



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5414

Introduced 2/5/2010, by Rep. Annazette Collins

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-715

705 ILCS 405/5-915

Amends the Juvenile Court Act of 1987. Provides that whenever any minor who has not previously been found delinquent or convicted of a felony offense under the laws of the State, the laws of any other State, or the laws of the United States, pleads guilty to, or is found guilty of, a probationable felony offense of theft, retail theft, forgery, prostitution, possession of a stolen motor vehicle, burglary, possession of burglary tools, possession of cannabis, possession of cannabis with intent to deliver, delivery of cannabis, possession of a controlled substance, possession of a controlled substance with intent to deliver, delivery of a controlled substance, possession of methamphetamine, possession of methamphetamine with intent to deliver, or delivery of methamphetamine, the court, with the consent of both the minor and the State's Attorney, may, without entering a judgment, sentence the minor to probation. Provides that a minor shall not be eligible for this probation if he or she has pled guilty to, or has been found guilty of, a violent offense. Permits a minor who has received this probation and who has attained the age of 17 or whenever all juvenile court proceedings relating to that person have been terminated, whichever is later, to petition the court for expungement of law enforcement and juvenile court records relating to the offense. Effective immediately.

LRB096 18811 RLC 34197 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 5-715 and 5-915 as follows:

6 (705 ILCS 405/5-715)

7 Sec. 5-715. Probation.

8 (1) The period of probation or conditional discharge shall
9 not exceed 5 years or until the minor has attained the age of
10 21 years, whichever is less, except as provided in this Section
11 for a minor who is found to be guilty for an offense which is
12 first degree murder, a Class X felony or a forcible felony. The
13 juvenile court may terminate probation or conditional
14 discharge and discharge the minor at any time if warranted by
15 the conduct of the minor and the ends of justice; provided,
16 however, that the period of probation for a minor who is found
17 to be guilty for an offense which is first degree murder, a
18 Class X felony, or a forcible felony shall be at least 5 years.

19 (2) The court may as a condition of probation or of
20 conditional discharge require that the minor:

21 (a) not violate any criminal statute of any
22 jurisdiction;

23 (b) make a report to and appear in person before any

1 person or agency as directed by the court;

2 (c) work or pursue a course of study or vocational
3 training;

4 (d) undergo medical or psychiatric treatment, rendered
5 by a psychiatrist or psychological treatment rendered by a
6 clinical psychologist or social work services rendered by a
7 clinical social worker, or treatment for drug addiction or
8 alcoholism;

9 (e) attend or reside in a facility established for the
10 instruction or residence of persons on probation;

11 (f) support his or her dependents, if any;

12 (g) refrain from possessing a firearm or other
13 dangerous weapon, or an automobile;

14 (h) permit the probation officer to visit him or her at
15 his or her home or elsewhere;

16 (i) reside with his or her parents or in a foster home;

17 (j) attend school;

18 (j-5) with the consent of the superintendent of the
19 facility, attend an educational program at a facility other
20 than the school in which the offense was committed if he or
21 she committed a crime of violence as defined in Section 2
22 of the Crime Victims Compensation Act in a school, on the
23 real property comprising a school, or within 1,000 feet of
24 the real property comprising a school;

25 (k) attend a non-residential program for youth;

26 (l) make restitution under the terms of subsection (4)

1 of Section 5-710;

2 (m) contribute to his or her own support at home or in
3 a foster home;

4 (n) perform some reasonable public or community
5 service;

6 (o) participate with community corrections programs
7 including unified delinquency intervention services
8 administered by the Department of Human Services subject to
9 Section 5 of the Children and Family Services Act;

10 (p) pay costs;

11 (q) serve a term of home confinement. In addition to
12 any other applicable condition of probation or conditional
13 discharge, the conditions of home confinement shall be that
14 the minor:

15 (i) remain within the interior premises of the
16 place designated for his or her confinement during the
17 hours designated by the court;

18 (ii) admit any person or agent designated by the
19 court into the minor's place of confinement at any time
20 for purposes of verifying the minor's compliance with
21 the conditions of his or her confinement; and

22 (iii) use an approved electronic monitoring device
23 if ordered by the court subject to Article 8A of
24 Chapter V of the Unified Code of Corrections;

25 (r) refrain from entering into a designated geographic
26 area except upon terms as the court finds appropriate. The

1 terms may include consideration of the purpose of the
2 entry, the time of day, other persons accompanying the
3 minor, and advance approval by a probation officer, if the
4 minor has been placed on probation, or advance approval by
5 the court, if the minor has been placed on conditional
6 discharge;

7 (s) refrain from having any contact, directly or
8 indirectly, with certain specified persons or particular
9 types of persons, including but not limited to members of
10 street gangs and drug users or dealers;

11 (s-5) undergo a medical or other procedure to have a
12 tattoo symbolizing allegiance to a street gang removed from
13 his or her body;

14 (t) refrain from having in his or her body the presence
15 of any illicit drug prohibited by the Cannabis Control Act,
16 the Illinois Controlled Substances Act, or the
17 Methamphetamine Control and Community Protection Act,
18 unless prescribed by a physician, and shall submit samples
19 of his or her blood or urine or both for tests to determine
20 the presence of any illicit drug; or

21 (u) comply with other conditions as may be ordered by
22 the court.

23 (3) The court may as a condition of probation or of
24 conditional discharge require that a minor found guilty on any
25 alcohol, cannabis, methamphetamine, or controlled substance
26 violation, refrain from acquiring a driver's license during the

1 period of probation or conditional discharge. If the minor is
2 in possession of a permit or license, the court may require
3 that the minor refrain from driving or operating any motor
4 vehicle during the period of probation or conditional
5 discharge, except as may be necessary in the course of the
6 minor's lawful employment.

7 (3.5) The court shall, as a condition of probation or of
8 conditional discharge, require that a minor found to be guilty
9 and placed on probation for reasons that include a violation of
10 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
11 or paragraph (d) of subsection (1) of Section 21-1 of the
12 Criminal Code of 1961 undergo medical or psychiatric treatment
13 rendered by a psychiatrist or psychological treatment rendered
14 by a clinical psychologist. The condition may be in addition to
15 any other condition.

16 (3.10) The court shall order that a minor placed on
17 probation or conditional discharge for a sex offense as defined
18 in the Sex Offender Management Board Act undergo and
19 successfully complete sex offender treatment. The treatment
20 shall be in conformance with the standards developed under the
21 Sex Offender Management Board Act and conducted by a treatment
22 provider approved by the Board. The treatment shall be at the
23 expense of the person evaluated based upon that person's
24 ability to pay for the treatment.

25 (4) A minor on probation or conditional discharge shall be
26 given a certificate setting forth the conditions upon which he

1 or she is being released.

2 (5) The court shall impose upon a minor placed on probation
3 or conditional discharge, as a condition of the probation or
4 conditional discharge, a fee of \$25 for each month of probation
5 or conditional discharge supervision ordered by the court,
6 unless after determining the inability of the minor placed on
7 probation or conditional discharge to pay the fee, the court
8 assesses a lesser amount. The court may not impose the fee on a
9 minor who is made a ward of the State under this Act while the
10 minor is in placement. The fee shall be imposed only upon a
11 minor who is actively supervised by the probation and court
12 services department. The court may order the parent, guardian,
13 or legal custodian of the minor to pay some or all of the fee on
14 the minor's behalf.

15 (6) The General Assembly finds that in order to protect the
16 public, the juvenile justice system must compel compliance with
17 the conditions of probation by responding to violations with
18 swift, certain, and fair punishments and intermediate
19 sanctions. The Chief Judge of each circuit shall adopt a system
20 of structured, intermediate sanctions for violations of the
21 terms and conditions of a sentence of supervision, probation or
22 conditional discharge, under this Act.

23 The court shall provide as a condition of a disposition of
24 probation, conditional discharge, or supervision, that the
25 probation agency may invoke any sanction from the list of
26 intermediate sanctions adopted by the chief judge of the

1 circuit court for violations of the terms and conditions of the
2 sentence of probation, conditional discharge, or supervision,
3 subject to the provisions of Section 5-720 of this Act.

4 (7) (a) Whenever any minor who has not previously been found
5 delinquent or convicted of a felony offense under the laws of
6 this State, the laws of any other State, or the laws of the
7 United States, pleads guilty to, or is found guilty of, a
8 probationable felony offense of theft, retail theft, forgery,
9 prostitution, possession of a stolen motor vehicle, burglary,
10 possession of burglary tools, possession of cannabis,
11 possession of cannabis with intent to deliver, delivery of
12 cannabis, possession of a controlled substance, possession of a
13 controlled substance with intent to deliver, delivery of a
14 controlled substance, possession of methamphetamine,
15 possession of methamphetamine with intent to deliver, or
16 delivery of methamphetamine, the court, with the consent of
17 both the minor and the State's Attorney, may, without entering
18 a judgment, sentence the minor to probation as set forth in
19 this subsection (7).

20 (a-1) Exemptions. A minor shall not be eligible for
21 probation under this Section if he or she has pled guilty to,
22 or has been found guilty of, a violent offense. For purposes of
23 this probation, "violent offense" means any offense where
24 bodily harm was inflicted or where force was used against any
25 person or threatened against any person, any offense involving
26 sexual conduct, sexual penetration, or sexual exploitation,

1 any offense of domestic violence, domestic battery, violation
2 of an order of protection, stalking, haste crime, driving under
3 the influence of drugs or alcohol, and any offense involving
4 the possession of a firearm or dangerous weapon.

5 (b) When a minor is placed on probation under this Section,
6 the court shall enter an order specifying a period of probation
7 or not less than 24 months and shall defer further proceedings
8 in the case until the conclusion of the period or until the
9 filing of a petition alleging violation of a term or condition
10 of probation.

11 (c) The court may as a condition of probation under this
12 Section require that the minor comply with any of the
13 conditions set out in subsections (2), (3), and (3.5) of this
14 Section.

15 (d) The court may, in addition to other conditions, require
16 that the minor make a report to and appear in person before or
17 participate with the court or such courts, person, or social
18 service agency as directed by the court in the order of
19 probation.

20 (e) Upon violation of a term or condition of probation
21 under this Section, the court may enter a judgment on its
22 original finding of guilt and proceed as otherwise provided.

23 (f) Upon fulfillment of the terms and conditions of
24 probation under this Section, the court shall discharge the
25 minor and dismiss the proceedings against the minor.

26 (g) A disposition of probation under this Section is

1 considered to be a finding of delinquency for the purposes of
2 imposing the conditions of probation and for appeal; however,
3 after discharge and dismissal under this Section there is not a
4 finding of delinquency for any other purposes of the Juvenile
5 Court Act or for purposes of disqualifications or disabilities
6 imposed by law upon a finding of delinquency.

7 (h) There may be only one discharge under this Section per
8 minor.

9 (i) If a minor is convicted of any offense within 5 years
10 subsequent to a discharge and dismissal under this Section, the
11 discharge and dismissal under this Section shall be admissible
12 in the sentencing proceeding for that conviction as evidence in
13 aggravation.

14 (Source: P.A. 93-616, eff. 1-1-04; 94-556, eff. 9-11-05.)

15 (705 ILCS 405/5-915)

16 Sec. 5-915. Expungement of juvenile law enforcement and
17 court records.

18 (0.05) For purposes of this Section and Section 5-622:

19 "Expunge" means to physically destroy the records and
20 to obliterate the minor's name from any official index or
21 public record, or both. Nothing in this Act shall require
22 the physical destruction of the internal office records,
23 files, or databases maintained by a State's Attorney's
24 Office or other prosecutor.

25 "Law enforcement record" includes but is not limited to

1 records of arrest, station adjustments, fingerprints,
2 probation adjustments, the issuance of a notice to appear,
3 or any other records maintained by a law enforcement agency
4 relating to a minor suspected of committing an offense.

5 (1) Whenever any person has attained the age of 17 or
6 whenever all juvenile court proceedings relating to that person
7 have been terminated, whichever is later, the person may
8 petition the court to expunge law enforcement records relating
9 to incidents occurring before his or her 17th birthday or his
10 or her juvenile court records, or both, but only in the
11 following circumstances:

12 (a) the minor was arrested and no petition for
13 delinquency was filed with the clerk of the circuit court;
14 or

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

17 (c) the minor was placed under supervision pursuant to
18 Section 5-615 or under probation pursuant to paragraph (7)
19 of Section 5-715, and the order of supervision has since
20 been successfully terminated; or

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

24 (2) Any person may petition the court to expunge all law
25 enforcement records relating to any incidents occurring before
26 his or her 17th birthday which did not result in proceedings in

1 criminal court and all juvenile court records with respect to
2 any adjudications except those based upon first degree murder
3 and sex offenses which would be felonies if committed by an
4 adult, if the person for whom expungement is sought has had no
5 convictions for any crime since his or her 17th birthday and:

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

7 (b) 5 years have elapsed since all juvenile court
8 proceedings relating to him or her have been terminated or
9 his or her commitment to the Department of Juvenile Justice
10 pursuant to this Act has been terminated;

11 whichever is later of (a) or (b). Nothing in this Section 5-915
12 precludes a minor from obtaining expungement under Section
13 5-622.

14 (2.5) If a minor is arrested and no petition for
15 delinquency is filed with the clerk of the circuit court as
16 provided in paragraph (a) of subsection (1) at the time the
17 minor is released from custody, the youth officer, if
18 applicable, or other designated person from the arresting
19 agency, shall notify verbally and in writing to the minor or
20 the minor's parents or guardians that if the State's Attorney
21 does not file a petition for delinquency, the minor has a right
22 to petition to have his or her arrest record expunged when the
23 minor attains the age of 17 or when all juvenile court
24 proceedings relating to that minor have been terminated and
25 that unless a petition to expunge is filed, the minor shall
26 have an arrest record and shall provide the minor and the

1 minor's parents or guardians with an expungement information
2 packet, including a petition to expunge juvenile records
3 obtained from the clerk of the circuit court.

4 (2.6) If a minor is charged with an offense and is found
5 not delinquent of that offense; or if a minor is placed under
6 supervision under Section 5-615, and the order of supervision
7 is successfully terminated; or if a minor is adjudicated for an
8 offense that would be a Class B misdemeanor, a Class C
9 misdemeanor, or a business or petty offense if committed by an
10 adult; or if a minor has incidents occurring before his or her
11 17th birthday that have not resulted in proceedings in criminal
12 court, or resulted in proceedings in juvenile court, and the
13 adjudications were not based upon first degree murder or sex
14 offenses that would be felonies if committed by an adult; then
15 at the time of sentencing or dismissal of the case, the judge
16 shall inform the delinquent minor of his or her right to
17 petition for expungement as provided by law, and the clerk of
18 the circuit court shall provide an expungement information
19 packet to the delinquent minor, written in plain language,
20 including a petition for expungement, a sample of a completed
21 petition, expungement instructions that shall include
22 information informing the minor that (i) once the case is
23 expunged, it shall be treated as if it never occurred, (ii) he
24 or she may apply to have petition fees waived, (iii) once he or
25 she obtains an expungement, he or she may not be required to
26 disclose that he or she had a juvenile record, and (iv) he or

1 she may file the petition on his or her own or with the
 2 assistance of an attorney. The failure of the judge to inform
 3 the 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) For counties with a population over 3,000,000, the
 9 clerk of the circuit court shall send a "Notification of a
 10 Possible Right to Expungement" post card to the minor at the
 11 address last received by the clerk of the circuit court on the
 12 date that the minor attains the age of 17 based on the
 13 birthdate provided to the court by the minor or his or her
 14 guardian in cases under paragraphs (b), (c), and (d) of
 15 subsection (1); and when the minor attains the age of 21 based
 16 on the birthdate provided to the court by the minor or his or
 17 her guardian in cases under subsection (2).

18 (2.8) The petition for expungement for subsection (1) shall
 19 be substantially in the following form:

20 IN THE CIRCUIT COURT OF, ILLINOIS
 21 JUDICIAL CIRCUIT

22 IN THE INTEREST OF) NO.
 23)
 24)
 25)

1 (Name of Petitioner)

2 PETITION TO EXPUNGE JUVENILE RECORDS

3 (705 ILCS 405/5-915 (SUBSECTION 1))

4 (Please prepare a separate petition for each offense)

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

13 (Check One:)

14 () a. no petition was filed with the Clerk of the Circuit
15 Court.

16 () b. was charged with and was found not delinquent of
17 the offense.

18 () c. a petition was filed and the petition was dismissed
19 without a finding of delinquency on

20 () d. on placed under supervision pursuant to Section
21 5-615 of the Juvenile Court Act of 1987 and such order of
22 supervision successfully terminated on

23 () e. was adjudicated for the offense, which would have been a
24 Class B misdemeanor, a Class C misdemeanor, or a petty offense
25 or business offense if committed by an adult.

1 Petitioner has has not been arrested on charges in
2 this or any county other than the charges listed above. If
3 petitioner has been arrested on additional charges, please list
4 the charges below:

5 Charge(s):

6 Arresting Agency or Agencies:

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

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

13

14 Petitioner (Signature)

15

16 Petitioner's Street Address

17

18 City, State, Zip Code

19

20 Petitioner's Telephone Number

21 Pursuant to the penalties of perjury under the Code of Civil

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

4
5 Petitioner (Signature)

6 The Petition for Expungement for subsection (2) shall be
7 substantially in the following form:

8 IN THE CIRCUIT COURT OF, ILLINOIS
9 JUDICIAL CIRCUIT

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

15 PETITION TO EXPUNGE JUVENILE RECORDS
16 (705 ILCS 405/5-915 (SUBSECTION 2))

17 (Please prepare a separate petition for each offense)

18 Now comes, petitioner, and respectfully requests
19 that this Honorable Court enter an order expunging all Juvenile
20 Law Enforcement and Court records of petitioner and in support
21 thereof states that:

22 The incident for which the Petitioner seeks expungement

1 occurred before the Petitioner's 17th birthday and did not
2 result in proceedings in criminal court and the Petitioner has
3 not had any convictions for any crime since his/her 17th
4 birthday; and

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

11 Petitioner was arrested on by the Police
12 Department for the offense of, and:

13 (Check whichever one occurred the latest:)

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

16 () b. 5 years have elapsed since all juvenile court
17 proceedings relating to the Petitioner have been terminated; or
18 the Petitioner's commitment to the Department of Juvenile
19 Justice pursuant to the expungement of juvenile law enforcement
20 and court records provisions of the Juvenile Court Act of 1987
21 has been terminated. Petitioner ...has ...has not been arrested
22 on charges in this or any other county other than the charge
23 listed above. If petitioner has been arrested on additional
24 charges, please list the charges below:

25 Charge(s):

26 Arresting Agency or Agencies:

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

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

7

8 Petitioner (Signature)

9

10 Petitioner's Street Address

11

12 City, State, Zip Code

13

14 Petitioner's Telephone Number

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

19

20 Petitioner (Signature)

21 (3) The chief judge of the circuit in which an arrest was
22 made or a charge was brought or any judge of that circuit

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

1 portion of the fee to the Department of State Police for
2 processing, and deliver a certified copy of the order to the
3 arresting agency.

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

6 IN THE CIRCUIT COURT OF, ILLINOIS
7 JUDICIAL CIRCUIT

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

13 NOTICE

14 TO: State's Attorney

15 TO: Arresting Agency

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17

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20

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22 TO: Illinois State Police

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ATTENTION: Expungement

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

.....

Petitioner's Signature

.....

Petitioner's Street Address

.....

City, State, Zip Code

.....

Petitioner's Telephone Number

PROOF OF SERVICE

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

(Check One:)

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

or

by mailing copies to each entity to whom they are directed by
depositing the same in the U.S. Mail, proper postage fully

1 prepaid, before the hour of 5:00 p.m., at the United States
2 Postal Depository located at

3

4

5 Signature

6 Clerk of the Circuit Court or Deputy Clerk

7 Printed Name of Delinquent Minor/Petitioner:

8 Address:

9 Telephone Number:

10 (3.2) The Order of Expungement shall be in substantially
11 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 DOB

20 Arresting Agency/Agencies

21 ORDER OF EXPUNGEMENT

22 (705 ILCS 405/5-915 (SUBSECTION 3))

23 This matter having been heard on the petitioner's motion and
24 the court being fully advised in the premises does find that

1 the petitioner is indigent or has presented reasonable cause to
2 waive all costs in this matter, IT IS HEREBY ORDERED that:

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

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

9 Law Enforcement Agencies:

10

11

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

14 ENTER:

15
16 JUDGE

17 DATED:

18 Name:

19 Attorney for:

20 Address: City/State/Zip:

21 Attorney Number:

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

24 IN THE CIRCUIT COURT OF, ILLINOIS

25 JUDICIAL CIRCUIT

1 IN THE INTEREST OF) NO.
 2)
 3)
 4)
 5 (Name of Petitioner)

NOTICE OF OBJECTION

7 TO:(Attorney, Public Defender, Minor)
 8
 9

10 TO:(Illinois State Police)
 11
 12

13 TO:(Clerk of the Court)
 14
 15

16 TO:(Judge)
 17
 18

19 TO:(Arresting Agency/Agencies)
 20
 21

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

25 () State's Attorney's Office;

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

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

8 DATED:

9 Name:

10 Attorney For:

11 Address:

12 City/State/Zip:

13 Telephone:

14 Attorney No.:

15 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

16 This matter has been set for hearing on the foregoing
 17 objection, on in room, located at, before the
 18 Honorable, Judge, or any judge sitting in his/her stead.

19 (Only one hearing shall be set, regardless of the number of
 20 Notices of Objection received on the same case).

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

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

7 Date:

8 Initials of Clerk completing this section:

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

14 (5) Records which have not been expunged are sealed, and
15 may be obtained only under the provisions of Sections 5-901,
16 5-905 and 5-915.

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

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

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

5 (i) An explanation of the State's juvenile expungement
6 process;

7 (ii) The circumstances under which juvenile
8 expungement may occur;

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

10 (iv) The steps necessary to initiate and complete the
11 juvenile expungement process; and

12 (v) Directions on how to contact the State Appellate
13 Defender.

14 (c) The State Appellate Defender shall establish and
15 maintain a statewide toll-free telephone number that a person
16 may use to receive information or assistance concerning the
17 expungement of juvenile records. The State Appellate Defender
18 shall advertise the toll-free telephone number statewide. The
19 State Appellate Defender shall develop an expungement
20 information packet that may be sent to eligible persons seeking
21 expungement of their juvenile records, which may include, but
22 is not limited to, a pre-printed expungement petition with
23 instructions on how to complete the petition and a pamphlet
24 containing information that would assist individuals through
25 the juvenile expungement process.

26 (d) The State Appellate Defender shall compile a statewide

1 list of volunteer attorneys willing to assist eligible
2 individuals through the juvenile expungement process.

3 (e) This Section shall be implemented from funds
4 appropriated by the General Assembly to the State Appellate
5 Defender for this purpose. The State Appellate Defender shall
6 employ the necessary staff and adopt the necessary rules for
7 implementation of this Section.

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

24 (b) A person whose juvenile records have been expunged is
25 not entitled to remission of any fines, costs, or other money
26 paid as a consequence of expungement. This amendatory Act of

1 the 93rd General Assembly does not affect the right of the
2 victim of a crime to prosecute or defend a civil action for
3 damages.

4 (c) The expungement of juvenile records under Section 5-622
5 shall be funded by the additional fine imposed under Section
6 5-9-1.17 of the Unified Code of Corrections and additional
7 appropriations made by the General Assembly for such purpose.

8 (Source: P.A. 95-861, eff. 1-1-09; 96-707, eff. 1-1-10.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.