



Rep. Constance A. Howard

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09500HB1831ham005

LRB095 09795 LCT 49184 a

1 AMENDMENT TO HOUSE BILL 1831

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1831, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 3, on page 1, line 6, by replacing "Section 5" with "Sections 5  
5 and 13"; and

6 on page 20, line 17, by replacing "minor; or" with "minor;";  
7 and

8 on page 20, line 19, by replacing "ordinance." with "ordinance;  
9 or (iii) Section 11-503 of the Illinois Vehicle Code or a  
10 similar provision of a local ordinance."; and

11 on page 29, line 11, after "(c).", by inserting "The court may,  
12 upon conviction for a subsequent felony offense, order the  
13 unsealing of prior felony conviction records previously  
14 ordered sealed by the court."; and

1 on page 30, line 17, by replacing "Substances Act" with  
2 "Substances Act, the Methamphetamine Control and Community  
3 Protection Act,"; and

4 on page 30, line 19, after "(c) (2) (F) (ii)-(iv)", by inserting  
5 "or if he or she is petitioning to expunge felony records of a  
6 qualified probation pursuant to clause (b) (1) (B) (iv)"; and

7 on page 31, by replacing lines 8 and 9 with the following:  
8 "petition(s)."; and

9 on page 32, line 1, by replacing "14" with "30"; and

10 on page 34, by replacing lines 21 through 26 with the  
11 following:

12 "(10) Fees. The Department may charge the petitioner a fee  
13 equivalent to the cost of processing any order to expunge or  
14 seal records. Notwithstanding any provision of the Clerks of  
15 Courts Act to the contrary, the clerk may charge a fee  
16 equivalent to the cost associated with the sealing or  
17 expungement of records by the clerk. From the total filing fee  
18 collected for the petition to seal or expunge, the clerk shall  
19 deposit \$10 into the Circuit Court Clerk Operation and  
20 Administrative Fund, to be used to offset the costs incurred by  
21 the Circuit Court Clerk in performing the additional duties  
22 required to serve the petition to seal or expunge on all

1 parties. The clerk shall collect and forward the Department of  
2 State Police portion of the fee to the Department and it shall  
3 be deposited in the State Police Services Fund."; and

4 on page 35, by deleting lines 1 and 2; and

5 on page 35, immediately below line 12, by inserting the  
6 following:

7 "(13) Void Orders. Any court order to expunge or seal  
8 records that is contrary to this Section is void."; and

9 on page 37, line 24, by replacing "Governor." with the  
10 following:

11 "Governor.

12 (20 ILCS 2630/13)

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

14 (a) The Department of State Police shall retain records  
15 sealed under subsection (c) ~~(h)~~ of Section 6 ~~5~~ and shall  
16 release them only as authorized by this Act. Felony records  
17 sealed under subsection (c) ~~(h)~~ of Section 6 ~~5~~ shall be used  
18 and disseminated by the Department only as otherwise  
19 specifically required or authorized by a federal or State law,  
20 rule, or regulation that requires inquiry into and release of  
21 criminal records, including, but not limited to, subsection (A)  
22 of Section 3 of this Act. However, all requests for records

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

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

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

12 (d) The Department of State Police shall commence the  
13 sealing of records of felony arrests and felony convictions  
14 pursuant to the provisions of subsection (c) ~~(h)~~ of Section 6 ~~5~~  
15 of this Act no later than one year from the date that funds  
16 have been made available for purposes of establishing the  
17 technologies necessary to implement the changes made by this  
18 amendatory Act of the 93rd General Assembly.

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