



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5304

by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-7	from Ch. 37, par. 801-7
705 ILCS 405/1-8	from Ch. 37, par. 801-8
705 ILCS 405/5-915	

Amends the Juvenile Court Act of 1987. Provides that the minor who is the subject of record, his or her parents, guardian, and counsel shall have the right to inspect and copy law enforcement records maintained by a law enforcement agency or record of municipal ordinance violations maintained by any State, local, or municipal agency that relate to a minor who has been investigated, arrested, or taken into custody before his or her 18th birthday. Provides that public defenders shall have access to these law enforcement and juvenile court records under specified circumstances. Makes changes to the juvenile court and law enforcement juvenile records expungement procedures. Effective immediately.

LRB100 19681 RLC 34955 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 Sections 1-7, 1-8, and 5-915 as follows:

6 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

7 Sec. 1-7. Confidentiality of law enforcement and municipal
8 ordinance violation records.

9 (A) All juvenile records which have not been expunged are
10 sealed and may never be disclosed to the general public or
11 otherwise made widely available. Sealed records may be obtained
12 only under this Section and Sections ~~Section~~ 1-8 and 5-915 of
13 this Act, when their use is needed for good cause and with an
14 order from the juvenile court, as required by those not
15 authorized to retain them. Inspection and copying of law
16 enforcement records maintained by law enforcement agencies or
17 records of municipal ordinance violations maintained by any
18 State, local, or municipal agency that relate to a minor who
19 has been investigated, arrested, or taken into custody before
20 his or her 18th birthday shall be restricted to the following:

21 (0.05) The minor who is the subject of record, his or
22 her parents, guardian, and counsel.

23 (1) Any local, State, or federal law enforcement

1 officers of any jurisdiction or agency when necessary for
2 the discharge of their official duties during the
3 investigation or prosecution of a crime or relating to a
4 minor who has been adjudicated delinquent and there has
5 been a previous finding that the act which constitutes the
6 previous offense was committed in furtherance of criminal
7 activities by a criminal street gang, or, when necessary
8 for the discharge of its official duties in connection with
9 a particular investigation of the conduct of a law
10 enforcement officer, an independent agency or its staff
11 created by ordinance and charged by a unit of local
12 government with the duty of investigating the conduct of
13 law enforcement officers. For purposes of this Section,
14 "criminal street gang" has the meaning ascribed to it in
15 Section 10 of the Illinois Streetgang Terrorism Omnibus
16 Prevention Act.

17 (2) Prosecutors, public defenders, probation officers,
18 social workers, or other individuals assigned by the court
19 to conduct a pre-adjudication or pre-disposition
20 investigation, and individuals responsible for supervising
21 or providing temporary or permanent care and custody for
22 minors pursuant to the order of the juvenile court, when
23 essential to performing their responsibilities.

24 (3) Prosecutors, public defenders, and probation
25 officers:

26 (a) in the course of a trial when institution of

1 criminal proceedings has been permitted or required
2 under Section 5-805; or

3 (b) when institution of criminal proceedings has
4 been permitted or required under Section 5-805 and such
5 minor is the subject of a proceeding to determine the
6 amount of bail; or

7 (c) when criminal proceedings have been permitted
8 or required under Section 5-805 and such minor is the
9 subject of a pre-trial investigation, pre-sentence
10 investigation, fitness hearing, or proceedings on an
11 application for probation.

12 (4) Adult and Juvenile Prisoner Review Board.

13 (5) Authorized military personnel.

14 (6) Persons engaged in bona fide research, with the
15 permission of the Presiding Judge of the Juvenile Court and
16 the chief executive of the respective law enforcement
17 agency; provided that publication of such research results
18 in no disclosure of a minor's identity and protects the
19 confidentiality of the minor's record.

20 (7) Department of Children and Family Services child
21 protection investigators acting in their official
22 capacity.

23 (8) The appropriate school official only if the agency
24 or officer believes that there is an imminent threat of
25 physical harm to students, school personnel, or others who
26 are present in the school or on school grounds.

1 (A) Inspection and copying shall be limited to law
2 enforcement records transmitted to the appropriate
3 school official or officials whom the school has
4 determined to have a legitimate educational or safety
5 interest by a local law enforcement agency under a
6 reciprocal reporting system established and maintained
7 between the school district and the local law
8 enforcement agency under Section 10-20.14 of the
9 School Code concerning a minor enrolled in a school
10 within the school district who has been arrested or
11 taken into custody for any of the following offenses:

12 (i) any violation of Article 24 of the Criminal
13 Code of 1961 or the Criminal Code of 2012;

14 (ii) a violation of the Illinois Controlled
15 Substances Act;

16 (iii) a violation of the Cannabis Control Act;

17 (iv) a forcible felony as defined in Section
18 2-8 of the Criminal Code of 1961 or the Criminal
19 Code of 2012;

20 (v) a violation of the Methamphetamine Control
21 and Community Protection Act;

22 (vi) a violation of Section 1-2 of the
23 Harassing and Obscene Communications Act;

24 (vii) a violation of the Hazing Act; or

25 (viii) a violation of Section 12-1, 12-2,
26 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,

1 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 The information derived from the law enforcement
4 records shall be kept separate from and shall not
5 become a part of the official school record of that
6 child and shall not be a public record. The information
7 shall be used solely by the appropriate school official
8 or officials whom the school has determined to have a
9 legitimate educational or safety interest to aid in the
10 proper rehabilitation of the child and to protect the
11 safety of students and employees in the school. If the
12 designated law enforcement and school officials deem
13 it to be in the best interest of the minor, the student
14 may be referred to in-school or community based social
15 services if those services are available.
16 "Rehabilitation services" may include interventions by
17 school support personnel, evaluation for eligibility
18 for special education, referrals to community-based
19 agencies such as youth services, behavioral healthcare
20 service providers, drug and alcohol prevention or
21 treatment programs, and other interventions as deemed
22 appropriate for the student.

23 (B) Any information provided to appropriate school
24 officials whom the school has determined to have a
25 legitimate educational or safety interest by local law
26 enforcement officials about a minor who is the subject

1 of a current police investigation that is directly
2 related to school safety shall consist of oral
3 information only, and not written law enforcement
4 records, and shall be used solely by the appropriate
5 school official or officials to protect the safety of
6 students and employees in the school and aid in the
7 proper rehabilitation of the child. The information
8 derived orally from the local law enforcement
9 officials shall be kept separate from and shall not
10 become a part of the official school record of the
11 child and shall not be a public record. This limitation
12 on the use of information about a minor who is the
13 subject of a current police investigation shall in no
14 way limit the use of this information by prosecutors in
15 pursuing criminal charges arising out of the
16 information disclosed during a police investigation of
17 the minor. For purposes of this paragraph,
18 "investigation" means an official systematic inquiry
19 by a law enforcement agency into actual or suspected
20 criminal activity.

21 (9) Mental health professionals on behalf of the
22 Illinois Department of Corrections or the Department of
23 Human Services or prosecutors who are evaluating,
24 prosecuting, or investigating a potential or actual
25 petition brought under the Sexually Violent Persons
26 Commitment Act relating to a person who is the subject of

1 juvenile law enforcement records or the respondent to a
2 petition brought under the Sexually Violent Persons
3 Commitment Act who is the subject of the juvenile law
4 enforcement records sought. Any records and any
5 information obtained from those records under this
6 paragraph (9) may be used only in sexually violent persons
7 commitment proceedings.

8 (10) The president of a park district. Inspection and
9 copying shall be limited to law enforcement records
10 transmitted to the president of the park district by the
11 Illinois State Police under Section 8-23 of the Park
12 District Code or Section 16a-5 of the Chicago Park District
13 Act concerning a person who is seeking employment with that
14 park district and who has been adjudicated a juvenile
15 delinquent for any of the offenses listed in subsection (c)
16 of Section 8-23 of the Park District Code or subsection (c)
17 of Section 16a-5 of the Chicago Park District Act.

18 (B)(1) Except as provided in paragraph (2), no law
19 enforcement officer or other person or agency may knowingly
20 transmit to the Department of Corrections or the Department of
21 State Police or to the Federal Bureau of Investigation any
22 fingerprint or photograph relating to a minor who has been
23 arrested or taken into custody before his or her 18th birthday,
24 unless the court in proceedings under this Act authorizes the
25 transmission or enters an order under Section 5-805 permitting
26 or requiring the institution of criminal proceedings.

1 (2) Law enforcement officers or other persons or agencies
2 shall transmit to the Department of State Police copies of
3 fingerprints and descriptions of all minors who have been
4 arrested or taken into custody before their 18th birthday for
5 the offense of unlawful use of weapons under Article 24 of the
6 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
7 or Class 1 felony, a forcible felony as defined in Section 2-8
8 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
9 Class 2 or greater felony under the Cannabis Control Act, the
10 Illinois Controlled Substances Act, the Methamphetamine
11 Control and Community Protection Act, or Chapter 4 of the
12 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
13 Identification Act. Information reported to the Department
14 pursuant to this Section may be maintained with records that
15 the Department files pursuant to Section 2.1 of the Criminal
16 Identification Act. Nothing in this Act prohibits a law
17 enforcement agency from fingerprinting a minor taken into
18 custody or arrested before his or her 18th birthday for an
19 offense other than those listed in this paragraph (2).

20 (C) The records of law enforcement officers, or of an
21 independent agency created by ordinance and charged by a unit
22 of local government with the duty of investigating the conduct
23 of law enforcement officers, concerning all minors under 18
24 years of age must be maintained separate from the records of
25 arrests and may not be open to public inspection or their
26 contents disclosed to the public. For purposes of obtaining

1 documents under this Section, a civil subpoena is not an order
2 of the court.

3 (1) In cases where the law enforcement, or independent
4 agency, records concern a pending juvenile court case, the
5 party seeking to inspect the records shall provide actual
6 notice to the attorney or guardian ad litem of the minor
7 whose records are sought.

8 (2) In cases where the records concern a juvenile court
9 case that is no longer pending, the party seeking to
10 inspect the records shall provide actual notice to the
11 minor or the minor's parent or legal guardian, and the
12 matter shall be referred to the chief judge presiding over
13 matters pursuant to this Act.

14 (3) In determining whether the records should be
15 available for inspection, the court shall consider the
16 minor's interest in confidentiality and rehabilitation
17 over the moving party's interest in obtaining the
18 information. Any records obtained in violation of this
19 subsection (C) shall not be admissible in any criminal or
20 civil proceeding, or operate to disqualify a minor from
21 subsequently holding public office or securing employment,
22 or operate as a forfeiture of any public benefit, right,
23 privilege, or right to receive any license granted by
24 public authority.

25 (D) Nothing contained in subsection (C) of this Section
26 shall prohibit the inspection or disclosure to victims and

1 witnesses of photographs contained in the records of law
2 enforcement agencies when the inspection and disclosure is
3 conducted in the presence of a law enforcement officer for the
4 purpose of the identification or apprehension of any person
5 subject to the provisions of this Act or for the investigation
6 or prosecution of any crime.

7 (E) Law enforcement officers, and personnel of an
8 independent agency created by ordinance and charged by a unit
9 of local government with the duty of investigating the conduct
10 of law enforcement officers, may not disclose the identity of
11 any minor in releasing information to the general public as to
12 the arrest, investigation or disposition of any case involving
13 a minor.

14 (F) Nothing contained in this Section shall prohibit law
15 enforcement agencies from communicating with each other by
16 letter, memorandum, teletype or intelligence alert bulletin or
17 other means the identity or other relevant information
18 pertaining to a person under 18 years of age if there are
19 reasonable grounds to believe that the person poses a real and
20 present danger to the safety of the public or law enforcement
21 officers. The information provided under this subsection (F)
22 shall remain confidential and shall not be publicly disclosed,
23 except as otherwise allowed by law.

24 (G) Nothing in this Section shall prohibit the right of a
25 Civil Service Commission or appointing authority of any state,
26 county or municipality examining the character and fitness of

1 an applicant for employment with a law enforcement agency,
2 correctional institution, or fire department from obtaining
3 and examining the records of any law enforcement agency
4 relating to any record of the applicant having been arrested or
5 taken into custody before the applicant's 18th birthday.

6 (H) The changes made to this Section by Public Act 98-61
7 apply to law enforcement records of a minor who has been
8 arrested or taken into custody on or after January 1, 2014 (the
9 effective date of Public Act 98-61).

10 (I) Willful violation of this Section is a Class C
11 misdemeanor and each violation is subject to a fine of \$1,000.
12 This subsection (I) shall not apply to the person who is the
13 subject of the record.

14 (J) A person convicted of violating this Section is liable
15 for damages in the amount of \$1,000 or actual damages,
16 whichever is greater.

17 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;
18 revised 10-5-17.)

19 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

20 Sec. 1-8. Confidentiality and accessibility of juvenile
21 court records.

22 (A) A juvenile adjudication shall never be considered a
23 conviction nor shall an adjudicated individual be considered a
24 criminal. Unless expressly allowed by law, a juvenile
25 adjudication shall not operate to impose upon the individual

1 any of the civil disabilities ordinarily imposed by or
2 resulting from conviction. Unless expressly allowed by law,
3 adjudications shall not prejudice or disqualify the individual
4 in any civil service application or appointment, from holding
5 public office, or from receiving any license granted by public
6 authority. All juvenile records which have not been expunged
7 are sealed and may never be disclosed to the general public or
8 otherwise made widely available. Sealed records may be obtained
9 only under this Section and Section 1-7 and Section 5-915 of
10 this Act, when their use is needed for good cause and with an
11 order from the juvenile court, as required by those not
12 authorized to retain them. Inspection and copying of juvenile
13 court records relating to a minor who is the subject of a
14 proceeding under this Act shall be restricted to the following:

15 (1) The minor who is the subject of record, his
16 parents, guardian and counsel.

17 (2) Law enforcement officers and law enforcement
18 agencies when such information is essential to executing an
19 arrest or search warrant or other compulsory process, or to
20 conducting an ongoing investigation or relating to a minor
21 who has been adjudicated delinquent and there has been a
22 previous finding that the act which constitutes the
23 previous offense was committed in furtherance of criminal
24 activities by a criminal street gang.

25 Before July 1, 1994, for the purposes of this Section,
26 "criminal street gang" means any ongoing organization,

1 association, or group of 3 or more persons, whether formal
2 or informal, having as one of its primary activities the
3 commission of one or more criminal acts and that has a
4 common name or common identifying sign, symbol or specific
5 color apparel displayed, and whose members individually or
6 collectively engage in or have engaged in a pattern of
7 criminal activity.

8 Beginning July 1, 1994, for purposes of this Section,
9 "criminal street gang" has the meaning ascribed to it in
10 Section 10 of the Illinois Streetgang Terrorism Omnibus
11 Prevention Act.

12 (3) Judges, hearing officers, prosecutors, public
13 defenders, probation officers, social workers or other
14 individuals assigned by the court to conduct a
15 pre-adjudication or predisposition investigation, and
16 individuals responsible for supervising or providing
17 temporary or permanent care and custody for minors pursuant
18 to the order of the juvenile court when essential to
19 performing their responsibilities.

20 (4) Judges, prosecutors, public defenders, and
21 probation officers:

22 (a) in the course of a trial when institution of
23 criminal proceedings has been permitted or required
24 under Section 5-805; or

25 (b) when criminal proceedings have been permitted
26 or required under Section 5-805 and a minor is the

1 subject of a proceeding to determine the amount of
2 bail; or

3 (c) when criminal proceedings have been permitted
4 or required under Section 5-805 and a minor is the
5 subject of a pre-trial investigation, pre-sentence
6 investigation or fitness hearing, or proceedings on an
7 application for probation; or

8 (d) when a minor becomes 18 years of age or older,
9 and is the subject of criminal proceedings, including a
10 hearing to determine the amount of bail, a pre-trial
11 investigation, a pre-sentence investigation, a fitness
12 hearing, or proceedings on an application for
13 probation.

14 (5) Adult and Juvenile Prisoner Review Boards.

15 (6) Authorized military personnel.

16 (7) Victims, their subrogees and legal
17 representatives; however, such persons shall have access
18 only to the name and address of the minor and information
19 pertaining to the disposition or alternative adjustment
20 plan of the juvenile court.

21 (8) Persons engaged in bona fide research, with the
22 permission of the presiding judge of the juvenile court and
23 the chief executive of the agency that prepared the
24 particular records; provided that publication of such
25 research results in no disclosure of a minor's identity and
26 protects the confidentiality of the record.

1 (9) The Secretary of State to whom the Clerk of the
2 Court shall report the disposition of all cases, as
3 required in Section 6-204 of the Illinois Vehicle Code.
4 However, information reported relative to these offenses
5 shall be privileged and available only to the Secretary of
6 State, courts, and police officers.

7 (10) The administrator of a bonafide substance abuse
8 student assistance program with the permission of the
9 presiding judge of the juvenile court.

10 (11) Mental health professionals on behalf of the
11 Illinois Department of Corrections or the Department of
12 Human Services or prosecutors who are evaluating,
13 prosecuting, or investigating a potential or actual
14 petition brought under the Sexually Violent Persons
15 Commitment Act relating to a person who is the subject of
16 juvenile court records or the respondent to a petition
17 brought under the Sexually Violent Persons Commitment Act,
18 who is the subject of juvenile court records sought. Any
19 records and any information obtained from those records
20 under this paragraph (11) may be used only in sexually
21 violent persons commitment proceedings.

22 (A-1) Findings and exclusions of paternity entered in
23 proceedings occurring under Article II of this Act shall be
24 disclosed, in a manner and form approved by the Presiding Judge
25 of the Juvenile Court, to the Department of Healthcare and
26 Family Services when necessary to discharge the duties of the

1 Department of Healthcare and Family Services under Article X of
2 the Illinois Public Aid Code.

3 (B) A minor who is the victim in a juvenile proceeding
4 shall be provided the same confidentiality regarding
5 disclosure of identity as the minor who is the subject of
6 record.

7 (C) Juvenile court records shall not be made available to
8 the general public. For purposes of inspecting documents under
9 this Section, a civil subpoena is not an order of the court.

10 (0.1) In cases where the records concern a pending
11 juvenile court case, the requesting party seeking to
12 inspect the juvenile court records shall provide actual
13 notice to the attorney or guardian ad litem of the minor
14 whose records are sought.

15 (0.2) In cases where the records concern a juvenile
16 court case that is no longer pending, the requesting party
17 seeking to inspect the juvenile court records shall provide
18 actual notice to the minor or the minor's parent or legal
19 guardian, and the matter shall be referred to the chief
20 judge presiding over matters pursuant to this Act.

21 (0.3) In determining whether records should be made
22 available for inspection and whether inspection should be
23 limited to certain parts of the file, the court shall
24 consider the minor's interest in confidentiality and
25 rehabilitation over the requesting party's interest in
26 obtaining the information. The State's Attorney, the

1 minor, and the minor's parents, guardian, and counsel shall
2 at all times have the right to examine court files and
3 records.

4 (0.4) Any records obtained in violation of this Section
5 shall not be admissible in any criminal or civil
6 proceeding, or operate to disqualify a minor from
7 subsequently holding public office, or operate as a
8 forfeiture of any public benefit, right, privilege, or
9 right to receive any license granted by public authority.

10 (D) Pending or following any adjudication of delinquency
11 for any offense defined in Sections 11-1.20 through 11-1.60 or
12 12-13 through 12-16 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, the victim of any such offense shall
14 receive the rights set out in Sections 4 and 6 of the Bill of
15 Rights for Victims and Witnesses of Violent Crime Act; and the
16 juvenile who is the subject of the adjudication,
17 notwithstanding any other provision of this Act, shall be
18 treated as an adult for the purpose of affording such rights to
19 the victim.

20 (E) Nothing in this Section shall affect the right of a
21 Civil Service Commission or appointing authority of any state,
22 county or municipality examining the character and fitness of
23 an applicant for employment with a law enforcement agency,
24 correctional institution, or fire department to ascertain
25 whether that applicant was ever adjudicated to be a delinquent
26 minor and, if so, to examine the records of disposition or

1 evidence which were made in proceedings under this Act.

2 (F) Following any adjudication of delinquency for a crime
3 which would be a felony if committed by an adult, or following
4 any adjudication of delinquency for a violation of Section
5 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, the State's Attorney shall ascertain
7 whether the minor respondent is enrolled in school and, if so,
8 shall provide a copy of the dispositional order to the
9 principal or chief administrative officer of the school. Access
10 to such juvenile records shall be limited to the principal or
11 chief administrative officer of the school and any guidance
12 counselor designated by him.

13 (G) Nothing contained in this Act prevents the sharing or
14 disclosure of information or records relating or pertaining to
15 juveniles subject to the provisions of the Serious Habitual
16 Offender Comprehensive Action Program when that information is
17 used to assist in the early identification and treatment of
18 habitual juvenile offenders.

19 (H) When a Court hearing a proceeding under Article II of
20 this Act becomes aware that an earlier proceeding under Article
21 II had been heard in a different county, that Court shall
22 request, and the Court in which the earlier proceedings were
23 initiated shall transmit, an authenticated copy of the Court
24 record, including all documents, petitions, and orders filed
25 therein and the minute orders, transcript of proceedings, and
26 docket entries of the Court.

1 (I) The Clerk of the Circuit Court shall report to the
2 Department of State Police, in the form and manner required by
3 the Department of State Police, the final disposition of each
4 minor who has been arrested or taken into custody before his or
5 her 18th birthday for those offenses required to be reported
6 under Section 5 of the Criminal Identification Act. Information
7 reported to the Department under this Section may be maintained
8 with records that the Department files under Section 2.1 of the
9 Criminal Identification Act.

10 (J) The changes made to this Section by Public Act 98-61
11 apply to law enforcement records of a minor who has been
12 arrested or taken into custody on or after January 1, 2014 (the
13 effective date of Public Act 98-61).

14 (K) Willful violation of this Section is a Class C
15 misdemeanor and each violation is subject to a fine of \$1,000.
16 This subsection (K) shall not apply to the person who is the
17 subject of the record.

18 (L) A person convicted of violating this Section is liable
19 for damages in the amount of \$1,000 or actual damages,
20 whichever is greater.

21 (Source: P.A. 100-285, eff. 1-1-18.)

22 (705 ILCS 405/5-915)

23 Sec. 5-915. Expungement of juvenile law enforcement and
24 court records.

25 (0.05) For purposes of this Section:

1 "Dissemination" or "disseminate" means to publish,
2 produce, print, manufacture, distribute, sell, lease,
3 exhibit, broadcast, display, transmit, or otherwise share
4 information in any format so as to make the information
5 accessible to others.

6 "Expunge" means to physically destroy the records and
7 to obliterate the minor's name and juvenile court records
8 from any official index, public record, or electronic
9 database. No evidence of the juvenile court records may be
10 retained by any law enforcement agency, the juvenile court,
11 or by any municipal, county, or State agency or department.
12 Nothing in this Act shall require the physical destruction
13 of the internal office records, files, or databases
14 maintained by a State's Attorney's Office or other
15 prosecutor, public defender, probation officer, or by the
16 Office of the Secretary of State.

17 "Juvenile court record" includes, but is not limited
18 to:

19 (a) all documents filed in or maintained by the
20 juvenile court pertaining to a specific incident,
21 proceeding, or individual;

22 (b) all documents relating to a specific incident,
23 proceeding, or individual made available to or maintained
24 by probation officers;

25 (c) all documents, video or audio tapes,
26 photographs, and exhibits admitted into evidence at

1 juvenile court hearings; or

2 (d) all documents, transcripts, records, reports
3 or other evidence prepared by, maintained by, or released
4 by any municipal, county, or State ~~state~~ agency or
5 department, in any format, if indicating involvement with
6 the juvenile court relating to a specific incident,
7 proceeding, or individual.

8 "Law enforcement record" includes, l but is not limited
9 to, l records of arrest, station adjustments, fingerprints,
10 probation adjustments, the issuance of a notice to appear,
11 or any other records or documents maintained by any law
12 enforcement agency relating to a minor suspected of
13 committing an offense or evidence of interaction with law
14 enforcement.

15 (0.1) (a) The Department of State Police and all law
16 enforcement agencies within the State shall automatically
17 expunge, on or before January 1 of each year, all law
18 enforcement records relating to events occurring before an
19 individual's 18th birthday if:

20 (1) one year or more has elapsed since the date of the
21 arrest or law enforcement interaction documented in the
22 records;

23 (2) no petition for delinquency or criminal charges
24 were filed with the clerk of the circuit court relating to
25 the arrest or law enforcement interaction documented in the
26 records; and

1 (3) 6 months have elapsed without an additional
2 subsequent arrest or filing of a petition for delinquency
3 or criminal charges whether related or not to the arrest or
4 law enforcement interaction documented in the records.

5 (b) If the law enforcement agency is unable to verify
6 satisfaction of conditions (2) and (3) of this subsection
7 (0.1), records that satisfy condition (1) of this subsection
8 (0.1) shall be automatically expunged if the records relate to
9 an offense that if committed by an adult would not be an
10 offense classified as Class 2 felony or higher, an offense
11 under Article 11 of the Criminal Code of 1961 or Criminal Code
12 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
13 12-15, or 12-16 of the Criminal Code of 1961.

14 (0.2) (a) Upon dismissal of a petition alleging delinquency
15 or upon a finding of not delinquent, the successful termination
16 of an order of supervision, or the successful termination of an
17 adjudication for an offense which would be a Class B
18 misdemeanor, Class C misdemeanor, or a petty or business
19 offense if committed by an adult, the court shall automatically
20 order the expungement of the juvenile court and law enforcement
21 records. The clerk shall deliver a certified copy of the
22 expungement order to the Department of State Police and the
23 arresting agency. Upon request, the State's Attorney shall
24 furnish the name of the arresting agency. The expungement shall
25 be completed within 60 business days of the entry of the
26 expungement order.

1 (b) If the chief law enforcement officer of the agency, or
2 his or her designee, certifies in writing that certain
3 information is needed for a pending investigation involving the
4 commission of a felony, that information, and information
5 identifying the juvenile, may be retained in an intelligence
6 file until the investigation is terminated or for one
7 additional year, whichever is sooner. Retention of a portion of
8 a juvenile's law enforcement record does not disqualify the
9 remainder of his or her record from immediate automatic
10 expungement.

11 (0.3) (a) Upon an adjudication of delinquency based on any
12 offense except a disqualified offense, the juvenile court shall
13 automatically order the expungement of the juvenile court and
14 law enforcement records 2 years after the juvenile's case was
15 closed if no delinquency or criminal proceeding is pending and
16 the person has had no subsequent delinquency adjudication or
17 criminal conviction. The clerk shall deliver a certified copy
18 of the expungement order to the Department of State Police and
19 the arresting agency. Upon request, the State's Attorney shall
20 furnish the name of the arresting agency. The expungement shall
21 be completed within 60 business days of the entry of the
22 expungement order ~~The court shall automatically order the~~
23 ~~expungement of the juvenile court and law enforcement records~~
24 ~~within 60 business days.~~ For the purposes of this subsection
25 (0.3), "disqualified offense" means any of the following
26 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,

1 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
2 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
3 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
4 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
5 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
6 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
7 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
8 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
9 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
10 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
11 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
12 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
13 paragraph (1) of subsection (a) of Section 12-9, subparagraph
14 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
15 paragraph (1) of subsection (a) of Section 25-1, or subsection
16 (a-7) of Section 31-1 of the Criminal Code of 2012.

17 (b) If the chief law enforcement officer of the agency, or
18 his or her designee, certifies in writing that certain
19 information is needed for a pending investigation involving the
20 commission of a felony, that information, and information
21 identifying the juvenile, may be retained in an intelligence
22 file until the investigation is terminated or for one
23 additional year, whichever is sooner. Retention of a portion of
24 a juvenile's law enforcement record does not disqualify the
25 remainder of his or her record from immediate automatic
26 expungement.

1 (1) Nothing in this subsection (1) precludes an eligible
2 minor from obtaining expungement under subsection ~~subsections~~
3 (0.1), (0.2), or (0.3). Whenever a person has been arrested,
4 charged, or adjudicated delinquent for an incident occurring
5 before his or her 18th birthday that if committed by an adult
6 would be an offense, and that person's records are not eligible
7 for automatic expungement under subsection ~~subsections~~ (0.1),
8 (0.2), or (0.3), the person may petition the court at any time
9 for expungement of law enforcement records and juvenile court
10 records relating to the incident and, upon termination of all
11 juvenile court proceedings relating to that incident, the court
12 shall order the expungement of all records in the possession of
13 the Department of State Police, the clerk of the circuit court,
14 and law enforcement agencies relating to the incident, but only
15 in any of the following circumstances:

16 (a) the minor was arrested and no petition for
17 delinquency was filed with the clerk of the circuit court;

18 (a-5) the minor was charged with an offense and the
19 petition or petitions were dismissed without a finding of
20 delinquency;

21 (b) the minor was charged with an offense and was found
22 not delinquent of that offense;

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

26 (d) the minor was adjudicated for an offense which

1 would be a Class B misdemeanor, Class C misdemeanor, or a
2 petty or business offense if committed by an adult.

3 (1.5) ~~January 1, 2015 (Public Act 98-637)~~ The Department of
4 State Police shall allow a person to use the Access and Review
5 process, established in the Department of State Police, for
6 verifying that his or her law enforcement records relating to
7 incidents occurring before his or her 18th birthday eligible
8 under this Act have been expunged.

9 (1.6) (Blank). ~~January 1, 2015 (Public Act 98-637) January~~
10 ~~1, 2015 (Public Act 98-637)~~

11 (1.7) (Blank).

12 (1.8) (Blank).

13 (2) Any person whose delinquency adjudications are not
14 eligible for automatic expungement under subsection (0.3) of
15 this Section may petition the court to expunge all law
16 enforcement records relating to any incidents occurring before
17 his or her 18th birthday which did not result in proceedings in
18 criminal court and all juvenile court records with respect to
19 any adjudications except those based upon first degree murder
20 or an offense under Article 11 of the Criminal Code of 2012 if
21 the person is required to register under the Sex Offender
22 Registration Act; provided that:

23 (a) (blank); or

24 (b) 2 years have elapsed since all juvenile court
25 proceedings relating to him or her have been terminated and
26 his or her commitment to the Department of Juvenile Justice

1 under this Act has been terminated.

2 (2.5) If a minor is arrested and no petition for
3 delinquency is filed with the clerk of the circuit court at the
4 time the minor is released from custody, the youth officer, if
5 applicable, or other designated person from the arresting
6 agency, shall notify verbally and in writing to the minor or
7 the minor's parents or guardians that the minor shall have an
8 arrest record and shall provide the minor and the minor's
9 parents or guardians with an expungement information packet,
10 information regarding this State's expungement laws including
11 a petition to expunge juvenile records obtained from the clerk
12 of the circuit court.

13 (2.6) If a minor is referred to court then at the time of
14 sentencing or dismissal of the case, or successful completion
15 of supervision, the judge shall inform the delinquent minor of
16 his or her rights regarding expungement and the clerk of the
17 circuit court shall provide an expungement information packet
18 to the minor, written in plain language, including information
19 regarding this State's expungement laws and a petition for
20 expungement, a sample of a completed petition, expungement
21 instructions that shall include information informing the
22 minor that (i) once the case is expunged, it shall be treated
23 as if it never occurred, (ii) he or she may apply to have
24 petition fees waived, (iii) once he or she obtains an
25 expungement, he or she may not be required to disclose that he
26 or she had a juvenile record, and (iv) if petitioning he or she

1 may file the petition on his or her own or with the assistance
 2 of an attorney. The failure of the judge to inform the
 3 delinquent minor of his or her right to petition for
 4 expungement as provided by law does not create a substantive
 5 right, nor is that failure grounds for: (i) a reversal of an
 6 adjudication of delinquency, (ii) a new trial; or (iii) an
 7 appeal.

8 (2.7) (Blank).

9 (2.8) The petition for expungement for subsection (1) and
 10 (2) may include multiple offenses on the same petition and
 11 shall be substantially in the following form:

12 IN THE CIRCUIT COURT OF, ILLINOIS
 13 JUDICIAL CIRCUIT

14 IN THE INTEREST OF) NO.
 15)
 16)
 17)
 18 (Name of Petitioner)

19 PETITION TO EXPUNGE JUVENILE RECORDS

20 (705 ILCS 405/5-915 (SUBSECTION 1 AND 2))

21 Now comes, petitioner, and respectfully requests
 22 that this Honorable Court enter an order expunging all juvenile
 23 law enforcement and court records of petitioner and in support
 24 thereof states that: Petitioner was arrested on by the

1 Police Department for the offense or offenses of
2, and:

3 (Check All That Apply:)

4 () a. no petition or petitions were filed with the Clerk of
5 the Circuit Court.

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

8 () c. a petition or petitions were filed and the petition or
9 petitions were dismissed without a finding of delinquency on
10

11 () d. on placed under supervision pursuant to Section
12 5-615 of the Juvenile Court Act of 1987 and such order of
13 supervision successfully terminated on

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

17 () f. was adjudicated for a Class A misdemeanor or felony,
18 except first degree murder or an offense under Article 11 of
19 the Criminal Code of 2012 if the person is required to register
20 under the Sex Offender Registration Act, and 2 years have
21 passed since the case was closed.

22 Petitioner has has not been arrested on charges in
23 this or any county other than the charges listed above. If
24 petitioner has been arrested on additional charges, please list
25 the charges below:

26 Charge(s):

1 Arresting Agency or Agencies:

2 Disposition/Result: (choose from a. through f., above):

3 WHEREFORE, the petitioner respectfully requests this Honorable
4 Court to (1) order all law enforcement agencies to expunge all
5 records of petitioner to this incident or incidents, and (2) to
6 order the Clerk of the Court to expunge all records concerning
7 the petitioner regarding this incident or incidents.

8
9 Petitioner (Signature)

10
11 Petitioner's Street Address

12
13 City, State, Zip Code

14
15 Petitioner's Telephone Number

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

20

1 Petitioner (Signature)

2 ~~first degree~~

3 (3) The chief judge of the circuit in which an arrest was
4 made or a charge was brought or any judge of that circuit
5 designated by the chief judge may, upon verified petition of a
6 person who is the subject of an arrest or a juvenile court
7 proceeding under subsection (1) or (2) of this Section, order
8 the law enforcement records or official court file, or both, to
9 be expunged from the official records of the arresting
10 authority, the clerk of the circuit court and the Department of
11 State Police. The person whose records are to be expunged shall
12 petition the court using the appropriate form containing his or
13 her current address and shall promptly notify the clerk of the
14 circuit court of any change of address. Notice of the petition
15 shall be served upon the State's Attorney or prosecutor charged
16 with the duty of prosecuting the offense, the Department of
17 State Police, and the arresting agency or agencies by the clerk
18 of the circuit court. If an objection is filed within 45 days
19 of the notice of the petition, the clerk of the circuit court
20 shall set a date for hearing after the 45-day objection period.
21 At the hearing the court shall hear evidence on whether the
22 expungement should or should not be granted. Unless the State's
23 Attorney or prosecutor, the Department of State Police, or an
24 arresting agency objects to the expungement within 45 days of
25 the notice, the court may enter an order granting expungement.
26 The clerk shall forward a certified copy of the order to the

1 Department of State Police and deliver a certified copy of the
2 order to the arresting agency.

3 (3.1) The Notice of Expungement shall be in substantially
4 the following form:

5 IN THE CIRCUIT COURT OF, ILLINOIS
6 JUDICIAL CIRCUIT

7 IN THE INTEREST OF) NO.
8)
9)
10)
11 (Name of Petitioner)

12 NOTICE

13 TO: State's Attorney

14 TO: Arresting Agency

15
16

17

18
19

20

21 TO: Illinois State Police

22
23

24

1
2

ATTENTION: Expungement

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

8
9

Petitioner's Signature

10
11

Petitioner's Street Address

12
13

City, State, Zip Code

14
15

Petitioner's Telephone Number

16 PROOF OF SERVICE

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

20 (Check One:)

21 delivering copies personally to each entity to whom they are
22 directed;

23 or

24 by mailing copies to each entity to whom they are directed by
25 depositing the same in the U.S. Mail, proper postage fully
26 prepaid, before the hour of 5:00 p.m., at the United States

1 Postal Depository located at
2
3

4 Signature

5 Clerk of the Circuit Court or Deputy Clerk

6 Printed Name of Delinquent Minor/Petitioner:

7 Address:

8 Telephone Number:

9 (3.2) The Order of Expungement shall be in substantially
10 the following form:

11 IN THE CIRCUIT COURT OF, ILLINOIS

12 JUDICIAL CIRCUIT

13 IN THE INTEREST OF) NO.

14)

15)

16)

17 (Name of Petitioner)

18 DOB

19 Arresting Agency/Agencies

20 ORDER OF EXPUNGEMENT

21 (705 ILCS 405/5-915 (SUBSECTION 3))

22 This matter having been heard on the petitioner's motion and
23 the court being fully advised in the premises does find that
24 the petitioner is indigent or has presented reasonable cause to

1 waive all costs in this matter, IT IS HEREBY ORDERED that:

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

4 () 2. The Illinois State Police Bureau of Identification
5 and the following law enforcement agencies expunge all records
6 of petitioner relating to an arrest dated for the
7 offense of

8 Law Enforcement Agencies:

9

10

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

13 ENTER:

14
15 JUDGE

16 DATED:

17 Name:

18 Attorney for:

19 Address: City/State/Zip:

20 Attorney Number:

21 (3.3) The Notice of Objection shall be in substantially the
22 following form:

23 IN THE CIRCUIT COURT OF, ILLINOIS

24 JUDICIAL CIRCUIT

25 IN THE INTEREST OF) NO.

1)
 2)
 3)
 4 (Name of Petitioner)

NOTICE OF OBJECTION

TO: (Attorney, Public Defender, Minor)

7
 8

TO: (Illinois State Police)

10
 11

TO: (Clerk of the Court)

13
 14

TO: (Judge)

16
 17

TO: (Arresting Agency/Agencies)

19
 20

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

() State's Attorney's Office;

() Prosecutor (other than State's Attorney's Office) charged

1 with the duty of prosecuting the offense sought to be expunged;
 2 () Department of Illinois State Police; or
 3 () Arresting Agency or Agencies.

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

7 DATED:

8 Name:

9 Attorney For:

10 Address:

11 City/State/Zip:

12 Telephone:

13 Attorney No.:

14 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

15 This matter has been set for hearing on the foregoing
 16 objection, on in room, located at, before the
 17 Honorable, Judge, or any judge sitting in his/her stead.
 18 (Only one hearing shall be set, regardless of the number of
 19 Notices of Objection received on the same case).

20 A copy of this completed Notice of Objection containing the
 21 court date, time, and location, has been sent via regular U.S.
 22 Mail to the following entities. (If more than one Notice of
 23 Objection is received on the same case, each one must be
 24 completed with the court date, time and location and mailed to
 25 the following entities):

26 () Attorney, Public Defender or Minor;

- 1 () State's Attorney's Office;
2 () Prosecutor (other than State's Attorney's Office) charged
3 with the duty of prosecuting the offense sought to be expunged;
4 () Department of Illinois State Police; and
5 () Arresting agency or agencies.

6 Date:

7 Initials of Clerk completing this section:

8 (4)(a) Upon entry of an order expunging records or files,
9 the offense, which the records or files concern shall be
10 treated as if it never occurred. Law enforcement officers and
11 other public offices and agencies shall properly reply on
12 inquiry that no record or file exists with respect to the
13 person.

14 (a-5) Local law enforcement agencies shall send written
15 notice to the minor of the expungement of any records within 60
16 days of automatic expungement or the date of service of an
17 expungement order, whichever applies. If a minor's court file
18 has been expunged, the clerk of the circuit court shall send
19 written notice to the minor of the expungement of any records
20 within 60 days of automatic expungement or the date of service
21 of an expungement order, whichever applies.

22 (b) Except with respect to authorized military personnel,
23 an expunged juvenile record may not be considered by any
24 private or public entity in employment matters, certification,
25 licensing, revocation of certification or licensure, or
26 registration. Applications for employment within the State

1 must contain specific language that states that the applicant
2 is not obligated to disclose expunged juvenile records of
3 adjudication or arrest. Employers may not ask, in any format or
4 context, if an applicant has had a juvenile record expunged.
5 Information about an expunged record obtained by a potential
6 employer, even inadvertently, from an employment application
7 that does not contain specific language that states that the
8 applicant is not obligated to disclose expunged juvenile
9 records of adjudication or arrest, shall be treated as
10 dissemination of an expunged record by the employer.

11 (c) A person whose juvenile records have been expunged is
12 not entitled to remission of any fines, costs, or other money
13 paid as a consequence of expungement.

14 (5) (Blank).7

15 (5.5) Whether or not expunged, records eligible for
16 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
17 (0.3) (a) may be treated as expunged by the individual subject
18 to the records.

19 (6) Nothing in this Section shall be construed to prohibit
20 the maintenance of information relating to an offense after
21 records or files concerning the offense have been expunged if
22 the information is kept in a manner that does not enable
23 identification of the individual. This information may only be
24 used for anonymous statistical and bona fide research purposes.

25 (6.5) The Department of State Police or any employee of the
26 Department shall be immune from civil or criminal liability for

1 failure to expunge any records of arrest that are subject to
2 expungement under this Section because of inability to verify a
3 record. Nothing in this Section shall create Department of
4 State Police liability or responsibility for the expungement of
5 law enforcement records it does not possess.

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

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

14 (i) An explanation of the State's juvenile expungement
15 laws, including both automatic expungement and expungement
16 by petition;

17 (ii) The circumstances under which juvenile
18 expungement may occur;

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

20 (iv) The steps necessary to initiate and complete the
21 juvenile expungement process; and

22 (v) Directions on how to contact the State Appellate
23 Defender.

24 (c) The State Appellate Defender shall establish and
25 maintain a statewide toll-free telephone number that a person
26 may use to receive information or assistance concerning the

1 expungement of juvenile records. The State Appellate Defender
2 shall advertise the toll-free telephone number statewide. The
3 State Appellate Defender shall develop an expungement
4 information packet that may be sent to eligible persons seeking
5 expungement of their juvenile records, which may include, but
6 is not limited to, a pre-printed expungement petition with
7 instructions on how to complete the petition and a pamphlet
8 containing information that would assist individuals through
9 the juvenile expungement process.

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

13 (e) This Section shall be implemented from funds
14 appropriated by the General Assembly to the State Appellate
15 Defender for this purpose. The State Appellate Defender shall
16 employ the necessary staff and adopt the necessary rules for
17 implementation of this Section.

18 (7.5) (a) Willful dissemination of any information
19 contained in an expunged record shall be treated as a Class C
20 misdemeanor and punishable by a fine of \$1,000 per violation.

21 (b) Willful dissemination for financial gain of any
22 information contained in an expunged record shall be treated as
23 a Class 4 felony. Dissemination for financial gain by an
24 employee of any municipal, county, or State agency, including
25 law enforcement, shall result in immediate termination.

26 (c) The person whose record was expunged has a right of

1 action against any person who intentionally disseminates an
2 expunged record. In the proceeding, punitive damages up to an
3 amount of \$1,000 may be sought in addition to any actual
4 damages. The prevailing party shall be entitled to costs and
5 reasonable attorney fees.

6 (d) The punishments for dissemination of an expunged record
7 shall never apply to the person whose record was expunged.

8 (8) (a) An expunged juvenile record may not be considered by
9 any private or public entity in employment matters,
10 certification, licensing, revocation of certification or
11 licensure, or registration. Applications for employment must
12 contain specific language that states that the applicant is not
13 obligated to disclose expunged juvenile records of
14 adjudication, conviction, or arrest. Employers may not ask if
15 an applicant has had a juvenile record expunged. Effective
16 January 1, 2005, the Department of Labor shall develop a link
17 on the Department's website to inform employers that employers
18 may not ask if an applicant had a juvenile record expunged and
19 that application for employment must contain specific language
20 that states that the applicant is not obligated to disclose
21 expunged juvenile records of adjudication, arrest, or
22 conviction.

23 (b) (Blank). ~~Public Act 93-912~~

24 (c) The expungement of juvenile records under subsection
25 ~~subsections~~ 0.1, 0.2, or 0.3 of this Section shall be funded by
26 the additional fine imposed under Section 5-9-1.17 of the

1 Unified Code of Corrections.

2 (9) (Blank).

3 (10) (Blank). ~~Public Act 98-637 Public Act 98-637~~

4 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
5 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; revised
6 10-10-17.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.