



Rep. La Shawn K. Ford

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LRB101 04815 RLC 70697 a

1 AMENDMENT TO HOUSE BILL 187

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 187 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by  
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement, sealing, and immediate sealing.

8 (a) General Provisions.

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

12 (A) The following terms shall have the meanings  
13 ascribed to them in the Unified Code of Corrections,  
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

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

14 (B) As used in this Section, "charge not initiated  
15 by arrest" means a charge (as defined by 730 ILCS  
16 5/5-1-3) brought against a defendant where the  
17 defendant is not arrested prior to or as a direct  
18 result of the charge.

19 (C) "Conviction" means a judgment of conviction or  
20 sentence entered upon a plea of guilty or upon a  
21 verdict or finding of guilty of an offense, rendered by  
22 a legally constituted jury or by a court of competent  
23 jurisdiction authorized to try the case without a jury.  
24 An order of supervision successfully completed by the  
25 petitioner is not a conviction. An order of qualified  
26 probation (as defined in subsection (a)(1)(J))

1           successfully completed by the petitioner is not a  
2 conviction. An order of supervision or an order of  
3 qualified probation that is terminated  
4 unsatisfactorily is a conviction, unless the  
5 unsatisfactory termination is reversed, vacated, or  
6 modified and the judgment of conviction, if any, is  
7 reversed or vacated.

8           (D) "Criminal offense" means a petty offense,  
9 business offense, misdemeanor, felony, or municipal  
10 ordinance violation (as defined in subsection  
11 (a)(1)(H)). As used in this Section, a minor traffic  
12 offense (as defined in subsection (a)(1)(G)) shall not  
13 be considered a criminal offense.

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

23           (F) As used in this Section, "last sentence" means  
24 the sentence, order of supervision, or order of  
25 qualified probation (as defined by subsection  
26 (a)(1)(J)), for a criminal offense (as defined by

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

11 (G) "Minor traffic offense" means a petty offense,  
12 business offense, or Class C misdemeanor under the  
13 Illinois Vehicle Code or a similar provision of a  
14 municipal or local ordinance.

15 (G-5) "Minor Cannabis Offense" means a violation  
16 of Section 4 or 5 of the Cannabis Control Act  
17 concerning not more than 30 grams of any substance  
18 containing cannabis, provided the violation did not  
19 include a penalty enhancement under Section 7 of the  
20 Cannabis Control Act and is not associated with an  
21 arrest, conviction or other disposition for a violent  
22 crime as defined in subsection (c) of Section 3 of the  
23 Rights of Crime Victims and Witnesses Act.

24 (H) "Municipal ordinance violation" means an  
25 offense defined by a municipal or local ordinance that  
26 is criminal in nature and with which the petitioner was

1 charged or for which the petitioner was arrested and  
2 released without charging.

3 (I) "Petitioner" means an adult or a minor  
4 prosecuted as an adult who has applied for relief under  
5 this Section.

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

24 (K) "Seal" means to physically and electronically  
25 maintain the records, unless the records would  
26 otherwise be destroyed due to age, but to make the

1 records unavailable without a court order, subject to  
2 the exceptions in Sections 12 and 13 of this Act. The  
3 petitioner's name shall also be obliterated from the  
4 official index required to be kept by the circuit court  
5 clerk under Section 16 of the Clerks of Courts Act, but  
6 any index issued by the circuit court clerk before the  
7 entry of the order to seal shall not be affected.

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

13 (M) "Terminate" as it relates to a sentence or  
14 order of supervision or qualified probation includes  
15 either satisfactory or unsatisfactory termination of  
16 the sentence, unless otherwise specified in this  
17 Section. A sentence is terminated notwithstanding any  
18 outstanding financial legal obligation.

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

23 (2.5) Commencing 180 days after July 29, 2016 (the  
24 effective date of Public Act 99-697), the law enforcement  
25 agency issuing the citation shall automatically expunge,  
26 on or before January 1 and July 1 of each year, the law

1 enforcement records of a person found to have committed a  
2 civil law violation of subsection (a) of Section 4 of the  
3 Cannabis Control Act or subsection (c) of Section 3.5 of  
4 the Drug Paraphernalia Control Act in the law enforcement  
5 agency's possession or control and which contains the final  
6 satisfactory disposition which pertain to the person  
7 issued a citation for that offense. The law enforcement  
8 agency shall provide by rule the process for access,  
9 review, and to confirm the automatic expungement by the law  
10 enforcement agency issuing the citation. Commencing 180  
11 days after July 29, 2016 (the effective date of Public Act  
12 99-697), the clerk of the circuit court shall expunge, upon  
13 order of the court, or in the absence of a court order on  
14 or before January 1 and July 1 of each year, the court  
15 records of a person found in the circuit court to have  
16 committed a civil law violation of subsection (a) of  
17 Section 4 of the Cannabis Control Act or subsection (c) of  
18 Section 3.5 of the Drug Paraphernalia Control Act in the  
19 clerk's possession or control and which contains the final  
20 satisfactory disposition which pertain to the person  
21 issued a citation for any of those offenses.

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

25 (A) the sealing or expungement of the records of  
26 arrests or charges not initiated by arrest that result

1 in an order of supervision for or conviction of: (i)  
2 any sexual offense committed against a minor; (ii)  
3 Section 11-501 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance; or (iii)  
5 Section 11-503 of the Illinois Vehicle Code or a  
6 similar provision of a local ordinance, unless the  
7 arrest or charge is for a misdemeanor violation of  
8 subsection (a) of Section 11-503 or a similar provision  
9 of a local ordinance, that occurred prior to the  
10 offender reaching the age of 25 years and the offender  
11 has no other conviction for violating Section 11-501 or  
12 11-503 of the Illinois Vehicle Code or a similar  
13 provision of a local ordinance.

14 (B) the sealing or expungement of records of minor  
15 traffic offenses (as defined in subsection (a)(1)(G)),  
16 unless the petitioner was arrested and released  
17 without charging.

18 (C) the sealing of the records of arrests or  
19 charges not initiated by arrest which result in an  
20 order of supervision or a conviction for the following  
21 offenses:

22 (i) offenses included in Article 11 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012  
24 or a similar provision of a local ordinance, except  
25 Section 11-14 and a misdemeanor violation of  
26 Section 11-30 of the Criminal Code of 1961 or the



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

3 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
4 26-5, or 48-1 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, or a similar provision of a  
6 local ordinance;

7 (iii) Sections 12-3.1 or 12-3.2 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012,  
9 or Section 125 of the Stalking No Contact Order  
10 Act, or Section 219 of the Civil No Contact Order  
11 Act, or a similar provision of a local ordinance;

12 (iv) Class A misdemeanors or felony offenses  
13 under the Humane Care for Animals Act; or

14 (v) any offense or attempted offense that  
15 would subject a person to registration under the  
16 Sex Offender Registration Act.

17 (D) (blank).

18 (b) Expungement.

19 (1) A petitioner may petition the circuit court to  
20 expunge the records of his or her arrests and charges not  
21 initiated by arrest when each arrest or charge not  
22 initiated by arrest sought to be expunged resulted in: (i)  
23 acquittal, dismissal, or the petitioner's release without  
24 charging, unless excluded by subsection (a) (3) (B); (ii) a  
25 conviction which was vacated or reversed, unless excluded  
26 by subsection (a) (3) (B); (iii) an order of supervision and

1 such supervision was successfully completed by the  
2 petitioner, unless excluded by subsection (a)(3)(A) or  
3 (a)(3)(B); or (iv) an order of qualified probation (as  
4 defined in subsection (a)(1)(J)) and such probation was  
5 successfully completed by the petitioner.

6 (1.5) When a petitioner seeks to have a record of  
7 arrest expunged under this Section, and the offender has  
8 been convicted of a criminal offense, the State's Attorney  
9 may object to the expungement on the grounds that the  
10 records contain specific relevant information aside from  
11 the mere fact of the arrest.

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

13 (A) When the arrest or charge not initiated by  
14 arrest sought to be expunged resulted in an acquittal,  
15 dismissal, the petitioner's release without charging,  
16 or the reversal or vacation of a conviction, there is  
17 no waiting period to petition for the expungement of  
18 such records.

19 (B) When the arrest or charge not initiated by  
20 arrest sought to be expunged resulted in an order of  
21 supervision, successfully completed by the petitioner,  
22 the following time frames will apply:

23 (i) Those arrests or charges that resulted in  
24 orders of supervision under Section 3-707, 3-708,  
25 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
26 similar provision of a local ordinance, or under

1 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012, or a  
3 similar provision of a local ordinance, shall not  
4 be eligible for expungement until 5 years have  
5 passed following the satisfactory termination of  
6 the supervision.

7 (i-5) Those arrests or charges that resulted  
8 in orders of supervision for a misdemeanor  
9 violation of subsection (a) of Section 11-503 of  
10 the Illinois Vehicle Code or a similar provision of  
11 a local ordinance, that occurred prior to the  
12 offender reaching the age of 25 years and the  
13 offender has no other conviction for violating  
14 Section 11-501 or 11-503 of the Illinois Vehicle  
15 Code or a similar provision of a local ordinance  
16 shall not be eligible for expungement until the  
17 petitioner has reached the age of 25 years.

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

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

1 expungement until 5 years have passed following the  
2 satisfactory termination of the probation.

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

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

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

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

25 (6) If a conviction has been set aside on direct review  
26 or on collateral attack and the court determines by clear

1 and convincing evidence that the petitioner was factually  
2 innocent of the charge, the court that finds the petitioner  
3 factually innocent of the charge shall enter an expungement  
4 order for the conviction for which the petitioner has been  
5 determined to be innocent as provided in subsection (b) of  
6 Section 5-5-4 of the Unified Code of Corrections.

7 (7) Nothing in this Section shall prevent the  
8 Department of State Police from maintaining all records of  
9 any person who is admitted to probation upon terms and  
10 conditions and who fulfills those terms and conditions  
11 pursuant to Section 10 of the Cannabis Control Act, Section  
12 410 of the Illinois Controlled Substances Act, Section 70  
13 of the Methamphetamine Control and Community Protection  
14 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
15 Corrections, Section 12-4.3 or subdivision (b)(1) of  
16 Section 12-3.05 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, Section 10-102 of the Illinois  
18 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
19 the Substance Use Disorder Act, or Section 10 of the  
20 Steroid Control Act.

21 (8) If the petitioner has been granted a certificate of  
22 innocence under Section 2-702 of the Code of Civil  
23 Procedure, the court that grants the certificate of  
24 innocence shall also enter an order expunging the  
25 conviction for which the petitioner has been determined to  
26 be innocent as provided in subsection (h) of Section 2-702

1 of the Code of Civil Procedure.

2 (c) Sealing.

3 (1) Applicability. Notwithstanding any other provision  
4 of this Act to the contrary, and cumulative with any rights  
5 to expungement of criminal records, this subsection  
6 authorizes the sealing of criminal records of adults and of  
7 minors prosecuted as adults. Subsection (g) of this Section  
8 provides for immediate sealing of certain records.

9 (2) Eligible Records. The following records may be  
10 sealed:

11 (A) All arrests resulting in release without  
12 charging;

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

17 (C) Arrests or charges not initiated by arrest  
18 resulting in orders of supervision, including orders  
19 of supervision for municipal ordinance violations,  
20 successfully completed by the petitioner, unless  
21 excluded by subsection (a) (3);

22 (D) Arrests or charges not initiated by arrest  
23 resulting in convictions, including convictions on  
24 municipal ordinance violations, unless excluded by  
25 subsection (a) (3);

26 (E) Arrests or charges not initiated by arrest

1 resulting in orders of first offender probation under  
2 Section 10 of the Cannabis Control Act, Section 410 of  
3 the Illinois Controlled Substances Act, Section 70 of  
4 the Methamphetamine Control and Community Protection  
5 Act, or Section 5-6-3.3 of the Unified Code of  
6 Corrections; and

7 (F) Arrests or charges not initiated by arrest  
8 resulting in felony convictions unless otherwise  
9 excluded by subsection (a) paragraph (3) of this  
10 Section.

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) Except as otherwise provided in subparagraph  
18 (E) of this paragraph (3), records identified as  
19 eligible under subsection (c)(2)(C) may be sealed 2  
20 years after the termination of petitioner's last  
21 sentence (as defined in subsection (a)(1)(F)).

22 (C) Except as otherwise provided in subparagraph  
23 (E) of this paragraph (3), records identified as  
24 eligible under subsections (c)(2)(D), (c)(2)(E), and  
25 (c)(2)(F) may be sealed 3 years after the termination  
26 of the petitioner's last sentence (as defined in



1 subsection (a)(1)(F)). Convictions requiring public  
2 registration under the Arsonist Registration Act, the  
3 Sex Offender Registration Act, or the Murderer and  
4 Violent Offender Against Youth Registration Act may  
5 not be sealed until the petitioner is no longer  
6 required to register under that relevant Act.

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

10 (E) Records identified as eligible under  
11 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or  
12 (c)(2)(F) may be sealed upon termination of the  
13 petitioner's last sentence if the petitioner earned a  
14 high school diploma, associate's degree, career  
15 certificate, vocational technical certification, or  
16 bachelor's degree, or passed the high school level Test  
17 of General Educational Development, during the period  
18 of his or her sentence or mandatory supervised release.  
19 This subparagraph shall apply only to a petitioner who  
20 has not completed the same educational goal prior to  
21 the period of his or her sentence or mandatory  
22 supervised release. If a petition for sealing eligible  
23 records filed under this subparagraph is denied by the  
24 court, the time periods under subparagraph (B) or (C)  
25 shall apply to any subsequent petition for sealing  
26 filed by the petitioner.

1           (4) Subsequent felony convictions. A person may not  
2 have subsequent felony conviction records sealed as  
3 provided in this subsection (c) if he or she is convicted  
4 of any felony offense after the date of the sealing of  
5 prior felony convictions as provided in this subsection  
6 (c). The court may, upon conviction for a subsequent felony  
7 offense, order the unsealing of prior felony conviction  
8 records previously ordered sealed by the court.

9           (5) Notice of eligibility for sealing. Upon entry of a  
10 disposition for an eligible record under this subsection  
11 (c), the petitioner shall be informed by the court of the  
12 right to have the records sealed and the procedures for the  
13 sealing of the records.

14           (d) Procedure. The following procedures apply to  
15 expungement under subsections (b), (e), and (e-6) and sealing  
16 under subsections (c) and (e-5):

17           (1) Filing the petition. Upon becoming eligible to  
18 petition for the expungement or sealing of records under  
19 this Section, the petitioner shall file a petition  
20 requesting the expungement or sealing of records with the  
21 clerk of the court where the arrests occurred or the  
22 charges were brought, or both. If arrests occurred or  
23 charges were brought in multiple jurisdictions, a petition  
24 must be filed in each such jurisdiction. The petitioner  
25 shall pay the applicable fee, except no fee shall be  
26 required if the petitioner has obtained a court order

1       waiving fees under Supreme Court Rule 298 or it is  
2       otherwise waived.

3           (1.5) County fee waiver pilot program. From August 9,  
4       2019 (the effective date of Public Act 101-306) through  
5       December 31, 2020, in a county of 3,000,000 or more  
6       inhabitants, no fee shall be required to be paid by a  
7       petitioner if the records sought to be expunged or sealed  
8       were arrests resulting in release without charging or  
9       arrests or charges not initiated by arrest resulting in  
10      acquittal, dismissal, or conviction when the conviction  
11      was reversed or vacated, unless excluded by subsection  
12      (a)(3)(B). The provisions of this paragraph (1.5), other  
13      than this sentence, are inoperative on and after January 1,  
14      2021.

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

1 Corrections, the certificate shall be attached to the  
2 petition.

3 (3) (Blank). ~~Drug test. The petitioner must attach to~~  
4 ~~the petition proof that the petitioner has passed a test~~  
5 ~~taken within 30 days before the filing of the petition~~  
6 ~~showing the absence within his or her body of all illegal~~  
7 ~~substances as defined by the Illinois Controlled~~  
8 ~~Substances Act, the Methamphetamine Control and Community~~  
9 ~~Protection Act, and the Cannabis Control Act if he or she~~  
10 ~~is petitioning to:~~

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

12 ~~(B) seal felony records for a violation of the~~  
13 ~~Illinois Controlled Substances Act, the~~  
14 ~~Methamphetamine Control and Community Protection Act,~~  
15 ~~or the Cannabis Control Act under clause (c) (2) (F);~~

16 ~~(C) seal felony records under subsection (e 5); or~~

17 ~~(D) expunge felony records of a qualified~~  
18 ~~probation under clause (b) (1) (iv).~~

19 (4) Service of petition. The circuit court clerk shall  
20 promptly serve a copy of the petition and documentation to  
21 support the petition under subsection (e-5) or (e-6) on the  
22 State's Attorney or prosecutor charged with the duty of  
23 prosecuting the offense, the Department of State Police,  
24 the arresting agency and the chief legal officer of the  
25 unit of local government effecting the arrest.

26 (5) Objections.

1           (A) Any party entitled to notice of the petition  
2 may file an objection to the petition. All objections  
3 shall be in writing, shall be filed with the circuit  
4 court clerk, and shall state with specificity the basis  
5 of the objection. Whenever a person who has been  
6 convicted of an offense is granted a pardon by the  
7 Governor which specifically authorizes expungement, an  
8 objection to the petition may not be filed.

9           (B) Objections to a petition to expunge or seal  
10 must be filed within 60 days of the date of service of  
11 the petition.

12           (6) Entry of order.

13           (A) The Chief Judge of the circuit wherein the  
14 charge was brought, any judge of that circuit  
15 designated by the Chief Judge, or in counties of less  
16 than 3,000,000 inhabitants, the presiding trial judge  
17 at the petitioner's trial, if any, shall rule on the  
18 petition to expunge or seal as set forth in this  
19 subsection (d) (6).

20           (B) Unless the State's Attorney or prosecutor, the  
21 Department of State Police, the arresting agency, or  
22 the chief legal officer files an objection to the  
23 petition to expunge or seal within 60 days from the  
24 date of service of the petition, the court shall enter  
25 an order granting or denying the petition.

26           (C) Notwithstanding any other provision of law,

1           the court shall not deny a petition for sealing under  
2           this Section because the petitioner has not satisfied  
3           an outstanding legal financial obligation established,  
4           imposed, or originated by a court, law enforcement  
5           agency, or a municipal, State, county, or other unit of  
6           local government, including, but not limited to, any  
7           cost, assessment, fine, or fee. An outstanding legal  
8           financial obligation does not include any court  
9           ordered restitution to a victim under Section 5-5-6 of  
10          the Unified Code of Corrections, unless the  
11          restitution has been converted to a civil judgment.  
12          Nothing in this subparagraph (C) waives, rescinds, or  
13          abrogates a legal financial obligation or otherwise  
14          eliminates or affects the right of the holder of any  
15          financial obligation to pursue collection under  
16          applicable federal, State, or local law.

17          (7) Hearings. If an objection is filed, the court shall  
18          set a date for a hearing and notify the petitioner and all  
19          parties entitled to notice of the petition of the hearing  
20          date at least 30 days prior to the hearing. Prior to the  
21          hearing, the State's Attorney shall consult with the  
22          Department as to the appropriateness of the relief sought  
23          in the petition to expunge or seal. At the hearing, the  
24          court shall hear evidence on whether the petition should or  
25          should not be granted, and shall grant or deny the petition  
26          to expunge or seal the records based on the evidence

1 presented at the hearing. The court may consider the  
2 following:

3 (A) the strength of the evidence supporting the  
4 defendant's conviction;

5 (B) the reasons for retention of the conviction  
6 records by the State;

7 (C) the petitioner's age, criminal record history,  
8 and employment history;

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

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

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

23 (9) Implementation of order.

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

26 (i) the records shall be expunged (as defined

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

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

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

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

23 (i) the records shall be expunged (as defined  
24 in subsection (a) (1) (E)) by the arresting agency  
25 and any other agency as ordered by the court,  
26 within 60 days of the date of service of the order,



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

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

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

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

26 (v) in response to an inquiry for such records

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

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

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

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

23 (iii) the records shall be impounded by the  
24 Department within 60 days of the date of service of  
25 the order as ordered by the court, unless a motion  
26 to vacate, modify, or reconsider the order is filed

1 under paragraph (12) of subsection (d) of this  
2 Section;

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

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

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

26 (D) The Department shall send written notice to the

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

15 (E) Upon motion, the court may order that a sealed  
16 judgment or other court record necessary to  
17 demonstrate the amount of any legal financial  
18 obligation due and owing be made available for the  
19 limited purpose of collecting any legal financial  
20 obligations owed by the petitioner that were  
21 established, imposed, or originated in the criminal  
22 proceeding for which those records have been sealed.  
23 The records made available under this subparagraph (E)  
24 shall not be entered into the official index required  
25 to be kept by the circuit court clerk under Section 16  
26 of the Clerks of Courts Act and shall be immediately

1 re-impounded upon the collection of the outstanding  
2 financial obligations.

3 (F) Notwithstanding any other provision of this  
4 Section, a circuit court clerk may access a sealed  
5 record for the limited purpose of collecting payment  
6 for any legal financial obligations that were  
7 established, imposed, or originated in the criminal  
8 proceedings for which those records have been sealed.

9 (10) Fees. The Department may charge the petitioner a  
10 fee equivalent to the cost of processing any order to  
11 expunge or seal records. Notwithstanding any provision of  
12 the Clerks of Courts Act to the contrary, the circuit court  
13 clerk may charge a fee equivalent to the cost associated  
14 with the sealing or expungement of records by the circuit  
15 court clerk. From the total filing fee collected for the  
16 petition to seal or expunge, the circuit court clerk shall  
17 deposit \$10 into the Circuit Court Clerk Operation and  
18 Administrative Fund, to be used to offset the costs  
19 incurred by the circuit court clerk in performing the  
20 additional duties required to serve the petition to seal or  
21 expunge on all parties. The circuit court clerk shall  
22 collect and forward the Department of State Police portion  
23 of the fee to the Department and it shall be deposited in  
24 the State Police Services Fund. If the record brought under  
25 an expungement petition was previously sealed under this  
26 Section, the fee for the expungement petition for that same

1 record shall be waived.

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

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

19 (13) Effect of Order. An order granting a petition  
20 under the expungement or sealing provisions of this Section  
21 shall not be considered void because it fails to comply  
22 with the provisions of this Section or because of any error  
23 asserted in a motion to vacate, modify, or reconsider. The  
24 circuit court retains jurisdiction to determine whether  
25 the order is voidable and to vacate, modify, or reconsider  
26 its terms based on a motion filed under paragraph (12) of

1 this subsection (d).

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

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

19 (16) The changes to this subsection (d) made by Public  
20 Act 98-163 apply to all petitions pending on August 5, 2013  
21 (the effective date of Public Act 98-163) and to all orders  
22 ruling on a petition to expunge or seal on or after August  
23 5, 2013 (the effective date of Public Act 98-163).

24 (e) Whenever a person who has been convicted of an offense  
25 is granted a pardon by the Governor which specifically  
26 authorizes expungement, he or she may, upon verified petition

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

25 (e-5) Whenever a person who has been convicted of an  
26 offense is granted a certificate of eligibility for sealing by



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

1 the person who was granted the certificate of eligibility for  
2 sealing.

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

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

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

19 (g) Immediate Sealing.

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

25 (2) Eligible Records. Arrests or charges not initiated  
26 by arrest resulting in acquittal or dismissal with

1 prejudice, except as excluded by subsection (a)(3)(B),  
2 that occur on or after January 1, 2018 (the effective date  
3 of Public Act 100-282), may be sealed immediately if the  
4 petition is filed with the circuit court clerk on the same  
5 day and during the same hearing in which the case is  
6 disposed.

7 (3) When Records are Eligible to be Immediately Sealed.  
8 Eligible records under paragraph (2) of this subsection (g)  
9 may be sealed immediately after entry of the final  
10 disposition of a case, notwithstanding the disposition of  
11 other charges in the same case.

12 (4) Notice of Eligibility for Immediate Sealing. Upon  
13 entry of a disposition for an eligible record under this  
14 subsection (g), the defendant shall be informed by the  
15 court of his or her right to have eligible records  
16 immediately sealed and the procedure for the immediate  
17 sealing of these records.

18 (5) Procedure. The following procedures apply to  
19 immediate sealing under this subsection (g).

20 (A) Filing the Petition. Upon entry of the final  
21 disposition of the case, the defendant's attorney may  
22 immediately petition the court, on behalf of the  
23 defendant, for immediate sealing of eligible records  
24 under paragraph (2) of this subsection (g) that are  
25 entered on or after January 1, 2018 (the effective date  
26 of Public Act 100-282). The immediate sealing petition

1           may be filed with the circuit court clerk during the  
2           hearing in which the final disposition of the case is  
3           entered. If the defendant's attorney does not file the  
4           petition for immediate sealing during the hearing, the  
5           defendant may file a petition for sealing at any time  
6           as authorized under subsection (c) (3) (A).

7           (B) Contents of Petition. The immediate sealing  
8           petition shall be verified and shall contain the  
9           petitioner's name, date of birth, current address, and  
10          for each eligible record, the case number, the date of  
11          arrest if applicable, the identity of the arresting  
12          authority if applicable, and other information as the  
13          court may require.

14          (C) Drug Test. The petitioner shall not be required  
15          to attach proof that he or she has passed a drug test.

16          (D) Service of Petition. A copy of the petition  
17          shall be served on the State's Attorney in open court.  
18          The petitioner shall not be required to serve a copy of  
19          the petition on any other agency.

20          (E) Entry of Order. The presiding trial judge shall  
21          enter an order granting or denying the petition for  
22          immediate sealing during the hearing in which it is  
23          filed. Petitions for immediate sealing shall be ruled  
24          on in the same hearing in which the final disposition  
25          of the case is entered.

26          (F) Hearings. The court shall hear the petition for

1 immediate sealing on the same day and during the same  
2 hearing in which the disposition is rendered.

3 (G) Service of Order. An order to immediately seal  
4 eligible records shall be served in conformance with  
5 subsection (d) (8).

6 (H) Implementation of Order. An order to  
7 immediately seal records shall be implemented in  
8 conformance with subsections (d) (9) (C) and (d) (9) (D).

9 (I) Fees. The fee imposed by the circuit court  
10 clerk and the Department of State Police shall comply  
11 with paragraph (1) of subsection (d) of this Section.

12 (J) Final Order. No court order issued under this  
13 subsection (g) shall become final for purposes of  
14 appeal until 30 days after service of the order on the  
15 petitioner and all parties entitled to service of the  
16 order in conformance with subsection (d) (8).

17 (K) Motion to Vacate, Modify, or Reconsider. Under  
18 Section 2-1203 of the Code of Civil Procedure, the  
19 petitioner, State's Attorney, or the Department of  
20 State Police may file a motion to vacate, modify, or  
21 reconsider the order denying the petition to  
22 immediately seal within 60 days of service of the  
23 order. If filed more than 60 days after service of the  
24 order, a petition to vacate, modify, or reconsider  
25 shall comply with subsection (c) of Section 2-1401 of  
26 the Code of Civil Procedure.

1           (L) Effect of Order. An order granting an immediate  
2           sealing petition shall not be considered void because  
3           it fails to comply with the provisions of this Section  
4           or because of an error asserted in a motion to vacate,  
5           modify, or reconsider. The circuit court retains  
6           jurisdiction to determine whether the order is  
7           voidable, and to vacate, modify, or reconsider its  
8           terms based on a motion filed under subparagraph (L) of  
9           this subsection (g).

10           (M) Compliance with Order Granting Petition to  
11           Seal Records. Unless a court has entered a stay of an  
12           order granting a petition to immediately seal, all  
13           parties entitled to service of the order must fully  
14           comply with the terms of the order within 60 days of  
15           service of the order.

16           (h) Sealing; trafficking victims.

17           (1) A trafficking victim as defined by paragraph (10)  
18           of subsection (a) of Section 10-9 of the Criminal Code of  
19           2012 shall be eligible to petition for immediate sealing of  
20           his or her criminal record upon the completion of his or  
21           her last sentence if his or her participation in the  
22           underlying offense was a direct result of human trafficking  
23           under Section 10-9 of the Criminal Code of 2012 or a severe  
24           form of trafficking under the federal Trafficking Victims  
25           Protection Act.

26           (2) A petitioner under this subsection (h), in addition

1 to the requirements provided under paragraph (4) of  
2 subsection (d) of this Section, shall include in his or her  
3 petition a clear and concise statement that: (A) he or she  
4 was a victim of human trafficking at the time of the  
5 offense; and (B) that his or her participation in the  
6 offense was a direct result of human trafficking under  
7 Section 10-9 of the Criminal Code of 2012 or a severe form  
8 of trafficking under the federal Trafficking Victims  
9 Protection Act.

10 (3) If an objection is filed alleging that the  
11 petitioner is not entitled to immediate sealing under this  
12 subsection (h), the court shall conduct a hearing under  
13 paragraph (7) of subsection (d) of this Section and the  
14 court shall determine whether the petitioner is entitled to  
15 immediate sealing under this subsection (h). A petitioner  
16 is eligible for immediate relief under this subsection (h)  
17 if he or she shows, by a preponderance of the evidence,  
18 that: (A) he or she was a victim of human trafficking at  
19 the time of the offense; and (B) that his or her  
20 participation in the offense was a direct result of human  
21 trafficking under Section 10-9 of the Criminal Code of 2012  
22 or a severe form of trafficking under the federal  
23 Trafficking Victims Protection Act.

24 (i) Minor Cannabis Offenses under the Cannabis Control Act.

25 (1) Expungement of Arrest Records of Minor Cannabis  
26 Offenses.



1           (A) The Department of State Police and all law  
2 enforcement agencies within the State shall  
3 automatically expunge all criminal history records of  
4 an arrest, charge not initiated by arrest, order of  
5 supervision, or order of qualified probation for a  
6 Minor Cannabis Offense committed prior to June 25, 2019  
7 (the effective date of Public Act 101-27) if:

8           (i) One year or more has elapsed since the date  
9 of the arrest or law enforcement interaction  
10 documented in the records; and

11           (ii) No criminal charges were filed relating  
12 to the arrest or law enforcement interaction or  
13 criminal charges were filed and subsequently  
14 dismissed or vacated or the arrestee was  
15 acquitted.

16           (B) If the law enforcement agency is unable to  
17 verify satisfaction of condition (ii) in paragraph  
18 (A), records that satisfy condition (i) in paragraph  
19 (A) shall be automatically expunged.

20           (C) Records shall be expunged by the law  
21 enforcement agency under the following timelines:

22           (i) Records created prior to June 25, 2019 (the  
23 effective date of Public Act 101-27), but on or  
24 after January 1, 2013, shall be automatically  
25 expunged prior to January 1, 2021;

26           (ii) Records created prior to January 1, 2013,

1 but on or after January 1, 2000, shall be  
2 automatically expunged prior to January 1, 2023;

3 (iii) Records created prior to January 1, 2000  
4 shall be automatically expunged prior to January  
5 1, 2025.

6 In response to an inquiry for expunged records, the  
7 law enforcement agency receiving such inquiry shall  
8 reply as it does in response to inquiries when no  
9 records ever existed; however, it shall provide a  
10 certificate of disposition or confirmation that the  
11 record was expunged to the individual whose record was  
12 expunged if such a record exists.

13 (D) Nothing in this Section shall be construed to  
14 restrict or modify an individual's right to have that  
15 individual's records expunged except as otherwise may  
16 be provided in this Act, or diminish or abrogate any  
17 rights or remedies otherwise available to the  
18 individual.

19 (2) Pardons Authorizing Expungement of Minor Cannabis  
20 Offenses.

21 (A) Upon June 25, 2019 (the effective date of  
22 Public Act 101-27), the Department of State Police  
23 shall review all criminal history record information  
24 and identify all records that meet all of the following  
25 criteria:

26 (i) one or more convictions for a Minor

1 Cannabis Offense;

2 (ii) the conviction identified in paragraph  
3 (2) (A) (i) did not include a penalty enhancement  
4 under Section 7 of the Cannabis Control Act; and

5 (iii) the conviction identified in paragraph  
6 (2) (A) (i) is not associated with a conviction for a  
7 violent crime as defined in subsection (c) of  
8 Section 3 of the Rights of Crime Victims and  
9 Witnesses Act.

10 (B) Within 180 days after June 25, 2019 (the  
11 effective date of Public Act 101-27), the Department of  
12 State Police shall notify the Prisoner Review Board of  
13 all such records that meet the criteria established in  
14 paragraph (2) (A).

15 (i) The Prisoner Review Board shall notify the  
16 State's Attorney of the county of conviction of  
17 each record identified by State Police in  
18 paragraph (2) (A) that is classified as a Class 4  
19 felony. The State's Attorney may provide a written  
20 objection to the Prisoner Review Board on the sole  
21 basis that the record identified does not meet the  
22 criteria established in paragraph (2) (A). Such an  
23 objection must be filed within 60 days or by such  
24 later date set by Prisoner Review Board in the  
25 notice after the State's Attorney received notice  
26 from the Prisoner Review Board.

1           (ii) In response to a written objection from a  
2           State's Attorney, the Prisoner Review Board is  
3           authorized to conduct a non-public hearing to  
4           evaluate the information provided in the  
5           objection.

6           (iii) The Prisoner Review Board shall make a  
7           confidential and privileged recommendation to the  
8           Governor as to whether to grant a pardon  
9           authorizing expungement for each of the records  
10          identified by the Department of State Police as  
11          described in paragraph (2) (A).

12          (C) If an individual has been granted a pardon  
13          authorizing expungement as described in this Section,  
14          the Prisoner Review Board, through the Attorney  
15          General, shall file a petition for expungement with the  
16          Chief Judge of the circuit or any judge of the circuit  
17          designated by the Chief Judge where the individual had  
18          been convicted. Such petition may include more than one  
19          individual. Whenever an individual who has been  
20          convicted of an offense is granted a pardon by the  
21          Governor that specifically authorizes expungement, an  
22          objection to the petition may not be filed. Petitions  
23          to expunge under this subsection (i) may include more  
24          than one individual. Within 90 days of the filing of  
25          such a petition, the court shall enter an order  
26          expunging the records of arrest from the official

1 records of the arresting authority and order that the  
2 records of the circuit court clerk and the Department  
3 of State Police be expunged and the name of the  
4 defendant obliterated from the official index  
5 requested to be kept by the circuit court clerk under  
6 Section 16 of the Clerks of Courts Act in connection  
7 with the arrest and conviction for the offense for  
8 which the individual had received a pardon but the  
9 order shall not affect any index issued by the circuit  
10 court clerk before the entry of the order. Upon entry  
11 of the order of expungement, the circuit court clerk  
12 shall promptly provide a copy of the order and a  
13 certificate of disposition to the individual who was  
14 pardoned to the individual's last known address or by  
15 electronic means (if available) or otherwise make it  
16 available to the individual upon request.

17 (D) Nothing in this Section is intended to diminish  
18 or abrogate any rights or remedies otherwise available  
19 to the individual.

20 (3) Any individual may file a motion to vacate and  
21 expunge a conviction for a misdemeanor or Class 4 felony  
22 violation of Section 4 or Section 5 of the Cannabis Control  
23 Act. Motions to vacate and expunge under this subsection  
24 (i) may be filed with the circuit court, Chief Judge of a  
25 judicial circuit or any judge of the circuit designated by  
26 the Chief Judge. The circuit court clerk shall promptly

1       serve a copy of the motion to vacate and expunge, and any  
2       supporting documentation, on the State's Attorney or  
3       prosecutor charged with the duty of prosecuting the  
4       offense. When considering such a motion to vacate and  
5       expunge, a court shall consider the following: the reasons  
6       to retain the records provided by law enforcement, the  
7       petitioner's age, the petitioner's age at the time of  
8       offense, the time since the conviction, and the specific  
9       adverse consequences if denied. An individual may file such  
10      a petition after the completion of any non-financial  
11      sentence or non-financial condition imposed by the  
12      conviction. Within 60 days of the filing of such motion, a  
13      State's Attorney may file an objection to such a petition  
14      along with supporting evidence. If a motion to vacate and  
15      expunge is granted, the records shall be expunged in  
16      accordance with subparagraphs (d)(8) and (d)(9)(A) of this  
17      Section. An agency providing civil legal aid, as defined by  
18      Section 15 of the Public Interest Attorney Assistance Act,  
19      assisting individuals seeking to file a motion to vacate  
20      and expunge under this subsection may file motions to  
21      vacate and expunge with the Chief Judge of a judicial  
22      circuit or any judge of the circuit designated by the Chief  
23      Judge, and the motion may include more than one individual.  
24      Motions filed by an agency providing civil legal aid  
25      concerning more than one individual may be prepared,  
26      presented, and signed electronically.

1           (4) Any State's Attorney may file a motion to vacate  
2 and expunge a conviction for a misdemeanor or Class 4  
3 felony violation of Section 4 or Section 5 of the Cannabis  
4 Control Act. Motions to vacate and expunge under this  
5 subsection (i) may be filed with the circuit court, Chief  
6 Judge of a judicial circuit or any judge of the circuit  
7 designated by the Chief Judge, and may include more than  
8 one individual. Motions filed by a State's Attorney  
9 concerning more than one individual may be prepared,  
10 presented, and signed electronically. When considering  
11 such a motion to vacate and expunge, a court shall consider  
12 the following: the reasons to retain the records provided  
13 by law enforcement, the individual's age, the individual's  
14 age at the time of offense, the time since the conviction,  
15 and the specific adverse consequences if denied. Upon entry  
16 of an order granting a motion to vacate and expunge records  
17 pursuant to this Section, the State's Attorney shall notify  
18 the Prisoner Review Board within 30 days. Upon entry of the  
19 order of expungement, the circuit court clerk shall  
20 promptly provide a copy of the order and a certificate of  
21 disposition to the individual whose records will be  
22 expunged to the individual's last known address or by  
23 electronic means (if available) or otherwise make  
24 available to the individual upon request. If a motion to  
25 vacate and expunge is granted, the records shall be  
26 expunged in accordance with subparagraphs (d)(8) and

1 (d) (9) (A) of this Section.

2 (5) In the public interest, the State's Attorney of a  
3 county has standing to file motions to vacate and expunge  
4 pursuant to this Section in the circuit court with  
5 jurisdiction over the underlying conviction.

6 (6) If a person is arrested for a Minor Cannabis  
7 Offense as defined in this Section before June 25, 2019  
8 (the effective date of Public Act 101-27) and the person's  
9 case is still pending but a sentence has not been imposed,  
10 the person may petition the court in which the charges are  
11 pending for an order to summarily dismiss those charges  
12 against him or her, and expunge all official records of his  
13 or her arrest, plea, trial, conviction, incarceration,  
14 supervision, or expungement. If the court determines, upon  
15 review, that: (A) the person was arrested before June 25,  
16 2019 (the effective date of Public Act 101-27) for an  
17 offense that has been made eligible for expungement; (B)  
18 the case is pending at the time; and (C) the person has not  
19 been sentenced of the minor cannabis violation eligible for  
20 expungement under this subsection, the court shall  
21 consider the following: the reasons to retain the records  
22 provided by law enforcement, the petitioner's age, the  
23 petitioner's age at the time of offense, the time since the  
24 conviction, and the specific adverse consequences if  
25 denied. If a motion to dismiss and expunge is granted, the  
26 records shall be expunged in accordance with subparagraph



1 (d) (9) (A) of this Section.

2 (7) A person imprisoned solely as a result of one or  
3 more convictions for Minor Cannabis Offenses under this  
4 subsection (i) shall be released from incarceration upon  
5 the issuance of an order under this subsection.

6 (8) The Department of State Police shall allow a person  
7 to use the access and review process, established in the  
8 Department of State Police, for verifying that his or her  
9 records relating to Minor Cannabis Offenses of the Cannabis  
10 Control Act eligible under this Section have been expunged.

11 (9) No conviction vacated pursuant to this Section  
12 shall serve as the basis for damages for time unjustly  
13 served as provided in the Court of Claims Act.

14 (10) Effect of Expungement. A person's right to expunge  
15 an expungeable offense shall not be limited under this  
16 Section. The effect of an order of expungement shall be to  
17 restore the person to the status he or she occupied before  
18 the arrest, charge, or conviction.

19 (11) Information. The Department of State Police shall  
20 post general information on its website about the  
21 expungement process described in this subsection (i).

22 (j) Felony Prostitution Convictions.

23 (1) Expungement of felony prostitution convictions.

24 (A) The Illinois State Police and all law  
25 enforcement agencies within the State shall  
26 automatically expunge all criminal history records of

1 conviction for felony prostitution committed prior to  
2 the effective date of this amendatory Act of the 101st  
3 General Assembly.

4 (B) Records shall be expunged pursuant to the  
5 procedures set forth in subdivision (d)(9)(A) under  
6 the following timelines:

7 (i) Records created prior to the effective  
8 date of this amendatory Act of the 101st General  
9 Assembly, but on or after January 1, 2013, shall be  
10 automatically expunged prior to January 1, 2022.

11 (ii) Records created prior to January 1, 2013,  
12 but after, but on or after January 1, 2001, shall  
13 be automatically expunged prior to January 1,  
14 2023.

15 (iii) Records created prior to January 1, 2000  
16 shall be automatically expunged prior to January  
17 1, 2024.

18 (C) Nothing in this Section shall be construed to  
19 restrict or modify an individual's right to have that  
20 individual's records expunged, except as otherwise may  
21 be provided in this Act, or diminish or abrogate any  
22 rights or remedies otherwise available to the  
23 individual.

24 (2) Any individual may file a motion to vacate and  
25 expunge a conviction for a prior Class 4 felony violation  
26 of prostitution. Motions to vacate and expunge under this

1 subsection (j) may be filed with the circuit court, Chief  
2 Judge of a judicial circuit, or any judge of the circuit  
3 designated by the Chief Judge. When considering the motion  
4 to vacate and expunge, a court shall consider the  
5 following:

6 (A) the reasons to retain the records provided by  
7 law enforcement;

8 (B) the petitioner's age;

9 (C) the petitioner's age at the time of offense;

10 and

11 (E) the time since the conviction, and the specific  
12 adverse consequences if denied.

13 An individual may file the petition after the  
14 completion of any sentence or condition imposed by the  
15 conviction. Within 60 days of the filing of the motion, a  
16 State's Attorney may file an objection to the petition  
17 along with supporting evidence. If a motion to vacate and  
18 expunge is granted, the records shall be expunged in  
19 accordance with subparagraph (d) (9) (A) of this Section. An  
20 agency providing civil legal aid, as defined in Section 15  
21 of the Public Interest Attorney Assistance Act, assisting  
22 individuals seeking to file a motion to vacate and expunge  
23 under this subsection may file motions to vacate and  
24 expunge with the Chief Judge of a judicial circuit or any  
25 judge of the circuit designated by the Chief Judge, and the  
26 motion may include more than one individual.

1           (3) Any State's Attorney may file a motion to vacate  
2           and expunge a conviction for a Class 4 felony violation of  
3           prostitution. Motions to vacate and expunge under this  
4           subsection (j) may be filed with the circuit court, Chief  
5           Judge of a judicial circuit, or any judge of the circuit  
6           court designated by the Chief Judge, and may include more  
7           than one individual. When considering the motion to vacate  
8           and expunge, a court shall consider the following reasons:

9                   (A) the reasons to retain the records provided by  
10                   law enforcement;

11                   (B) the petitioner's age;

12                   (C) the petitioner's age at the time of offense;

13                   (D) the time since the conviction; and

14                   (E) the specific adverse consequences if denied.

15           If the State's Attorney files a motion to vacate and  
16           expunge records for felony prostitution convictions  
17           pursuant to this Section, the State's Attorney shall notify  
18           the Prisoner Review Board within 30 days of the filing.

19           If a motion to vacate and expunge is granted, the  
20           records shall be expunged in accordance with subparagraph  
21           (d) (9) (A) of this Section.

22           (4) In the public interest, the State's Attorney of a  
23           county has standing to file motions to vacate and expunge  
24           pursuant to this Section in the circuit court with  
25           jurisdiction over the underlying conviction.

26                   (5) The Illinois State Police shall allow a person to

1       use the access and review process, established in the  
2       Illinois State Police, for verifying that his or her  
3       records relating to felony prostitution eligible under  
4       this Section have been expunged.

5       (6) No conviction vacated pursuant to this Section  
6       shall serve as the basis for damages for time unjustly  
7       served as provided in the Court of Claims Act.

8       (7) Effect of Expungement. A person's right to expunge  
9       an expungeable offense shall not be limited under this  
10       Section. The effect of an order of expungement shall be to  
11       restore the person to the status he or she occupied before  
12       the arrest, charge, or conviction.

13       (8) Information. The Illinois State Police shall post  
14       general information on its website about the expungement  
15       process described in this subsection (j).

16       (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;  
17       100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.  
18       8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,  
19       eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
20       101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.  
21       12-4-19.)".