduced 1/15/2010, by Rep. Arthur L. Turner

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-622

Amends the Juvenile Court Act of 1987. In the expungement review provisions, provides that if the minor appears in person, or by counsel upon a showing that the minor respondent is unavailable due to active military duty or currently out of state attending school (rather than in all cases in which the minor appears in person or by counsel), the court shall hold a hearing to determine whether to expunge the law enforcement and court records of the minor. Provides that evidence of the minor's unavailability at the hearing includes, but is not limited to, a certified certificate of military enlistment, a certified statement of service, or an official school transcript. Effective immediately.

LRB096 16459 RLC 31729 b

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-622 as follows:

6 (705 ILCS 405/5-622)

7 Sec. 5-622. Expungement review. Any minor charged with a
8 misdemeanor offense as a first offense, regardless of the
9 disposition of the charge, is eligible for expungement review
10 by the court upon his or her 18th birthday or upon completion
11 of the minor's sentence or disposition of the charge against
12 the minor, whichever is later. Upon motion by counsel filed
13 within 30 days after entry of the judgment of the court, the
14 court shall set a time for an expungement review hearing within
15 a month of the minor's 18th birthday or within a month of
16 completion of the minor's sentence or disposition of the charge
17 against the minor, whichever is later. No hearing shall be held
18 if the minor fails to appear, and no penalty shall attach to
19 the minor. However, if ~~if~~ the minor appears in person, or by
20 counsel upon a showing that the minor respondent is unavailable
21 due to active military duty or currently out of state attending
22 school, the court shall hold a hearing to determine whether to
23 expunge the law enforcement and court records of the minor.

1 Evidence of the minor's unavailability at the hearing includes,
2 but is not limited to, a certified certificate of military
3 enlistment, a certified statement of service, or an official
4 school transcript. Objections to expungement shall be limited
5 to the following:

6 (a) that the offense for which the minor was arrested
7 is still under active investigation;

8 (b) that the minor is a potential witness in an
9 upcoming court proceeding and that such arrest record is
10 relevant to that proceeding;

11 (c) that the arrest at issue was for one of the
12 following offenses:

13 (i) any homicide;

14 (ii) an offense involving a deadly weapon;

15 (iii) a sex offense as defined in the Sex Offender
16 Registration Act;

17 (iv) aggravated domestic battery.

18 In the absence of an objection, or if the objecting party
19 fails to prove one of the above-listed objections, the court
20 shall enter an order granting expungement. The clerk shall
21 forward a certified copy of the order to the Department of
22 State Police and the arresting agency. The Department and the
23 arresting agency shall comply with such order to expunge within
24 60 days of receipt. An objection or a denial of an expungement
25 order under this subsection does not operate to bar the filing
26 of a Petition to Expunge by the minor under subsection (2) of

1 Section 5-915 where applicable.

2 (Source: P.A. 96-707, eff. 1-1-10.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.