



Rep. Jehan Gordon-Booth

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1 AMENDMENT TO SENATE BILL 1784

2 AMENDMENT NO. _____. Amend Senate Bill 1784 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Clean Slate
5 Act.

6 Section 5. The Personnel Code is amended by changing
7 Section 4c as follows:

8 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

9 Sec. 4c. General exemptions. The following positions in
10 State service shall be exempt from jurisdictions A, B, and C,
11 unless the jurisdictions shall be extended as provided in this
12 Act:

13 (1) All officers elected by the people.

14 (2) All positions under the Lieutenant Governor,
15 Secretary of State, State Treasurer, State Comptroller,

1 State Board of Education, Clerk of the Supreme Court,
2 Attorney General, and State Board of Elections.

3 (3) Judges, and officers and employees of the courts,
4 and notaries public.

5 (4) All officers and employees of the Illinois General
6 Assembly, all employees of legislative commissions, all
7 officers and employees of the Illinois Legislative
8 Reference Bureau and the Legislative Printing Unit.

9 (5) All positions in the Illinois National Guard and
10 Illinois State Guard, paid from federal funds or positions
11 in the State Military Service filled by enlistment and
12 paid from State funds.

13 (6) All employees of the Governor at the executive
14 mansion and on his immediate personal staff.

15 (7) Directors of Departments, the Adjutant General,
16 the Assistant Adjutant General, the Director of the
17 Illinois Emergency Management Agency, members of boards
18 and commissions, and all other positions appointed by the
19 Governor by and with the consent of the Senate.

20 (8) The presidents, other principal administrative
21 officers, and teaching, research and extension faculties
22 of Chicago State University, Eastern Illinois University,
23 Governors State University, Illinois State University,
24 Northeastern Illinois University, Northern Illinois
25 University, Western Illinois University, the Illinois
26 Community College Board, Southern Illinois University,

1 Illinois Board of Higher Education, University of
2 Illinois, State Universities Civil Service System,
3 University Retirement System of Illinois, and the
4 administrative officers and scientific and technical staff
5 of the Illinois State Museum.

6 (9) All other employees except the presidents, other
7 principal administrative officers, and teaching, research
8 and extension faculties of the universities under the
9 jurisdiction of the Board of Regents and the colleges and
10 universities under the jurisdiction of the Board of
11 Governors of State Colleges and Universities, Illinois
12 Community College Board, Southern Illinois University,
13 Illinois Board of Higher Education, Board of Governors of
14 State Colleges and Universities, the Board of Regents,
15 University of Illinois, State Universities Civil Service
16 System, University Retirement System of Illinois, so long
17 as these are subject to the provisions of the State
18 Universities Civil Service Act.

19 (10) The Illinois State Police so long as they are
20 subject to the merit provisions of the Illinois State
21 Police Act. Employees of the Illinois State Police Merit
22 Board are subject to the provisions of this Code.

23 (11) (Blank).

24 (12) The technical and engineering staffs of the
25 Department of Transportation, the Division of Nuclear
26 Safety at the Illinois Emergency Management Agency, the

1 Pollution Control Board, and the Illinois Commerce
2 Commission, and the technical and engineering staff
3 providing architectural and engineering services in the
4 Department of Central Management Services.

5 (13) All employees of the Illinois State Toll Highway
6 Authority.

7 (14) The Secretary of the Illinois Workers'
8 Compensation Commission.

9 (15) All persons who are appointed or employed by the
10 Director of Insurance under authority of Section 202 of
11 the Illinois Insurance Code to assist the Director of
12 Insurance in discharging his responsibilities relating to
13 the rehabilitation, liquidation, conservation, and
14 dissolution of companies that are subject to the
15 jurisdiction of the Illinois Insurance Code.

16 (16) All employees of the St. Louis Metropolitan Area
17 Airport Authority.

18 (17) All investment officers employed by the Illinois
19 State Board of Investment.

20 (18) Employees of the Illinois Young Adult
21 Conservation Corps program, administered by the Illinois
22 Department of Natural Resources, authorized grantee under
23 Title VIII of the Comprehensive Employment and Training
24 Act of 1973, 29 U.S.C. 993.

25 (19) Seasonal employees of the Department of
26 Agriculture for the operation of the Illinois State Fair

1 and the DuQuoin State Fair, no one person receiving more
2 than 29 days of such employment in any calendar year.

3 (20) All "temporary" employees hired under the
4 Department of Natural Resources' Illinois Conservation
5 Service, a youth employment program that hires young
6 people to work in State parks for a period of one year or
7 less.

8 (21) All hearing officers of the Human Rights
9 Commission.

10 (22) All employees of the Illinois Mathematics and
11 Science Academy.

12 (23) All employees of the Kankakee River Valley Area
13 Airport Authority.

14 (24) The commissioners and employees of the Executive
15 Ethics Commission.

16 (25) The Executive Inspectors General, including
17 special Executive Inspectors General, and employees of
18 each Office of an Executive Inspector General.

19 (26) The commissioners and employees of the
20 Legislative Ethics Commission.

21 (27) The Legislative Inspector General, including
22 special Legislative Inspectors General, and employees of
23 the Office of the Legislative Inspector General.

24 (28) The Auditor General's Inspector General and
25 employees of the Office of the Auditor General's Inspector
26 General.

1 (29) All employees of the Illinois Power Agency.

2 (30) Employees having demonstrable, defined advanced
3 skills in accounting, financial reporting, or technical
4 expertise who are employed within executive branch
5 agencies and whose duties are directly related to the
6 submission to the Office of the Comptroller of financial
7 information for the publication of the annual
8 comprehensive financial report.

9 (31) All employees of the Illinois Sentencing Policy
10 Advisory Council.

11 (32) All employees who are employed by the Illinois
12 State Police with duties related to criminal history
13 records, sealing records, or expunging records.

14 (Source: P.A. 102-291, eff. 8-6-21; 102-538, eff. 8-20-21;
15 102-783, eff. 5-13-22; 102-813, eff. 5-13-22; 103-108, eff.
16 6-27-23.)

17 Section 10. The Criminal Identification Act is amended by
18 changing Sections 2.1, 5.2, 13, and 14 and by adding Section
19 5.3 as follows:

20 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

21 Sec. 2.1. For the purpose of maintaining complete and
22 accurate criminal records of the Illinois State Police, it is
23 necessary for all policing bodies of this State, the clerk of
24 the circuit court, the Illinois Department of Corrections, the

1 sheriff of each county, and State's Attorney of each county to
2 submit certain criminal arrest, charge, and disposition
3 information to the Illinois State Police for filing at the
4 earliest time possible. Unless otherwise noted herein, it
5 shall be the duty of all policing bodies of this State, the
6 clerk of the circuit court, the Illinois Department of
7 Corrections, the sheriff of each county, and the State's
8 Attorney of each county to report such information as provided
9 in this Section, both in the form and manner required by the
10 Illinois State Police and within 30 days of the criminal
11 history event. Specifically:

12 (a) Arrest Information. All agencies making arrests
13 for offenses which are required by statute to be
14 collected, maintained or disseminated by the Illinois
15 State Police shall be responsible for furnishing daily to
16 the Illinois State Police fingerprints, charges and
17 descriptions of all persons who are arrested for such
18 offenses. All such agencies shall also notify the Illinois
19 State Police of all decisions by the arresting agency not
20 to refer such arrests for prosecution. With approval of
21 the Illinois State Police, an agency making such arrests
22 may enter into arrangements with other agencies for the
23 purpose of furnishing daily such fingerprints, charges and
24 descriptions to the Illinois State Police upon its behalf.

25 (b) Charge Information. The State's Attorney of each
26 county shall notify the Illinois State Police of all

1 charges filed and all petitions filed alleging that a
2 minor is delinquent, including all those added subsequent
3 to the filing of a case, and whether charges were not filed
4 in cases for which the Illinois State Police has received
5 information required to be reported pursuant to paragraph
6 (a) of this Section. With approval of the Illinois State
7 Police, the State's Attorney may enter into arrangements
8 with other agencies for the purpose of furnishing the
9 information required by this subsection (b) to the
10 Illinois State Police upon the State's Attorney's behalf.

11 (c) Disposition Information. The clerk of the circuit
12 court of each county shall furnish the Illinois State
13 Police, in the form and manner required by the Supreme
14 Court, with all final dispositions of cases for which the
15 Illinois State Police has received information required to
16 be reported pursuant to paragraph (a) or (d) of this
17 Section. Such information shall include, for each charge,
18 all (1) judgments of not guilty, judgments of guilty
19 including the sentence pronounced by the court with
20 statutory citations to the relevant sentencing provision,
21 findings that a minor is delinquent and any sentence made
22 based on those findings, discharges and dismissals in the
23 court; (2) reviewing court orders filed with the clerk of
24 the circuit court which reverse or remand a reported
25 conviction or findings that a minor is delinquent or that
26 vacate or modify a sentence or sentence made following a

1 trial that a minor is delinquent; (3) continuances to a
2 date certain in furtherance of an order of supervision
3 granted under Section 5-6-1 of the Unified Code of
4 Corrections or an order of probation granted under Section
5 10 of the Cannabis Control Act, Section 410 of the
6 Illinois Controlled Substances Act, Section 70 of the
7 Methamphetamine Control and Community Protection Act,
8 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
9 the Criminal Code of 1961 or the Criminal Code of 2012,
10 Section 10-102 of the Illinois Alcoholism and Other Drug
11 Dependency Act, Section 40-10 of the Substance Use
12 Disorder Act, Section 10 of the Steroid Control Act, or
13 Section 5-615 of the Juvenile Court Act of 1987; and (4)
14 judgments or court orders terminating or revoking a
15 sentence to or juvenile disposition of probation,
16 supervision or conditional discharge, judgment or court
17 orders of discharge from probation or conditional
18 discharge, and any resentencing or new court orders
19 entered by a juvenile court relating to the disposition of
20 a minor's case involving delinquency after such
21 revocation. The Illinois State Police may provide reports
22 of cases with missing disposition information to the clerk
23 of the circuit court. Each clerk of the circuit court
24 receiving a report of cases with missing disposition
25 information shall respond within 30 days after receiving
26 the report unless the volume of records in the report

1 renders that timeline impracticable.

2 (d) Fingerprints After Sentencing.

3 (1) After the court pronounces sentence, sentences
4 a minor following a trial in which a minor was found to
5 be delinquent or issues an order of supervision or an
6 order of probation granted under Section 10 of the
7 Cannabis Control Act, Section 410 of the Illinois
8 Controlled Substances Act, Section 70 of the
9 Methamphetamine Control and Community Protection Act,
10 Section 12-4.3 or subdivision (b)(1) of Section
11 12-3.05 of the Criminal Code of 1961 or the Criminal
12 Code of 2012, Section 10-102 of the Illinois
13 Alcoholism and Other Drug Dependency Act, Section
14 40-10 of the Substance Use Disorder Act, Section 10 of
15 the Steroid Control Act, or Section 5-615 of the
16 Juvenile Court Act of 1987 for any offense which is
17 required by statute to be collected, maintained, or
18 disseminated by the Illinois State Police, the State's
19 Attorney of each county shall ask the court to order a
20 law enforcement agency to fingerprint immediately all
21 persons appearing before the court who have not
22 previously been fingerprinted for the same case. The
23 court shall so order the requested fingerprinting, if
24 it determines that any such person has not previously
25 been fingerprinted for the same case. The law
26 enforcement agency shall submit such fingerprints to

1 the Illinois State Police daily.

2 (2) After the court pronounces sentence or makes a
3 disposition of a case following a finding of
4 delinquency for any offense which is not required by
5 statute to be collected, maintained, or disseminated
6 by the Illinois State Police, the prosecuting attorney
7 may ask the court to order a law enforcement agency to
8 fingerprint immediately all persons appearing before
9 the court who have not previously been fingerprinted
10 for the same case. The court may so order the requested
11 fingerprinting, if it determines that any so sentenced
12 person has not previously been fingerprinted for the
13 same case. The law enforcement agency may retain such
14 fingerprints in its files.

15 (e) Corrections Information. The Illinois Department
16 of Corrections and the sheriff of each county shall
17 furnish the Illinois State Police with all information
18 concerning the receipt, escape, execution, death, release,
19 pardon, parole, commutation of sentence, granting of
20 executive clemency or discharge of an individual who has
21 been sentenced or committed to the agency's custody for
22 any offenses which are mandated by statute to be
23 collected, maintained or disseminated by the Illinois
24 State Police. For an individual who has been charged with
25 any such offense and who escapes from custody or dies
26 while in custody, all information concerning the receipt

1 and escape or death, whichever is appropriate, shall also
2 be so furnished to the Illinois State Police.

3 (f) Any entity required to report information
4 concerning criminal arrests, charges, and dispositions
5 pursuant to Section 2.1 or 5 of this Act shall respond to
6 any notice advising the entity of missing or incomplete
7 information or an error in the reporting of the
8 information as follows:

9 (1) Responses shall be made within 30 days after
10 the notice from the Illinois State Police unless the
11 volume of records in the report renders that timeline
12 impracticable.

13 (2) Responses shall include the missing or
14 incomplete information, correction of the error or an
15 explanation detailing the reason the information
16 cannot be provided or corrected, and an estimated
17 timeframe for compliance.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 (20 ILCS 2630/5.2)

20 (Text of Section before amendment by P.A. 103-1071)

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

22 (a) General Provisions.

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

1 (A) The following terms shall have the meanings
2 ascribed to them in the following Sections of the
3 Unified Code of Corrections:

4 Business Offense, Section 5-1-2.

5 Charge, Section 5-1-3.

6 Court, Section 5-1-6.

7 Defendant, Section 5-1-7.

8 Felony, Section 5-1-9.

9 Imprisonment, Section 5-1-10.

10 Judgment, Section 5-1-12.

11 Misdemeanor, Section 5-1-14.

12 Offense, Section 5-1-15.

13 Parole, Section 5-1-16.

14 Petty Offense, Section 5-1-17.

15 Probation, Section 5-1-18.

16 Sentence, Section 5-1-19.

17 Supervision, Section 5-1-21.

18 Victim, Section 5-1-22.

19 (B) As used in this Section, "charge not initiated
20 by arrest" means a charge (as defined by Section 5-1-3
21 of the Unified Code of Corrections) brought against a
22 defendant where the defendant is not arrested prior to
23 or as a direct result of the charge.

24 (C) "Conviction" means a judgment of conviction or
25 sentence entered upon a plea of guilty or upon a
26 verdict or finding of guilty of an offense, rendered

1 by a legally constituted jury or by a court of
2 competent jurisdiction authorized to try the case
3 without a jury. An order of supervision successfully
4 completed by the petitioner is not a conviction. An
5 order of qualified probation (as defined in subsection
6 (a) (1) (J)) successfully completed by the petitioner is
7 not a conviction. An order of supervision or an order
8 of qualified probation that is terminated
9 unsatisfactorily is a conviction, unless the
10 unsatisfactory termination is reversed, vacated, or
11 modified and the judgment of conviction, if any, is
12 reversed or vacated.

13 (D) "Criminal offense" means a petty offense,
14 business offense, misdemeanor, felony, or municipal
15 ordinance violation (as defined in subsection
16 (a) (1) (H)). As used in this Section, a minor traffic
17 offense (as defined in subsection (a) (1) (G)) shall not
18 be considered a criminal offense.

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

1 (d) (9) (B) (ii) .

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

16 (G) "Minor traffic offense" means a petty offense,
17 business offense, or Class C misdemeanor under the
18 Illinois Vehicle Code or a similar provision of a
19 municipal or local ordinance.

20 (G-5) "Minor Cannabis Offense" means a violation
21 of Section 4 or 5 of the Cannabis Control Act
22 concerning not more than 30 grams of any substance
23 containing cannabis, provided the violation did not
24 include a penalty enhancement under Section 7 of the
25 Cannabis Control Act and is not associated with an
26 arrest, conviction or other disposition for a violent

1 crime as defined in subsection (c) of Section 3 of the
2 Rights of Crime Victims and Witnesses Act.

3 (H) "Municipal ordinance violation" means an
4 offense defined by a municipal or local ordinance that
5 is criminal in nature and with which the petitioner
6 was charged or for which the petitioner was arrested
7 and released without charging.

8 (I) "Petitioner" means an adult or a minor
9 prosecuted as an adult who has applied for relief
10 under this Section.

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

1 that the probation was terminated satisfactorily and
2 the judgment of conviction was vacated.

3 (K) "Seal" means to physically and electronically
4 maintain the records, unless the records would
5 otherwise be destroyed due to age, but to make the
6 records unavailable without a court order, subject to
7 the exceptions in Sections 12 and 13 of this Act. The
8 petitioner's name shall also be obliterated from the
9 official index required to be kept by the circuit
10 court clerk under Section 16 of the Clerks of Courts
11 Act, but any index issued by the circuit court clerk
12 before the entry of the order to seal shall not be
13 affected.

14 (L) "Sexual offense committed against a minor"
15 includes, but is not limited to, the offenses of
16 indecent solicitation of a child or criminal sexual
17 abuse when the victim of such offense is under 18 years
18 of age.

19 (M) "Terminate" as it relates to a sentence or
20 order of supervision or qualified probation includes
21 either satisfactory or unsatisfactory termination of
22 the sentence, unless otherwise specified in this
23 Section. A sentence is terminated notwithstanding any
24 outstanding financial legal obligation.

25 (2) Minor Traffic Offenses. Orders of supervision or
26 convictions for minor traffic offenses shall not affect a

1 petitioner's eligibility to expunge or seal records
2 pursuant to this Section.

3 (2.5) Commencing 180 days after July 29, 2016 (the
4 effective date of Public Act 99-697), the law enforcement
5 agency issuing the citation shall automatically expunge,
6 on or before January 1 and July 1 of each year, the law
7 enforcement records of a person found to have committed a
8 civil law violation of subsection (a) of Section 4 of the
9 Cannabis Control Act or subsection (c) of Section 3.5 of
10 the Drug Paraphernalia Control Act in the law enforcement
11 agency's possession or control and which contains the
12 final satisfactory disposition which pertain to the person
13 issued a citation for that offense. The law enforcement
14 agency shall provide by rule the process for access,
15 review, and to confirm the automatic expungement by the
16 law enforcement agency issuing the citation. Commencing
17 180 days after July 29, 2016 (the effective date of Public
18 Act 99-697), the clerk of the circuit court shall expunge,
19 upon order of the court, or in the absence of a court order
20 on or before January 1 and July 1 of each year, the court
21 records of a person found in the circuit court to have
22 committed a civil law violation of subsection (a) of
23 Section 4 of the Cannabis Control Act or subsection (c) of
24 Section 3.5 of the Drug Paraphernalia Control Act in the
25 clerk's possession or control and which contains the final
26 satisfactory disposition which pertain to the person

1 issued a citation for any of those offenses.

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

5 (A) the sealing or expungement of the records of
6 arrests or charges not initiated by arrest that result
7 in an order of supervision for or conviction of: (i)
8 any sexual offense committed against a minor; (ii)
9 Section 11-501 of the Illinois Vehicle Code or a
10 similar provision of a local ordinance; or (iii)
11 Section 11-503 of the Illinois Vehicle Code or a
12 similar provision of a local ordinance, unless the
13 arrest or charge is for a misdemeanor violation of
14 subsection (a) of Section 11-503 or a similar
15 provision of a local ordinance, that occurred prior to
16 the offender reaching the age of 25 years and the
17 offender has no other conviction for violating Section
18 11-501 or 11-503 of the Illinois Vehicle Code or a
19 similar provision of a local ordinance.

20 (B) the sealing or expungement of records of minor
21 traffic offenses (as defined in subsection (a)(1)(G)),
22 unless the petitioner was arrested and released
23 without charging.

24 (C) the sealing of the records of arrests or
25 charges not initiated by arrest which result in an
26 order of supervision or a conviction for the following

1 offenses:

2 (i) offenses included in Article 11 of the
3 Criminal Code of 1961 or the Criminal Code of 2012
4 or a similar provision of a local ordinance,
5 except Section 11-14 and a misdemeanor violation
6 of Section 11-30 of the Criminal Code of 1961 or
7 the Criminal Code of 2012, or a similar provision
8 of a local ordinance;

9 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
10 26-5, or 48-1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, or a similar provision of a
12 local ordinance;

13 (iii) Section 12-3.1 or 12-3.2 of the Criminal
14 Code of 1961 or the Criminal Code of 2012, or
15 Section 125 of the Stalking No Contact Order Act,
16 or Section 219 of the Civil No Contact Order Act,
17 or a similar provision of a local ordinance;

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

20 (v) any offense or attempted offense that
21 would subject a person to registration under the
22 Sex Offender Registration Act.

23 (D) (blank).

24 (b) Expungement.

25 (1) A petitioner may petition the circuit court to
26 expunge the records of his or her arrests and charges not

1 initiated by arrest when each arrest or charge not
2 initiated by arrest sought to be expunged resulted in: (i)
3 acquittal, dismissal, or the petitioner's release without
4 charging, unless excluded by subsection (a)(3)(B); (ii) a
5 conviction which was vacated or reversed, unless excluded
6 by subsection (a)(3)(B); (iii) an order of supervision and
7 such supervision was successfully completed by the
8 petitioner, unless excluded by subsection (a)(3)(A) or
9 (a)(3)(B); or (iv) an order of qualified probation (as
10 defined in subsection (a)(1)(J)) and such probation was
11 successfully completed by the petitioner.

12 (1.5) When a petitioner seeks to have a record of
13 arrest expunged under this Section, and the offender has
14 been convicted of a criminal offense, the State's Attorney
15 may object to the expungement on the grounds that the
16 records contain specific relevant information aside from
17 the mere fact of the arrest.

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

19 (A) When the arrest or charge not initiated by
20 arrest sought to be expunged resulted in an acquittal,
21 dismissal, the petitioner's release without charging,
22 or the reversal or vacation of a conviction, there is
23 no waiting period to petition for the expungement of
24 such records.

25 (A-5) In anticipation of the successful completion
26 of a problem-solving court, pre-plea diversion, or

1 post-plea diversion program, a petition for
2 expungement may be filed 61 days before the
3 anticipated dismissal of the case or any time
4 thereafter. Upon successful completion of the program
5 and dismissal of the case, the court shall review the
6 petition of the person graduating from the program and
7 shall grant expungement if the petitioner meets all
8 requirements as specified in any applicable statute.

9 (B) When the arrest or charge not initiated by
10 arrest sought to be expunged resulted in an order of
11 supervision, successfully completed by the petitioner,
12 the following time frames will apply:

13 (i) Those arrests or charges that resulted in
14 orders of supervision under Section 3-707, 3-708,
15 3-710, or 5-401.3 of the Illinois Vehicle Code or
16 a similar provision of a local ordinance, or under
17 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
18 Code of 1961 or the Criminal Code of 2012, or a
19 similar provision of a local ordinance, shall not
20 be eligible for expungement until 5 years have
21 passed following the satisfactory termination of
22 the supervision.

23 (i-5) Those arrests or charges that resulted
24 in orders of supervision for a misdemeanor
25 violation of subsection (a) of Section 11-503 of
26 the Illinois Vehicle Code or a similar provision

1 of a local ordinance, that occurred prior to the
2 offender reaching the age of 25 years and the
3 offender has no other conviction for violating
4 Section 11-501 or 11-503 of the Illinois Vehicle
5 Code or a similar provision of a local ordinance
6 shall not be eligible for expungement until the
7 petitioner has reached the age of 25 years.

8 (ii) Those arrests or charges that resulted in
9 orders of supervision for any other offenses shall
10 not be eligible for expungement until 2 years have
11 passed following the satisfactory termination of
12 the supervision.

13 (C) When the arrest or charge not initiated by
14 arrest sought to be expunged resulted in an order of
15 qualified probation, successfully completed by the
16 petitioner, such records shall not be eligible for
17 expungement until 5 years have passed following the
18 satisfactory termination of the probation.

19 (3) Those records maintained by the Illinois State
20 Police for persons arrested prior to their 17th birthday
21 shall be expunged as provided in Section 5-915 of the
22 Juvenile Court Act of 1987.

23 (4) Whenever a person has been arrested for or
24 convicted of any offense, in the name of a person whose
25 identity he or she has stolen or otherwise come into
26 possession of, the aggrieved person from whom the identity

1 was stolen or otherwise obtained without authorization,
2 upon learning of the person having been arrested using his
3 or her identity, may, upon verified petition to the chief
4 judge of the circuit wherein the arrest was made, have a
5 court order entered nunc pro tunc by the Chief Judge to
6 correct the arrest record, conviction record, if any, and
7 all official records of the arresting authority, the
8 Illinois State Police, other criminal justice agencies,
9 the prosecutor, and the trial court concerning such
10 arrest, if any, by removing his or her name from all such
11 records in connection with the arrest and conviction, if
12 any, and by inserting in the records the name of the
13 offender, if known or ascertainable, in lieu of the
14 aggrieved's name. The records of the circuit court clerk
15 shall be sealed until further order of the court upon good
16 cause shown and the name of the aggrieved person
17 obliterated on the official index required to be kept by
18 the circuit court clerk under Section 16 of the Clerks of
19 Courts Act, but the order shall not affect any index
20 issued by the circuit court clerk before the entry of the
21 order. Nothing in this Section shall limit the Illinois
22 State Police or other criminal justice agencies or
23 prosecutors from listing under an offender's name the
24 false names he or she has used.

25 (5) Whenever a person has been convicted of criminal
26 sexual assault, aggravated criminal sexual assault,

1 predatory criminal sexual assault of a child, criminal
2 sexual abuse, or aggravated criminal sexual abuse, the
3 victim of that offense may request that the State's
4 Attorney of the county in which the conviction occurred
5 file a verified petition with the presiding trial judge at
6 the petitioner's trial to have a court order entered to
7 seal the records of the circuit court clerk in connection
8 with the proceedings of the trial court concerning that
9 offense. However, the records of the arresting authority
10 and the Illinois State Police concerning the offense shall
11 not be sealed. The court, upon good cause shown, shall
12 make the records of the circuit court clerk in connection
13 with the proceedings of the trial court concerning the
14 offense available for public inspection.

15 (6) If a conviction has been set aside on direct
16 review or on collateral attack and the court determines by
17 clear and convincing evidence that the petitioner was
18 factually innocent of the charge, the court that finds the
19 petitioner factually innocent of the charge shall enter an
20 expungement order for the conviction for which the
21 petitioner has been determined to be innocent as provided
22 in subsection (b) of Section 5-5-4 of the Unified Code of
23 Corrections.

24 (7) Nothing in this Section shall prevent the Illinois
25 State Police from maintaining all records of any person
26 who is admitted to probation upon terms and conditions and

1 who fulfills those terms and conditions pursuant to
2 Section 10 of the Cannabis Control Act, Section 410 of the
3 Illinois Controlled Substances Act, Section 70 of the
4 Methamphetamine Control and Community Protection Act,
5 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
6 Corrections, Section 12-4.3 or subdivision (b)(1) of
7 Section 12-3.05 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, Section 10-102 of the Illinois
9 Alcoholism and Other Drug Dependency Act, Section 40-10 of
10 the Substance Use Disorder Act, or Section 10 of the
11 Steroid Control Act.

12 (8) If the petitioner has been granted a certificate
13 of innocence under Section 2-702 of the Code of Civil
14 Procedure, the court that grants the certificate of
15 innocence shall also enter an order expunging the
16 conviction for which the petitioner has been determined to
17 be innocent as provided in subsection (h) of Section 2-702
18 of the Code of Civil Procedure.

19 (c) Sealing.

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

26 (2) Eligible Records. The following records may be

1 sealed:

2 (A) All arrests resulting in release without
3 charging;

4 (B) Arrests or charges not initiated by arrest
5 resulting in acquittal, dismissal, or conviction when
6 the conviction was reversed or vacated, except as
7 excluded by subsection (a) (3) (B);

8 (C) Arrests or charges not initiated by arrest
9 resulting in orders of supervision, including orders
10 of supervision for municipal ordinance violations,
11 successfully completed by the petitioner, unless
12 excluded by subsection (a) (3);

13 (D) Arrests or charges not initiated by arrest
14 resulting in convictions, including convictions on
15 municipal ordinance violations, unless excluded by
16 subsection (a) (3);

17 (E) Arrests or charges not initiated by arrest
18 resulting in orders of first offender probation under
19 Section 10 of the Cannabis Control Act, Section 410 of
20 the Illinois Controlled Substances Act, Section 70 of
21 the Methamphetamine Control and Community Protection
22 Act, or Section 5-6-3.3 of the Unified Code of
23 Corrections; and

24 (F) Arrests or charges not initiated by arrest
25 resulting in felony convictions unless otherwise
26 excluded by subsection (a) paragraph (3) of this

1 Section.

2 (3) When Records Are Eligible to Be Sealed. Records
3 identified as eligible under subsection (c)(2) may be
4 sealed as follows:

5 (A) Records identified as eligible under
6 subsections (c)(2)(A) and (c)(2)(B) may be sealed at
7 any time.

8 (B) Except as otherwise provided in subparagraph
9 (E) of this paragraph (3), records identified as
10 eligible under subsection (c)(2)(C) may be sealed 2
11 years after the termination of petitioner's last
12 sentence (as defined in subsection (a)(1)(F)).

13 (C) Except as otherwise provided in subparagraph
14 (E) of this paragraph (3), records identified as
15 eligible under subsections (c)(2)(D), (c)(2)(E), and
16 (c)(2)(F) may be sealed 3 years after the termination
17 of the petitioner's last sentence (as defined in
18 subsection (a)(1)(F)). Convictions requiring public
19 registration under the Arsonist Registry Act, the Sex
20 Offender Registration Act, or the Murderer and Violent
21 Offender Against Youth Registration Act may not be
22 sealed until the petitioner is no longer required to
23 register under that relevant Act.

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

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

18 (4) Subsequent felony convictions. A person may not
19 have subsequent felony conviction records sealed as
20 provided in this subsection (c) if he or she is convicted
21 of any felony offense after the date of the sealing of
22 prior felony convictions as provided in this subsection
23 (c). The court may, upon conviction for a subsequent
24 felony offense, order the unsealing of prior felony
25 conviction records previously ordered sealed by the court.

26 (5) Notice of eligibility for sealing. Upon entry of a

1 disposition for an eligible record under this subsection
2 (c), the petitioner shall be informed by the court of the
3 right to have the records sealed and the procedures for
4 the sealing of the records.

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

8 (1) Filing the petition. Upon becoming eligible to
9 petition for the expungement or sealing of records under
10 this Section, the petitioner shall file a petition
11 requesting the expungement or sealing of records with the
12 clerk of the court where the arrests occurred or the
13 charges were brought, or both. If arrests occurred or
14 charges were brought in multiple jurisdictions, a petition
15 must be filed in each such jurisdiction. The petitioner
16 shall pay the applicable fee, except no fee shall be
17 required if the petitioner has obtained a court order
18 waiving fees under Supreme Court Rule 298 or it is
19 otherwise waived.

20 (1.5) County fee waiver pilot program. From August 9,
21 2019 (the effective date of Public Act 101-306) through
22 December 31, 2020, in a county of 3,000,000 or more
23 inhabitants, no fee shall be required to be paid by a
24 petitioner if the records sought to be expunged or sealed
25 were arrests resulting in release without charging or
26 arrests or charges not initiated by arrest resulting in

1 acquittal, dismissal, or conviction when the conviction
2 was reversed or vacated, unless excluded by subsection
3 (a)(3)(B). The provisions of this paragraph (1.5), other
4 than this sentence, are inoperative on and after January
5 1, 2022.

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

20 (3) Drug test. The petitioner must attach to the
21 petition proof that the petitioner has taken within 30
22 days before the filing of the petition a test showing the
23 absence within his or her body of all illegal substances
24 as defined by the Illinois Controlled Substances Act and
25 the Methamphetamine Control and Community Protection Act
26 if he or she is petitioning to:

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

2 (B) seal felony records for a violation of the
3 Illinois Controlled Substances Act, the
4 Methamphetamine Control and Community Protection Act,
5 or the Cannabis Control Act under clause (c) (2) (F);

6 (C) seal felony records under subsection (e-5); or

7 (D) expunge felony records of a qualified
8 probation under clause (b) (1) (iv).

9 (4) Service of petition. The circuit court clerk shall
10 promptly serve a copy of the petition and documentation to
11 support the petition under subsection (e-5) or (e-6) on
12 the State's Attorney or prosecutor charged with the duty
13 of prosecuting the offense, the Illinois State Police, the
14 arresting agency and the chief legal officer of the unit
15 of local government effecting the arrest.

16 (5) Objections.

17 (A) Any party entitled to notice of the petition
18 may file an objection to the petition. All objections
19 shall be in writing, shall be filed with the circuit
20 court clerk, and shall state with specificity the
21 basis of the objection. Whenever a person who has been
22 convicted of an offense is granted a pardon by the
23 Governor which specifically authorizes expungement, an
24 objection to the petition may not be filed.

25 (B) Objections to a petition to expunge or seal
26 must be filed within 60 days of the date of service of

1 the petition.

2 (6) Entry of order.

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

10 (B) Unless the State's Attorney or prosecutor, the
11 Illinois State Police, the arresting agency, or the
12 chief legal officer files an objection to the petition
13 to expunge or seal within 60 days from the date of
14 service of the petition, the court shall enter an
15 order granting or denying the petition.

16 (C) Notwithstanding any other provision of law,
17 the court shall not deny a petition for sealing under
18 this Section because the petitioner has not satisfied
19 an outstanding legal financial obligation established,
20 imposed, or originated by a court, law enforcement
21 agency, or a municipal, State, county, or other unit
22 of local government, including, but not limited to,
23 any cost, assessment, fine, or fee. An outstanding
24 legal financial obligation does not include any court
25 ordered restitution to a victim under Section 5-5-6 of
26 the Unified Code of Corrections, unless the

1 restitution has been converted to a civil judgment.
2 Nothing in this subparagraph (C) waives, rescinds, or
3 abrogates a legal financial obligation or otherwise
4 eliminates or affects the right of the holder of any
5 financial obligation to pursue collection under
6 applicable federal, State, or local law.

7 (D) Notwithstanding any other provision of law,
8 the court shall not deny a petition to expunge or seal
9 under this Section because the petitioner has
10 submitted a drug test taken within 30 days before the
11 filing of the petition to expunge or seal that
12 indicates a positive test for the presence of cannabis
13 within the petitioner's body. In this subparagraph
14 (D), "cannabis" has the meaning ascribed to it in
15 Section 3 of the Cannabis Control Act.

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

1 consider the following:

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

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

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

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

11 (E) the specific adverse consequences the
12 petitioner may be subject to if the petition is
13 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 Illinois State Police, in a form and
17 manner prescribed by the Illinois State Police, to the
18 petitioner, to the State's Attorney or prosecutor charged
19 with the duty of prosecuting the offense, to the arresting
20 agency, to the chief legal officer of the unit of local
21 government effecting the arrest, and to such other
22 criminal justice 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 subsection (b) (2) (A) or (b) (2) (B) (ii), or
26 both:

1 (i) the records shall be expunged (as defined
2 in subsection (a)(1)(E)) by the arresting agency,
3 the Illinois State Police, and any other agency as
4 ordered by the court, within 60 days of the date of
5 service of the order, unless a motion to vacate,
6 modify, or reconsider the order is filed pursuant
7 to paragraph (12) of subsection (d) of this
8 Section;

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

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

23 (B) Upon entry of an order to expunge records
24 pursuant to subsection (b)(2)(B)(i) or (b)(2)(C), or
25 both:

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

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

7 (ii) the records of the circuit court clerk
8 shall be impounded until further order of the
9 court 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 (iii) the records shall be impounded by the
16 Illinois State Police within 60 days of the date
17 of service of the order as ordered by the court,
18 unless a motion to vacate, modify, or reconsider
19 the order is filed pursuant to paragraph (12) of
20 subsection (d) of this Section;

21 (iv) records impounded by the Illinois State
22 Police may be disseminated by the Illinois State
23 Police only as required by law or to the arresting
24 authority, the State's Attorney, and the court
25 upon a later arrest for the same or a similar
26 offense or for the purpose of sentencing for any

1 subsequent felony, and to the Department of
2 Corrections upon conviction for any offense; and

3 (v) in response to an inquiry for such records
4 from anyone not authorized by law to access such
5 records, the court, the Illinois State Police, or
6 the agency receiving such inquiry shall reply as
7 it does in response to inquiries when no records
8 ever existed.

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

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

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

26 (iii) the records shall be impounded by the

1 Illinois State Police within 60 days of the date
2 of service of the order as ordered by the court,
3 unless a motion to vacate, modify, or reconsider
4 the order is filed under paragraph (12) of
5 subsection (d) of this Section;

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

14 (v) in response to an inquiry for these
15 records from anyone not authorized by law to
16 access the records, the court, the Illinois State
17 Police, or the agency receiving the inquiry shall
18 reply as it does in response to inquiries when no
19 records ever existed.

20 (C) Upon entry of an order to seal records under
21 subsection (c), the arresting agency, any other agency
22 as ordered by the court, the Illinois State Police,
23 and the court shall seal the records (as defined in
24 subsection (a)(1)(K)). In response to an inquiry for
25 such records, from anyone not authorized by law to
26 access such records, the court, the Illinois State

1 Police, or the agency receiving such inquiry shall
2 reply as it does in response to inquiries when no
3 records ever existed.

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

20 (E) Upon motion, the court may order that a sealed
21 judgment or other court record necessary to
22 demonstrate the amount of any legal financial
23 obligation due and owing be made available for the
24 limited purpose of collecting any legal financial
25 obligations owed by the petitioner that were
26 established, imposed, or originated in the criminal

1 proceeding for which those records have been sealed.
2 The records made available under this subparagraph (E)
3 shall not be entered into the official index required
4 to be kept by the circuit court clerk under Section 16
5 of the Clerks of Courts Act and shall be immediately
6 re-impounded upon the collection of the outstanding
7 financial obligations.

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

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

1 court clerk shall collect and remit the Illinois State
2 Police portion of the fee to the State Treasurer and it
3 shall be deposited in the State Police Services Fund. If
4 the record brought under an expungement petition was
5 previously sealed under this Section, the fee for the
6 expungement petition for that same record shall be waived.

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

12 (12) Motion to Vacate, Modify, or Reconsider. Under
13 Section 2-1203 of the Code of Civil Procedure, the
14 petitioner or any party entitled to notice may file a
15 motion to vacate, modify, or reconsider the order granting
16 or denying the petition to expunge or seal within 60 days
17 of service of the order. If filed more than 60 days after
18 service of the order, a petition to vacate, modify, or
19 reconsider shall comply with subsection (c) of Section
20 2-1401 of the Code of Civil Procedure. Upon filing of a
21 motion to vacate, modify, or reconsider, notice of the
22 motion shall be served upon the petitioner and all parties
23 entitled to notice of the petition.

24 (13) Effect of Order. An order granting a petition
25 under the expungement or sealing provisions of this
26 Section shall not be considered void because it fails to

1 comply with the provisions of this Section or because of
2 any error asserted in a motion to vacate, modify, or
3 reconsider. The circuit court retains jurisdiction to
4 determine whether the order is voidable and to vacate,
5 modify, or reconsider its terms based on a motion filed
6 under paragraph (12) of this subsection (d).

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

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

25 (16) The changes to this subsection (d) made by Public
26 Act 98-163 apply to all petitions pending on August 5,

1 2013 (the effective date of Public Act 98-163) and to all
2 orders ruling on a petition to expunge or seal on or after
3 August 5, 2013 (the effective date of Public Act 98-163).

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

1 the Department of Corrections shall have access to all sealed
2 records of the Illinois State Police pertaining to that
3 individual. Upon entry of the order of expungement, the
4 circuit court clerk shall promptly mail a copy of the order to
5 the person who was pardoned.

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

1 this Act or to the arresting authority, a law enforcement
2 agency, the State's Attorney, and the court upon a later
3 arrest for the same or similar offense or for the purpose of
4 sentencing for any subsequent felony. Upon conviction for any
5 subsequent offense, the Department of Corrections shall have
6 access to all sealed records of the Illinois State Police
7 pertaining to that individual. Upon entry of the order of
8 sealing, the circuit court clerk shall promptly mail a copy of
9 the order to the person who was granted the certificate of
10 eligibility for sealing.

11 (e-6) Whenever a person who has been convicted of an
12 offense is granted a certificate of eligibility for
13 expungement by the Prisoner Review Board which specifically
14 authorizes expungement, he or she may, upon verified petition
15 to the Chief Judge of the circuit where the person had been
16 convicted, any judge of the circuit designated by the Chief
17 Judge, or in counties of less than 3,000,000 inhabitants, the
18 presiding trial judge at the petitioner's trial, have a court
19 order entered expunging the record of arrest from the official
20 records of the arresting authority and order that the records
21 of the circuit court clerk and the Illinois State Police be
22 sealed until further order of the court upon good cause shown
23 or as otherwise provided herein, and the name of the
24 petitioner obliterated from the official index requested to be
25 kept by the circuit court clerk under Section 16 of the Clerks
26 of Courts Act in connection with the arrest and conviction for

1 the offense for which he or she had been granted the
2 certificate but the order shall not affect any index issued by
3 the circuit court clerk before the entry of the order. All
4 records sealed by the Illinois State Police may be
5 disseminated by the Illinois State Police only as required by
6 this Act or to the arresting authority, a law enforcement
7 agency, the State's Attorney, and the court upon a later
8 arrest for the same or similar offense or for the purpose of
9 sentencing for any subsequent felony. Upon conviction for any
10 subsequent offense, the Department of Corrections shall have
11 access to all expunged records of the Illinois State Police
12 pertaining to that individual. Upon entry of the order of
13 expungement, the circuit court clerk shall promptly mail a
14 copy of the order to the person who was granted the certificate
15 of eligibility for expungement.

16 (f) Subject to available funding, the Illinois Department
17 of Corrections shall conduct a study of the impact of sealing,
18 especially on employment and recidivism rates, utilizing a
19 random sample of those who apply for the sealing of their
20 criminal records under Public Act 93-211. At the request of
21 the Illinois Department of Corrections, records of the
22 Illinois Department of Employment Security shall be utilized
23 as appropriate to assist in the study. The study shall not
24 disclose any data in a manner that would allow the
25 identification of any particular individual or employing unit.
26 The study shall be made available to the General Assembly no

1 later than September 1, 2010.

2 (g) Immediate Sealing.

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

8 (2) Eligible Records. Arrests or charges not initiated
9 by arrest resulting in acquittal or dismissal with
10 prejudice, except as excluded by subsection (a)(3)(B),
11 that occur on or after January 1, 2018 (the effective date
12 of Public Act 100-282), may be sealed immediately if the
13 petition is filed with the circuit court clerk on the same
14 day and during the same hearing in which the case is
15 disposed.

16 (3) When Records are Eligible to be Immediately
17 Sealed. Eligible records under paragraph (2) of this
18 subsection (g) may be sealed immediately after entry of
19 the final disposition of a case, notwithstanding the
20 disposition of other charges in the same case.

21 (4) Notice of Eligibility for Immediate Sealing. Upon
22 entry of a disposition for an eligible record under this
23 subsection (g), the defendant shall be informed by the
24 court of his or her right to have eligible records
25 immediately sealed and the procedure for the immediate
26 sealing of these records.

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

3 (A) Filing the Petition. Upon entry of the final
4 disposition of the case, the defendant's attorney may
5 immediately petition the court, on behalf of the
6 defendant, for immediate sealing of eligible records
7 under paragraph (2) of this subsection (g) that are
8 entered on or after January 1, 2018 (the effective
9 date of Public Act 100-282). The immediate sealing
10 petition may be filed with the circuit court clerk
11 during the hearing in which the final disposition of
12 the case is entered. If the defendant's attorney does
13 not file the petition for immediate sealing during the
14 hearing, the defendant may file a petition for sealing
15 at any time as authorized under subsection (c) (3) (A).

16 (B) Contents of Petition. The immediate sealing
17 petition shall be verified and shall contain the
18 petitioner's name, date of birth, current address, and
19 for each eligible record, the case number, the date of
20 arrest if applicable, the identity of the arresting
21 authority if applicable, and other information as the
22 court may require.

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

26 (D) Service of Petition. A copy of the petition

1 shall be served on the State's Attorney in open court.
2 The petitioner shall not be required to serve a copy of
3 the petition on any other agency.

4 (E) Entry of Order. The presiding trial judge
5 shall enter an order granting or denying the petition
6 for immediate sealing during the hearing in which it
7 is filed. Petitions for immediate sealing shall be
8 ruled on in the same hearing in which the final
9 disposition of the case is entered.

10 (F) Hearings. The court shall hear the petition
11 for immediate sealing on the same day and during the
12 same hearing in which the disposition is rendered.

13 (G) Service of Order. An order to immediately seal
14 eligible records shall be served in conformance with
15 subsection (d) (8).

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

19 (I) Fees. The fee imposed by the circuit court
20 clerk and the Illinois State Police shall comply with
21 paragraph (1) of subsection (d) of this Section.

22 (J) Final Order. No court order issued under this
23 subsection (g) shall become final for purposes of
24 appeal until 30 days after service of the order on the
25 petitioner and all parties entitled to service of the
26 order in conformance with subsection (d) (8).

1 (K) Motion to Vacate, Modify, or Reconsider. Under
2 Section 2-1203 of the Code of Civil Procedure, the
3 petitioner, State's Attorney, or the Illinois State
4 Police may file a motion to vacate, modify, or
5 reconsider the order denying the petition to
6 immediately seal within 60 days of service of the
7 order. If filed more than 60 days after service of the
8 order, a petition to vacate, modify, or reconsider
9 shall comply with subsection (c) of Section 2-1401 of
10 the Code of Civil Procedure.

11 (L) Effect of Order. An order granting an
12 immediate sealing petition shall not be considered
13 void because it fails to comply with the provisions of
14 this Section or because of an error asserted in a
15 motion to vacate, modify, or reconsider. The circuit
16 court retains jurisdiction to determine whether the
17 order is voidable, and to vacate, modify, or
18 reconsider its terms based on a motion filed under
19 subparagraph (L) of this subsection (g).

20 (M) Compliance with Order Granting Petition to
21 Seal Records. Unless a court has entered a stay of an
22 order granting a petition to immediately seal, all
23 parties entitled to service of the order must fully
24 comply with the terms of the order within 60 days of
25 service of the order.

26 (h) Sealing or vacation and expungement of trafficking

1 victims' crimes.

2 (1) A trafficking victim, as defined by paragraph (10)
3 of subsection (a) of Section 10-9 of the Criminal Code of
4 2012, may petition for vacation and expungement or
5 immediate sealing of his or her criminal record upon the
6 completion of his or her last sentence if his or her
7 participation in the underlying offense was a result of
8 human trafficking under Section 10-9 of the Criminal Code
9 of 2012 or a severe form of trafficking under the federal
10 Trafficking Victims Protection Act.

11 (1.5) A petition under paragraph (1) shall be
12 prepared, signed, and filed in accordance with Supreme
13 Court Rule 9. The court may allow the petitioner to attend
14 any required hearing remotely in accordance with local
15 rules. The court may allow a petition to be filed under
16 seal if the public filing of the petition would constitute
17 a risk of harm to the petitioner.

18 (2) A petitioner under this subsection (h), in
19 addition to the requirements provided under paragraph (4)
20 of subsection (d) of this Section, shall include in his or
21 her petition a clear and concise statement that: (A) he or
22 she was a victim of human trafficking at the time of the
23 offense; and (B) that his or her participation in the
24 offense was a result of human trafficking under Section
25 10-9 of the Criminal Code of 2012 or a severe form of
26 trafficking under the federal Trafficking Victims

1 Protection Act.

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

17 (i) Minor Cannabis Offenses under the Cannabis Control
18 Act.

19 (1) Expungement of Arrest Records of Minor Cannabis
20 Offenses.

21 (A) The Illinois State Police and all law
22 enforcement agencies within the State shall
23 automatically expunge all criminal history records of
24 an arrest, charge not initiated by arrest, order of
25 supervision, or order of qualified probation for a
26 Minor Cannabis Offense committed prior to June 25,

1 2019 (the effective date of Public Act 101-27) if:

2 (i) One year or more has elapsed since the
3 date of the arrest or law enforcement interaction
4 documented in the records; and

5 (ii) No criminal charges were filed relating
6 to the arrest or law enforcement interaction or
7 criminal charges were filed and subsequently
8 dismissed or vacated or the arrestee was
9 acquitted.

10 (B) If the law enforcement agency is unable to
11 verify satisfaction of condition (ii) in paragraph
12 (A), records that satisfy condition (i) in paragraph
13 (A) shall be automatically expunged.

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

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

20 (ii) Records created prior to January 1, 2013,
21 but on or after January 1, 2000, shall be
22 automatically expunged prior to January 1, 2023;

23 (iii) Records created prior to January 1, 2000
24 shall be automatically expunged prior to January
25 1, 2025.

26 In response to an inquiry for expunged records,

1 the law enforcement agency receiving such inquiry
2 shall reply as it does in response to inquiries when no
3 records ever existed; however, it shall provide a
4 certificate of disposition or confirmation that the
5 record was expunged to the individual whose record was
6 expunged if such a record exists.

7 (D) Nothing in this Section shall be construed to
8 restrict or modify an individual's right to have that
9 individual's records expunged except as otherwise may
10 be provided in this Act, or diminish or abrogate any
11 rights or remedies otherwise available to the
12 individual.

13 (2) Pardons Authorizing Expungement of Minor Cannabis
14 Offenses.

15 (A) Upon June 25, 2019 (the effective date of
16 Public Act 101-27), the Department of State Police
17 shall review all criminal history record information
18 and identify all records that meet all of the
19 following criteria:

20 (i) one or more convictions for a Minor
21 Cannabis Offense;

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

25 (iii) the conviction identified in paragraph
26 (2)(A)(i) is not associated with a conviction for

1 a violent crime as defined in subsection (c) of
2 Section 3 of the Rights of Crime Victims and
3 Witnesses Act.

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

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

21 (ii) In response to a written objection from a
22 State's Attorney, the Prisoner Review Board is
23 authorized to conduct a non-public hearing to
24 evaluate the information provided in the
25 objection.

26 (iii) The Prisoner Review Board shall make a

1 confidential and privileged recommendation to the
2 Governor as to whether to grant a pardon
3 authorizing expungement for each of the records
4 identified by the Department of State Police as
5 described in paragraph (2) (A).

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

1 Act in connection with the arrest and conviction for
2 the offense for which the individual had received a
3 pardon but the order shall not affect any index issued
4 by the circuit court clerk before the entry of the
5 order. Upon entry of the order of expungement, the
6 circuit court clerk shall promptly provide a copy of
7 the order and a certificate of disposition to the
8 individual who was pardoned to the individual's last
9 known address or by electronic means (if available) or
10 otherwise make it available to the individual upon
11 request.

12 (D) Nothing in this Section is intended to
13 diminish or abrogate any rights or remedies otherwise
14 available to the individual.

15 (3) Any individual may file a motion to vacate and
16 expunge a conviction for a misdemeanor or Class 4 felony
17 violation of Section 4 or Section 5 of the Cannabis
18 Control Act. Motions to vacate and expunge under this
19 subsection (i) may be filed with the circuit court, Chief
20 Judge of a judicial circuit or any judge of the circuit
21 designated by the Chief Judge. The circuit court clerk
22 shall promptly serve a copy of the motion to vacate and
23 expunge, and any supporting documentation, on the State's
24 Attorney or prosecutor charged with the duty of
25 prosecuting the offense. When considering such a motion to
26 vacate and expunge, a court shall consider the following:

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

23 (4) Any State's Attorney may file a motion to vacate
24 and expunge a conviction for a misdemeanor or Class 4
25 felony violation of Section 4 or Section 5 of the Cannabis
26 Control Act. Motions to vacate and expunge under this

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

24 (5) In the public interest, the State's Attorney of a
25 county has standing to file motions to vacate and expunge
26 pursuant to this Section in the circuit court with

1 jurisdiction over the underlying conviction.

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

24 (7) A person imprisoned solely as a result of one or
25 more convictions for Minor Cannabis Offenses under this
26 subsection (i) shall be released from incarceration upon

1 the issuance of an order under this subsection.

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

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

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

16 (11) Information. The Illinois State Police shall post
17 general information on its website about the expungement
18 process described in this subsection (i).

19 (j) Felony Prostitution Convictions.

20 (1) Any individual may file a motion to vacate and
21 expunge a conviction for a prior Class 4 felony violation
22 of prostitution. Motions to vacate and expunge under this
23 subsection (j) may be filed with the circuit court, Chief
24 Judge of a judicial circuit, or any judge of the circuit
25 designated by the Chief Judge. When considering the motion
26 to vacate and expunge, a court shall consider the

1 following:

2 (A) the reasons to retain the records provided by
3 law enforcement;

4 (B) the petitioner's age;

5 (C) the petitioner's age at the time of offense;
6 and

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

24 (2) Any State's Attorney may file a motion to vacate
25 and expunge a conviction for a Class 4 felony violation of
26 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 court designated by the Chief Judge, and may include more
4 than one individual. When considering the motion to vacate
5 and expunge, a court shall consider the following reasons:

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 (D) the time since the conviction; and

11 (E) the specific adverse consequences if denied.

12 If the State's Attorney files a motion to vacate and
13 expunge records for felony prostitution convictions
14 pursuant to this Section, the State's Attorney shall
15 notify the Prisoner Review Board within 30 days of the
16 filing. If a motion to vacate and expunge is granted, the
17 records shall be expunged in accordance with subparagraph
18 (d) (9) (A) of this Section.

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

23 (4) The Illinois State Police shall allow a person to
24 use the access and review process, established in the
25 Illinois State Police, for verifying that his or her
26 records relating to felony prostitution eligible under

1 this Section have been expunged.

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

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

10 (7) Information. The Illinois State Police shall post
11 general information on its website about the expungement
12 process described in this subsection (j).

13 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
14 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
15 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23; 103-609,
16 eff. 7-1-24; 103-755, eff. 8-2-24; revised 4-1-25.)

17 (Text of Section after amendment by P.A. 103-1071)
18 Sec. 5.2. Expungement, sealing, and immediate sealing.

19 (a) General Provisions.

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

23 (A) The following terms shall have the meanings
24 ascribed to them in the following Sections of the
25 Unified Code of Corrections:

1 Business Offense, Section 5-1-2.

2 Charge, Section 5-1-3.

3 Court, Section 5-1-6.

4 Defendant, Section 5-1-7.

5 Felony, Section 5-1-9.

6 Imprisonment, Section 5-1-10.

7 Judgment, Section 5-1-12.

8 Misdemeanor, Section 5-1-14.

9 Offense, Section 5-1-15.

10 Parole, Section 5-1-16.

11 Petty Offense, Section 5-1-17.

12 Probation, Section 5-1-18.

13 Sentence, Section 5-1-19.

14 Supervision, Section 5-1-21.

15 Victim, Section 5-1-22.

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

21 (C) "Conviction" means a judgment of conviction or
22 sentence entered upon a plea of guilty or upon a
23 verdict or finding of guilty of an offense, rendered
24 by a legally constituted jury or by a court of
25 competent jurisdiction authorized to try the case
26 without a jury. An order of supervision successfully

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

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

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

25 (F) As used in this Section, "last sentence" means
26 the sentence, order of supervision, or order of

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

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

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

26 (H) "Municipal ordinance violation" means an

1 offense defined by a municipal or local ordinance that
2 is criminal in nature and with which the petitioner
3 was charged or for which the petitioner was arrested
4 and released without charging.

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

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

26 (K) (i) Except as provided in subdivision (ii),

1 "seal" ~~"Seal"~~ means to physically and electronically
2 maintain the records, unless the records would
3 otherwise be destroyed due to age, but to make the
4 records unavailable without a court order, subject to
5 the exceptions in Sections 12 and 13 of this Act. The
6 petitioner's name shall also be obliterated from the
7 official index required to be kept by the circuit
8 court clerk under Section 16 of the Clerks of Courts
9 Act, but any index issued by the circuit court clerk
10 before the entry of the order to seal shall not be
11 affected.

12 (ii) For records subject to relief under
13 subsection (k) of this Section, "seal" means to
14 physically and electronically maintain the records,
15 unless the records would otherwise be destroyed due to
16 age, but to have the records impounded, as defined in
17 paragraph (2) of subsection (b) of Section 5 of the
18 Court Record and Document Accessibility Act. The
19 defendant's name shall also be obliterated from the
20 official index required to be kept by the circuit
21 court clerk under Section 16 of the Clerks of Courts
22 Act. Upon request, and without court order, the
23 circuit court clerk shall provide to the Illinois
24 State Police the disposition information for any
25 record that was ordered to be sealed or impounded
26 pursuant to this Section.

1 (L) "Sexual offense committed against a minor"
2 includes, but is not limited to, the offenses of
3 indecent solicitation of a child or criminal sexual
4 abuse when the victim of such offense is under 18 years
5 of age.

6 (M) "Terminate" as it relates to a sentence or
7 order of supervision or qualified probation includes
8 either satisfactory or unsatisfactory termination of
9 the sentence, unless otherwise specified in this
10 Section. A sentence is terminated notwithstanding any
11 outstanding financial legal obligation.

12 (2) Minor Traffic Offenses. Orders of supervision or
13 convictions for minor traffic offenses shall not affect a
14 petitioner's eligibility to expunge or seal records
15 pursuant to this Section.

16 (2.5) Commencing 180 days after July 29, 2016 (the
17 effective date of Public Act 99-697), the law enforcement
18 agency issuing the citation shall automatically expunge,
19 on or before January 1 and July 1 of each year, the law
20 enforcement records of a person found to have committed a
21 civil law violation of subsection (a) of Section 4 of the
22 Cannabis Control Act or subsection (c) of Section 3.5 of
23 the Drug Paraphernalia Control Act in the law enforcement
24 agency's possession or control and which contains the
25 final satisfactory disposition which pertain to the person
26 issued a citation for that offense. The law enforcement

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

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

18 (A) the sealing or expungement of the records of
19 arrests or charges not initiated by arrest that result
20 in an order of supervision for or conviction of: (i)
21 any sexual offense committed against a minor; (ii)
22 Section 11-501 of the Illinois Vehicle Code or a
23 similar provision of a local ordinance; or (iii)
24 Section 11-503 of the Illinois Vehicle Code or a
25 similar provision of a local ordinance, unless the
26 arrest or charge is for a misdemeanor violation of

1 subsection (a) of Section 11-503 or a similar
2 provision of a local ordinance, that occurred prior to
3 the offender reaching the age of 25 years and the
4 offender has no other conviction for violating Section
5 11-501 or 11-503 of the Illinois Vehicle Code or a
6 similar provision of a local ordinance.

7 (B) the sealing or expungement of records of minor
8 traffic offenses (as defined in subsection (a)(1)(G)),
9 unless the petitioner was arrested and released
10 without charging.

11 (C) the sealing of the records of arrests or
12 charges not initiated by arrest which result in an
13 order of supervision or a conviction for the following
14 offenses:

15 (i) offenses included in Article 11 of the
16 Criminal Code of 1961 or the Criminal Code of 2012
17 or a similar provision of a local ordinance,
18 except Section 11-14 and a misdemeanor violation
19 of Section 11-30 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, or a similar provision
21 of a local ordinance;

22 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
23 26-5, or 48-1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, or a similar provision of a
25 local ordinance;

26 (iii) Section 12-3.1 or 12-3.2 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, or
2 Section 125 of the Stalking No Contact Order Act,
3 or Section 219 of the Civil No Contact Order Act,
4 or a similar provision of a local ordinance;

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

7 (v) any offense or attempted offense that
8 would subject a person to registration under the
9 Sex Offender Registration Act.

10 (D) (blank).

11 (b) Expungement.

12 (1) A petitioner may petition the circuit court to
13 expunge the records of his or her arrests and charges not
14 initiated by arrest when each arrest or charge not
15 initiated by arrest sought to be expunged resulted in: (i)
16 acquittal, dismissal, or the petitioner's release without
17 charging, unless excluded by subsection (a)(3)(B); (ii) a
18 conviction which was vacated or reversed, unless excluded
19 by subsection (a)(3)(B); (iii) an order of supervision and
20 such supervision was successfully completed by the
21 petitioner, unless excluded by subsection (a)(3)(A) or
22 (a)(3)(B); or (iv) an order of qualified probation (as
23 defined in subsection (a)(1)(J)) and such probation was
24 successfully completed by the petitioner.

25 (1.5) When a petitioner seeks to have a record of
26 arrest expunged under this Section, and the petitioner

1 ~~offender~~ has been convicted of a criminal offense, the
2 State's Attorney may object to the expungement on the
3 grounds that the records contain specific relevant
4 information aside from the mere fact of the arrest.

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

6 (A) When the arrest or charge not initiated by
7 arrest sought to be expunged resulted in an acquittal,
8 dismissal, the petitioner's release without charging,
9 or the reversal or vacation of a conviction, there is
10 no waiting period to petition for the expungement of
11 such records.

12 (A-5) In anticipation of the successful completion
13 of a problem-solving court, pre-plea diversion, or
14 post-plea diversion program, a petition for
15 expungement may be filed 61 days before the
16 anticipated dismissal of the case or any time
17 thereafter. Upon successful completion of the program
18 and dismissal of the case, the court shall review the
19 petition of the person graduating from the program and
20 shall grant expungement if the petitioner meets all
21 requirements as specified in any applicable statute.

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

26 (i) Those arrests or charges that resulted in

1 orders of supervision under Section 3-707, 3-708,
2 3-710, or 5-401.3 of the Illinois Vehicle Code or
3 a similar provision of a local ordinance, or under
4 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
5 Code of 1961 or the Criminal Code of 2012, or a
6 similar provision of a local ordinance, shall not
7 be eligible for expungement until 5 years have
8 passed following the satisfactory termination of
9 the supervision.

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

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

1 (C) When the arrest or charge not initiated by
2 arrest sought to be expunged resulted in an order of
3 qualified probation, successfully completed by the
4 petitioner, such records shall not be eligible for
5 expungement until 5 years have passed following the
6 satisfactory termination of the probation.

7 (3) Those records maintained by the Illinois State
8 Police for persons arrested prior to their 17th birthday
9 shall be expunged as provided in Section 5-915 of the
10 Juvenile Court Act of 1987.

11 (4) Whenever a person has been arrested for or
12 convicted of any offense, in the name of a person whose
13 identity he or she has stolen or otherwise come into
14 possession of, the aggrieved person from whom the identity
15 was stolen or otherwise obtained without authorization,
16 upon learning of the person having been arrested using his
17 or her identity, may, upon verified petition to the chief
18 judge of the circuit wherein the arrest was made, have a
19 court order entered nunc pro tunc by the Chief Judge to
20 correct the arrest record, conviction record, if any, and
21 all official records of the arresting authority, the
22 Illinois State Police, other criminal justice agencies,
23 the prosecutor, and the trial court concerning such
24 arrest, if any, by removing his or her name from all such
25 records in connection with the arrest and conviction, if
26 any, and by inserting in the records the name of the

1 petitioner ~~offender~~, if known or ascertainable, in lieu of
2 the aggrieved's name. The records of the circuit court
3 clerk shall be sealed until further order of the court
4 upon good cause shown and the name of the aggrieved person
5 obliterated on the official index required to be kept by
6 the circuit court clerk under Section 16 of the Clerks of
7 Courts Act, but the order shall not affect any index
8 issued by the circuit court clerk before the entry of the
9 order. Nothing in this Section shall limit the Illinois
10 State Police or other criminal justice agencies or
11 prosecutors from listing under a petitioner's ~~an~~
12 ~~offender's~~ name the false names he or she has used.

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

1 with the proceedings of the trial court concerning the
2 offense available for public inspection.

3 (6) If a conviction has been set aside on direct
4 review or on collateral attack and the court determines by
5 clear and convincing evidence that the petitioner was
6 factually innocent of the charge, the court that finds the
7 petitioner factually innocent of the charge shall enter an
8 expungement order for the conviction for which the
9 petitioner has been determined to be innocent as provided
10 in subsection (b) of Section 5-5-4 of the Unified Code of
11 Corrections.

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

26 (8) If the petitioner has been granted a certificate

1 of innocence under Section 2-702 of the Code of Civil
2 Procedure, the court that grants the certificate of
3 innocence shall also enter an order expunging the
4 conviction for which the petitioner has been determined to
5 be innocent as provided in subsection (h) of Section 2-702
6 of the Code of Civil Procedure.

7 (c) Sealing.

8 (1) Applicability. Notwithstanding any other provision
9 of this Act to the contrary, and cumulative with any
10 rights to expungement of criminal records, this subsection
11 authorizes the sealing of criminal records of adults and
12 of minors prosecuted as adults. Subsection (g) of this
13 Section provides for immediate sealing of certain records.

14 (2) Eligible Records. The following records may be
15 sealed:

16 (A) All arrests resulting in release without
17 charging;

18 (B) Arrests or charges not initiated by arrest
19 resulting in acquittal, dismissal, or conviction when
20 the conviction was reversed or vacated, except as
21 excluded by subsection (a) (3) (B);

22 (C) Arrests or charges not initiated by arrest
23 resulting in orders of supervision, including orders
24 of supervision for municipal ordinance violations,
25 successfully completed by the petitioner, unless
26 excluded by subsection (a) (3);

1 (C-5) Arrests or charges not initiated by arrest
2 resulting in orders of qualified probation;

3 (D) Arrests or charges not initiated by arrest
4 resulting in convictions with sentences of conditional
5 discharge or probation, completed without revocation
6 by the petitioner, including convictions on municipal
7 ~~ordinance violations,~~ unless otherwise excluded by
8 subsection (a) (3);

9 (E) Arrests or charges not initiated by arrest
10 resulting in misdemeanor convictions not included in
11 subsection (c) (2) (D), including convictions on
12 municipal ordinance violations, unless excluded by
13 subsection (a) (3) orders of first offender probation
14 ~~under Section 10 of the Cannabis Control Act, Section~~
15 ~~410 of the Illinois Controlled Substances Act, Section~~
16 ~~70 of the Methamphetamine Control and Community~~
17 ~~Protection Act, or Section 5-6-3.3 of the Unified Code~~
18 ~~of Corrections; and~~

19 (F) Arrests or charges not initiated by arrest
20 resulting in felony convictions not included in
21 subsection (c) (2) (D) unless otherwise excluded by
22 subsection (a) (3) ~~(a) paragraph (3) of this Section.~~

23 (3) When Records Are Eligible to Be Sealed. Records
24 identified as eligible under subsection (c) (2) may be
25 sealed as follows:

26 (A) Records identified as eligible under

1 subsections (c) (2) (A) and (c) (2) (B) may be sealed at
2 any time.

3 (B) Records ~~Except as otherwise provided in~~
4 ~~subparagraph (E) of this paragraph (3), records~~
5 identified as eligible under subsection (c) (2) (C),
6 (c) (2) (C-5), (c) (2) (D), or (c) (2) (E) may be sealed 2
7 years after the termination of petitioner's last
8 sentence (as defined in subsection (a) (1) (F)).

9 (C) Except as otherwise provided in subparagraphs
10 (B) and subparagraph (E) of this paragraph (3),
11 records identified as eligible under subsection
12 ~~subsections (c) (2) (D), (c) (2) (E), and (c) (2) (F)~~ may be
13 sealed 3 years after the termination of the
14 petitioner's last sentence (as defined in subsection
15 (a) (1) (F)). Convictions requiring public registration
16 under the Arsonist Registry Act, the Sex Offender
17 Registration Act, or the Murderer and Violent Offender
18 Against Youth Registration Act may not be sealed until
19 the petitioner is no longer required to register under
20 that relevant Act.

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

24 (E) Records identified as eligible under
25 subsection ~~(c) (2) (C), (c) (2) (D), (c) (2) (E), or~~
26 (c) (2) (F) may be sealed upon termination of the

1 petitioner's last sentence if the petitioner earned a
2 high school diploma, associate's degree, career
3 certificate, vocational technical certification, or
4 bachelor's degree, or passed the high school level
5 Test of General Educational Development, during the
6 period of his or her sentence or mandatory supervised
7 release. This subparagraph shall apply only to a
8 petitioner who has not completed the same educational
9 goal prior to the period of his or her sentence or
10 mandatory supervised release. If a petition for
11 sealing eligible records filed under this subparagraph
12 is denied by the court, the time periods under
13 subparagraph ~~(B) or~~ (C) shall apply to any subsequent
14 petition for sealing filed by the petitioner.

15 (4) (Blank). ~~Subsequent felony convictions. A person~~
16 ~~may not have subsequent felony conviction records sealed~~
17 ~~as provided in this subsection (c) if he or she is~~
18 ~~convicted of any felony offense after the date of the~~
19 ~~sealing of prior felony convictions as provided in this~~
20 ~~subsection (c). The court may, upon conviction for a~~
21 ~~subsequent felony offense, order the unsealing of prior~~
22 ~~felony conviction records previously ordered sealed by the~~
23 ~~court.~~

24 (5) Notice of eligibility for sealing. Upon entry of a
25 disposition for an eligible record under this subsection
26 (c), the petitioner shall be informed by the court of the

1 right to have the records sealed and the procedures for
2 the sealing of the records.

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

6 (1) Filing the petition. Upon becoming eligible to
7 petition for the expungement or sealing of records under
8 this Section, the petitioner shall file a petition
9 requesting the expungement or sealing of records with the
10 clerk of the court where the arrests occurred or the
11 charges were brought, or both. If arrests occurred or
12 charges were brought in multiple jurisdictions, a petition
13 must be filed in each such jurisdiction. The petitioner
14 shall pay the applicable fee, except no fee shall be
15 required if the petitioner has obtained a court order
16 waiving fees under Supreme Court Rule 298 or it is
17 otherwise waived.

18 (1.5) County fee waiver pilot program. From August 9,
19 2019 (the effective date of Public Act 101-306) through
20 December 31, 2020, in a county of 3,000,000 or more
21 inhabitants, no fee shall be required to be paid by a
22 petitioner if the records sought to be expunged or sealed
23 were arrests resulting in release without charging or
24 arrests or charges not initiated by arrest resulting in
25 acquittal, dismissal, or conviction when the conviction
26 was reversed or vacated, unless excluded by subsection

1 (a) (3) (B). The provisions of this paragraph (1.5), other
2 than this sentence, are inoperative on and after January
3 1, 2022.

4 (2) Contents of petition. The petition shall be
5 verified and shall contain the petitioner's name, date of
6 birth, current address and, for each arrest or charge not
7 initiated by arrest sought to be sealed or expunged, the
8 case number, the date of arrest (if any), the identity of
9 the arresting authority, and such other information as the
10 court may require. During the pendency of the proceeding,
11 the petitioner shall promptly notify the circuit court
12 clerk of any change of his or her address. If the
13 petitioner has received a certificate of eligibility for
14 sealing from the Prisoner Review Board under paragraph
15 (10) of subsection (a) of Section 3-3-2 of the Unified
16 Code of Corrections, the certificate shall be attached to
17 the petition.

18 (3) (Blank). ~~Drug test. The petitioner must attach to~~
19 ~~the petition proof that the petitioner has taken within 30~~
20 ~~days before the filing of the petition a test showing the~~
21 ~~absence within his or her body of all illegal substances~~
22 ~~as defined by the Illinois Controlled Substances Act and~~
23 ~~the Methamphetamine Control and Community Protection Act~~
24 ~~if he or she is petitioning to:~~

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

26 ~~(B) seal felony records for a violation of the~~

~~Illinois Controlled Substances Act, the
Methamphetamine Control and Community Protection Act,
or the Cannabis Control Act under clause (c) (2) (F);
(C) seal felony records under subsection (c-5); or
(D) expunge felony records of a qualified
probation under clause (b) (1) (iv).~~

(4) Service of petition. The circuit court clerk shall promptly serve a copy of the petition and documentation to support the petition under subsection (e-5) or (e-6) on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Illinois State Police, the arresting agency, and, for municipal ordinance violations, the chief legal officer of the unit of local government effecting the arrest.

(5) Objections.

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

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

1 (6) Entry of order.

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

9 (B) Unless the State's Attorney or prosecutor, the
10 Illinois State Police, the arresting agency, or the
11 chief legal officer files an objection to the petition
12 to expunge or seal within 60 days from the date of
13 service of the petition, the court shall enter an
14 order granting or denying the petition.

15 (C) Notwithstanding any other provision of law,
16 the court shall not deny a petition for sealing under
17 this Section because the petitioner has not satisfied
18 an outstanding legal financial obligation established,
19 imposed, or originated by a court, law enforcement
20 agency, or a municipal, State, county, or other unit
21 of local government, including, but not limited to,
22 any cost, assessment, fine, or fee. An outstanding
23 legal financial obligation does not include any court
24 ordered restitution to a victim under Section 5-5-6 of
25 the Unified Code of Corrections, unless the
26 restitution has been converted to a civil judgment.

1 Nothing in this subparagraph (C) waives, rescinds, or
2 abrogates a legal financial obligation or otherwise
3 eliminates or affects the right of the holder of any
4 financial obligation to pursue collection under
5 applicable federal, State, or local law.

6 (D) (Blank). ~~Notwithstanding any other provision~~
7 ~~of law, the court shall not deny a petition to expunge~~
8 ~~or seal under this Section because the petitioner has~~
9 ~~submitted a drug test taken within 30 days before the~~
10 ~~filing of the petition to expunge or seal that~~
11 ~~indicates a positive test for the presence of cannabis~~
12 ~~within the petitioner's body. In this subparagraph~~
13 ~~(D), "cannabis" has the meaning ascribed to it in~~
14 ~~Section 3 of the Cannabis Control Act.~~

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

1 (A) the strength of the evidence supporting the
2 defendant's conviction;

3 (B) the reasons for retention of the conviction
4 records by the State;

5 (C) the petitioner's age, criminal record history,
6 and employment history;

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

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

13 (8) Service of order. After entering an order to
14 expunge or seal records, the court must provide copies of
15 the order to the Illinois State Police, in a form and
16 manner prescribed by the Illinois State Police, to the
17 petitioner, to the State's Attorney or prosecutor charged
18 with the duty of prosecuting the offense, to the arresting
19 agency, to the chief legal officer of the unit of local
20 government effecting the arrest for municipal ordinance
21 violations, and to such other criminal justice agencies as
22 may be ordered by the court. The disposition information
23 for each case or record ordered expunged, sealed, or
24 impounded shall be attached to the order provided to the
25 Illinois State Police.

26 (9) Implementation of order.

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

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

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

21 (iii) in response to an inquiry for expunged
22 records, the court, the Illinois State Police, or
23 the agency receiving such inquiry, shall reply as
24 it does in response to inquiries when no records
25 ever existed.

26 (B) Upon entry of an order to expunge records

1 pursuant to subsection (b)(2)(B)(i) or (b)(2)(C), or
2 both:

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

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

18 (iii) the records shall be impounded by the
19 Illinois State Police within 60 days of the date
20 of service of the order as ordered by the court,
21 unless a motion to vacate, modify, or reconsider
22 the order is filed pursuant to paragraph (12) of
23 subsection (d) of this Section;

24 (iv) records impounded by the Illinois State
25 Police may be disseminated by the Illinois State
26 Police only as required by law or to the arresting

1 authority, the State's Attorney, and the court
2 upon a later arrest for the same or a similar
3 offense or for the purpose of sentencing for any
4 subsequent felony, and to the Department of
5 Corrections upon conviction for any offense; and

6 (v) in response to an inquiry for such records
7 from anyone not authorized by law to access such
8 records, the court, the Illinois State Police, or
9 the agency receiving such inquiry shall reply as
10 it does in response to inquiries when no records
11 ever existed.

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

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

21 (ii) the records of the circuit court clerk
22 shall be impounded until further order of the
23 court upon good cause shown and the name of the
24 petitioner obliterated on the official index
25 required to be kept by the circuit court clerk
26 under Section 16 of the Clerks of Courts Act, but

1 the order shall not affect any index issued by the
2 circuit court clerk before the entry of the order;

3 (iii) the records shall be impounded by the
4 Illinois State Police within 60 days of the date
5 of service of the order as ordered by the court,
6 unless a motion to vacate, modify, or reconsider
7 the order is filed under paragraph (12) of
8 subsection (d) of this Section;

9 (iv) records impounded by the Illinois State
10 Police may be disseminated by the Illinois State
11 Police only as required by law or to the arresting
12 authority, the State's Attorney, and the court
13 upon a later arrest for the same or a similar
14 offense or for the purpose of sentencing for any
15 subsequent felony, and to the Department of
16 Corrections upon conviction for any offense; and

17 (v) in response to an inquiry for these
18 records from anyone not authorized by law to
19 access the records, the court, the Illinois State
20 Police, or the agency receiving the inquiry shall
21 reply as it does in response to inquiries when no
22 records ever existed.

23 (C) Upon entry of an order to seal records under
24 subsection (c), the arresting agency, any other agency
25 as ordered by the court, the Illinois State Police,
26 and the court shall seal the records (as defined in

1 subsection (a)(1)(K)). In response to an inquiry for
2 such records, from anyone not authorized by law to
3 access such records, the court, the Illinois State
4 Police, or the agency receiving such inquiry shall
5 reply as it does in response to inquiries when no
6 records ever existed.

7 (D) The Illinois State Police shall send written
8 notice to the petitioner of its compliance with each
9 order to expunge or seal records within 60 days of the
10 date of service of that order or, if a motion to
11 vacate, modify, or reconsider is filed, within 60 days
12 of service of the order resolving the motion, if that
13 order requires the Illinois State Police to expunge or
14 seal records. In the event of an appeal from the
15 circuit court order, the Illinois State Police shall
16 send written notice to the petitioner of its
17 compliance with an Appellate Court or Supreme Court
18 judgment to expunge or seal records within 60 days of
19 the issuance of the court's mandate. The notice is not
20 required while any motion to vacate, modify, or
21 reconsider, or any appeal or petition for
22 discretionary appellate review, is pending.

23 (E) Upon motion, the court may order that a sealed
24 judgment or other court record necessary to
25 demonstrate the amount of any legal financial
26 obligation due and owing be made available for the

1 limited purpose of collecting any legal financial
2 obligations owed by the petitioner that were
3 established, imposed, or originated in the criminal
4 proceeding for which those records have been sealed.
5 The records made available under this subparagraph (E)
6 shall not be entered into the official index required
7 to be kept by the circuit court clerk under Section 16
8 of the Clerks of Courts Act and shall be immediately
9 re-impounded upon the collection of the outstanding
10 financial obligations.

11 (F) Notwithstanding any other provision of this
12 Section, a circuit court clerk may access a sealed
13 record for the limited purpose of collecting payment
14 for any legal financial obligations that were
15 established, imposed, or originated in the criminal
16 proceedings for which those records have been sealed.

17 (10) Fees. The Illinois State Police may charge the
18 petitioner a fee equivalent to the cost of processing any
19 order to expunge or seal records. Notwithstanding any
20 provision of the Clerks of Courts Act to the contrary, the
21 circuit court clerk may charge a fee equivalent to the
22 cost associated with the sealing or expungement of records
23 by the circuit court clerk. From the total filing fee
24 collected for the petition to seal or expunge, the circuit
25 court clerk shall deposit \$10 into the Circuit Court Clerk
26 Operation and Administrative Fund, to be used to offset

1 the costs incurred by the circuit court clerk in
2 performing the additional duties required to serve the
3 petition to seal or expunge on all parties. The circuit
4 court clerk shall collect and remit the Illinois State
5 Police portion of the fee to the State Treasurer and it
6 shall be deposited in the State Police Services Fund. If
7 the record brought under an expungement petition was
8 previously sealed under this Section, the fee for the
9 expungement petition for that same record shall be waived.

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

15 (12) Motion to Vacate, Modify, or Reconsider. Under
16 Section 2-1203 of the Code of Civil Procedure, the
17 petitioner or any party entitled to notice may file a
18 motion to vacate, modify, or reconsider the order granting
19 or denying the petition to expunge or seal within 60 days
20 of service of the order. If filed more than 60 days after
21 service of the order, a petition to vacate, modify, or
22 reconsider shall comply with subsection (c) of Section
23 2-1401 of the Code of Civil Procedure. Upon filing of a
24 motion to vacate, modify, or reconsider, notice of the
25 motion shall be served upon the petitioner and all parties
26 entitled to notice of the petition.

1 (13) Effect of Order. An order granting a petition
2 under the expungement or sealing provisions of this
3 Section shall not be considered void because it fails to
4 comply with the provisions of this Section or because of
5 any error asserted in a motion to vacate, modify, or
6 reconsider. The circuit court retains jurisdiction to
7 determine whether the order is voidable and to vacate,
8 modify, or reconsider its terms based on a motion filed
9 under paragraph (12) of this subsection (d).

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

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

1 mandate.

2 (16) The changes to this subsection (d) made by Public
3 Act 98-163 apply to all petitions pending on August 5,
4 2013 (the effective date of Public Act 98-163) and to all
5 orders ruling on a petition to expunge or seal on or after
6 August 5, 2013 (the effective date of Public Act 98-163).

7 (17) Upon request, and without court order, the
8 circuit court clerk shall provide the disposition
9 information for any record that was ordered to be sealed
10 or impounded pursuant to this Section to the Illinois
11 State Police.

12 (e) Whenever a person who has been convicted of an offense
13 is granted a pardon by the Governor which specifically
14 authorizes expungement, he or she may, upon verified petition
15 to the Chief Judge of the circuit where the person had been
16 convicted, any judge of the circuit designated by the Chief
17 Judge, or in counties of less than 3,000,000 inhabitants, the
18 presiding trial judge at the defendant's trial, have a court
19 order entered expunging the record of arrest from the official
20 records of the arresting authority and order that the records
21 of the circuit court clerk and the Illinois State Police be
22 sealed until further order of the court upon good cause shown
23 or as otherwise provided herein, and the name of the defendant
24 obliterated from the official index requested to be kept by
25 the circuit court clerk under Section 16 of the Clerks of
26 Courts Act in connection with the arrest and conviction for

1 the offense for which he or she had been pardoned but the order
2 shall not affect any index issued by the circuit court clerk
3 before the entry of the order. All records sealed by the
4 Illinois State Police may be disseminated by the Illinois
5 State Police only to the arresting authority, the State's
6 Attorney, and the court upon a later arrest for the same or
7 similar offense or for the purpose of sentencing for any
8 subsequent felony. Upon conviction for any subsequent offense,
9 the Department of Corrections shall have access to all sealed
10 records of the Illinois State Police pertaining to that
11 individual. Upon entry of the order of expungement, the
12 circuit court clerk shall promptly mail a copy of the order to
13 the person who was pardoned.

14 (e-5) Whenever a person who has been convicted of an
15 offense is granted a certificate of eligibility for sealing by
16 the Prisoner Review Board which specifically authorizes
17 sealing, he or she may, upon verified petition to the Chief
18 Judge of the circuit where the person had been convicted, any
19 judge of the circuit designated by the Chief Judge, or in
20 counties of less than 3,000,000 inhabitants, the presiding
21 trial judge at the petitioner's trial, have a court order
22 entered sealing the record of arrest from the official records
23 of the arresting authority and order that the records of the
24 circuit court clerk and the Illinois State Police be sealed
25 until further order of the court upon good cause shown or as
26 otherwise provided herein, and the name of the petitioner

1 obliterated from the official index requested to be kept by
2 the circuit court clerk under Section 16 of the Clerks of
3 Courts Act in connection with the arrest and conviction for
4 the offense for which he or she had been granted the
5 certificate but the order shall not affect any index issued by
6 the circuit court clerk before the entry of the order. All
7 records sealed by the Illinois State Police may be
8 disseminated by the Illinois State Police only as required by
9 this Act or to the arresting authority, a law enforcement
10 agency, the State's Attorney, and the court upon a later
11 arrest for the same or similar offense or for the purpose of
12 sentencing for any subsequent felony. Upon conviction for any
13 subsequent offense, the Department of Corrections shall have
14 access to all sealed records of the Illinois State Police
15 pertaining to that individual. Upon entry of the order of
16 sealing, the circuit court clerk shall promptly mail a copy of
17 the order to the person who was granted the certificate of
18 eligibility for sealing.

19 (e-6) Whenever a person who has been convicted of an
20 offense is granted a certificate of eligibility for
21 expungement by the Prisoner Review Board which specifically
22 authorizes expungement, he or she may, upon verified petition
23 to the Chief Judge of the circuit where the person had been
24 convicted, any judge of the circuit designated by the Chief
25 Judge, or in counties of less than 3,000,000 inhabitants, the
26 presiding trial judge at the petitioner's trial, have a court

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

24 (f) Subject to available funding, the Illinois Department
25 of Corrections shall conduct a study of the impact of sealing,
26 especially on employment and recidivism rates, utilizing a

1 random sample of those who apply for the sealing of their
2 criminal records under Public Act 93-211. At the request of
3 the Illinois Department of Corrections, records of the
4 Illinois Department of Employment Security shall be utilized
5 as appropriate to assist in the study. The study shall not
6 disclose any data in a manner that would allow the
7 identification of any particular individual or employing unit.
8 The study shall be made available to the General Assembly no
9 later than September 1, 2010.

10 (g) Immediate Sealing.

11 (1) Applicability. Notwithstanding any other provision
12 of this Act to the contrary, and cumulative with any
13 rights to expungement or sealing of criminal records, this
14 subsection authorizes the immediate sealing of criminal
15 records of adults and of minors prosecuted as adults.

16 (2) Eligible Records. Arrests or charges not initiated
17 by arrest resulting in acquittal or dismissal with
18 prejudice, except as excluded by subsection (a)(3)(B),
19 that occur on or after January 1, 2018 (the effective date
20 of Public Act 100-282), may be sealed immediately if the
21 petition is filed with the circuit court clerk on the same
22 day and during the same hearing in which the case is
23 disposed.

24 (3) When Records are Eligible to be Immediately
25 Sealed. Eligible records under paragraph (2) of this
26 subsection (g) may be sealed immediately after entry of

1 the final disposition of a case, notwithstanding the
2 disposition of other charges in the same case.

3 (4) Notice of Eligibility for Immediate Sealing. Upon
4 entry of a disposition for an eligible record under this
5 subsection (g), the defendant shall be informed by the
6 court of his or her right to have eligible records
7 immediately sealed and the procedure for the immediate
8 sealing of these records.

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

11 (A) Filing the Petition. Upon entry of the final
12 disposition of the case, the defendant's attorney may
13 immediately petition the court, on behalf of the
14 defendant, for immediate sealing of eligible records
15 under paragraph (2) of this subsection (g) that are
16 entered on or after January 1, 2018 (the effective
17 date of Public Act 100-282). The immediate sealing
18 petition may be filed with the circuit court clerk
19 during the hearing in which the final disposition of
20 the case is entered. If the defendant's attorney does
21 not file the petition for immediate sealing during the
22 hearing, the defendant may file a petition for sealing
23 at any time as authorized under subsection (c) (3) (A).

24 (B) Contents of Petition. The immediate sealing
25 petition shall be verified and shall contain the
26 petitioner's name, date of birth, current address, and

1 for each eligible record, the case number, the date of
2 arrest if applicable, the identity of the arresting
3 authority if applicable, and other information as the
4 court may require.

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

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

12 (E) Entry of Order. The presiding trial judge
13 shall enter an order granting or denying the petition
14 for immediate sealing during the hearing in which it
15 is filed. Petitions for immediate sealing shall be
16 ruled on in the same hearing in which the final
17 disposition of the case is entered.

18 (F) Hearings. The court shall hear the petition
19 for immediate sealing on the same day and during the
20 same hearing in which the disposition is rendered.

21 (G) Service of Order. An order to immediately seal
22 eligible records shall be served in conformance with
23 subsection (d) (8).

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

1 (I) Fees. The fee imposed by the circuit court
2 clerk and the Illinois State Police shall comply with
3 paragraph (1) of subsection (d) of this Section.

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

9 (K) Motion to Vacate, Modify, or Reconsider. Under
10 Section 2-1203 of the Code of Civil Procedure, the
11 petitioner, State's Attorney, or the Illinois State
12 Police may file a motion to vacate, modify, or
13 reconsider the order denying the petition to
14 immediately seal within 60 days of service of the
15 order. If filed more than 60 days after service of the
16 order, a petition to vacate, modify, or reconsider
17 shall comply with subsection (c) of Section 2-1401 of
18 the Code of Civil Procedure.

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

1 subparagraph (L) of this subsection (g).

2 (M) Compliance with Order Granting Petition to
3 Seal Records. Unless a court has entered a stay of an
4 order granting a petition to immediately seal, all
5 parties entitled to service of the order must fully
6 comply with the terms of the order within 60 days of
7 service of the order.

8 (h) Sealing or vacation and expungement of trafficking
9 victims' crimes.

10 (1) A trafficking victim, as defined by paragraph (10)
11 of subsection (a) of Section 10-9 of the Criminal Code of
12 2012, may petition for vacation and expungement or
13 immediate sealing of his or her criminal record upon the
14 completion of his or her last sentence if his or her
15 participation in the underlying offense was a result of
16 human trafficking under Section 10-9 of the Criminal Code
17 of 2012 or a severe form of trafficking under the federal
18 Trafficking Victims Protection Act.

19 (1.5) A petition under paragraph (1) shall be
20 prepared, signed, and filed in accordance with Supreme
21 Court Rule 9. The court may allow the petitioner to attend
22 any required hearing remotely in accordance with local
23 rules. The court may allow a petition to be filed under
24 seal if the public filing of the petition would constitute
25 a risk of harm to the petitioner.

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

1 addition to the requirements provided under paragraph (4)
2 of subsection (d) of this Section, shall include in his or
3 her petition a clear and concise statement that: (A) he or
4 she 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 result of human trafficking under Section
7 10-9 of the Criminal Code of 2012 or a severe form of
8 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 vacation and expungement or
12 immediate sealing under this subsection (h), the court
13 shall conduct a hearing under paragraph (7) of subsection
14 (d) of this Section and the court shall determine whether
15 the petitioner is entitled to vacation and expungement or
16 immediate sealing under this subsection (h). A petitioner
17 is eligible for vacation and expungement or immediate
18 relief under this subsection (h) if he or she shows, by a
19 preponderance of the evidence, that: (A) he or she was a
20 victim of human trafficking at the time of the offense;
21 and (B) that his or her participation in the offense was a
22 result of human trafficking under Section 10-9 of the
23 Criminal Code of 2012 or a severe form of trafficking
24 under the federal Trafficking Victims Protection Act.

25 (i) Minor Cannabis Offenses under the Cannabis Control
26 Act.

1 (1) Expungement of Arrest Records of Minor Cannabis
2 Offenses.

3 (A) The Illinois State Police and all law
4 enforcement agencies within the State shall
5 automatically expunge all criminal history records of
6 an arrest, charge not initiated by arrest, order of
7 supervision, or order of qualified probation for a
8 Minor Cannabis Offense committed prior to June 25,
9 2019 (the effective date of Public Act 101-27) if:

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

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

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

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

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

1 expunged prior to January 1, 2021;

2 (ii) Records created prior to January 1, 2013,
3 but on or after January 1, 2000, shall be
4 automatically expunged prior to January 1, 2023;

5 (iii) Records created prior to January 1, 2000
6 shall be automatically expunged prior to January
7 1, 2025.

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

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

21 (2) Pardons Authorizing Expungement of Minor Cannabis
22 Offenses.

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

1 following criteria:

2 (i) one or more convictions for a Minor
3 Cannabis Offense;

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

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

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

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

1 notice after the State's Attorney received notice
2 from the Prisoner Review Board.

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

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

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

1 Within 90 days of the filing of such a petition, the
2 court shall enter an order expunging the records of
3 arrest from the official records of the arresting
4 authority and order that the records of the circuit
5 court clerk and the Illinois State Police be expunged
6 and the name of the defendant obliterated from the
7 official index requested to be kept by the circuit
8 court clerk under Section 16 of the Clerks of Courts
9 Act in connection with the arrest and conviction for
10 the offense for which the individual had received a
11 pardon but the order shall not affect any index issued
12 by the circuit court clerk before the entry of the
13 order. Upon entry of the order of expungement, the
14 circuit court clerk shall promptly provide a copy of
15 the order and a certificate of disposition to the
16 individual who was pardoned to the individual's last
17 known address or by electronic means (if available) or
18 otherwise make it available to the individual upon
19 request.

20 (D) Nothing in this Section is intended to
21 diminish or abrogate any rights or remedies otherwise
22 available to the individual.

23 (3) Any individual may file a motion to vacate and
24 expunge a conviction for a misdemeanor or Class 4 felony
25 violation of Section 4 or Section 5 of the Cannabis
26 Control Act. Motions to vacate and expunge under this

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

1 more than one individual. Motions filed by an agency
2 providing civil legal aid concerning more than one
3 individual may be prepared, presented, and signed
4 electronically.

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

1 address or by electronic means (if available) or otherwise
2 make available to the individual upon request. If a motion
3 to vacate and expunge is granted, the records shall be
4 expunged in accordance with subparagraphs (d)(8) and
5 (d)(9)(A) of this Section.

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

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

1 petitioner's age at the time of offense, the time since
2 the conviction, and the specific adverse consequences if
3 denied. If a motion to dismiss and expunge is granted, the
4 records shall be expunged in accordance with subparagraph
5 (d) (9) (A) of this Section.

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

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

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

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

24 (11) Information. The Illinois State Police shall post
25 general information on its website about the expungement
26 process described in this subsection (i).

1 (j) Felony Prostitution Convictions.

2 (1) Automatic Sealing of Felony Prostitution Arrests.

3 (A) The Illinois State Police and local law
4 enforcement agencies within the State shall
5 automatically seal the law enforcement records
6 relating to a person's Class 4 felony arrests and
7 charges not initiated by arrest for prostitution if
8 that arrest or charge not initiated by arrest is
9 eligible for sealing under paragraph (2) of subsection
10 (c).

11 (B) In the absence of a court order or upon the
12 order of a court, the clerk of the circuit court shall
13 automatically seal the court records and case files
14 relating to a person's Class 4 felony arrests and
15 charges not initiated by arrest for prostitution if
16 that arrest or charge not initiated by arrest is
17 eligible for sealing under paragraph (2) of subsection
18 (c).

19 (C) The automatic sealing described in this
20 paragraph (1) shall be completed no later than January
21 1, 2028.

22 (2) Automatic Sealing of Felony Prostitution
23 Convictions.

24 (A) The Illinois State Police and local law
25 enforcement agencies within the State shall
26 automatically seal the law enforcement records

1 relating to a person's Class 4 felony conviction for
2 prostitution if those records are eligible for sealing
3 under paragraph (2) of subsection (c).

4 (B) In the absence of a court order or upon the
5 order of a court, the clerk of the circuit court shall
6 automatically seal the court records relating to a
7 person's Class 4 felony conviction for prostitution if
8 those records are eligible for sealing under paragraph
9 (2) of subsection (c).

10 (C) The automatic sealing of records described in
11 this paragraph (2) shall be completed no later than
12 January 1, 2028.

13 (3) Motions to Vacate and Expunge Felony Prostitution
14 Convictions. Any individual may file a motion to vacate
15 and expunge a conviction for a prior Class 4 felony
16 violation of prostitution. Motions to vacate and expunge
17 under this subsection (j) may be filed with the circuit
18 court, Chief Judge of a judicial circuit, or any judge of
19 the circuit designated by the Chief Judge. When
20 considering the motion to vacate and expunge, a court
21 shall consider the following:

22 (A) the reasons to retain the records provided by
23 law enforcement;

24 (B) the petitioner's age;

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

26 and

1 (D) the time since the conviction, and the
2 specific adverse consequences if denied. An individual
3 may file the petition after the completion of any
4 sentence or condition imposed by the conviction.
5 Within 60 days of the filing of the motion, a State's
6 Attorney may file an objection to the petition along
7 with supporting evidence. If a motion to vacate and
8 expunge is granted, the records shall be expunged in
9 accordance with subparagraph (d) (9) (A) of this
10 Section. An agency providing civil legal aid, as
11 defined in Section 15 of the Public Interest Attorney
12 Assistance Act, assisting individuals seeking to file
13 a motion to vacate and expunge under this subsection
14 may file motions to vacate and expunge with the Chief
15 Judge of a judicial circuit or any judge of the circuit
16 designated by the Chief Judge, and the motion may
17 include more than one individual.

18 (4) Any State's Attorney may file a motion to vacate
19 and expunge a conviction for a Class 4 felony violation of
20 prostitution. Motions to vacate and expunge under this
21 subsection (j) may be filed with the circuit court, Chief
22 Judge of a judicial circuit, or any judge of the circuit
23 court designated by the Chief Judge, and may include more
24 than one individual. When considering the motion to vacate
25 and expunge, a court shall consider the following reasons:

26 (A) the reasons to retain the records provided by

1 law enforcement;

2 (B) the petitioner's age;

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

4 (D) the time since the conviction; and

5 (E) the specific adverse consequences if denied.

6 If the State's Attorney files a motion to vacate and
7 expunge records for felony prostitution convictions
8 pursuant to this Section, the State's Attorney shall
9 notify the Prisoner Review Board within 30 days of the
10 filing. If a motion to vacate and expunge is granted, the
11 records shall be expunged in accordance with subparagraph
12 (d) (9) (A) of this Section.

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

17 (6) The Illinois State Police shall allow a person to
18 use the access and review process, established in the
19 Illinois State Police, for verifying that his or her
20 records relating to felony prostitution eligible under
21 this Section have been expunged.

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

25 (8) Effect of Expungement. A person's right to expunge
26 an expungeable offense shall not be limited under this

1 Section. The effect of an order of expungement shall be to
2 restore the person to the status he or she occupied before
3 the arrest, charge, or conviction.

4 (9) Information. The Illinois State Police shall post
5 general information on its website about the expungement
6 or sealing process described in this subsection (j).

7 (k) Automatic Sealing.

8 (1) Applicability. Notwithstanding any other provision
9 of this Act, and cumulative with any rights to expungement
10 or sealing of criminal records, this subsection authorizes
11 the automatic sealing of criminal records of adults and of
12 minors prosecuted as adults. Any duties imposed upon the
13 Illinois State Police by this Act are subject to
14 appropriations being made for that purpose to the State
15 Police Services Fund. Any duties imposed upon circuit
16 clerks by this Act are subject to appropriations being
17 made for that purpose to the Circuit Court Clerk Operation
18 and Administrative Fund.

19 (2) Beginning July 1, 2028, records created on or
20 after January 1, 1970 that meet the eligibility criteria
21 in paragraph (k)(3) and timing criteria in paragraph
22 (k)(4) or (k)(5) shall be automatically sealed without the
23 filing of a petition. The Illinois State Police shall
24 identify eligible records, automatically seal eligible
25 records, and provide an electronic notice to circuit
26 clerks, by means of the applicable e-filing system.

1 Commencing July 1, 2028, the Illinois State Police
2 shall, at least quarterly, seal all records identified as
3 subject to automatic sealing in paragraph (k)(3) and
4 meeting time requirements under paragraph (k)(5). At least
5 quarterly, the Illinois State Police shall electronically
6 notify each circuit court of all previously unidentified
7 records originating in that county for which a record is
8 subject to automatic sealing pursuant to this subsection.

9 Upon receipt of notice from the Illinois State Police,
10 circuit clerks shall seal records as that term is defined
11 in subsection (a)(1)(K)(ii). For records held
12 electronically, circuit clerks shall seal records within
13 90 days of notice from the Illinois State Police. For
14 records not held electronically, circuit clerks shall
15 ensure that the individual's name is obliterated from the
16 official index required to be kept by the circuit court
17 clerk under Section 16 of the Clerks of Courts Act and
18 shall also ensure that the permanent record, as defined by
19 the Supreme Court, is sealed as defined in subsection
20 (a)(1)(K)(ii) before anyone not authorized by law is able
21 to access the physical records.

22 For all records created before July 1, 2028, the
23 following timelines shall apply:

24 (A) Records created prior to July 1, 2028 but on or
25 after July 1, 2005 shall be identified and sealed by
26 the Illinois State Police, with notice provided to

1 circuit clerks by means of the applicable e-filing
2 system, by July 1, 2029. Circuit clerks shall seal
3 records in accordance with the procedures established
4 in this section by July 1, 2030.

5 (B) Records created prior to July 1, 2005 but on or
6 after July 1, 1990 shall be identified and sealed by
7 the Illinois State Police, with notice provided to
8 circuit clerks by means of the applicable e-filing
9 system, by July 1, 2030. Circuit clerks shall seal
10 records in accordance with the procedures established
11 in this Section by July 1, 2031.

12 (C) Records created prior to July 1, 1990 but on or
13 after July 1, 1970 shall be identified and sealed by
14 the Illinois State Police, with notice provided to
15 circuit clerks by means of the applicable e-filing
16 system, by July 1, 2031. Circuit clerks shall seal
17 records in accordance with the procedures established
18 in this Section by July 1, 2033.

19 (3) Records listed in subsection (c)(2) are eligible
20 for automatic record sealing unless excluded by subsection
21 (a)(3) or in this paragraph (3):

22 (A) Records are not eligible for automatic sealing
23 while the subject of the record is serving a sentence,
24 order of supervision, or order of qualified probation
25 for a criminal offense in this State. Records are not
26 eligible for automatic sealing if the subject of the

1 record has pending filed charges. For the purposes of
2 determining if a charge is pending, if the Illinois
3 State Police is otherwise unable to determine
4 disposition status, misdemeanor charges shall not be
5 considered pending if one year has elapsed since the
6 filing of charges and felony charges shall not be
7 considered pending if 7 years have elapsed since the
8 filing of charges.

9 (B) Records of conviction for offenses included in
10 Article 9 or 11 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, for felonies designated as
12 Class X, and for felonies that require public
13 registration under the Sex Offender Registration Act
14 are not eligible for automatic sealing.
15 Notwithstanding this subparagraph, offenses included
16 in Section 11-14 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 are eligible for automatic
18 sealing. A conviction of a crime of violence, as that
19 term is defined in Section 20 of the Drug Court
20 Treatment Act is not eligible for automatic sealing. A
21 conviction of organized retail crime, a conviction of
22 robbery, a conviction of vehicular hijacking, a
23 conviction of burglary that is a Class 1 or 2 felony,
24 or a conviction of residential burglary, as those
25 terms are used in Sections 16-25.1, 18-1, 18-3, 19-1,
26 and 19-3 of the Criminal Code of 2012, is not eligible

1 for automatic sealing. Convictions requiring public
2 registration under the Arsonist Registration Act or
3 the Murderer and Violent Offender Against Youth
4 Registration Act are not eligible for automatic
5 sealing until the petitioner is no longer required to
6 register under the relevant Act.

7 (C) Records with the same case number as a
8 conviction listed in subparagraph (B) are not eligible
9 for automatic sealing.

10 (D) Felony conviction records are not eligible for
11 automatic sealing until all felony conviction records
12 eligible for automatic sealing for the subject of the
13 record have met the time requirements in paragraph
14 (5).

15 (4) Automatic Sealing of Nonconviction Records.
16 Arrests or charges not initiated by arrest resulting in
17 acquittal or dismissal, except as excluded by subsection
18 (a)(3)(B), that occur on or after January 1, 2028 shall be
19 sealed immediately after entry of the final disposition of
20 a case, except as provided in subsection (k)(3)(C). Upon
21 entry of a disposition for an eligible record under this
22 paragraph, the defendant shall be informed by the court
23 that the defendant's eligible records will be immediately
24 sealed and the procedure for the immediate sealing of
25 these records. The court shall enter an order sealing the
26 record after entry of the final disposition of a case.

1 After sealing records pursuant to this paragraph, the
2 circuit court clerk must provide notice of sealing to the
3 Illinois State Police and to the arresting agency in a
4 form and manner prescribed by the Supreme Court. The
5 circuit clerk shall provide this notice within 30 days of
6 sealing the record and may do so electronically. An order
7 to immediately seal records shall be implemented in
8 conformance with paragraph (8).

9 (5) When Records are Subject to Automatic Sealing.

10 (A) Records of arrest resulting in release without
11 charging and records of arrests or charges not
12 initiated by arrest resulting in acquittal, dismissal,
13 or conviction when the conviction was reversed or
14 vacated are subject to automatic sealing immediately.

15 (B) Records of arrests or charges not initiated by
16 arrest resulting in orders of supervision, including
17 orders of supervision for municipal ordinance
18 violations, resulting in orders of qualified
19 probation, are subject to automatic sealing if 2 years
20 have elapsed since the termination of the order of
21 supervision or qualified probation.

22 (C) Arrests or charges not initiated by arrest
23 resulting in misdemeanor convictions are subject to
24 automatic sealing if two years have elapsed since the
25 termination of the sentence associated with the
26 record.

1 (D) Arrests or charges not initiated by arrest
2 resulting in convictions for felony offenses are
3 subject to automatic sealing if 3 years have elapsed
4 since the termination of the sentence associated with
5 the record.

6 (E) For the purposes of determining if the
7 timelines in this paragraph (5) have been met, the
8 Illinois State Police shall consider records in its
9 possession and, in the absence of disposition or
10 sentence termination records, shall deem sentences
11 terminated based on the sentence or supervision term
12 length information in its possession. In the absence
13 of a known term length of probation or conditional
14 discharge, the Illinois State Police shall deem a term
15 completed if the maximum probation or conditional
16 discharge term length for the statutory class of the
17 offense has elapsed since the disposition date.

18 (6) Notice. At least monthly, the circuit court clerk
19 shall provide notice to each arresting agency of all
20 records sealed under this subsection. The circuit court
21 clerk may provide this notice electronically.

22 (7) Implementation.

23 (A) Upon notice of sealing provided by the circuit
24 court clerk, the arresting agency and any other agency
25 receiving notice of sealing shall seal the records
26 under the procedures in subsections (a)(1)(K) and

1 (d) (9) (C) .

2 (B) In response to an inquiry for the sealed
3 records from anyone not authorized by law to access
4 the records, the court, the Illinois State Police, the
5 arresting agency, or the prosecuting agency receiving
6 the inquiry shall reply as it does in response to
7 inquiries when no records ever existed.

8 (C) Each circuit court that has sealed a record
9 shall make those records available to the subject of
10 the record, or an attorney representing the subject of
11 the record, without court order within 7 days.

12 (8) Upon request, the circuit court clerk shall
13 provide disposition information for any record sealed
14 pursuant to this subsection to the Illinois State Police,
15 the arresting agency, the State's Attorney, or prosecutor
16 that prosecuted the offense. If the Illinois State Police,
17 arresting agency, State's Attorney, or prosecutor that
18 prosecuted the offense determine a record has been
19 improperly sealed pursuant to this subsection, the
20 Illinois State Police, arresting agency, State's Attorney,
21 or prosecutor that prosecuted the offense may file a
22 petition to unseal the record with the court that entered
23 the original record. If the court determines the record
24 was improperly sealed, the court shall enter an order
25 unsealing the record.

26 (9) Records sealed under this subsection shall be used

1 and disseminated by the Illinois State Police only as
2 required or authorized by a federal or State law, rule, or
3 regulation that requires inquiry into and release of
4 criminal records. The Department of Corrections shall have
5 access to all sealed records of the Illinois State Police
6 pertaining to individuals committed or confined within or
7 sentenced to a term of imprisonment within a correctional
8 institution or facility.

9 (10) The Illinois State Police shall allow a person to
10 use the access and review process, established by the
11 Illinois State Police, for verifying that the person's
12 records eligible under this subsection have been sealed.
13 As part of the access and review process, upon request,
14 the Illinois State Police shall provide the subject of the
15 record written confirmation that the record was sealed
16 under this subsection.

17 (11) An individual may challenge the individual's
18 record and request corrections, including the sealing of
19 records eligible under this subsection, by completing and
20 submitting a record challenge form to the Illinois State
21 Police. The Illinois State Police shall automatically seal
22 all records identified as eligible under this subsection
23 based on the access and review process. The Illinois State
24 Police shall include any records identified as eligible
25 under this process in the next electronic notification of
26 the circuit court in which the case originated. The

1 Illinois State Police shall render a final administrative
2 decision with respect to the record challenge, which shall
3 be subject to administrative appeal procedures established
4 by the Illinois Criminal Justice Information Authority.

5 (12) Nothing in this Section shall be construed to
6 restrict or modify an individual's right to have that
7 individual's records expunged or sealed except as
8 otherwise may be provided in this Act or diminish or
9 abrogate any rights or remedies otherwise available to the
10 individual.

11 (13) The State or the county, or an official or
12 employee of the State or the county acting in the course of
13 the official's or employee's duties, is not liable for an
14 injury or loss a person might receive due to an act or
15 omission of a person in the commission of the person's
16 duties under this Act, except for willful, wanton
17 misconduct or gross negligence on the part of the
18 governmental unit or on the part of the official or
19 employee.

20 (1) Municipal ordinance violations and Class C
21 misdemeanors. Notwithstanding any other provision of this Act
22 to the contrary and cumulative with any rights to expungement
23 of criminal records, this subsection requires the sealing of
24 criminal records of municipal ordinance violations and Class C
25 misdemeanors without petition. Beginning January 1, 2028, and
26 on January 1 and July 1 of each year thereafter, circuit court

1 clerks shall seal any criminal records of arrests or charges
2 not initiated by arrest resulting in charges or convictions
3 for municipal ordinance violations or Class C misdemeanors if
4 one year has elapsed since the case was closed as designated by
5 the Supreme Court.

6 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
7 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
8 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23; 103-609,
9 eff. 7-1-24; 103-755, eff. 8-2-24; 103-1071, eff. 7-1-25;
10 revised 4-1-25.)

11 (20 ILCS 2630/5.3 new)

12 Sec. 5.3. Illinois Clean Slate Task Force.

13 (a) There is created the Illinois Clean Slate Task Force
14 to monitor the development of processes for sealing criminal
15 records without petition, to create a plan for the
16 implementation of this amendatory Act of the 104th General
17 Assembly, and to monitor implementation.

18 (b) The Task Force shall be composed of the following
19 members:

20 (1) The Director of the Illinois State Police or the
21 Director's designee.

22 (2) The Director of the Administrative Office of the
23 Illinois Courts or the Director's designee.

24 (3) A representative appointed by the Supreme Court of
25 Illinois.

1 (4) A representative of an association representing
2 sheriffs, appointed by the Minority Leader of the House of
3 Representatives.

4 (5) A representative of an association representing
5 State's Attorneys, appointed by Minority Leader of the
6 Senate.

7 (6) The Executive Director of the Illinois Sentencing
8 Policy Advisory Council or the Executive Director's
9 designee.

10 (7) Three circuit court clerks appointed by the
11 Governor, or the clerks' designees, one of whom represents
12 a county with a population equal to or greater than
13 3,000,000, one of whom represents a population equal to or
14 greater than 250,000 and less than 3,000,000, and one of
15 whom represents a population under 250,000.

16 (8) Two representatives from organizations that
17 advocate for currently or formerly incarcerated people,
18 one appointed by the Speaker of the House of
19 Representatives and one appointed by the Senate President.

20 (9) Two practitioners who represent people petitioning
21 for record sealing, one appointed by the Speaker of the
22 House of Representatives and one appointed by the Senate
23 President.

24 (10) One member appointed by the Speaker of the House
25 of Representatives.

26 (11) One member appointed by the House Minority

1 Leader.

2 (12) One member appointed by the Senate President.

3 (13) One member appointed by the Senate Minority
4 Leader.

5 (14) Two members of the public with a criminal record
6 appointed by the Lieutenant Governor.

7 (c) Co-chairpersons of the Task Force shall be elected
8 from among the members of the Task Force by a majority vote of
9 the Task Force. All appointments must be made under this
10 Section within 60 days after the effective date of this
11 amendatory Act of the 104th General Assembly, and the first
12 meeting must be held within 90 days after the effective date of
13 this amendatory Act of the 104th General Assembly. If a
14 vacancy occurs in the Task Force membership, the vacancy shall
15 be filled in the same manner as the original appointment for
16 the remainder of the Task Force.

17 (d) Task Force members shall serve without compensation.

18 (e) The Task Force shall meet, either virtually or in
19 person, at least 4 times each year. Each meeting, including
20 the meeting required under subsection (c), shall be set by the
21 Task Force co-chairpersons.

22 (f) The Task Force shall review best practices, research,
23 and case studies in other states that have passed automatic
24 record change laws. The Task Force shall examine processes for
25 communication between circuit court clerks, the Administrative
26 Office of the Illinois Courts, and the Illinois State Police

1 for the purposes of record correction, notification of records
2 eligible for automatic sealing, and record matching. The Task
3 Force shall research opportunities for the improvement of the
4 transmission of supervision termination and sentence
5 termination information from circuit court clerks and the
6 Illinois Department of Corrections to the Illinois State
7 Police for the purposes of identifying records eligible for
8 automatic sealing.

9 (g) The Task Force shall produce and submit an annual
10 report before June 30th of each year detailing progress toward
11 implementation of its duties under this Section,
12 recommendations to address challenges to implementation, and
13 needed resources to the General Assembly.

14 (h) The Illinois Criminal Justice Information Authority
15 shall provide administrative and other support to the Task
16 Force. The General Assembly may appropriate funds to the
17 Illinois Criminal Justice Information Authority for the
18 purpose of funding the work of the Task Force or services
19 provided under this Section.

20 (i) The Task Force is dissolved 5 years after the
21 effective date of this amendatory Act of the 104th General
22 Assembly.

23 (j) This Section is repealed 6 years after the effective
24 date of this amendatory Act of the 104th General Assembly.

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

2 (a) The Illinois State Police shall retain records sealed
3 ~~under subsection (c) or (c-5) of Section 5.2~~ or impounded
4 ~~under subparagraph (B) or (B-5) of paragraph (9) of subsection~~
5 ~~(d) of Section 5.2~~ and shall release them only as authorized by
6 this Act. Felony records sealed ~~under subsection (c) or (c-5)~~
7 ~~of Section 5.2~~ or impounded under ~~subparagraph (B) or (B-5) of~~
8 ~~paragraph (9) of subsection (d) of Section 5.2~~ shall be used
9 and disseminated by the Illinois State Police only as
10 otherwise specifically required or authorized by a federal or
11 State law, rule, or regulation that requires inquiry into and
12 release of criminal records, including, but not limited to,
13 subsection (A) of Section 3 of this Act. However, all requests
14 for records that have been expunged, sealed, and impounded and
15 the use of those records are subject to the provisions of
16 Section 2-103 of the Illinois Human Rights Act. Upon
17 conviction for any offense, the Department of Corrections
18 shall have access to all sealed records of the Illinois State
19 Police pertaining to that individual.

20 (b) Notwithstanding the foregoing, all sealed or impounded
21 records are subject to inspection and use by the court and
22 inspection and use by law enforcement agencies and State's
23 Attorneys or other prosecutors in carrying out the duties of
24 their offices.

25 (c) The sealed or impounded records maintained under
26 subsection (a) are exempt from disclosure under the Freedom of

1 Information Act.

2 (d) The Illinois State Police shall commence the sealing
3 of records of felony arrests and felony convictions pursuant
4 to the provisions of subsection (c) of Section 5.2 of this Act
5 no later than one year from the date that funds have been made
6 available for purposes of establishing the technologies
7 necessary to implement the changes made by this amendatory Act
8 of the 93rd General Assembly.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (20 ILCS 2630/14)

11 Sec. 14. Expungement Backlog Accountability Law.

12 (a) On or before August 1 of each year, the Illinois State
13 Police shall report to the Governor, the Attorney General, the
14 Office of the State Appellate Defender, and both houses of the
15 General Assembly the following information for the previous
16 fiscal year:

17 (1) the number of petitions to expunge received by the
18 Illinois State Police;

19 (2) the number of petitions to expunge to which the
20 Illinois State Police objected pursuant to subdivision

21 (d) (5) (B) of Section 5.2 of this Act;

22 (3) the number of petitions to seal records received
23 by the Illinois State Police;

24 (4) the number of petitions to seal records to which
25 the Illinois State Police objected pursuant to subdivision

1 (d) (5) (B) of Section 5.2 of this Act;

2 (5) the number of orders to expunge received by the
3 Illinois State Police;

4 (6) the number of orders to expunge to which the
5 Illinois State Police successfully filed a motion to
6 vacate, modify or reconsider under paragraph (12) of
7 subsection (d) of Section 5.2 of this Act;

8 (7) the number of orders to expunge records entered by
9 the Illinois State Police;

10 (8) the number of orders to seal records received by
11 the Illinois State Police;

12 (9) the number of orders to seal records to which the
13 Illinois State Police successfully filed a motion to
14 vacate, modify or reconsider under paragraph (12) of
15 subsection (d) of Section 5.2 of this Act;

16 (10) the number of orders to seal records entered by
17 the Illinois State Police;

18 (11) the amount of fees received by the Illinois State
19 Police pursuant to subdivision (d) (10) of Section 5.2 of
20 this Act and deposited into the State Police Services
21 Fund;

22 (12) the number of orders to expunge or to seal
23 records received by the Illinois State Police that have
24 not been entered as of June 30 of the previous fiscal
25 year;~~;~~

26 (13) the total number of records sealed pursuant to

1 automated sealing under subsection (k) of Section 5.2;

2 (14) the number of conviction records sealed pursuant
3 to automated sealing under subsection (k) of Section 5.2;

4 (15) the number of conviction records sealed pursuant
5 to automated sealing under subsection (k) of Section 5.2
6 by misdemeanor or felony class; and

7 (16) the number of records sealed pursuant to
8 automated sealing under subsection (k) of Section 5.2 by
9 county.

10 (b) The information reported under this Section shall be
11 made available to the public, at the time it is reported, on
12 the official web site of the Illinois State Police.

13 (c) Upon request of a State's Attorney or the Attorney
14 General, the Illinois State Police shall provide within 90
15 days a list of all orders to expunge or seal with which the
16 Illinois State Police has not yet complied. This list shall
17 include the date of the order, the name of the petitioner, the
18 case number, and a detailed statement of the basis for
19 non-compliance.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 Section 15. The Juvenile Court Act of 1987 is amended by
22 changing Sections 1-8 and 5-901 as follows:

23 (705 ILCS 405/1-8)

24 Sec. 1-8. Confidentiality and accessibility of juvenile

1 court records.

2 (A) A juvenile adjudication shall never be considered a
3 conviction nor shall an adjudicated individual be considered a
4 criminal. Unless expressly allowed by law, a juvenile
5 adjudication shall not operate to impose upon the individual
6 any of the civil disabilities ordinarily imposed by or
7 resulting from conviction. Unless expressly allowed by law,
8 adjudications shall not prejudice or disqualify the individual
9 in any civil service application or appointment, from holding
10 public office, or from receiving any license granted by public
11 authority. All juvenile court records which have not been
12 expunged are sealed and may never be disclosed to the general
13 public or otherwise made widely available. Sealed juvenile
14 court records may be obtained only under this Section and
15 Section 1-7 and Part 9 of Article V of this Act, when their use
16 is needed for good cause and with an order from the juvenile
17 court. Inspection and copying of juvenile court records
18 relating to a minor who is the subject of a proceeding under
19 this Act shall be restricted to the following:

20 (1) The minor who is the subject of record, the
21 minor's parents, guardian, and counsel.

22 (2) Law enforcement officers and law enforcement
23 agencies when such information is essential to executing
24 an arrest or search warrant or other compulsory process,
25 or to conducting an ongoing investigation or relating to a
26 minor who has been adjudicated delinquent and there has

1 been a previous finding that the act which constitutes the
2 previous offense was committed in furtherance of criminal
3 activities by a criminal street gang.

4 Before July 1, 1994, for the purposes of this Section,
5 "criminal street gang" means any ongoing organization,
6 association, or group of 3 or more persons, whether formal
7 or informal, having as one of its primary activities the
8 commission of one or more criminal acts and that has a
9 common name or common identifying sign, symbol, or
10 specific color apparel displayed, and whose members
11 individually or collectively engage in or have engaged in
12 a pattern of criminal activity.

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

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

25 (4) Judges, federal, State, and local prosecutors,
26 public defenders, probation officers, and designated

1 staff:

2 (a) in the course of a trial when institution of
3 criminal proceedings has been permitted or required
4 under Section 5-805;

5 (b) when criminal proceedings have been permitted
6 or required under Section 5-805 and a minor is the
7 subject of a proceeding to determine the conditions of
8 pretrial release;

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

14 (d) when a minor becomes 18 years of age or older,
15 and is the subject of criminal proceedings, including
16 a hearing to determine the conditions of pretrial
17 release, a pre-trial investigation, a pre-sentence
18 investigation, a fitness hearing, or proceedings on an
19 application for probation.

20 (5) Adult and Juvenile Prisoner Review Boards.

21 (6) Authorized military personnel.

22 (6.5) Employees of the federal government authorized
23 by law.

24 (7) Victims, their subrogees and legal
25 representatives; however, such persons shall have access
26 only to the name and address of the minor and information

1 pertaining to the disposition or alternative adjustment
2 plan of the juvenile court.

3 (8) Persons engaged in bona fide research, with the
4 permission of the presiding judge of the juvenile court
5 and the chief executive of the agency that prepared the
6 particular records; provided that publication of such
7 research results in no disclosure of a minor's identity
8 and protects the confidentiality of the record.

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

15 (10) The administrator of a bonafide substance abuse
16 student assistance program with the permission of the
17 presiding judge of the juvenile court.

18 (11) Mental health professionals on behalf of the
19 Department of Corrections or the Department of Human
20 Services or prosecutors who are evaluating, prosecuting,
21 or investigating a potential or actual petition brought
22 under the Sexually Violent Persons Commitment Act relating
23 to a person who is the subject of juvenile court records or
24 the respondent to a petition brought under the Sexually
25 Violent Persons Commitment Act, who is the subject of
26 juvenile court records sought. Any records and any

1 information obtained from those records under this
2 paragraph (11) may be used only in sexually violent
3 persons commitment proceedings.

4 (12) (Blank).

5 (A-1) Findings and exclusions of paternity entered in
6 proceedings occurring under Article II of this Act shall be
7 disclosed, in a manner and form approved by the Presiding
8 Judge of the Juvenile Court, to the Department of Healthcare
9 and Family Services when necessary to discharge the duties of
10 the Department of Healthcare and Family Services under Article
11 X of the Illinois Public Aid Code.

12 (B) A minor who is the victim in a juvenile proceeding
13 shall be provided the same confidentiality regarding
14 disclosure of identity as the minor who is the subject of
15 record.

16 (C) (0.1) In cases where the records concern a pending
17 juvenile court case, the requesting party seeking to inspect
18 the juvenile court records shall provide actual notice to the
19 attorney or guardian ad litem of the minor whose records are
20 sought.

21 (0.2) In cases where the juvenile court records concern a
22 juvenile court case that is no longer pending, the requesting
23 party seeking to inspect the juvenile court records shall
24 provide actual notice to the minor or the minor's parent or
25 legal guardian, and the matter shall be referred to the chief
26 judge presiding over matters pursuant to this Act.

1 (0.3) In determining whether juvenile court records should
2 be made available for inspection and whether inspection should
3 be limited to certain parts of the file, the court shall
4 consider the minor's interest in confidentiality and
5 rehabilitation over the requesting party's interest in
6 obtaining the information. The State's Attorney, the minor,
7 and the minor's parents, guardian, and counsel shall at all
8 times have the right to examine court files and records.

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

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

24 (E) Nothing in this Section shall affect the right of a
25 Civil Service Commission or appointing authority of the
26 federal government, or any state, county, or municipality

1 examining the character and fitness of an applicant for
2 employment with a law enforcement agency, correctional
3 institution, or fire department to ascertain whether that
4 applicant was ever adjudicated to be a delinquent minor and,
5 if so, to examine the records of disposition or evidence which
6 were made in proceedings under this Act.

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

19 (G) Nothing contained in this Act prevents the sharing or
20 disclosure of information or records relating or pertaining to
21 juveniles subject to the provisions of the Serious Habitual
22 Offender Comprehensive Action Program when that information is
23 used to assist in the early identification and treatment of
24 habitual juvenile offenders.

25 (H) When a court hearing a proceeding under Article II of
26 this Act becomes aware that an earlier proceeding under

1 Article II had been heard in a different county, that court
2 shall request, and the court in which the earlier proceedings
3 were initiated shall transmit, an authenticated copy of the
4 juvenile court record, including all documents, petitions, and
5 orders filed and the minute orders, transcript of proceedings,
6 and docket entries of the court.

7 (I) The Clerk of the Circuit Court shall report to the
8 Illinois State Police, in the form and manner required by the
9 Illinois State Police, the final disposition of each minor who
10 has been arrested or taken into custody before the minor's
11 18th birthday for those offenses required to be reported under
12 Section 5 of the Criminal Identification Act. Information
13 reported to the Illinois State Police under this Section may
14 be maintained with records that the Illinois State Police
15 files under Section 2.1 of the Criminal Identification Act.
16 Upon request, the circuit court clerk shall provide the
17 disposition information for any case or record required to be
18 reported to the Illinois State Police under Section 2.1 or 5 of
19 the Criminal Identification Act.

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

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

1 subject of the record.

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

5 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
6 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-379, eff.
7 7-28-23; 103-605, eff. 7-1-24.)

8 (705 ILCS 405/5-901)

9 Sec. 5-901. Court file.

10 (1) The court file with respect to proceedings under this
11 Article shall consist of the petitions, pleadings, victim
12 impact statements, process, service of process, orders, writs
13 and docket entries reflecting hearings held and judgments and
14 decrees entered by the court. The court file shall be kept
15 separate from other records of the court.

16 (a) The file, including information identifying the
17 victim or alleged victim of any sex offense, shall be
18 disclosed only to the following parties when necessary for
19 discharge of their official duties:

20 (i) A judge of the circuit court and members of the
21 staff of the court designated by the judge;

22 (ii) Parties to the proceedings and their
23 attorneys;

24 (iii) Victims and their attorneys, except in cases
25 of multiple victims of sex offenses in which case the

1 information identifying the nonrequesting victims
2 shall be redacted;

3 (iv) Probation officers, law enforcement officers
4 or prosecutors or their staff;

5 (v) Adult and juvenile Prisoner Review Boards.

6 (b) The Court file redacted to remove any information
7 identifying the victim or alleged victim of any sex
8 offense shall be disclosed only to the following parties
9 when necessary for discharge of their official duties:

10 (i) Authorized military personnel;

11 (ii) Persons engaged in bona fide research, with
12 the permission of the judge of the juvenile court and
13 the chief executive of the agency that prepared the
14 particular recording: provided that publication of
15 such research results in no disclosure of a minor's
16 identity and protects the confidentiality of the
17 record;

18 (iii) The Secretary of State to whom the Clerk of
19 the Court shall report the disposition of all cases,
20 as required in Section 6-204 or Section 6-205.1 of the
21 Illinois Vehicle Code. However, information reported
22 relative to these offenses shall be privileged and
23 available only to the Secretary of State, courts, and
24 police officers;

25 (iv) The administrator of a bonafide substance
26 abuse student assistance program with the permission

1 of the presiding judge of the juvenile court;

2 (v) Any individual, or any public or private
3 agency or institution, having custody of the juvenile
4 under court order or providing educational, medical or
5 mental health services to the juvenile or a
6 court-approved advocate for the juvenile or any
7 placement provider or potential placement provider as
8 determined by the court.

9 (2) (Reserved).

10 (3) A minor who is the victim or alleged victim in a
11 juvenile proceeding shall be provided the same confidentiality
12 regarding disclosure of identity as the minor who is the
13 subject of record. Information identifying victims and alleged
14 victims of sex offenses, shall not be disclosed or open to
15 public inspection under any circumstances. Nothing in this
16 Section shall prohibit the victim or alleged victim of any sex
17 offense from voluntarily disclosing this identity.

18 (4) Relevant information, reports and records shall be
19 made available to the Department of Juvenile Justice when a
20 juvenile offender has been placed in the custody of the
21 Department of Juvenile Justice.

22 (4.5) Relevant information, reports and records, held by
23 the Department of Juvenile Justice, including social
24 investigation, psychological and medical records, of any
25 juvenile offender, shall be made available to any county
26 juvenile detention facility upon written request by the

1 Superintendent or Director of that juvenile detention
2 facility, to the Chief Records Officer of the Department of
3 Juvenile Justice where the subject youth is or was in the
4 custody of the Department of Juvenile Justice and is
5 subsequently ordered to be held in a county juvenile detention
6 facility.

7 (5) Except as otherwise provided in this subsection (5),
8 juvenile court records shall not be made available to the
9 general public but may be inspected by representatives of
10 agencies, associations and news media or other properly
11 interested persons by general or special order of the court.
12 The State's Attorney, the minor, the minor's parents, guardian
13 and counsel shall at all times have the right to examine court
14 files and records.

15 (a) The court shall allow the general public to have
16 access to the name, address, and offense of a minor who is
17 adjudicated a delinquent minor under this Act under either
18 of the following circumstances:

19 (i) The adjudication of delinquency was based upon
20 the minor's commission of first degree murder, attempt
21 to commit first degree murder, aggravated criminal
22 sexual assault, or criminal sexual assault; or

23 (ii) The court has made a finding that the minor
24 was at least 13 years of age at the time the act was
25 committed and the adjudication of delinquency was
26 based upon the minor's commission of: (A) an act in

1 furtherance of the commission of a felony as a member
2 of or on behalf of a criminal street gang, (B) an act
3 involving the use of a firearm in the commission of a
4 felony, (C) an act that would be a Class X felony
5 offense under or the minor's second or subsequent
6 Class 2 or greater felony offense under the Cannabis
7 Control Act if committed by an adult, (D) an act that
8 would be a second or subsequent offense under Section
9 402 of the Illinois Controlled Substances Act if
10 committed by an adult, (E) an act that would be an
11 offense under Section 401 of the Illinois Controlled
12 Substances Act if committed by an adult, or (F) an act
13 that would be an offense under the Methamphetamine
14 Control and Community Protection Act if committed by
15 an adult.

16 (b) The court shall allow the general public to have
17 access to the name, address, and offense of a minor who is
18 at least 13 years of age at the time the offense is
19 committed and who is convicted, in criminal proceedings
20 permitted or required under Section 5-805, under either of
21 the following circumstances:

22 (i) The minor has been convicted of first degree
23 murder, attempt to commit first degree murder,
24 aggravated criminal sexual assault, or criminal sexual
25 assault,

26 (ii) The court has made a finding that the minor

1 was at least 13 years of age at the time the offense
2 was committed and the conviction was based upon the
3 minor's commission of: (A) an offense in furtherance
4 of the commission of a felony as a member of or on
5 behalf of a criminal street gang, (B) an offense
6 involving the use of a firearm in the commission of a
7 felony, (C) a Class X felony offense under the
8 Cannabis Control Act or a second or subsequent Class 2
9 or greater felony offense under the Cannabis Control
10 Act, (D) a second or subsequent offense under Section
11 402 of the Illinois Controlled Substances Act, (E) an
12 offense under Section 401 of the Illinois Controlled
13 Substances Act, or (F) an offense under the
14 Methamphetamine Control and Community Protection Act.

15 (6) Nothing in this Section shall be construed to limit
16 the use of an adjudication of delinquency as evidence in any
17 juvenile or criminal proceeding, where it would otherwise be
18 admissible under the rules of evidence, including, but not
19 limited to, use as impeachment evidence against any witness,
20 including the minor if the minor testifies.

21 (7) Nothing in this Section shall affect the right of a
22 Civil Service Commission or appointing authority examining the
23 character and fitness of an applicant for a position as a law
24 enforcement officer to ascertain whether that applicant was
25 ever adjudicated to be a delinquent minor and, if so, to
26 examine the records or evidence which were made in proceedings

1 under this Act.

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

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

19 (10) (Reserved).

20 (11) The Clerk of the Circuit Court shall report to the
21 Illinois State Police, in the form and manner required by the
22 Illinois State Police, the final disposition of each minor who
23 has been arrested or taken into custody before the minor's
24 18th birthday for those offenses required to be reported under
25 Section 5 of the Criminal Identification Act. Information
26 reported to the Illinois State Police under this Section may

1 be maintained with records that the Illinois State Police
2 files under Section 2.1 of the Criminal Identification Act.
3 Upon request, the circuit court clerk shall provide the
4 disposition information for any case or record required to be
5 reported to the Illinois State Police under Section 2.1 or 5 of
6 the Criminal Identification Act.

7 (12) Information or records may be disclosed to the
8 general public when the court is conducting hearings under
9 Section 5-805 or 5-810.

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

14 (Source: P.A. 102-197, eff. 7-30-21; 102-320, eff. 8-6-21;
15 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-22, eff.
16 8-8-23.)

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act."