

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-7, 1-8, and 5-915 as follows:

6 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

7 Sec. 1-7. Confidentiality of law enforcement and municipal
8 ordinance violation records.

9 (A) All juvenile records which have not been expunged are
10 sealed and may never be disclosed to the general public or
11 otherwise made widely available. Sealed records may be obtained
12 only under this Section and Section 1-8 and 5-915 of this Act,
13 when their use is needed for good cause and with an order from
14 the juvenile court, as required by those not authorized to
15 retain them. Inspection and copying of law enforcement records
16 maintained by law enforcement agencies or records of municipal
17 ordinance violations maintained by any State, local, or
18 municipal agency that relate to a minor who has been
19 investigated, arrested, or taken into custody before his or her
20 18th birthday shall be restricted to the following:

21 (1) Any local, State or federal law enforcement
22 officers of any jurisdiction or agency when necessary for
23 the discharge of their official duties during the

1 investigation or prosecution of a crime or relating to a
2 minor who has been adjudicated delinquent and there has
3 been a previous finding that the act which constitutes the
4 previous offense was committed in furtherance of criminal
5 activities by a criminal street gang, or, when necessary
6 for the discharge of its official duties in connection with
7 a particular investigation of the conduct of a law
8 enforcement officer, an independent agency or its staff
9 created by ordinance and charged by a unit of local
10 government with the duty of investigating the conduct of
11 law enforcement officers. For purposes of this Section,
12 "criminal street gang" has the meaning ascribed to it in
13 Section 10 of the Illinois Streetgang Terrorism Omnibus
14 Prevention Act.

15 (2) Prosecutors, probation officers, social workers,
16 or other individuals assigned by the court to conduct a
17 pre-adjudication or pre-disposition investigation, and
18 individuals responsible for supervising or providing
19 temporary or permanent care and custody for minors pursuant
20 to the order of the juvenile court, when essential to
21 performing their responsibilities.

22 (3) Prosecutors and probation officers:

23 (a) in the course of a trial when institution of
24 criminal proceedings has been permitted or required
25 under Section 5-805; or

26 (b) when institution of criminal proceedings has

1 been permitted or required under Section 5-805 and such
2 minor is the subject of a proceeding to determine the
3 amount of bail; or

4 (c) when criminal proceedings have been permitted
5 or required under Section 5-805 and such minor is the
6 subject of a pre-trial investigation, pre-sentence
7 investigation, fitness hearing, or proceedings on an
8 application for probation.

9 (4) Adult and Juvenile Prisoner Review Board.

10 (5) Authorized military personnel.

11 (6) Persons engaged in bona fide research, with the
12 permission of the Presiding Judge of the Juvenile Court and
13 the chief executive of the respective law enforcement
14 agency; provided that publication of such research results
15 in no disclosure of a minor's identity and protects the
16 confidentiality of the minor's record.

17 (7) Department of Children and Family Services child
18 protection investigators acting in their official
19 capacity.

20 (8) The appropriate school official only if the agency
21 or officer believes that there is an imminent threat of
22 physical harm to students, school personnel, or others who
23 are present in the school or on school grounds.

24 (A) Inspection and copying shall be limited to law
25 enforcement records transmitted to the appropriate
26 school official or officials whom the school has

1 determined to have a legitimate educational or safety
2 interest by a local law enforcement agency under a
3 reciprocal reporting system established and maintained
4 between the school district and the local law
5 enforcement agency under Section 10-20.14 of the
6 School Code concerning a minor enrolled in a school
7 within the school district who has been arrested or
8 taken into custody for any of the following offenses:

9 (i) any violation of Article 24 of the Criminal
10 Code of 1961 or the Criminal Code of 2012;

11 (ii) a violation of the Illinois Controlled
12 Substances Act;

13 (iii) a violation of the Cannabis Control Act;

14 (iv) a forcible felony as defined in Section
15 2-8 of the Criminal Code of 1961 or the Criminal
16 Code of 2012;

17 (v) a violation of the Methamphetamine Control
18 and Community Protection Act;

19 (vi) a violation of Section 1-2 of the
20 Harassing and Obscene Communications Act;

21 (vii) a violation of the Hazing Act; or

22 (viii) a violation of Section 12-1, 12-2,
23 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
24 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
25 Criminal Code of 1961 or the Criminal Code of 2012.

26 The information derived from the law enforcement

1 records shall be kept separate from and shall not
2 become a part of the official school record of that
3 child and shall not be a public record. The information
4 shall be used solely by the appropriate school official
5 or officials whom the school has determined to have a
6 legitimate educational or safety interest to aid in the
7 proper rehabilitation of the child and to protect the
8 safety of students and employees in the school. If the
9 designated law enforcement and school officials deem
10 it to be in the best interest of the minor, the student
11 may be referred to in-school or community based social
12 services if those services are available.
13 "Rehabilitation services" may include interventions by
14 school support personnel, evaluation for eligibility
15 for special education, referrals to community-based
16 agencies such as youth services, behavioral healthcare
17 service providers, drug and alcohol prevention or
18 treatment programs, and other interventions as deemed
19 appropriate for the student.

20 (B) Any information provided to appropriate school
21 officials whom the school has determined to have a
22 legitimate educational or safety interest by local law
23 enforcement officials about a minor who is the subject
24 of a current police investigation that is directly
25 related to school safety shall consist of oral
26 information only, and not written law enforcement

1 records, and shall be used solely by the appropriate
2 school official or officials to protect the safety of
3 students and employees in the school and aid in the
4 proper rehabilitation of the child. The information
5 derived orally from the local law enforcement
6 officials shall be kept separate from and shall not
7 become a part of the official school record of the
8 child and shall not be a public record. This limitation
9 on the use of information about a minor who is the
10 subject of a current police investigation shall in no
11 way limit the use of this information by prosecutors in
12 pursuing criminal charges arising out of the
13 information disclosed during a police investigation of
14 the minor. For purposes of this paragraph,
15 "investigation" means an official systematic inquiry
16 by a law enforcement agency into actual or suspected
17 criminal activity.

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

1 enforcement records sought. Any records and any
2 information obtained from those records under this
3 paragraph (9) may be used only in sexually violent persons
4 commitment proceedings.

5 (10) The president of a park district. Inspection and
6 copying shall be limited to law enforcement records
7 transmitted to the president of the park district by the
8 Illinois State Police under Section 8-23 of the Park
9 District Code or Section 16a-5 of the Chicago Park District
10 Act concerning a person who is seeking employment with that
11 park district and who has been adjudicated a juvenile
12 delinquent for any of the offenses listed in subsection (c)
13 of Section 8-23 of the Park District Code or subsection (c)
14 of Section 16a-5 of the Chicago Park District Act.

15 (B) (1) Except as provided in paragraph (2), no law
16 enforcement officer or other person or agency may knowingly
17 transmit to the Department of Corrections or the Department
18 of State Police or to the Federal Bureau of Investigation
19 any fingerprint or photograph relating to a minor who has
20 been arrested or taken into custody before his or her 18th
21 birthday, unless the court in proceedings under this Act
22 authorizes the transmission or enters an order under
23 Section 5-805 permitting or requiring the institution of
24 criminal proceedings.

25 (2) Law enforcement officers or other persons or
26 agencies shall transmit to the Department of State Police

1 copies of fingerprints and descriptions of all minors who
2 have been arrested or taken into custody before their 18th
3 birthday for the offense of unlawful use of weapons under
4 Article 24 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, a Class X or Class 1 felony, a forcible
6 felony as defined in Section 2-8 of the Criminal Code of
7 1961 or the Criminal Code of 2012, or a Class 2 or greater
8 felony under the Cannabis Control Act, the Illinois
9 Controlled Substances Act, the Methamphetamine Control and
10 Community Protection Act, or Chapter 4 of the Illinois
11 Vehicle Code, pursuant to Section 5 of the Criminal
12 Identification Act. Information reported to the Department
13 pursuant to this Section may be maintained with records
14 that the Department files pursuant to Section 2.1 of the
15 Criminal Identification Act. Nothing in this Act prohibits
16 a law enforcement agency from fingerprinting a minor taken
17 into custody or arrested before his or her 18th birthday
18 for an offense other than those listed in this paragraph
19 (2).

20 (C) The records of law enforcement officers, or of an
21 independent agency created by ordinance and charged by a unit
22 of local government with the duty of investigating the conduct
23 of law enforcement officers, concerning all minors under 18
24 years of age must be maintained separate from the records of
25 arrests and may not be open to public inspection or their
26 contents disclosed to the public ~~except by order of the court~~

1 ~~presiding over matters pursuant to this Act or when the~~
2 ~~institution of criminal proceedings has been permitted or~~
3 ~~required under Section 5-805 or such a person has been~~
4 ~~convicted of a crime and is the subject of pre-sentence~~
5 ~~investigation or proceedings on an application for probation or~~
6 ~~when provided by law.~~ For purposes of obtaining documents under
7 ~~pursuant to~~ this Section, a civil subpoena is not an order of
8 the court.

9 (1) In cases where the law enforcement, or independent
10 agency, records concern a pending juvenile court case, the
11 party seeking to inspect the records shall provide actual
12 notice to the attorney or guardian ad litem of the minor
13 whose records are sought.

14 (2) In cases where the records concern a juvenile court
15 case that is no longer pending, the party seeking to
16 inspect the records shall provide actual notice to the
17 minor or the minor's parent or legal guardian, and the
18 matter shall be referred to the chief judge presiding over
19 matters pursuant to this Act.

20 (3) In determining whether the records should be
21 available for inspection, the court shall consider the
22 minor's interest in confidentiality and rehabilitation
23 over the moving party's interest in obtaining the
24 information. Any records obtained in violation of this
25 subsection (C) shall not be admissible in any criminal or
26 civil proceeding, or operate to disqualify a minor from

1 subsequently holding public office or securing employment,
2 or operate as a forfeiture of any public benefit, right,
3 privilege, or right to receive any license granted by
4 public authority.

5 (D) Nothing contained in subsection (C) of this Section
6 shall prohibit the inspection or disclosure to victims and
7 witnesses of photographs contained in the records of law
8 enforcement agencies when the inspection and disclosure is
9 conducted in the presence of a law enforcement officer for the
10 purpose of the identification or apprehension of any person
11 subject to the provisions of this Act or for the investigation
12 or prosecution of any crime.

13 (E) Law enforcement officers, and personnel of an
14 independent agency created by ordinance and charged by a unit
15 of local government with the duty of investigating the conduct
16 of law enforcement officers, may not disclose the identity of
17 any minor in releasing information to the general public as to
18 the arrest, investigation or disposition of any case involving
19 a minor.

20 (F) Nothing contained in this Section shall prohibit law
21 enforcement agencies from communicating with each other by
22 letter, memorandum, teletype or intelligence alert bulletin or
23 other means the identity or other relevant information
24 pertaining to a person under 18 years of age if there are
25 reasonable grounds to believe that the person poses a real and
26 present danger to the safety of the public or law enforcement

1 officers. The information provided under this subsection (F)
2 shall remain confidential and shall not be publicly disclosed,
3 except as otherwise allowed by law.

4 (G) Nothing in this Section shall prohibit the right of a
5 Civil Service Commission or appointing authority of any state,
6 county or municipality examining the character and fitness of
7 an applicant for employment with a law enforcement agency,
8 correctional institution, or fire department from obtaining
9 and examining the records of any law enforcement agency
10 relating to any record of the applicant having been arrested or
11 taken into custody before the applicant's 18th birthday.

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

16 (I) Willful violation of this Section is a Class C
17 misdemeanor and each violation is subject to a fine of \$1,000.
18 This subsection (I) shall not apply to the person who is the
19 subject of the record.

20 (J) A person convicted of violating this Section is liable
21 for damages in the amount of \$1,000 or actual damages,
22 whichever is greater.

23 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; 99-298,
24 eff. 8-6-15.)

25 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

1 Sec. 1-8. Confidentiality and accessibility of juvenile
2 court records.

3 (A) A juvenile adjudication shall never be considered a
4 conviction nor shall an adjudicated individual be considered a
5 criminal. Unless expressly allowed by law, a juvenile
6 adjudication shall not operate to impose upon the individual
7 any of the civil disabilities ordinarily imposed by or
8 resulting from conviction. Unless expressly allowed by law,
9 adjudications shall not prejudice or disqualify the individual
10 in any civil service application or appointment, from holding
11 public office, or from receiving any license granted by public
12 authority. All juvenile records which have not been expunged
13 are sealed and may never be disclosed to the general public or
14 otherwise made widely available. Sealed records may be obtained
15 only under this Section and Section 1-7 and Section 5-915 of
16 this Act, when their use is needed for good cause and with an
17 order from the juvenile court, as required by those not
18 authorized to retain them. Inspection and copying of juvenile
19 court records relating to a minor who is the subject of a
20 proceeding under this Act shall be restricted to the following:

21 (1) The minor who is the subject of record, his
22 parents, guardian and counsel.

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

1 who has been adjudicated delinquent and there has been a
2 previous finding that the act which constitutes the
3 previous offense was committed in furtherance of criminal
4 activities by a criminal street gang.

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

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

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

25 (4) Judges, prosecutors and probation officers:

26 (a) in the course of a trial when institution of

1 criminal proceedings has been permitted or required
2 under Section 5-805; or

3 (b) when criminal proceedings have been permitted
4 or required under Section 5-805 and a minor is the
5 subject of a proceeding to determine the amount of
6 bail; or

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

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

18 (5) Adult and Juvenile Prisoner Review Boards.

19 (6) Authorized military personnel.

20 (7) Victims, their subrogees and legal
21 representatives; however, such persons shall have access
22 only to the name and address of the minor and information
23 pertaining to the disposition or alternative adjustment
24 plan of the juvenile court.

25 (8) Persons engaged in bona fide research, with the
26 permission of the presiding judge of the juvenile court and

1 the chief executive of the agency that prepared the
2 particular records; provided that publication of such
3 research results in no disclosure of a minor's identity and
4 protects the confidentiality of the record.

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

11 (10) The administrator of a bonafide substance abuse
12 student assistance program with the permission of the
13 presiding judge of the juvenile court.

14 (11) Mental health professionals on behalf of the
15 Illinois Department of Corrections or the Department of
16 Human Services or prosecutors who are evaluating,
17 prosecuting, or investigating a potential or actual
18 petition brought under the Sexually Violent Persons
19 Commitment Act relating to a person who is the subject of
20 juvenile court records or the respondent to a petition
21 brought under the Sexually Violent Persons Commitment Act,
22 who is the subject of juvenile court records sought. Any
23 records and any information obtained from those records
24 under this paragraph (11) may be used only in sexually
25 violent persons commitment proceedings.

26 (A-1) Findings and exclusions of paternity entered in

1 proceedings occurring under Article II of this Act shall be
2 disclosed, in a manner and form approved by the Presiding Judge
3 of the Juvenile Court, to the Department of Healthcare and
4 Family Services when necessary to discharge the duties of the
5 Department of Healthcare and Family Services under Article X of
6 the Illinois Public Aid Code.

7 (B) A minor who is the victim in a juvenile proceeding
8 shall be provided the same confidentiality regarding
9 disclosure of identity as the minor who is the subject of
10 record.

11 (C) Juvenile ~~Except as otherwise provided in this~~
12 ~~subsection (C), juvenile court records shall not be made~~
13 ~~available to the general public. Subject to the limitations in~~
14 ~~paragraphs (0.1) through (0.4) of this subsection (C), the~~
15 ~~judge presiding over a juvenile court proceeding brought under~~
16 ~~this Act, in his or her discretion, may order that juvenile~~
17 ~~court records of an individual case be made available for~~
18 ~~inspection upon request by a representative of an agency,~~
19 ~~association, or news media entity or by a properly interested~~
20 ~~person.~~ For purposes of inspecting documents under this Section
21 ~~subsection (C), a civil subpoena is not an order of the court.~~

22 (0.1) In cases where the records concern a pending
23 juvenile court case, the requesting party seeking to
24 inspect the juvenile court records shall provide actual
25 notice to the attorney or guardian ad litem of the minor
26 whose records are sought.

1 (0.2) In cases where the records concern a juvenile
2 court case that is no longer pending, the requesting party
3 seeking to inspect the juvenile court records shall provide
4 actual notice to the minor or the minor's parent or legal
5 guardian, and the matter shall be referred to the chief
6 judge presiding over matters pursuant to this Act.

7 (0.3) In determining whether records should be made
8 available for inspection and whether inspection should be
9 limited to certain parts of the file, the court shall
10 consider the minor's interest in confidentiality and
11 rehabilitation over the requesting party's interest in
12 obtaining the information. The State's Attorney, the
13 minor, and the minor's parents, guardian, and counsel shall
14 at all times have the right to examine court files and
15 records.

16 (0.4) Any records obtained in violation of this Section
17 ~~subsection (C)~~ shall not be admissible in any criminal or
18 civil proceeding, or operate to disqualify a minor from
19 subsequently holding public office, or operate as a
20 forfeiture of any public benefit, right, privilege, or
21 right to receive any license granted by public authority.

22 ~~(1) The court shall allow the general public to have~~
23 ~~access to the name, address, and offense of a minor who is~~
24 ~~adjudicated a delinquent minor under this Act under either~~
25 ~~of the following circumstances:~~

26 ~~(A) The adjudication of delinquency was based upon~~

1 ~~the minor's commission of first degree murder, attempt~~
2 ~~to commit first degree murder, aggravated criminal~~
3 ~~sexual assault, or criminal sexual assault; or~~

4 ~~(B) The court has made a finding that the minor was~~
5 ~~at least 13 years of age at the time the act was~~
6 ~~committed and the adjudication of delinquency was~~
7 ~~based upon the minor's commission of: (i) an act in~~
8 ~~furtherance of the commission of a felony as a member~~
9 ~~of or on behalf of a criminal street gang, (ii) an act~~
10 ~~involving the use of a firearm in the commission of a~~
11 ~~felony, (iii) an act that would be a Class X felony~~
12 ~~offense under or the minor's second or subsequent Class~~
13 ~~2 or greater felony offense under the Cannabis Control~~
14 ~~Act if committed by an adult, (iv) an act that would be~~
15 ~~a second or subsequent offense under Section 402 of the~~
16 ~~Illinois Controlled Substances Act if committed by an~~
17 ~~adult, (v) an act that would be an offense under~~
18 ~~Section 401 of the Illinois Controlled Substances Act~~
19 ~~if committed by an adult, (vi) an act that would be a~~
20 ~~second or subsequent offense under Section 60 of the~~
21 ~~Methamphetamine Control and Community Protection Act,~~
22 ~~or (vii) an act that would be an offense under another~~
23 ~~Section of the Methamphetamine Control and Community~~
24 ~~Protection Act.~~

25 ~~(2) The court shall allow the general public to have~~
26 ~~access to the name, address, and offense of a minor who is~~

1 ~~at least 13 years of age at the time the offense is~~
2 ~~committed and who is convicted, in criminal proceedings~~
3 ~~permitted or required under Section 5-4, under either of~~
4 ~~the following circumstances:~~

5 ~~(A) The minor has been convicted of first degree~~
6 ~~murder, attempt to commit first degree murder,~~
7 ~~aggravated criminal sexual assault, or criminal sexual~~
8 ~~assault,~~

9 ~~(B) The court has made a finding that the minor was~~
10 ~~at least 13 years of age at the time the offense was~~
11 ~~committed and the conviction was based upon the minor's~~
12 ~~commission of: (i) an offense in furtherance of the~~
13 ~~commission of a felony as a member of or on behalf of a~~
14 ~~criminal street gang, (ii) an offense involving the use~~
15 ~~of a firearm in the commission of a felony, (iii) a~~
16 ~~Class X felony offense under or a second or subsequent~~
17 ~~Class 2 or greater felony offense under the Cannabis~~
18 ~~Control Act, (iv) a second or subsequent offense under~~
19 ~~Section 402 of the Illinois Controlled Substances Act,~~
20 ~~(v) an offense under Section 401 of the Illinois~~
21 ~~Controlled Substances Act, (vi) an act that would be a~~
22 ~~second or subsequent offense under Section 60 of the~~
23 ~~Methamphetamine Control and Community Protection Act,~~
24 ~~or (vii) an act that would be an offense under another~~
25 ~~Section of the Methamphetamine Control and Community~~
26 ~~Protection Act.~~

1 (D) Pending or following any adjudication of delinquency
2 for any offense defined in Sections 11-1.20 through 11-1.60 or
3 12-13 through 12-16 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, the victim of any such offense shall
5 receive the rights set out in Sections 4 and 6 of the Bill of
6 Rights for Victims and Witnesses of Violent Crime Act; and the
7 juvenile who is the subject of the adjudication,
8 notwithstanding any other provision of this Act, shall be
9 treated as an adult for the purpose of affording such rights to
10 the victim.

11 (E) Nothing in this Section shall affect the right of a
12 Civil Service Commission or appointing authority of any state,
13 county or municipality examining the character and fitness of
14 an applicant for employment with a law enforcement agency,
15 correctional institution, or fire department to ascertain
16 whether that applicant was ever adjudicated to be a delinquent
17 minor and, if so, to examine the records of disposition or
18 evidence which were made in proceedings under this Act.

19 (F) Following any adjudication of delinquency for a crime
20 which would be a felony if committed by an adult, or following
21 any adjudication of delinquency for a violation of Section
22 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, the State's Attorney shall ascertain
24 whether the minor respondent is enrolled in school and, if so,
25 shall provide a copy of the dispositional order to the
26 principal or chief administrative officer of the school. Access

1 to such juvenile records shall be limited to the principal or
2 chief administrative officer of the school and any guidance
3 counselor designated by him.

4 (G) Nothing contained in this Act prevents the sharing or
5 disclosure of information or records relating or pertaining to
6 juveniles subject to the provisions of the Serious Habitual
7 Offender Comprehensive Action Program when that information is
8 used to assist in the early identification and treatment of
9 habitual juvenile offenders.

10 (H) When a Court hearing a proceeding under Article II of
11 this Act becomes aware that an earlier proceeding under Article
12 II had been heard in a different county, that Court shall
13 request, and the Court in which the earlier proceedings were
14 initiated shall transmit, an authenticated copy of the Court
15 record, including all documents, petitions, and orders filed
16 therein and the minute orders, transcript of proceedings, and
17 docket entries of the Court.

18 (I) The Clerk of the Circuit Court shall report to the
19 Department of State Police, in the form and manner required by
20 the Department of State Police, the final disposition of each
21 minor who has been arrested or taken into custody before his or
22 her 18th birthday for those offenses required to be reported
23 under Section 5 of the Criminal Identification Act. Information
24 reported to the Department under this Section may be maintained
25 with records that the Department files under Section 2.1 of the
26 Criminal Identification Act.

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

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

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

12 (Source: P.A. 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13;
13 98-61, eff. 1-1-14; 98-552, eff. 8-27-13; 98-756, eff.
14 7-16-14.)

15 (705 ILCS 405/5-915)

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

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

19 "Dissemination" or "disseminate" means to publish,
20 produce, print, manufacture, distribute, sell, lease,
21 exhibit, broadcast, display, transmit, or otherwise share
22 information in any format so as to make the information
23 accessible to others.

24 "Expunge" means to physically destroy the records and
25 to obliterate the minor's name and juvenile court records

1 from any official index, ~~or~~ public record, or electronic
2 database ~~both~~. No evidence of the juvenile court records
3 may be retained by any law enforcement agency, the juvenile
4 court, or by any municipal, county, or State agency or
5 department. Nothing in this Act shall require the physical
6 destruction of the internal office records, files, or
7 databases maintained by a State's Attorney's Office or
8 other prosecutor or by the Office of the Secretary of
9 State.

10 "Juvenile court record" includes, but is not limited
11 to:

12 (a) all documents filed in or maintained by the
13 juvenile court pertaining to a specific incident,
14 proceeding, or individual;

15 (b) all documents relating to a specific incident,
16 proceeding, or individual made available to or maintained
17 by probation officers;

18 (c) all documents, video or audio tapes,
19 photographs, and exhibits admitted into evidence at
20 juvenile court hearings; or

21 (d) all documents, transcripts, records, reports
22 or other evidence prepared by, maintained by, or released
23 by any municipal, county, or state agency or department, in
24 any format, if indicating involvement with the juvenile
25 court relating to a specific incident, proceeding, or
26 individual.

1 "Law enforcement record" includes but is not limited to
2 records of arrest, station adjustments, fingerprints,
3 probation adjustments, the issuance of a notice to appear,
4 or any other records or documents maintained by any a law
5 enforcement agency relating to a minor suspected of
6 committing an offense or evidence of interaction with law
7 enforcement.

8 (0.1) (a) The Department of State Police and all law
9 enforcement agencies within the State shall automatically
10 expunge, on or before January 1 of each year, all law
11 enforcement records relating to events occurring before an
12 individual's 18th birthday if:

13 (1) one year or more has elapsed since the date of the
14 arrest or law enforcement interaction documented in the
15 records;

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

20 (3) 6 months have elapsed without an additional
21 subsequent arrest or filing of a petition for delinquency
22 or criminal charges whether related or not to the arrest or
23 law enforcement interaction documented in the records.

24 (b) If the law enforcement agency is unable to verify
25 satisfaction of conditions (2) and (3) of this subsection
26 (0.1), records that satisfy condition (1) of this subsection

1 (0.1) shall be automatically expunged if the records relate to
2 an offense that if committed by an adult would not be an
3 offense classified as Class 2 felony or higher, an offense
4 under Article 11 of the Criminal Code of 1961 or Criminal Code
5 of 2012, or an offense under 12-13, 12-14, 12-14.1, 12-15, or
6 12-16 of the Criminal Code of 1961.

7 (0.2) (a) Upon dismissal of a petition alleging delinquency
8 or upon a finding of not delinquent, the successful termination
9 of an order of supervision, or an adjudication for an offense
10 which would be a Class B misdemeanor, Class C misdemeanor, or a
11 petty or business offense if committed by an adult, the court
12 shall automatically order the expungement of the juvenile court
13 and law enforcement records within 60 business days.

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

24 (0.3) (a) Upon an adjudication of delinquency based on any
25 offense except a disqualified offense, the juvenile court shall
26 automatically order the expungement of the juvenile records 2

1 years after the juvenile's case was closed if no delinquency or
2 criminal proceeding is pending and the person has had no
3 subsequent delinquency adjudication or criminal conviction.
4 The court shall automatically order the expungement of the
5 juvenile court and law enforcement records within 60 business
6 days. For the purposes of this subsection (0.3), "disqualified
7 offense" means any of the following offenses: Section 8-1.2,
8 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1,
9 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
10 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2,
11 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5,
12 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
13 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
14 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
15 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
16 of subsection (a) of Section 11-14.4, subsection (a-5) of
17 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of
18 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
19 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
20 subparagraph (i) of paragraph (1) of subsection (a) of Section
21 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
22 Section 24-1.6, paragraph (1) of subsection (a) of Section
23 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
24 of 2012.

25 (b) If the chief law enforcement officer of the agency, or
26 his or her designee, certifies in writing that certain

1 information is needed for a pending investigation involving the
2 commission of a felony, that information, and information
3 identifying the juvenile, may be retained in an intelligence
4 file until the investigation is terminated or for one
5 additional year, whichever is sooner. Retention of a portion of
6 a juvenile's law enforcement record does not disqualify the
7 remainder of his or her record from immediate automatic
8 expungement.

9 (1) Nothing in this subsection (1) precludes an eligible
10 minor from obtaining expungement under subsections (0.1),
11 (0.2), or (0.3). Whenever a person has been arrested, charged,
12 or adjudicated delinquent for an incident occurring before his
13 or her 18th birthday that if committed by an adult would be an
14 offense, and that person's records are not eligible for
15 automatic expungement under subsections (0.1), (0.2), or
16 (0.3), the person may petition the court at any time for
17 expungement of law enforcement records and juvenile court
18 records relating to the incident and upon termination of all
19 juvenile court proceedings relating to that incident, the court
20 shall order the expungement of all records in the possession of
21 the Department of State Police, the clerk of the circuit court,
22 and law enforcement agencies relating to the incident, but only
23 in any of the following circumstances:

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

26 (a-5) the minor was charged with an offense and the

1 petition or petitions were dismissed without a finding of
2 delinquency;

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

5 (c) the minor was placed under supervision pursuant to
6 Section 5-615, and the order of supervision has since been
7 successfully terminated; or

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

11 ~~(1.5) Commencing 180 days after the effective date of this~~
12 ~~amendatory Act of the 98th General Assembly, the Department of~~
13 ~~State Police shall automatically expunge, on or before January~~
14 ~~1 of each year, a person's law enforcement records which are~~
15 ~~not subject to subsection (1) relating to incidents occurring~~
16 ~~before his or her 18th birthday in the Department's possession~~
17 ~~or control and which contains the final disposition which~~
18 ~~pertain to the person when arrested as a minor if:~~

19 ~~(a) the minor was arrested for an eligible offense and~~
20 ~~no petition for delinquency was filed with the clerk of the~~
21 ~~circuit court; and~~

22 ~~(b) the person attained the age of 18 years during the~~
23 ~~last calendar year; and~~

24 ~~(c) since the date of the minor's most recent arrest,~~
25 ~~at least 6 months have elapsed without an additional~~
26 ~~arrest, filing of a petition for delinquency whether~~

1 ~~related or not to a previous arrest, or filing of charges~~
2 ~~not initiated by arrest.~~

3 The Department of State Police shall allow a person to use
4 the Access and Review process, established in the Department of
5 State Police, for verifying that his or her law enforcement
6 records relating to incidents occurring before his or her 18th
7 birthday eligible under this Act ~~subsection~~ have been expunged
8 ~~as provided in this subsection.~~

9 ~~The Department of State Police shall provide by rule the~~
10 ~~process for access, review, and automatic expungement.~~

11 (1.6) (Blank). ~~Commencing on the effective date of this~~
12 ~~amendatory Act of the 98th General Assembly, a person whose law~~
13 ~~enforcement records are not subject to subsection (1) or (1.5)~~
14 ~~of this Section and who has attained the age of 18 years may~~
15 ~~use the Access and Review process, established in the~~
16 ~~Department of State Police, for verifying his or her law~~
17 ~~enforcement records relating to incidents occurring before his~~
18 ~~or her 18th birthday in the Department's possession or control~~
19 ~~which pertain to the person when arrested as a minor, if the~~
20 ~~incident occurred no earlier than 30 years before the effective~~
21 ~~date of this amendatory Act of the 98th General Assembly. If~~
22 ~~the person identifies a law enforcement record of an eligible~~
23 ~~offense that meets the requirements of this subsection,~~
24 ~~paragraphs (a) and (c) of subsection (1.5) of this Section, and~~
25 ~~all juvenile court proceedings related to the person have been~~
26 ~~terminated, the person may file a Request for Expungement of~~

1 ~~Juvenile Law Enforcement Records, in the form and manner~~
2 ~~prescribed by the Department of State Police, with the~~
3 ~~Department and the Department shall consider expungement of the~~
4 ~~record as otherwise provided for automatic expungement under~~
5 ~~subsection (1.5) of this Section. The person shall provide~~
6 ~~notice and a copy of the Request for Expungement of Juvenile~~
7 ~~Law Enforcement Records to the arresting agency, prosecutor~~
8 ~~charged with the prosecution of the minor, or the State's~~
9 ~~Attorney of the county that prosecuted the minor. The~~
10 ~~Department of State Police shall provide by rule the process~~
11 ~~for access, review, and Request for Expungement of Juvenile Law~~
12 ~~Enforcement Records.~~

13 (1.7) (Blank). ~~Nothing in subsections (1.5) and (1.6) of~~
14 ~~this Section precludes a person from filing a petition under~~
15 ~~subsection (1) for expungement of records subject to automatic~~
16 ~~expungement under that subsection (1) or subsection (1.5) or~~
17 ~~(1.6) of this Section.~~

18 (1.8) (Blank). ~~For the purposes of subsections (1.5) and~~
19 ~~(1.6) of this Section, "eligible offense" means records~~
20 ~~relating to an arrest or incident occurring before the person's~~
21 ~~18th birthday that if committed by an adult is not an offense~~
22 ~~classified as a Class 2 felony or higher offense, an offense~~
23 ~~under Article 11 of the Criminal Code of 1961 or the Criminal~~
24 ~~Code of 2012, or an offense under Section 12-13, 12-14,~~
25 ~~12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.~~

26 (2) Any person whose delinquency adjudications are not

1 eligible for automatic expungement under subsection (0.3) of
2 this Section may petition the court to expunge all law
3 enforcement records relating to any incidents occurring before
4 his or her 18th birthday which did not result in proceedings in
5 criminal court and all juvenile court records with respect to
6 any adjudications except those based upon first degree murder
7 or an offense under Article 11 of the Criminal Code of 2012 if
8 the person is required to register under the Sex Offender
9 Registration Act; provided that: ~~and sex offenses which would~~
10 ~~be felonies if committed by an adult, if the person for whom~~
11 ~~expungement is sought has had no convictions for any crime~~
12 ~~since his or her 18th birthday and:~~

13 (a) (blank); or ~~has attained the age of 21 years; or~~

14 (b) 2 5 years have elapsed since all juvenile court
15 proceedings relating to him or her have been terminated and
16 ~~or~~ his or her commitment to the Department of Juvenile
17 Justice under ~~pursuant to~~ this Act has been terminated. ~~+~~
18 ~~whichever is later of (a) or (b). Nothing in this Section 5-915~~
19 ~~precludes a minor from obtaining expungement under Section~~
20 ~~5-622.~~

21 (2.5) If a minor is arrested and no petition for
22 delinquency is filed with the clerk of the circuit court ~~as~~
23 ~~provided in paragraph (a) of subsection (1)~~ at the time the
24 minor is released from custody, the youth officer, if
25 applicable, or other designated person from the arresting
26 agency, shall notify verbally and in writing to the minor or

1 the minor's parents or guardians ~~that the minor has a right to~~
2 ~~petition to have his or her arrest record expunged when all~~
3 ~~juvenile court proceedings relating to that minor have been~~
4 ~~terminated and that unless a petition to expunge is filed, that~~
5 the minor shall have an arrest record and shall provide the
6 minor and the minor's parents or guardians with an expungement
7 information packet, information regarding this State's
8 expungement laws including a petition to expunge juvenile
9 records obtained from the clerk of the circuit court.

10 (2.6) If a minor is referred to court ~~charged with an~~
11 ~~offense and is found not delinquent of that offense; or if a~~
12 ~~minor is placed under supervision under Section 5-615, and the~~
13 ~~order of supervision is successfully terminated; or if a minor~~
14 ~~is adjudicated for an offense that would be a Class B~~
15 ~~misdemeanor, a Class C misdemeanor, or a business or petty~~
16 ~~offense if committed by an adult; or if a minor has incidents~~
17 ~~occurring before his or her 18th birthday that have not~~
18 ~~resulted in proceedings in criminal court, or resulted in~~
19 ~~proceedings in juvenile court, and the adjudications were not~~
20 ~~based upon first degree murder or sex offenses that would be~~
21 ~~felonies if committed by an adult; then at the time of~~
22 sentencing or dismissal of the case, or successful completion
23 of supervision, the judge shall inform the delinquent minor of
24 his or her rights regarding expungement ~~right to petition for~~
25 ~~expungement as provided by law~~, and the clerk of the circuit
26 court shall provide an expungement information packet to the

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

17 (2.7) (Blank). ~~For counties with a population over~~
18 ~~3,000,000, the clerk of the circuit court shall send a~~
19 ~~"Notification of a Possible Right to Expungement" post card to~~
20 ~~the minor at the address last received by the clerk of the~~
21 ~~circuit court on the date that the minor attains the age of 18~~
22 ~~based on the birthdate provided to the court by the minor or~~
23 ~~his or her guardian in cases under paragraphs (b), (c), and (d)~~
24 ~~of subsection (1); and when the minor attains the age of 21~~
25 ~~based on the birthdate provided to the court by the minor or~~
26 ~~his or her guardian in cases under subsection (2).~~

1 (2.8) The petition for expungement for subsection (1) and
2 (2) may include multiple offenses on the same petition and
3 shall be substantially in the following form:

4 IN THE CIRCUIT COURT OF, ILLINOIS
5 JUDICIAL CIRCUIT

6 IN THE INTEREST OF) NO.
7)
8)
9)
10 (Name of Petitioner)

11 PETITION TO EXPUNGE JUVENILE RECORDS

12 (705 ILCS 405/5-915 (SUBSECTION 1 AND 2))

13 Now comes, petitioner, and respectfully requests
14 that this Honorable Court enter an order expunging all juvenile
15 law enforcement and court records of petitioner and in support
16 thereof states that: ~~Petitioner has attained the age of,~~
17 ~~his/her birth date being, or all Juvenile Court~~
18 ~~proceedings terminated as of, whichever occurred later.~~
19 Petitioner was arrested on by the Police
20 Department for the offense or offenses of, and:

21 (Check All That Apply:)

22 () a. no petition or petitions were filed with the Clerk of
23 the Circuit Court.

24 () b. was charged with and was found not delinquent of

1 the offense or offenses.

2 () c. a petition or petitions were filed and the petition or
3 petitions were dismissed without a finding of delinquency on
4

5 () d. on placed under supervision pursuant to Section
6 5-615 of the Juvenile Court Act of 1987 and such order of
7 supervision successfully terminated on

8 () e. was adjudicated for the offense or offenses, which would
9 have been a Class B misdemeanor, a Class C misdemeanor, or a
10 petty offense or business offense if committed by an adult.

11 () f. was adjudicated for a Class A misdemeanor or felony,
12 except first degree murder or an offense under Article 11 of
13 the Criminal Code of 2012 if the person is required to register
14 under the Sex Offender Registration Act, and 2 years have
15 passed since the case was closed.

16 Petitioner has has not been arrested on charges in
17 this or any county other than the charges listed above. If
18 petitioner has been arrested on additional charges, please list
19 the charges below:

20 Charge(s):

21 Arresting Agency or Agencies:

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

23 WHEREFORE, the petitioner respectfully requests this Honorable
24 Court to (1) order all law enforcement agencies to expunge all
25 records of petitioner to this incident or incidents, and (2) to
26 order the Clerk of the Court to expunge all records concerning

1 the petitioner regarding this incident or incidents.

2

3 Petitioner (Signature)

4

5 Petitioner's Street Address

6

7 City, State, Zip Code

8

9 Petitioner's Telephone Number

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

14

15 Petitioner (Signature)

16 ~~The Petition for Expungement for subsection (2) shall be~~
17 ~~substantially in the following form:~~

18 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

19 ~~..... JUDICIAL CIRCUIT~~

1 ~~IN THE INTEREST OF) NO.~~

2 ~~_____)~~

3 ~~_____)~~

4 ~~.....)~~

5 ~~(Name of Petitioner)~~

6 ~~PETITION TO EXPUNGE JUVENILE RECORDS~~

7 ~~(705 ILCS 405/5-915 (SUBSECTION 2))~~

8 ~~(Please prepare a separate petition for each offense)~~

9 ~~Now comes, petitioner, and respectfully requests~~
10 ~~that this Honorable Court enter an order expunging all Juvenile~~
11 ~~Law Enforcement and Court records of petitioner and in support~~
12 ~~thereof states that:~~

13 ~~The incident for which the Petitioner seeks expungement~~
14 ~~occurred before the Petitioner's 18th birthday and did not~~
15 ~~result in proceedings in criminal court and the Petitioner has~~
16 ~~not had any convictions for any crime since his/her 18th~~
17 ~~birthday; and~~

18 ~~The incident for which the Petitioner seeks expungement~~
19 ~~occurred before the Petitioner's 18th birthday and the~~
20 ~~adjudication was not based upon first degree murder or sex~~
21 ~~offenses which would be felonies if committed by an adult, and~~
22 ~~the Petitioner has not had any convictions for any crime since~~
23 ~~his/her 18th birthday.~~

24 ~~Petitioner was arrested on by the Police~~

1 ~~Department for the offense of, and:~~

2 ~~(Check whichever one occurred the latest:)~~

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

5 ~~() b. 5 years have elapsed since all juvenile court~~
6 ~~proceedings relating to the Petitioner have been terminated; or~~
7 ~~the Petitioner's commitment to the Department of Juvenile~~
8 ~~Justice pursuant to the expungement of juvenile law enforcement~~
9 ~~and court records provisions of the Juvenile Court Act of 1987~~
10 ~~has been terminated. Petitioner ...has ...has not been arrested~~
11 ~~on charges in this or any other county other than the charge~~
12 ~~listed above. If petitioner has been arrested on additional~~
13 ~~charges, please list the charges below:~~

14 ~~Charge(s) :~~

15 ~~Arresting Agency or Agencies:~~

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

17 ~~WHEREFORE, the petitioner respectfully requests this Honorable~~
18 ~~Court to (1) order all law enforcement agencies to expunge all~~
19 ~~records of petitioner related to this incident, and (2) to~~
20 ~~order the Clerk of the Court to expunge all records concerning~~
21 ~~the petitioner regarding this incident.~~

22 ~~.....~~

23 ~~Petitioner (Signature)~~

24 ~~.....~~

1

~~Petitioner's Street Address~~

2

.....

3

~~City, State, Zip Code~~

4

.....

5

~~Petitioner's Telephone Number~~

6

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

7

~~Procedure, 735 ILCS 5/1-109, I hereby certify that the~~

8

~~statements in this petition are true and correct, or on~~

9

~~information and belief I believe the same to be true.~~

10

.....

11

~~Petitioner (Signature)~~

12

(3) The chief judge of the circuit in which an arrest was

13

made or a charge was brought or any judge of that circuit

14

designated by the chief judge may, upon verified petition of a

15

person who is the subject of an arrest or a juvenile court

16

proceeding under subsection (1) or (2) of this Section, order

17

the law enforcement records or official court file, or both, to

18

be expunged from the official records of the arresting

19

authority, the clerk of the circuit court and the Department of

20

State Police. The person whose records are to be expunged shall

21

petition the court using the appropriate form containing his or

22

her current address and shall promptly notify the clerk of the

23

circuit court of any change of address. Notice of the petition

24

shall be served upon the State's Attorney or prosecutor charged

1 with the duty of prosecuting the offense, the Department of
 2 State Police, and the arresting agency or agencies by the clerk
 3 of the circuit court. If an objection is filed within 45 days
 4 of the notice of the petition, the clerk of the circuit court
 5 shall set a date for hearing after the 45-day ~~45-day~~ objection
 6 period. At the hearing the court shall hear evidence on whether
 7 the expungement should or should not be granted. Unless the
 8 State's Attorney or prosecutor, the Department of State Police,
 9 or an arresting agency objects to the expungement within 45
 10 days of the notice, the court may enter an order granting
 11 expungement. The clerk shall forward a certified copy of the
 12 order to the Department of State Police and deliver a certified
 13 copy of the order to the arresting agency.

14 (3.1) The Notice of Expungement shall be in substantially
 15 the following form:

16 IN THE CIRCUIT COURT OF, ILLINOIS
 17 JUDICIAL CIRCUIT

18 IN THE INTEREST OF) NO.
 19)
 20)
 21)
 22 (Name of Petitioner)

23 NOTICE

24 TO: State's Attorney

1 TO: Arresting Agency

2
3

4

5

6

7

8 TO: Illinois State Police

9
10

11

12

13 ATTENTION: Expungement

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

19
20 Petitioner's Signature

21
22 Petitioner's Street Address

23
24 City, State, Zip Code

25
26 Petitioner's Telephone Number

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PROOF OF SERVICE

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

(Check One:)

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

or

by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at

.....

Signature

Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner:

Address:

Telephone Number:

(3.2) The Order of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF, ILLINOIS

..... JUDICIAL CIRCUIT

IN THE INTEREST OF) NO.

)

1)

2)

3 (Name of Petitioner)

4 DOB

5 Arresting Agency/Agencies

ORDER OF EXPUNGEMENT

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

8 This matter having been heard on the petitioner's motion and
9 the court being fully advised in the premises does find that
10 the petitioner is indigent or has presented reasonable cause to
11 waive all costs in this matter, IT IS HEREBY ORDERED that:

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

14 () 2. The Illinois State Police Bureau of Identification
15 and the following law enforcement agencies expunge all records
16 of petitioner relating to an arrest dated for the
17 offense of

Law Enforcement Agencies:

.....

.....

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

23 ENTER:

24

25 JUDGE

1 DATED:

2 Name:

3 Attorney for:

4 Address: City/State/Zip:

5 Attorney Number:

6 (3.3) The Notice of Objection shall be in substantially the
7 following form:

8 IN THE CIRCUIT COURT OF, ILLINOIS

9 JUDICIAL CIRCUIT

10 IN THE INTEREST OF) NO.

11)

12)

13)

14 (Name of Petitioner)

15 NOTICE OF OBJECTION

16 TO: (Attorney, Public Defender, Minor)

17

18

19 TO: (Illinois State Police)

20

21

22 TO: (Clerk of the Court)

23

24

1 TO: (Judge)

2

3

4 TO: (Arresting Agency/Agencies)

5

6

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

10 () State's Attorney's Office;

11 () Prosecutor (other than State's Attorney's Office) charged
12 with the duty of prosecuting the offense sought to be expunged;

13 () Department of Illinois State Police; or

14 () Arresting Agency or Agencies.

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

18 DATED:

19 Name:

20 Attorney For:

21 Address:

22 City/State/Zip:

23 Telephone:

24 Attorney No.:

25 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

26 This matter has been set for hearing on the foregoing

1 objection, on in room, located at, before the
2 Honorable, Judge, or any judge sitting in his/her stead.
3 (Only one hearing shall be set, regardless of the number of
4 Notices of Objection received on the same case).

5 A copy of this completed Notice of Objection containing the
6 court date, time, and location, has been sent via regular U.S.
7 Mail to the following entities. (If more than one Notice of
8 Objection is received on the same case, each one must be
9 completed with the court date, time and location and mailed to
10 the following entities):

- 11 () Attorney, Public Defender or Minor;
12 () State's Attorney's Office;
13 () Prosecutor (other than State's Attorney's Office) charged
14 with the duty of prosecuting the offense sought to be expunged;
15 () Department of Illinois State Police; and
16 () Arresting agency or agencies.

17 Date:

18 Initials of Clerk completing this section:

19 (4) (a) Upon entry of an order expunging records or files,
20 the offense, which the records or files concern shall be
21 treated as if it never occurred. Law enforcement officers and
22 other public offices and agencies shall properly reply on
23 inquiry that no record or file exists with respect to the
24 person.

25 (a-5) Local law enforcement agencies shall send written
26 notice to the minor of the expungement of any records within 60

1 days of automatic expungement or the date of service of an
2 expungement order, whichever applies. If a minor's court file
3 has been expunged, the clerk of the circuit court shall send
4 written notice to the minor of the expungement of any records
5 within 60 days of automatic expungement or the date of service
6 of an expungement order, whichever applies.

7 (b) Except with respect to authorized military personnel,
8 an expunged juvenile record may not be considered by any
9 private or public entity in employment matters, certification,
10 licensing, revocation of certification or licensure, or
11 registration. Applications for employment within the State
12 must contain specific language that states that the applicant
13 is not obligated to disclose expunged juvenile records of
14 adjudication or arrest. Employers may not ask, in any format or
15 context, if an applicant has had a juvenile record expunged.
16 Information about an expunged record obtained by a potential
17 employer, even inadvertently, from an employment application
18 that does not contain specific language that states that the
19 applicant is not obligated to disclose expunged juvenile
20 records of adjudication or arrest, shall be treated as
21 dissemination of an expunged record by the employer.

22 (c) A person whose juvenile records have been expunged is
23 not entitled to remission of any fines, costs, or other money
24 paid as a consequence of expungement.

25 (5) (Blank). Records which have not been expunged are
26 sealed, and may be obtained only under the provisions of

1 ~~Sections 5-901, 5-905 and 5-915.~~

2 (5.5) Whether or not expunged, records eligible for
3 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
4 (0.3) (a) may be treated as expunged by the individual subject
5 to the records.

6 (6) Nothing in this Section shall be construed to prohibit
7 the maintenance of information relating to an offense after
8 records or files concerning the offense have been expunged if
9 the information is kept in a manner that does not enable
10 identification of the individual ~~offender~~. This information
11 may only be used for anonymous statistical and bona fide
12 research purposes.

13 (6.5) The Department of State Police or any employee of the
14 Department shall be immune from civil or criminal liability for
15 failure to expunge any records of arrest that are subject to
16 expungement under ~~subsection (1.5) or (1.6)~~ of this Section
17 because of inability to verify a record. Nothing in ~~subsection~~
18 ~~(1.5) or (1.6)~~ of this Section shall create Department of State
19 Police liability or responsibility for the expungement of law
20 enforcement records it does not possess.

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

25 (b) The State Appellate Defender shall develop brochures,
26 pamphlets, and other materials in printed form and through the

1 agency's World Wide Web site. The pamphlets and other materials
2 shall include at a minimum the following information:

3 (i) An explanation of the State's juvenile expungement
4 laws, including both automatic expungement and expungement
5 by petition process;

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

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

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

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

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

25 (d) The State Appellate Defender shall compile a statewide
26 list of volunteer attorneys willing to assist eligible

1 individuals through the juvenile expungement process.

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

7 (7.5) (a) Willful dissemination of any information
8 contained in an expunged record shall be treated as a Class C
9 misdemeanor and punishable by a fine of \$1,000 per violation.

10 (b) Willful dissemination for financial gain of any
11 information contained in an expunged record shall be treated as
12 a Class 4 felony. Dissemination for financial gain by an
13 employee of any municipal, county, or State agency, including
14 law enforcement, shall result in immediate termination.

15 (c) The person whose record was expunged has a right of
16 action against any person who intentionally disseminates an
17 expunged record. In the proceeding, punitive damages up to an
18 amount of \$1,000 may be sought in addition to any actual
19 damages. The prevailing party shall be entitled to costs and
20 reasonable attorney fees.

21 (d) The punishments for dissemination of an expunged record
22 shall never apply to the person whose record was expunged.

23 (8) (a) ~~An Except with respect to law enforcement agencies,~~
24 ~~the Department of Corrections, State's Attorneys, or other~~
25 ~~prosecutors, an expunged juvenile record may not be considered~~
26 by any private or public entity in employment matters,

1 certification, licensing, revocation of certification or
2 licensure, or registration. Applications for employment must
3 contain specific language that states that the applicant is not
4 obligated to disclose expunged juvenile records of
5 adjudication, conviction, or arrest. Employers may not ask if
6 an applicant has had a juvenile record expunged. Effective
7 January 1, 2005, the Department of Labor shall develop a link
8 on the Department's website to inform employers that employers
9 may not ask if an applicant had a juvenile record expunged and
10 that application for employment must contain specific language
11 that states that the applicant is not obligated to disclose
12 expunged juvenile records of adjudication, arrest, or
13 conviction.

14 ~~(b) A person whose juvenile records have been expunged is~~
15 ~~not entitled to remission of any fines, costs, or other money~~
16 ~~paid as a consequence of expungement. This amendatory Act of~~
17 ~~the 93rd General Assembly does not affect the right of the~~
18 ~~victim of a crime to prosecute or defend a civil action for~~
19 ~~damages.~~

20 (c) The expungement of juvenile records under subsections
21 0.1, 0.2, or 0.3 of this Section ~~Section 5-622~~ shall be funded
22 by the additional fine imposed under Section 5-9-1.17 of the
23 Unified Code of Corrections ~~and additional appropriations made~~
24 ~~by the General Assembly for such purpose.~~

25 (9) (Blank). ~~The changes made to this Section by Public Act~~
26 ~~98-61 apply to law enforcement records of a minor who has been~~

1 ~~arrested or taken into custody on or after January 1, 2014 (the~~
2 ~~effective date of Public Act 98-61).~~

3 (10) (Blank). ~~The changes made in subsection (1.5) of this~~
4 ~~Section by this amendatory Act of the 98th General Assembly~~
5 ~~apply to law enforcement records of a minor who has been~~
6 ~~arrested or taken into custody on or after January 1, 2015. The~~
7 ~~changes made in subsection (1.6) of this Section by this~~
8 ~~amendatory Act of the 98th General Assembly apply to law~~
9 ~~enforcement records of a minor who has been arrested or taken~~
10 ~~into custody before January 1, 2015.~~

11 (Source: P.A. 98-61, eff. 1-1-14; 98-637, eff. 1-1-15; 98-756,
12 eff. 7-16-14; 99-835, eff. 1-1-17; 99-881, eff. 1-1-17; revised
13 9-2-16.)

14 (705 ILCS 405/5-622 rep.)

15 Section 10. The Juvenile Court Act of 1987 is amended by
16 repealing Section 5-622.