

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 State Records Act is amended by changing  
5 Section 3 as follows:

6 (5 ILCS 160/3) (from Ch. 116, par. 43.6)

7 Sec. 3. Records as property of State.

8 (a) All records created or received by or under the  
9 authority of or coming into the custody, control, or possession  
10 of public officials of this State in the course of their public  
11 duties are the property of the State. These records may not be  
12 mutilated, destroyed, transferred, removed, or otherwise  
13 damaged or disposed of, in whole or in part, except as provided  
14 by law. Any person shall have the right of access to any public  
15 records, unless access to the records is otherwise limited or  
16 prohibited by law. This subsection (a) does not apply to  
17 records that are subject to expungement under subsections (1.5)  
18 and (1.6) of Section 5-915 of the Juvenile Court Act of 1987.

19 (b) Reports and records of the obligation, receipt and use  
20 of public funds of the State are public records available for  
21 inspection by the public, except as access to such records is  
22 otherwise limited or prohibited by law or pursuant to law.  
23 These records shall be kept at the official place of business

1 of the State or at a designated place of business of the State.  
2 These records shall be available for public inspection during  
3 regular office hours except when in immediate use by persons  
4 exercising official duties which require the use of those  
5 records. Nothing in this section shall require the State to  
6 invade or assist in the invasion of any person's right to  
7 privacy. Nothing in this Section shall be construed to limit  
8 any right given by statute or rule of law with respect to the  
9 inspection of other types of records.

10 Warrants and vouchers in the keeping of the State  
11 Comptroller may be destroyed by him as authorized in "An Act in  
12 relation to the reproduction and destruction of records kept by  
13 the Comptroller", approved August 1, 1949, as now or hereafter  
14 amended after obtaining the approval of the State Records  
15 Commission.

16 (Source: P.A. 92-866, eff. 1-3-03.)

17 Section 10. The Criminal Identification Act is amended by  
18 changing Section 5.2 as follows:

19 (20 ILCS 2630/5.2)

20 Sec. 5.2. Expungement and sealing.

21 (a) General Provisions.

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

1 (A) The following terms shall have the meanings  
2 ascribed to them in the Unified Code of Corrections,  
3 730 ILCS 5/5-1-2 through 5/5-1-22:

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

19 (B) As used in this Section, "charge not initiated  
20 by arrest" means a charge (as defined by 730 ILCS  
21 5/5-1-3) brought against a defendant where the  
22 defendant is not arrested prior to or as a direct  
23 result of the charge.

24 (C) "Conviction" means a judgment of conviction or  
25 sentence entered upon a plea of guilty or upon a  
26 verdict or finding of guilty of an offense, rendered by

1 a legally constituted jury or by a court of competent  
2 jurisdiction authorized to try the case without a jury.  
3 An order of supervision successfully completed by the  
4 petitioner is not a conviction. An order of qualified  
5 probation (as defined in subsection (a)(1)(J))  
6 successfully completed by the petitioner is not a  
7 conviction. An order of supervision or an order of  
8 qualified probation that is terminated  
9 unsatisfactorily is a conviction, unless the  
10 unsatisfactory termination is reversed, vacated, or  
11 modified and the judgment of conviction, if any, is  
12 reversed or vacated.

13 (D) "Criminal offense" means a petty offense,  
14 business offense, misdemeanor, felony, or municipal  
15 ordinance violation (as defined in subsection  
16 (a)(1)(H)). As used in this Section, a minor traffic  
17 offense (as defined in subsection (a)(1)(G)) shall not  
18 be considered a criminal offense.

19 (E) "Expunge" means to physically destroy the  
20 records or return them to the petitioner and to  
21 obliterate the petitioner's name from any official  
22 index or public record, or both. Nothing in this Act  
23 shall require the physical destruction of the circuit  
24 court file, but such records relating to arrests or  
25 charges, or both, ordered expunged shall be impounded  
26 as required by subsections (d)(9)(A)(ii) and

1 (d) (9) (B) (ii) .

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

16 (G) "Minor traffic offense" means a petty offense,  
17 business offense, or Class C misdemeanor under the  
18 Illinois Vehicle Code or a similar provision of a  
19 municipal or local ordinance.

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

25 (I) "Petitioner" means an adult or a minor  
26 prosecuted as an adult who has applied for relief under

1           this Section.

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

21           (K) "Seal" means to physically and electronically  
22 maintain the records, unless the records would  
23 otherwise be destroyed due to age, but to make the  
24 records unavailable without a court order, subject to  
25 the exceptions in Sections 12 and 13 of this Act. The  
26 petitioner's name shall also be obliterated from the

1 official index required to be kept by the circuit court  
2 clerk under Section 16 of the Clerks of Courts Act, but  
3 any index issued by the circuit court clerk before the  
4 entry of the order to seal shall not be affected.

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

9 (M) "Terminate" as it relates to a sentence or  
10 order of supervision or qualified probation includes  
11 either satisfactory or unsatisfactory termination of  
12 the sentence, unless otherwise specified in this  
13 Section.

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

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

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

1 Section 11-503 of the Illinois Vehicle Code or a  
2 similar provision of a local ordinance, unless the  
3 arrest or charge is for a misdemeanor violation of  
4 subsection (a) of Section 11-503 or a similar provision  
5 of a local ordinance, that occurred prior to the  
6 offender reaching the age of 25 years and the offender  
7 has no other conviction for violating Section 11-501 or  
8 11-503 of the Illinois Vehicle Code or a similar  
9 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 the Criminal Code of 2012  
21 or a similar provision of a local ordinance, except  
22 Section 11-14 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012, or a similar provision of a  
24 local ordinance;

25 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
26 26-5, or 48-1 of the Criminal Code of 1961 or the



1 Criminal Code of 2012, or a similar provision of a  
2 local ordinance;

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

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

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

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

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

18 (ii) the charge is brought along with another  
19 charge as a part of one case and the charge results  
20 in acquittal, dismissal, or conviction when the  
21 conviction was reversed or vacated, and another  
22 charge brought in the same case results in a  
23 disposition for a misdemeanor offense that is  
24 eligible to be sealed pursuant to subsection (c) or  
25 a disposition listed in paragraph (i), (iii), or  
26 (iv) of this subsection;

1 (iii) the charge results in first offender  
2 probation as set forth in subsection (c) (2) (E);

3 (iv) the charge is for a felony offense listed  
4 in subsection (c) (2) (F) or the charge is amended to  
5 a felony offense listed in subsection (c) (2) (F);

6 (v) the charge results in acquittal,  
7 dismissal, or the petitioner's release without  
8 conviction; or

9 (vi) the charge results in a conviction, but  
10 the conviction was reversed or vacated.

11 (b) Expungement.

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

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

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

1 (a) (1) (J)) and such probation was successfully  
2 completed by the petitioner.

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

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

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

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

24 (i-5) Those arrests or charges that resulted  
25 in orders of supervision for a misdemeanor  
26 violation of subsection (a) of Section 11-503 of

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

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

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

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

24          (4) Whenever a person has been arrested for or  
25          convicted of any offense, in the name of a person whose  
26          identity he or she has stolen or otherwise come into

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

26 (5) Whenever a person has been convicted of criminal

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

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

24 (7) Nothing in this Section shall prevent the  
25 Department of State Police from maintaining all records of  
26 any person who is admitted to probation upon terms and

1 conditions and who fulfills those terms and conditions  
2 pursuant to Section 10 of the Cannabis Control Act, Section  
3 410 of the Illinois Controlled Substances Act, Section 70  
4 of the Methamphetamine Control and Community Protection  
5 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
6 Corrections, Section 12-4.3 or subdivision (b)(1) of  
7 Section 12-3.05 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012, Section 10-102 of the Illinois  
9 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
10 the Alcoholism and Other Drug Abuse and Dependency Act, or  
11 Section 10 of the Steroid Control Act.

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

19 (c) Sealing.

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

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

1 (A) All arrests resulting in release without  
2 charging;

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

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

11 (D) Arrests or charges not initiated by arrest  
12 resulting in convictions unless excluded by subsection  
13 (a) (3);

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

21 (F) Arrests or charges not initiated by arrest  
22 resulting in felony convictions for the following  
23 offenses:

24 (i) Class 4 felony convictions for:

25 Prostitution under Section 11-14 of the  
26 Criminal Code of 1961 or the Criminal Code of



1 2012.

2 Possession of cannabis under Section 4 of  
3 the Cannabis Control Act.

4 Possession of a controlled substance under  
5 Section 402 of the Illinois Controlled  
6 Substances Act.

7 Offenses under the Methamphetamine  
8 Precursor Control Act.

9 Offenses under the Steroid Control Act.

10 Theft under Section 16-1 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012.

12 Retail theft under Section 16A-3 or  
13 paragraph (a) of 16-25 of the Criminal Code of  
14 1961 or the Criminal Code of 2012.

15 Deceptive practices under Section 17-1 of  
16 the Criminal Code of 1961 or the Criminal Code  
17 of 2012.

18 Forgery under Section 17-3 of the Criminal  
19 Code of 1961 or the Criminal Code of 2012.

20 Possession of burglary tools under Section  
21 19-2 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012.

23 (ii) Class 3 felony convictions for:

24 Theft under Section 16-1 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012.

26 Retail theft under Section 16A-3 or

1 paragraph (a) of 16-25 of the Criminal Code of  
2 1961 or the Criminal Code of 2012.

3 Deceptive practices under Section 17-1 of  
4 the Criminal Code of 1961 or the Criminal Code  
5 of 2012.

6 Forgery under Section 17-3 of the Criminal  
7 Code of 1961 or the Criminal Code of 2012.

8 Possession with intent to manufacture or  
9 deliver a controlled substance under Section  
10 401 of the Illinois Controlled Substances Act.

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

14 (A) Records identified as eligible under  
15 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
16 time.

17 (B) Records identified as eligible under  
18 subsection (c)(2)(C) may be sealed (i) 3 years after  
19 the termination of petitioner's last sentence (as  
20 defined in subsection (a)(1)(F)) if the petitioner has  
21 never been convicted of a criminal offense (as defined  
22 in subsection (a)(1)(D)); or (ii) 4 years after the  
23 termination of the petitioner's last sentence (as  
24 defined in subsection (a)(1)(F)) if the petitioner has  
25 ever been convicted of a criminal offense (as defined  
26 in subsection (a)(1)(D)).

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

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

9 (4) Subsequent felony convictions. A person may not  
10 have subsequent felony conviction records sealed as  
11 provided in this subsection (c) if he or she is convicted  
12 of any felony offense after the date of the sealing of  
13 prior felony convictions as provided in this subsection  
14 (c). The court may, upon conviction for a subsequent felony  
15 offense, order the unsealing of prior felony conviction  
16 records previously ordered sealed by the court.

17 (5) Notice of eligibility for sealing. Upon entry of a  
18 disposition for an eligible record under this subsection  
19 (c), the petitioner shall be informed by the court of the  
20 right to have the records sealed and the procedures for the  
21 sealing of the records.

22 (d) Procedure. The following procedures apply to  
23 expungement under subsections (b), (e), and (e-6) and sealing  
24 under subsections (c) and (e-5):

25 (1) Filing the petition. Upon becoming eligible to  
26 petition for the expungement or sealing of records under

1           this Section, the petitioner shall file a petition  
2           requesting the expungement or sealing of records with the  
3           clerk of the court where the arrests occurred or the  
4           charges were brought, or both. If arrests occurred or  
5           charges were brought in multiple jurisdictions, a petition  
6           must be filed in each such jurisdiction. The petitioner  
7           shall pay the applicable fee, if not waived.

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

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

1 Substances Act, the Methamphetamine Control and Community  
2 Protection Act, and the Cannabis Control Act if he or she  
3 is petitioning to:

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

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

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

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

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

19 (5) Objections.

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

1           objection to the petition may not be filed.

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

5           (6) Entry of order.

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

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

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

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

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

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

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

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

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

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

25 (9) Implementation of order.

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

1           pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

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

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

18                  (iii) in response to an inquiry for expunged  
19                  records, the court, the Department, or the agency  
20                  receiving such inquiry, shall reply as it does in  
21                  response to inquiries when no records ever  
22                  existed.

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

25                   (i) the records shall be expunged (as defined  
26                   in subsection (a) (1) (E)) by the arresting agency



1           and any other agency as ordered by the court,  
2           within 60 days of the date of service of the order,  
3           unless a motion to vacate, modify, or reconsider  
4           the order is filed pursuant to paragraph (12) of  
5           subsection (d) of this Section;

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

14          (iii) the records shall be impounded by the  
15          Department within 60 days of the date of service of  
16          the order as ordered by the court, unless a motion  
17          to vacate, modify, or reconsider the order is filed  
18          pursuant to paragraph (12) of subsection (d) of  
19          this Section;

20          (iv) records impounded by the Department may  
21          be disseminated by the Department only as required  
22          by law or to the arresting authority, the State's  
23          Attorney, and the court upon a later arrest for the  
24          same or a similar offense or for the purpose of  
25          sentencing for any subsequent felony, and to the  
26          Department of Corrections upon conviction for any

1 offense; and

2 (v) in response to an inquiry for such records  
3 from anyone not authorized by law to access such  
4 records, the court, the Department, or the agency  
5 receiving such inquiry shall reply as it does in  
6 response to inquiries when no records ever  
7 existed.

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

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

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

25 (iii) the records shall be impounded by the  
26 Department within 60 days of the date of service of

1           the order as ordered by the court, unless a motion  
2           to vacate, modify, or reconsider the order is filed  
3           under paragraph (12) of subsection (d) of this  
4           Section;

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

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

19          (C) Upon entry of an order to seal records under  
20          subsection (c), the arresting agency, any other agency  
21          as ordered by the court, the Department, and the court  
22          shall seal the records (as defined in subsection  
23          (a)(1)(K)). In response to an inquiry for such records  
24          from anyone not authorized by law to access such  
25          records, the court, the Department, or the agency  
26          receiving such inquiry shall reply as it does in

1 response to inquiries when no records ever existed.

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

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

1 incurred by the circuit court clerk in performing the  
2 additional duties required to serve the petition to seal or  
3 expunge on all parties. The circuit court clerk shall  
4 collect and forward the Department of State Police portion  
5 of the fee to the Department and it shall be deposited in  
6 the State Police Services Fund.

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

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

24 (13) Effect of Order. An order granting a petition  
25 under the expungement or sealing provisions of this Section  
26 shall not be considered void because it fails to comply

1 with the provisions of this Section or because of any error  
2 asserted in a motion to vacate, modify, or reconsider. The  
3 circuit court retains jurisdiction to determine whether  
4 the order is voidable and to vacate, modify, or reconsider  
5 its terms based on a motion filed under paragraph (12) of  
6 this subsection (d).

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

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

24 (16) The changes to this subsection (d) made by Public  
25 Act 98-163 ~~this amendatory Act of the 98th General Assembly~~  
26 apply to all petitions pending on August 5, 2013 (the

1 effective date of Public Act 98-163) ~~this amendatory Act of~~  
2 ~~the 98th General Assembly~~ and to all orders ruling on a  
3 petition to expunge or seal on or after August 5, 2013 (the  
4 effective date of Public Act 98-163) ~~this amendatory Act of~~  
5 ~~the 98th General Assembly~~.

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

1 of sentencing for any subsequent felony. Upon conviction for  
2 any subsequent offense, the Department of Corrections shall  
3 have access to all sealed records of the Department pertaining  
4 to that individual. Upon entry of the order of expungement, the  
5 circuit court clerk shall promptly mail a copy of the order to  
6 the person who was pardoned.

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



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

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

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

15 (f) Subject to available funding, the Illinois Department  
16 of Corrections shall conduct a study of the impact of sealing,  
17 especially on employment and recidivism rates, utilizing a  
18 random sample of those who apply for the sealing of their  
19 criminal records under Public Act 93-211. At the request of the  
20 Illinois Department of Corrections, records of the Illinois  
21 Department of Employment Security shall be utilized as  
22 appropriate to assist in the study. The study shall not  
23 disclose any data in a manner that would allow the  
24 identification of any particular individual or employing unit.  
25 The study shall be made available to the General Assembly no  
26 later than September 1, 2010.

1 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;  
2 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
3 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,  
4 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,  
5 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; revised  
6 9-4-13.)

7 Section 15. The Juvenile Court Act of 1987 is amended by  
8 changing Section 5-915 as follows:

9 (705 ILCS 405/5-915)

10 Sec. 5-915. Expungement of juvenile law enforcement and  
11 court records.

12 (0.05) For purposes of this Section and Section 5-622:

13 "Expunge" means to physically destroy the records and  
14 to obliterate the minor's name from any official index or  
15 public record, or both. Nothing in this Act shall require  
16 the physical destruction of the internal office records,  
17 files, or databases maintained by a State's Attorney's  
18 Office or other prosecutor.

19 "Law enforcement record" includes but is not limited to  
20 records of arrest, station adjustments, fingerprints,  
21 probation adjustments, the issuance of a notice to appear,  
22 or any other records maintained by a law enforcement agency  
23 relating to a minor suspected of committing an offense.

24 (1) Whenever any person has attained the age of 18 or

1 whenever all juvenile court proceedings relating to that person  
2 have been terminated, whichever is later, the person may  
3 petition the court to expunge law enforcement records relating  
4 to incidents occurring before his or her 18th birthday or his  
5 or her juvenile court records, or both, but only in the  
6 following circumstances:

7 (a) the minor was arrested and no petition for  
8 delinquency was filed with the clerk of the circuit court;  
9 or

10 (b) the minor was charged with an offense and was found  
11 not delinquent of that offense; or

12 (c) the minor was placed under supervision pursuant to  
13 Section 5-615, and the order of supervision has since been  
14 successfully terminated; or

15 (d) the minor was adjudicated for an offense which  
16 would be a Class B misdemeanor, Class C misdemeanor, or a  
17 petty or business offense if committed by an adult.

18 (1.5) Commencing 180 days after the effective date of this  
19 amendatory Act of the 98th General Assembly, the Department of  
20 State Police shall automatically expunge, on or before January  
21 1 of each year, a person's law enforcement records relating to  
22 incidents occurring before his or her 18th birthday in the  
23 Department's possession or control and which contains the final  
24 disposition which pertain to the person when arrested as a  
25 minor if:

26 (a) the minor was arrested for an eligible offense and

1 no petition for delinquency was filed with the clerk of the  
2 circuit court; and

3 (b) the person attained the age of 18 years during the  
4 last calendar year; and

5 (c) since the date of the minor's most recent arrest,  
6 at least 6 months have elapsed without an additional  
7 arrest, filing of a petition for delinquency whether  
8 related or not to a previous arrest, or filing of charges  
9 not initiated by arrest.

10 The Department of State Police shall allow a person to use  
11 the Access and Review process, established in the Department of  
12 State Police, for verifying that his or her law enforcement  
13 records relating to incidents occurring before his or her 18th  
14 birthday eligible under this subsection have been expunged as  
15 provided in this subsection.

16 The Department of State Police shall provide by rule the  
17 process for access, review, and automatic expungement.

18 (1.6) Commencing on the effective date of this amendatory  
19 Act of the 98th General Assembly, a person whose law  
20 enforcement records are not subject to subsection (1.5) of this  
21 Section and who has attained the age of 18 years may use the  
22 Access and Review process, established in the Department of  
23 State Police, for verifying his or her law enforcement records  
24 relating to incidents occurring before his or her 18th birthday  
25 in the Department's possession or control which pertain to the  
26 person when arrested as a minor, if the incident occurred no

1 earlier than 30 years before the effective date of this  
2 amendatory Act of the 98th General Assembly. If the person  
3 identifies a law enforcement record of an eligible offense that  
4 meets the requirements of this subsection, paragraphs (a) and  
5 (c) of subsection (1.5) of this Section, and all juvenile court  
6 proceedings related to the person have been terminated, the  
7 person may file a Request for Expungement of Juvenile Law  
8 Enforcement Records, in the form and manner prescribed by the  
9 Department of State Police, with the Department and the  
10 Department shall consider expungement of the record as  
11 otherwise provided for automatic expungement under subsection  
12 (1.5) of this Section. The person shall provide notice and a  
13 copy of the Request for Expungement of Juvenile Law Enforcement  
14 Records to the arresting agency, prosecutor charged with the  
15 prosecution of the minor, or the State's Attorney of the county  
16 that prosecuted the minor. The Department of State Police shall  
17 provide by rule the process for access, review, and Request for  
18 Expungement of Juvenile Law Enforcement Records.

19 (1.7) Nothing in subsections (1.5) and (1.6) of this  
20 Section precludes a person from filing a petition under  
21 subsection (1) for expungement of records subject to automatic  
22 expungement under subsection (1.5) or (1.6) of this Section.

23 (1.8) For the purposes of subsections (1.5) and (1.6) of  
24 this Section, "eligible offense" means records relating to an  
25 arrest or incident occurring before the person's 18th birthday  
26 that if committed by an adult is not an offense classified as a

1 Class 2 felony or higher offense, an offense under Article 11  
2 of the Criminal Code of 1961 or the Criminal Code of 2012, or  
3 an offense under Section 12-13, 12-14, 12-14.1, 12-15, or 12-16  
4 of the Criminal Code of 1961.

5 (2) Any person may petition the court to expunge all law  
6 enforcement records relating to any incidents occurring before  
7 his or her 18th birthday which did not result in proceedings in  
8 criminal court and all juvenile court records with respect to  
9 any adjudications except those based upon first degree murder  
10 and sex offenses which would be felonies if committed by an  
11 adult, if the person for whom expungement is sought has had no  
12 convictions for any crime since his or her 18th birthday and:

13 (a) has attained the age of 21 years; or

14 (b) 5 years have elapsed since all juvenile court  
15 proceedings relating to him or her have been terminated or  
16 his or her commitment to the Department of Juvenile Justice  
17 pursuant to this Act has been terminated;

18 whichever is later of (a) or (b). Nothing in this Section 5-915  
19 precludes a minor from obtaining expungement under Section  
20 5-622.

21 (2.5) If a minor is arrested and no petition for  
22 delinquency is filed with the clerk of the circuit court as  
23 provided in paragraph (a) of subsection (1) at the time the  
24 minor is released from custody, the youth officer, if  
25 applicable, or other designated person from the arresting  
26 agency, shall notify verbally and in writing to the minor or

1 the minor's parents or guardians that if the State's Attorney  
2 does not file a petition for delinquency, the minor has a right  
3 to petition to have his or her arrest record expunged when the  
4 minor attains the age of 18 or when all juvenile court  
5 proceedings relating to that minor have been terminated and  
6 that unless a petition to expunge is filed, the minor shall  
7 have an arrest record and shall provide the minor and the  
8 minor's parents or guardians with an expungement information  
9 packet, including a petition to expunge juvenile records  
10 obtained from the clerk of the circuit court.

11 (2.6) If a minor is charged with an offense and is found  
12 not delinquent of that offense; or if a minor is placed under  
13 supervision under Section 5-615, and the order of supervision  
14 is successfully terminated; or if a minor is adjudicated for an  
15 offense that would be a Class B misdemeanor, a Class C  
16 misdemeanor, or a business or petty offense if committed by an  
17 adult; or if a minor has incidents occurring before his or her  
18 18th birthday that have not resulted in proceedings in criminal  
19 court, or resulted in proceedings in juvenile court, and the  
20 adjudications were not based upon first degree murder or sex  
21 offenses that would be felonies if committed by an adult; then  
22 at the time of sentencing or dismissal of the case, the judge  
23 shall inform the delinquent minor of his or her right to  
24 petition for expungement as provided by law, and the clerk of  
25 the circuit court shall provide an expungement information  
26 packet to the delinquent minor, written in plain language,



1 including a petition for expungement, a sample of a completed  
2 petition, expungement instructions that shall include  
3 information informing the minor that (i) once the case is  
4 expunged, it shall be treated as if it never occurred, (ii) he  
5 or she may apply to have petition fees waived, (iii) once he or  
6 she obtains an expungement, he or she may not be required to  
7 disclose that he or she had a juvenile record, and (iv) he or  
8 she may file the petition on his or her own or with the  
9 assistance of an attorney. The failure of the judge to inform  
10 the delinquent minor of his or her right to petition for  
11 expungement as provided by law does not create a substantive  
12 right, nor is that failure grounds for: (i) a reversal of an  
13 adjudication of delinquency, (ii) a new trial; or (iii) an  
14 appeal.

15 (2.7) For counties with a population over 3,000,000, the  
16 clerk of the circuit court shall send a "Notification of a  
17 Possible Right to Expungement" post card to the minor at the  
18 address last received by the clerk of the circuit court on the  
19 date that the minor attains the age of 18 based on the  
20 birthdate provided to the court by the minor or his or her  
21 guardian in cases under paragraphs (b), (c), and (d) of  
22 subsection (1); and when the minor attains the age of 21 based  
23 on the birthdate provided to the court by the minor or his or  
24 her guardian in cases under subsection (2).

25 (2.8) The petition for expungement for subsection (1) may  
26 include multiple offenses on the same petition and shall be

1 substantially in the following form:

2 IN THE CIRCUIT COURT OF ....., ILLINOIS  
3 ..... JUDICIAL CIRCUIT

4 IN THE INTEREST OF ) NO.  
5 )  
6 )  
7 .....)  
8 (Name of Petitioner)

9 PETITION TO EXPUNGE JUVENILE RECORDS  
10 (705 ILCS 405/5-915 (SUBSECTION 1))

11 ~~(Please prepare a separate petition for each offense)~~

12 Now comes ....., petitioner, and respectfully requests  
13 that this Honorable Court enter an order expunging all juvenile  
14 law enforcement and court records of petitioner and in support  
15 thereof states that: Petitioner has attained the age of 18,  
16 his/her birth date being ....., or all Juvenile Court  
17 proceedings terminated as of ....., whichever occurred later.  
18 Petitioner was arrested on ..... by the ..... Police  
19 Department for the offense or offenses of ....., and:

20 (Check All That Apply ~~One~~.)

21 ( ) a. no petition or petitions were ~~was~~ filed with the Clerk  
22 of the Circuit Court.

23 ( ) b. was charged with ..... and was found not delinquent of  
24 the offense or offenses.

1 ( ) c. a petition or petitions were ~~was~~ filed and the petition  
2 or petitions were ~~was~~ dismissed without a finding of  
3 delinquency on .....

4 ( ) d. on ..... placed under supervision pursuant to Section  
5 5-615 of the Juvenile Court Act of 1987 and such order of  
6 supervision successfully terminated on .....

7 ( ) e. was adjudicated for the offense or offenses, which would  
8 have been a Class B misdemeanor, a Class C misdemeanor, or a  
9 petty offense or business offense if committed by an adult.

10 Petitioner .... has .... has not been arrested on charges in  
11 this or any county other than the charges listed above. If  
12 petitioner has been arrested on additional charges, please list  
13 the charges below:

14 Charge(s): .....

15 Arresting Agency or Agencies: .....

16 Disposition/Result: (choose from a. through e., above): .....

17 WHEREFORE, the petitioner respectfully requests this Honorable  
18 Court to (1) order all law enforcement agencies to expunge all  
19 records of petitioner to this incident or incidents, and (2) to  
20 order the Clerk of the Court to expunge all records concerning  
21 the petitioner regarding this incident or incidents.

22 .....

23 Petitioner (Signature)

24 .....



1                                    PETITION TO EXPUNGE JUVENILE RECORDS

2                                    (705 ILCS 405/5-915 (SUBSECTION 2))

3                    (Please prepare a separate petition for each offense)

4        Now comes ....., petitioner, and respectfully requests  
5        that this Honorable Court enter an order expunging all Juvenile  
6        Law Enforcement and Court records of petitioner and in support  
7        thereof states that:

8        The incident for which the Petitioner seeks expungement  
9        occurred before the Petitioner's 18th birthday and did not  
10       result in proceedings in criminal court and the Petitioner has  
11       not had any convictions for any crime since his/her 18th  
12       birthday; and

13       The incident for which the Petitioner seeks expungement  
14       occurred before the Petitioner's 18th birthday and the  
15       adjudication was not based upon first-degree murder or sex  
16       offenses which would be felonies if committed by an adult, and  
17       the Petitioner has not had any convictions for any crime since  
18       his/her 18th birthday.

19       Petitioner was arrested on ..... by the ..... Police  
20       Department for the offense of ....., and:

21       (Check whichever one occurred the latest:)

22       ( ) a. The Petitioner has attained the age of 21 years, his/her  
23       birthday being .....; or

24       ( ) b. 5 years have elapsed since all juvenile court  
25       proceedings relating to the Petitioner have been terminated; or

1 the Petitioner's commitment to the Department of Juvenile  
 2 Justice pursuant to the expungement of juvenile law enforcement  
 3 and court records provisions of the Juvenile Court Act of 1987  
 4 has been terminated. Petitioner ...has ...has not been arrested  
 5 on charges in this or any other county other than the charge  
 6 listed above. If petitioner has been arrested on additional  
 7 charges, please list the charges below:

8 Charge(s): .....

9 Arresting Agency or Agencies: .....

10 Disposition/Result: (choose from a or b, above): .....

11 WHEREFORE, the petitioner respectfully requests this Honorable  
 12 Court to (1) order all law enforcement agencies to expunge all  
 13 records of petitioner related to this incident, and (2) to  
 14 order the Clerk of the Court to expunge all records concerning  
 15 the petitioner regarding this incident.

16 .....

17 Petitioner (Signature)

18 .....

19 Petitioner's Street Address

20 .....

21 City, State, Zip Code

22 .....

23 Petitioner's Telephone Number

1 Pursuant to the penalties of perjury under the Code of Civil  
 2 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
 3 statements in this petition are true and correct, or on  
 4 information and belief I believe the same to be true.

5 .....  
 6 Petitioner (Signature)

7 (3) The chief judge of the circuit in which an arrest was  
 8 made or a charge was brought or any judge of that circuit  
 9 designated by the chief judge may, upon verified petition of a  
 10 person who is the subject of an arrest or a juvenile court  
 11 proceeding under subsection (1) or (2) of this Section, order  
 12 the law enforcement records or official court file, or both, to  
 13 be expunged from the official records of the arresting  
 14 authority, the clerk of the circuit court and the Department of  
 15 State Police. The person whose records are to be expunged shall  
 16 petition the court using the appropriate form containing his or  
 17 her current address and shall promptly notify the clerk of the  
 18 circuit court of any change of address. Notice of the petition  
 19 shall be served upon the State's Attorney or prosecutor charged  
 20 with the duty of prosecuting the offense, the Department of  
 21 State Police, and the arresting agency or agencies by the clerk  
 22 of the circuit court. If an objection is filed within 45 days  
 23 of the notice of the petition, the clerk of the circuit court  
 24 shall set a date for hearing after the 45 day objection period.  
 25 At the hearing the court shall hear evidence on whether the

1 expungement should or should not be granted. Unless the State's  
 2 Attorney or prosecutor, the Department of State Police, or an  
 3 arresting agency objects to the expungement within 45 days of  
 4 the notice, the court may enter an order granting expungement.  
 5 The person whose records are to be expunged shall pay the clerk  
 6 of the circuit court a fee equivalent to the cost associated  
 7 with expungement of records by the clerk and the Department of  
 8 State Police. The clerk shall forward a certified copy of the  
 9 order to the Department of State Police, the appropriate  
 10 portion of the fee to the Department of State Police for  
 11 processing, and deliver a certified copy of the order to the  
 12 arresting agency.

13 (3.1) The Notice of Expungement shall be in substantially  
 14 the following form:

15 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 16 ..... JUDICIAL CIRCUIT

17 IN THE INTEREST OF ) NO.  
 18 )  
 19 )  
 20 .....)  
 21 (Name of Petitioner)

22 NOTICE

23 TO: State's Attorney

24 TO: Arresting Agency



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TO: Illinois State Police

.....  
.....

ATTENTION: Expungement

You are hereby notified that on ....., at ....., in courtroom  
..., located at ..., before the Honorable ..., Judge, or any  
judge sitting in his/her stead, I shall then and there present  
a Petition to Expunge Juvenile records in the above-entitled  
matter, at which time and place you may appear.

.....

Petitioner's Signature

.....

Petitioner's Street Address

.....

City, State, Zip Code

.....

Petitioner's Telephone Number

1 On the ..... day of ....., 20..., I on oath state that I  
2 served this notice and true and correct copies of the  
3 above-checked documents by:

4 (Check One:)

5 delivering copies personally to each entity to whom they are  
6 directed;

7 or

8 by mailing copies to each entity to whom they are directed by  
9 depositing the same in the U.S. Mail, proper postage fully  
10 prepaid, before the hour of 5:00 p.m., at the United States  
11 Postal Depository located at .....

12 .....  
13

14 Signature

15 Clerk of the Circuit Court or Deputy Clerk

16 Printed Name of Delinquent Minor/Petitioner: ....

17 Address: .....

18 Telephone Number: .....

19 (3.2) The Order of Expungement shall be in substantially  
20 the following form:

21 IN THE CIRCUIT COURT OF ....., ILLINOIS

22 ..... JUDICIAL CIRCUIT

23 IN THE INTEREST OF ) NO.

24 )

25 )

1 .....)

2 (Name of Petitioner)

3 DOB .....

4 Arresting Agency/Agencies .....

ORDER OF EXPUNGEMENT

(705 ILCS 405/5-915 (SUBSECTION 3))

7 This matter having been heard on the petitioner's motion and  
8 the court being fully advised in the premises does find that  
9 the petitioner is indigent or has presented reasonable cause to  
10 waive all costs in this matter, IT IS HEREBY ORDERED that:

11 ( ) 1. Clerk of Court and Department of State Police costs  
12 are hereby waived in this matter.

13 ( ) 2. The Illinois State Police Bureau of Identification  
14 and the following law enforcement agencies expunge all records  
15 of petitioner relating to an arrest dated ..... for the  
16 offense of .....

Law Enforcement Agencies:

.....

.....

20 ( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit  
21 Court expunge all records regarding the above-captioned case.

22 ENTER: .....

24 JUDGE

25 DATED: .....

1 Name:  
 2 Attorney for:  
 3 Address: City/State/Zip:  
 4 Attorney Number:

5 (3.3) The Notice of Objection shall be in substantially the  
 6 following form:

7 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 8 ..... JUDICIAL CIRCUIT

9 IN THE INTEREST OF ) NO.  
 10 )  
 11 )  
 12 .....)  
 13 (Name of Petitioner)

14 NOTICE OF OBJECTION

15 TO: (Attorney, Public Defender, Minor)

16 .....

17 .....

18 TO: (Illinois State Police)

19 .....

20 .....

21 TO: (Clerk of the Court)

22 .....

23 .....

24 TO: (Judge)

1 .....

2 .....

3 TO:(Arresting Agency/Agencies)

4 .....

5 .....

6 ATTENTION: You are hereby notified that an objection has been  
7 filed by the following entity regarding the above-named minor's  
8 petition for expungement of juvenile records:

9 ( ) State's Attorney's Office;

10 ( ) Prosecutor (other than State's Attorney's Office) charged  
11 with the duty of prosecuting the offense sought to be expunged;

12 ( ) Department of Illinois State Police; or

13 ( ) Arresting Agency or Agencies.

14 The agency checked above respectfully requests that this case  
15 be continued and set for hearing on whether the expungement  
16 should or should not be granted.

17 DATED: .....

18 Name:

19 Attorney For:

20 Address:

21 City/State/Zip:

22 Telephone:

23 Attorney No.:

24 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

25 This matter has been set for hearing on the foregoing  
26 objection, on ..... in room ....., located at ....., before the

1 Honorable ....., Judge, or any judge sitting in his/her stead.  
2 (Only one hearing shall be set, regardless of the number of  
3 Notices of Objection received on the same case).

4 A copy of this completed Notice of Objection containing the  
5 court date, time, and location, has been sent via regular U.S.  
6 Mail to the following entities. (If more than one Notice of  
7 Objection is received on the same case, each one must be  
8 completed with the court date, time and location and mailed to  
9 the following entities):

- 10 ( ) Attorney, Public Defender or Minor;  
11 ( ) State's Attorney's Office;  
12 ( ) Prosecutor (other than State's Attorney's Office) charged  
13 with the duty of prosecuting the offense sought to be expunged;  
14 ( ) Department of Illinois State Police; and  
15 ( ) Arresting agency or agencies.

16 Date: .....

17 Initials of Clerk completing this section: .....

18 (4) Upon entry of an order expunging records or files, the  
19 offense, which the records or files concern shall be treated as  
20 if it never occurred. Law enforcement officers and other public  
21 offices and agencies shall properly reply on inquiry that no  
22 record or file exists with respect to the person.

23 (5) Records which have not been expunged are sealed, and  
24 may be obtained only under the provisions of Sections 5-901,  
25 5-905 and 5-915.

26 (6) Nothing in this Section shall be construed to prohibit

1 the maintenance of information relating to an offense after  
2 records or files concerning the offense have been expunged if  
3 the information is kept in a manner that does not enable  
4 identification of the offender. This information may only be  
5 used for statistical and bona fide research purposes.

6 (6.5) The Department of State Police or any employee of the  
7 Department shall be immune from civil or criminal liability for  
8 failure to expunge any records of arrest that are subject to  
9 expungement under subsection (1.5) or (1.6) of this Section  
10 because of inability to verify a record. Nothing in subsection  
11 (1.5) or (1.6) of this Section shall create Department of State  
12 Police liability or responsibility for the expungement of law  
13 enforcement records it does not possess.

14 (7) (a) The State Appellate Defender shall establish,  
15 maintain, and carry out, by December 31, 2004, a juvenile  
16 expungement program to provide information and assistance to  
17 minors eligible to have their juvenile records expunged.

18 (b) The State Appellate Defender shall develop brochures,  
19 pamphlets, and other materials in printed form and through the  
20 agency's World Wide Web site. The pamphlets and other materials  
21 shall include at a minimum the following information:

22 (i) An explanation of the State's juvenile expungement  
23 process;

24 (ii) The circumstances under which juvenile  
25 expungement may occur;

26 (iii) The juvenile offenses that may be expunged;

1           (iv) The steps necessary to initiate and complete the  
2 juvenile expungement process; and

3           (v) Directions on how to contact the State Appellate  
4 Defender.

5           (c) The State Appellate Defender shall establish and  
6 maintain a statewide toll-free telephone number that a person  
7 may use to receive information or assistance concerning the  
8 expungement of juvenile records. The State Appellate Defender  
9 shall advertise the toll-free telephone number statewide. The  
10 State Appellate Defender shall develop an expungement  
11 information packet that may be sent to eligible persons seeking  
12 expungement of their juvenile records, which may include, but  
13 is not limited to, a pre-printed expungement petition with  
14 instructions on how to complete the petition and a pamphlet  
15 containing information that would assist individuals through  
16 the juvenile expungement process.

17           (d) The State Appellate Defender shall compile a statewide  
18 list of volunteer attorneys willing to assist eligible  
19 individuals through the juvenile expungement process.

20           (e) This Section shall be implemented from funds  
21 appropriated by the General Assembly to the State Appellate  
22 Defender for this purpose. The State Appellate Defender shall  
23 employ the necessary staff and adopt the necessary rules for  
24 implementation of this Section.

25           (8) (a) Except with respect to law enforcement agencies, the  
26 Department of Corrections, State's Attorneys, or other



1 prosecutors, an expunged juvenile record may not be considered  
2 by any private or public entity in employment matters,  
3 certification, licensing, revocation of certification or  
4 licensure, or registration. Applications for employment must  
5 contain specific language that states that the applicant is not  
6 obligated to disclose expunged juvenile records of conviction  
7 or arrest. Employers may not ask if an applicant has had a  
8 juvenile record expunged. Effective January 1, 2005, the  
9 Department of Labor shall develop a link on the Department's  
10 website to inform employers that employers may not ask if an  
11 applicant had a juvenile record expunged and that application  
12 for employment must contain specific language that states that  
13 the applicant is not obligated to disclose expunged juvenile  
14 records of arrest or conviction.

15 (b) A person whose juvenile records have been expunged is  
16 not entitled to remission of any fines, costs, or other money  
17 paid as a consequence of expungement. This amendatory Act of  
18 the 93rd General Assembly does not affect the right of the  
19 victim of a crime to prosecute or defend a civil action for  
20 damages.

21 (c) The expungement of juvenile records under Section 5-622  
22 shall be funded by the additional fine imposed under Section  
23 5-9-1.17 of the Unified Code of Corrections and additional  
24 appropriations made by the General Assembly for such purpose.

25 (9) The changes made to this Section by Public Act 98-61  
26 ~~this amendatory Act of the 98th General Assembly~~ apply to law

1 enforcement records of a minor who has been arrested or taken  
2 into custody on or after January 1, 2014 (the effective date of  
3 Public Act 98-61) ~~this amendatory Act.~~

4 (10) The changes made in subsection (1.5) of this Section  
5 by this amendatory Act of the 98th General Assembly apply to  
6 law enforcement records of a minor who has been arrested or  
7 taken into custody on or after January 1, 2015. The changes  
8 made in subsection (1.6) of this Section by this amendatory Act  
9 of the 98th General Assembly apply to law enforcement records  
10 of a minor who has been arrested or taken into custody before  
11 January 1, 2015.

12 (Source: P.A. 98-61, eff. 1-1-14; revised 3-27-14.)