



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1815

Introduced 1/28/2025, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-915

Amends the Juvenile Court Act of 1987. Provides that the juvenile law enforcement records of a person who before his or her 21st birthday has committed an act which if committed by an adult would constitute a criminal violation under the Cannabis Control Act or a criminal violation of the Drug Paraphernalia Control Act with respect to cannabis are subject to automatic expungement. Provides that the law enforcement agency who initiated the violation shall automatically expunge, on or before January 1 and July 1 of each year, the juvenile law enforcement records of a person eligible under this provision. Provides that the law enforcement agency shall provide by rule the process for access, review, and confirmation of the automatic expungement by the law enforcement agency. Provides that the clerk of the circuit court shall expunge, upon order of the court, or in the absence of a court order on or before January 1 and July 1 of each year, the juvenile court records of a person who before his or her 21st birthday has committed an act which if committed by an adult would constitute a criminal violation under the Cannabis Control Act or a criminal violation of the Drug Paraphernalia Control Act with respect to cannabis in the clerk's possession or control and which contains the final satisfactory disposition which pertain to a person eligible under this provision. Effective immediately.

LRB104 08537 RLC 18589 b

1 AN ACT concerning criminal law.

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 Section 5-915 as follows:

6 (705 ILCS 405/5-915)

7 Sec. 5-915. Expungement of juvenile law enforcement and
8 juvenile court records.

9 (0.05) (Blank).

10 (0.1) (a) The Illinois State Police and all law enforcement
11 agencies within the State shall automatically expunge, on or
12 before January 1 of each year, except as described in
13 paragraph (c) of this subsection (0.1), all juvenile law
14 enforcement records relating to events occurring before an
15 individual's 18th birthday if:

16 (1) one year or more has elapsed since the date of the
17 arrest or law enforcement interaction documented in the
18 records;

19 (2) no petition for delinquency or criminal charges
20 were filed with the clerk of the circuit court relating to
21 the arrest or law enforcement interaction documented in
22 the records; and

23 (3) 6 months have elapsed since the date of the arrest

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

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

14 (c) If the juvenile law enforcement record was received
15 through a public submission to a statewide student
16 confidential reporting system administered by the Illinois
17 State Police, the record will be maintained for a period of 5
18 years according to all other provisions in this subsection
19 (0.1).

20 (0.15) If a juvenile law enforcement record meets
21 paragraph (a) of subsection (0.1) of this Section, a juvenile
22 law enforcement record created:

23 (1) prior to January 1, 2018, but on or after January
24 1, 2013 shall be automatically expunged prior to January
25 1, 2020;

26 (2) prior to January 1, 2013, but on or after January

1 1, 2000, shall be automatically expunged prior to January
2 1, 2023; and

3 (3) prior to January 1, 2000 shall not be subject to
4 the automatic expungement provisions of this Act.

5 Nothing in this subsection (0.15) shall be construed to
6 restrict or modify an individual's right to have the person's
7 juvenile law enforcement records expunged except as otherwise
8 may be provided in this Act.

9 (0.16) Notwithstanding any other provision of this
10 Section, commencing 180 days after the effective date of this
11 amendatory Act of the 104th General Assembly, the juvenile law
12 enforcement records of a person who before his or her 21st
13 birthday has committed an act which if committed by an adult
14 would constitute a criminal violation under the Cannabis
15 Control Act or a criminal violation of Section 3.5 of the Drug
16 Paraphernalia Control Act with respect to cannabis are subject
17 to automatic expungement. The law enforcement agency who
18 initiated the violation shall automatically expunge, on or
19 before January 1 and July 1 of each year, the juvenile law
20 enforcement records of a person eligible under this subsection
21 (0.16). The law enforcement agency shall provide by rule the
22 process for access, review, and confirmation of the automatic
23 expungement by the law enforcement agency.

24 (0.2) (a) Upon dismissal of a petition alleging delinquency
25 or upon a finding of not delinquent, the successful
26 termination of an order of supervision, or the successful

1 termination of an adjudication for an offense which would be a
2 Class B misdemeanor, Class C misdemeanor, or a petty or
3 business offense if committed by an adult, the court shall
4 automatically order the expungement of the juvenile court
5 records and juvenile law enforcement records. The clerk shall
6 deliver a certified copy of the expungement order to the
7 Illinois State Police and the arresting agency. Upon request,
8 the State's Attorney shall furnish the name of the arresting
9 agency. The expungement shall be completed within 60 business
10 days after the receipt of the expungement order.

11 (b) If the chief law enforcement officer of the agency, or
12 the chief law enforcement officer's designee, certifies in
13 writing that certain information is needed for a pending
14 investigation involving the commission of a felony, that
15 information, and information identifying the juvenile, may be
16 retained until the statute of limitations for the felony has
17 run. If the chief law enforcement officer of the agency, or the
18 chief law enforcement officer's designee, certifies in writing
19 that certain information is needed with respect to an internal
20 investigation of any law enforcement office, that information
21 and information identifying the juvenile may be retained
22 within an intelligence file until the investigation is
23 terminated or the disciplinary action, including appeals, has
24 been completed, whichever is later. Retention of a portion of
25 a juvenile's law enforcement record does not disqualify the
26 remainder of a juvenile's record from immediate automatic

1 expungement.

2 (0.3) (a) Upon an adjudication of delinquency based on any
3 offense except a disqualified offense, the juvenile court
4 shall automatically order the expungement of the juvenile
5 court and law enforcement records 2 years after the juvenile's
6 case was closed if no delinquency or criminal proceeding is
7 pending and the person has had no subsequent delinquency
8 adjudication or criminal conviction. On the date that the
9 minor's sentence ends or the date that the court enters an
10 order committing the minor to the Department of Juvenile
11 Justice, the juvenile court judge shall schedule a date to
12 enter the automatic expungement order. The minor must be
13 notified but shall not be required to be present for the
14 scheduled court date when automatic expungement is to be
15 ordered. If the minor is not yet eligible on the originally
16 scheduled date, the court shall schedule a subsequent date to
17 enter the automatic expungement order. The clerk shall deliver
18 a certified copy of the expungement order to the Illinois
19 State Police and the arresting agency. Upon request, the
20 State's Attorney shall furnish the name of the arresting
21 agency. The expungement shall be completed within 60 business
22 days after the receipt of the expungement order. In this
23 subsection (0.3), "disqualified offense" means any of the
24 following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1,
25 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9,
26 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,

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

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

26 (0.31) Notwithstanding any other provision of this

1 Section, commencing 180 after the effective date of this
2 amendatory Act of the 104th General Assembly, the clerk of the
3 circuit court shall expunge, upon order of the court, or in the
4 absence of a court order on or before January 1 and July 1 of
5 each year, the juvenile court records of a person who before
6 his or her 21st birthday has committed an act which if
7 committed by an adult would constitute a criminal violation
8 under the Cannabis Control Act or a criminal violation of
9 Section 3.5 of the Drug Paraphernalia Control Act with respect
10 to cannabis in the clerk's possession or control and which
11 contains the final satisfactory disposition which pertain to a
12 person eligible under this subsection (0.31).

13 (0.4) Automatic expungement for the purposes of this
14 Section shall not require law enforcement agencies to
15 obliterate or otherwise destroy juvenile law enforcement
16 records that would otherwise need to be automatically expunged
17 under this Act, except after 2 years following the subject
18 arrest for purposes of use in civil litigation against a
19 governmental entity or its law enforcement agency or personnel
20 which created, maintained, or used the records. However, these
21 juvenile law enforcement records shall be considered expunged
22 for all other purposes during this period and the offense,
23 which the records or files concern, shall be treated as if it
24 never occurred as required under Section 5-923.

25 (0.5) Subsection (0.1) or (0.2) of this Section does not
26 apply to violations of traffic, boating, fish and game laws,

1 or county or municipal ordinances.

2 (0.6) Juvenile law enforcement records of a plaintiff who
3 has filed civil litigation against the governmental entity or
4 its law enforcement agency or personnel that created,
5 maintained, or used the records, or juvenile law enforcement
6 records that contain information related to the allegations
7 set forth in the civil litigation may not be expunged until
8 after 2 years have elapsed after the conclusion of the
9 lawsuit, including any appeal.

10 (0.7) Officer-worn body camera recordings shall not be
11 automatically expunged except as otherwise authorized by the
12 Law Enforcement Officer-Worn Body Camera Act.

13 (1) Whenever a person has been arrested, charged, or
14 adjudicated delinquent for an incident occurring before a
15 person's 18th birthday that if committed by an adult would be
16 an offense, and that person's juvenile law enforcement and
17 juvenile court records are not eligible for automatic
18 expungement under subsection (0.1), (0.2), or (0.3), the
19 person may petition the court at any time at no cost to the
20 person for expungement of juvenile law enforcement records and
21 juvenile court records relating to the incident and, upon
22 termination of all juvenile court proceedings relating to that
23 incident, the court shall order the expungement of all records
24 in the possession of the Illinois State Police, the clerk of
25 the circuit court, and law enforcement agencies relating to
26 the incident, but only in any of the following circumstances:

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

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

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

8 (c) the minor was placed under supervision under
9 Section 5-615, and the order of supervision has since been
10 successfully terminated; or

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

14 (1.5) At no cost to the person, the Illinois State Police
15 shall allow a person to use the Access and Review process,
16 established in the Illinois State Police, for verifying that
17 the person's juvenile law enforcement records relating to
18 incidents occurring before the person's 18th birthday eligible
19 under this Act have been expunged.

20 (1.6) (Blank).

21 (1.7) (Blank).

22 (1.8) (Blank).

23 (2) Any person whose delinquency adjudications are not
24 eligible for automatic expungement under subsection (0.3) of
25 this Section may petition the court at no cost to the person to
26 expunge all juvenile law enforcement records relating to any

1 incidents occurring before the person's 18th birthday which
2 did not result in proceedings in criminal court and all
3 juvenile court records with respect to any adjudications
4 except those based upon first degree murder or an offense
5 under Article 11 of the Criminal Code of 2012 if the person is
6 required to register under the Sex Offender Registration Act
7 at the time the person petitions the court for expungement;
8 provided that 2 years have elapsed since all juvenile court
9 proceedings relating to the person have been terminated and
10 the person's commitment to the Department of Juvenile Justice
11 under this Act has been terminated.

12 (2.5) If a minor is arrested and no petition for
13 delinquency is filed with the clerk of the circuit court at the
14 time the minor is released from custody, the youth officer, if
15 applicable, or other designated person from the arresting
16 agency, shall notify verbally and in writing to the minor or
17 the minor's parents or guardians that the minor shall have an
18 arrest record and shall provide the minor and the minor's
19 parents or guardians with an expungement information packet,
20 information regarding this State's expungement laws including
21 a petition to expunge juvenile law enforcement and juvenile
22 court records obtained from the clerk of the circuit court.

23 (2.6) If a minor is referred to court, then, at the time of
24 sentencing, dismissal of the case, or successful completion of
25 supervision, the judge shall inform the delinquent minor of
26 the minor's rights regarding expungement and the clerk of the

1 circuit court shall provide an expungement information packet
2 to the minor, written in plain language, including information
3 regarding this State's expungement laws and a petition for
4 expungement, a sample of a completed petition, expungement
5 instructions that shall include information informing the
6 minor that (i) once the case is expunged, it shall be treated
7 as if it never occurred, (ii) the minor shall not be charged a
8 fee to petition for expungement, (iii) once the minor obtains
9 an expungement, the minor may not be required to disclose that
10 the minor had a juvenile law enforcement or juvenile court
11 record, and (iv) if petitioning the minor may file the
12 petition on the minor's own or with the assistance of an
13 attorney. The failure of the judge to inform the delinquent
14 minor of the minor's right to petition for expungement as
15 provided by law does not create a substantive right, nor is
16 that failure grounds for: (i) a reversal of an adjudication of
17 delinquency; (ii) a new trial; or (iii) an appeal.

18 (2.6-1) A trafficking victim, as defined by paragraph (10)
19 of subsection (a) of Section 10-9 of the Criminal Code of 2012,
20 may petition for vacation and expungement or immediate sealing
21 of his or her juvenile court records and juvenile law
22 enforcement records relating to events that resulted in the
23 victim's adjudication of delinquency for an offense if
24 committed by an adult would be a violation of the criminal laws
25 occurring before the victim's 18th birthday upon the
26 completion of his or her juvenile court sentence if his or her

1 participation in the underlying offense was a result of human
2 trafficking under Section 10-9 of the Criminal Code of 2012 or
3 a severe form of trafficking under the federal Trafficking
4 Victims Protection Act.

5 (2.7) (Blank).

6 (2.8) (Blank).

7 (3) (Blank).

8 (3.1) (Blank).

9 (3.2) (Blank).

10 (3.3) (Blank).

11 (4) (Blank).

12 (5) (Blank).

13 (5.5) Whether or not expunged, records eligible for
14 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
15 (0.3) (a) may be treated as expunged by the individual subject
16 to the records.

17 (6) (Blank).

18 (6.5) The Illinois State Police or any employee of the
19 Illinois State Police shall be immune from civil or criminal
20 liability for failure to expunge any records of arrest that
21 are subject to expungement under this Section because of
22 inability to verify a record. Nothing in this Section shall
23 create Illinois State Police liability or responsibility for
24 the expungement of juvenile law enforcement records it does
25 not possess.

26 (7) (Blank).

1 (7.5) (Blank).

2 (8) The expungement of juvenile law enforcement or
3 juvenile court records under subsection (0.1), (0.2), or (0.3)
4 of this Section shall be funded by appropriation by the
5 General Assembly for that purpose.

6 (9) (Blank).

7 (10) (Blank).

8 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
9 102-752, eff. 1-1-23; 103-22, eff. 8-8-23; 103-154, eff.
10 6-30-23; 103-379, eff. 7-28-23; 103-605, eff. 7-1-24; 103-717,
11 eff. 1-1-25; 103-787, eff. 1-1-25; revised 11-26-24.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.