



Rep. Elaine Nekritz

Filed: 3/7/2017

10000HB3817ham001

LRB100 11385 SLF 22529 a

1 AMENDMENT TO HOUSE BILL 3817

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3817 by replacing  
3 everything after the enacting clause with the following:

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, municipal  
8 ordinance violation, and traffic 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 the approval  
14 of the juvenile court, as required. Inspection and copying of  
15 law enforcement records maintained by law enforcement agencies  
16 or records of municipal ordinance or traffic violations

1 maintained by any State, local, or municipal agency that relate  
2 to a minor who has been investigated, arrested, or taken into  
3 custody before his or her 18th birthday shall be restricted to  
4 the following:

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

22 (2) Prosecutors, probation officers, social workers,  
23 or other individuals assigned by the court to conduct a  
24 pre-adjudication or pre-disposition investigation, and  
25 individuals responsible for supervising or providing  
26 temporary or permanent care and custody for minors pursuant

1 to the order of the juvenile court, when essential to  
2 performing their responsibilities.

3 (3) Prosecutors and probation officers:

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

7 (b) when institution of criminal proceedings has  
8 been permitted or required under Section 5-805 and such  
9 minor is the subject of a proceeding to determine the  
10 amount of bail; or

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

16 (4) Adult and Juvenile Prisoner Review Board.

17 (5) Authorized military personnel.

18 (6) Persons engaged in bona fide research, with the  
19 permission of the Presiding Judge of the Juvenile Court and  
20 the chief executive of the respective law enforcement  
21 agency; provided that publication of such research results  
22 in no disclosure of a minor's identity and protects the  
23 confidentiality of the minor's record.

24 (7) Department of Children and Family Services child  
25 protection investigators acting in their official  
26 capacity.

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

5           (A) Inspection and copying shall be limited to law  
6 enforcement records transmitted to the appropriate  
7 school official or officials whom the school has  
8 determined to have a legitimate educational or safety  
9 interest by a local law enforcement agency under a  
10 reciprocal reporting system established and maintained  
11 between the school district and the local law  
12 enforcement agency under Section 10-20.14 of the  
13 School Code concerning a minor enrolled in a school  
14 within the school district who has been arrested or  
15 taken into custody for any of the following offenses:

16                   (i) any violation of Article 24 of the Criminal  
17 Code of 1961 or the Criminal Code of 2012;

18                   (ii) a violation of the Illinois Controlled  
19 Substances Act;

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

21                   (iv) a forcible felony as defined in Section  
22 2-8 of the Criminal Code of 1961 or the Criminal  
23 Code of 2012;

24                   (v) a violation of the Methamphetamine Control  
25 and Community Protection Act;

26                   (vi) a violation of Section 1-2 of the

1 Harassing and Obscene Communications Act;

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

3 (viii) a violation of Section 12-1, 12-2,  
4 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
5 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012.

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

1           (B) Any information provided to appropriate school  
2 officials whom the school has determined to have a  
3 legitimate educational or safety interest by local law  
4 enforcement officials about a minor who is the subject  
5 of a current police investigation that is directly  
6 related to school safety shall consist of oral  
7 information only, and not written law enforcement  
8 records, and shall be used solely by the appropriate  
9 school official or officials to protect the safety of  
10 students and employees in the school and aid in the  
11 proper rehabilitation of the child. The information  
12 derived orally from the local law enforcement  
13 officials shall be kept separate from and shall not  
14 become a part of the official school record of the  
15 child and shall not be a public record. This limitation  
16 on the use of information about a minor who is the  
17 subject of a current police investigation shall in no  
18 way limit the use of this information by prosecutors in  
19 pursuing criminal charges arising out of the  
20 information disclosed during a police investigation of  
21 the minor. For purposes of this paragraph,  
22 "investigation" means an official systematic inquiry  
23 by a law enforcement agency into actual or suspected  
24 criminal activity.

25           (9) Mental health professionals on behalf of the  
26 Illinois Department of Corrections or the Department of

1 Human Services or prosecutors who are evaluating,  
2 prosecuting, or investigating a potential or actual  
3 petition brought under the Sexually Violent Persons  
4 Commitment Act relating to a person who is the subject of  
5 juvenile law enforcement records or the respondent to a  
6 petition brought under the Sexually Violent Persons  
7 Commitment Act who is the subject of the juvenile law  
8 enforcement records sought. Any records and any  
9 information obtained from those records under this  
10 paragraph (9) may be used only in sexually violent persons  
11 commitment proceedings.

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

22 (B) (1) Except as provided in paragraph (2), no law  
23 enforcement officer or other person or agency may knowingly  
24 transmit to the Department of Corrections or the Department  
25 of State Police or to the Federal Bureau of Investigation  
26 any fingerprint or photograph relating to a minor who has

1           been arrested or taken into custody before his or her 18th  
2           birthday, unless the court in proceedings under this Act  
3           authorizes the transmission or enters an order under  
4           Section 5-805 permitting or requiring the institution of  
5           criminal proceedings.

6           (2) Law enforcement officers or other persons or  
7           agencies shall transmit to the Department of State Police  
8           copies of fingerprints and descriptions of all minors who  
9           have been arrested or taken into custody before their 18th  
10          birthday for the offense of unlawful use of weapons under  
11          Article 24 of the Criminal Code of 1961 or the Criminal  
12          Code of 2012, a Class X or Class 1 felony, a forcible  
13          felony as defined in Section 2-8 of the Criminal Code of  
14          1961 or the Criminal Code of 2012, or a Class 2 or greater  
15          felony under the Cannabis Control Act, the Illinois  
16          Controlled Substances Act, the Methamphetamine Control and  
17          Community Protection Act, or Chapter 4 of the Illinois  
18          Vehicle Code, pursuant to Section 5 of the Criminal  
19          Identification Act. Information reported to the Department  
20          pursuant to this Section may be maintained with records  
21          that the Department files pursuant to Section 2.1 of the  
22          Criminal Identification Act. Nothing in this Act prohibits  
23          a law enforcement agency from fingerprinting a minor taken  
24          into custody or arrested before his or her 18th birthday  
25          for an offense other than those listed in this paragraph  
26          (2).



1           (C) The records of law enforcement officers, or of an  
2 independent agency created by ordinance and charged by a unit  
3 of local government with the duty of investigating the conduct  
4 of law enforcement officers, concerning all minors under 18  
5 years of age must be maintained separate from the records of  
6 arrests and may not be open to public inspection or their  
7 contents disclosed to the public ~~except by order of the court~~  
8 ~~presiding over matters pursuant to this Act or when the~~  
9 ~~institution of criminal proceedings has been permitted or~~  
10 ~~required under Section 5-805 or such a person has been~~  
11 ~~convicted of a crime and is the subject of pre-sentence~~  
12 ~~investigation or proceedings on an application for probation or~~  
13 ~~when provided by law. For purposes of obtaining documents~~  
14 ~~pursuant to this Section, a civil subpoena is not an order of~~  
15 ~~the court.~~

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

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

1           ~~(3) In determining whether the records should be~~  
2           ~~available for inspection, the court shall consider the~~  
3           ~~minor's interest in confidentiality and rehabilitation~~  
4           ~~over the moving party's interest in obtaining the~~  
5           ~~information. Any records obtained in violation of this~~  
6           ~~subsection (C) shall not be admissible in any criminal or~~  
7           ~~civil proceeding, or operate to disqualify a minor from~~  
8           ~~subsequently holding public office or securing employment,~~  
9           ~~or operate as a forfeiture of any public benefit, right,~~  
10           ~~privilege, or right to receive any license granted by~~  
11           ~~public authority.~~

12           (D) Nothing contained in subsection (C) of this Section  
13           shall prohibit the inspection or disclosure to victims and  
14           witnesses of photographs contained in the records of law  
15           enforcement agencies when the inspection and disclosure is  
16           conducted in the presence of a law enforcement officer for the  
17           purpose of the identification or apprehension of any person  
18           subject to the provisions of this Act or for the investigation  
19           or prosecution of any crime.

20           (E) Law enforcement officers, and personnel 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, may not disclose the identity of  
24           any minor in releasing information to the general public as to  
25           the arrest, investigation or disposition of any case involving  
26           a minor.

1 (F) Nothing contained in this Section shall prohibit law  
2 enforcement agencies from communicating with each other by  
3 letter, memorandum, teletype or intelligence alert bulletin or  
4 other means the identity or other relevant information  
5 pertaining to a person under 18 years of age if there are  
6 reasonable grounds to believe that the person poses a real and  
7 present danger to the safety of the public or law enforcement  
8 officers. The information provided under this subsection (F)  
9 shall remain confidential and shall not be publicly disclosed,  
10 except as otherwise allowed by law.

11 (G) Nothing in this Section shall prohibit 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 from obtaining  
16 and examining the records of any law enforcement agency  
17 relating to any record of the applicant having been arrested or  
18 taken into custody before the applicant's 18th birthday.

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

23 (I) Any person found to be in violation of this Section is  
24 guilty of a Class B misdemeanor and subject to a fine of \$1,000  
25 per violation. This subsection (I) shall not apply to the  
26 person who is the subject of the record.

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

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

6       (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

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

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

25       (1) The minor who is the subject of record, his

1 parents, guardian and counsel.

2 (2) Law enforcement officers and law enforcement  
3 agencies when such information is essential to executing an  
4 arrest or search warrant or other compulsory process, or to  
5 conducting an ongoing investigation or relating to a minor  
6 who has been adjudicated delinquent and there has been a  
7 previous finding that the act which constitutes the  
8 previous offense was committed in furtherance of criminal  
9 activities by a criminal street gang.

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

19 Beginning July 1, 1994, for purposes of this Section,  
20 "criminal street gang" has the meaning ascribed to it in  
21 Section 10 of the Illinois Streetgang Terrorism Omnibus  
22 Prevention Act.

23 (3) Judges, hearing officers, prosecutors, probation  
24 officers, social workers or other individuals assigned by  
25 the court to conduct a pre-adjudication or predisposition  
26 investigation, and individuals responsible for supervising

1 or providing temporary or permanent care and custody for  
2 minors pursuant to the order of the juvenile court when  
3 essential to performing their responsibilities.

4 (4) Judges, prosecutors and probation officers:

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

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

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

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

23 (5) Adult and Juvenile Prisoner Review Boards.

24 (6) Authorized military personnel.

25 (7) Victims, their subrogees and legal  
26 representatives; however, such persons shall have access

1           only to the name and address of the minor and information  
2           pertaining to the disposition or alternative adjustment  
3           plan of the juvenile court.

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

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

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

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

1 who is the subject of juvenile court records sought. Any  
2 records and any information obtained from those records  
3 under this paragraph (11) may be used only in sexually  
4 violent persons commitment proceedings.

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 Judge  
8 of the Juvenile Court, to the Department of Healthcare and  
9 Family Services when necessary to discharge the duties of the  
10 Department of Healthcare and Family Services under Article X of  
11 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) Juvenile ~~Except as otherwise provided in this~~  
17 ~~subsection (C), juvenile~~ court records shall not be made  
18 available to the general public. ~~Subject to the limitations in~~  
19 ~~paragraphs (0.1) through (0.4) of this subsection (C), the~~  
20 ~~judge presiding over a juvenile court proceeding brought under~~  
21 ~~this Act, in his or her discretion, may order that juvenile~~  
22 ~~court records of an individual case be made available for~~  
23 ~~inspection upon request by a representative of an agency,~~  
24 ~~association, or news media entity or by a properly interested~~  
25 ~~person. For purposes of inspecting documents under this~~  
26 ~~subsection (C), a civil subpoena is not an order of the court.~~



1           ~~(0.1) In cases where the records concern a pending~~  
2           ~~juvenile court case, the requesting party seeking to~~  
3           ~~inspect the juvenile court records shall provide actual~~  
4           ~~notice to the attorney or guardian ad litem of the minor~~  
5           ~~whose records are sought.~~

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

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

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

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

5                     ~~(A) The adjudication of delinquency was based upon~~  
6                     ~~the minor's commission of first degree murder, attempt~~  
7                     ~~to commit first degree murder, aggravated criminal~~  
8                     ~~sexual assault, or criminal sexual assault; or~~

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

1           ~~or (vii) an act that would be an offense under another~~  
2           ~~Section of the Methamphetamine Control and Community~~  
3           ~~Protection Act.~~

4           ~~(2) The court shall allow the general public to have~~  
5           ~~access to the name, address, and offense of a minor who is~~  
6           ~~at least 13 years of age at the time the offense is~~  
7           ~~committed and who is convicted, in criminal proceedings~~  
8           ~~permitted or required under Section 5-4, under either of~~  
9           ~~the following circumstances:~~

10           ~~(A) The minor has been convicted of first degree~~  
11           ~~murder, attempt to commit first degree murder,~~  
12           ~~aggravated criminal sexual assault, or criminal sexual~~  
13           ~~assault,~~

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

1 ~~second or subsequent offense under Section 60 of the~~  
2 ~~Methamphetamine Control and Community Protection Act,~~  
3 ~~or (vii) an act that would be an offense under another~~  
4 ~~Section of the Methamphetamine Control and Community~~  
5 ~~Protection Act.~~

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

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

24 (F) Following any adjudication of delinquency for a crime  
25 which would be a felony if committed by an adult, or following  
26 any adjudication of delinquency for a violation of Section

1 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012, the State's Attorney shall ascertain  
3 whether the minor respondent is enrolled in school and, if so,  
4 shall provide a copy of the dispositional order to the  
5 principal or chief administrative officer of the school. Access  
6 to such juvenile records shall be limited to the principal or  
7 chief administrative officer of the school and any guidance  
8 counselor designated by him.

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

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

23 (I) The Clerk of the Circuit Court shall report to the  
24 Department of State Police, in the form and manner required by  
25 the Department of State Police, the final disposition of each  
26 minor who has been arrested or taken into custody before his or

1 her 18th birthday for those offenses required to be reported  
2 under Section 5 of the Criminal Identification Act. Information  
3 reported to the Department under this Section may be maintained  
4 with records that the Department files under Section 2.1 of the  
5 Criminal Identification Act.

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

10 (K) Any person found to be in violation of this Section is  
11 guilty of a Class B misdemeanor and subject to a fine of \$1,000  
12 per violation. This subsection (K) shall not apply to the  
13 person who is the subject of the record.

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

17 (Source: P.A. 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13;  
18 98-61, eff. 1-1-14; 98-552, eff. 8-27-13; 98-756, eff.  
19 7-16-14.)

20 (705 ILCS 405/5-915)

21 Sec. 5-915. Expungement of juvenile law enforcement and  
22 court records.

23 (0.05) For purposes of this Section ~~and Section 5-622:~~

24 "Dissemination" or "disseminate" means to publish,  
25 produce, print, manufacture, distribute, sell, lease,

1 exhibit, broadcast, display, transmit, or otherwise share  
2 information in any format so as to make the information  
3 accessible to others.

4 "Expunge" means to physically destroy the records and  
5 to obliterate the minor's name and juvenile court records  
6 from any official index, ~~or~~ public record, or electronic  
7 database both. No evidence of the juvenile court records  
8 may be retained by any law enforcement agency, the juvenile  
9 court, or by any municipal, county, or State agency or  
10 department. ~~Nothing in this Act shall require the physical~~  
11 ~~destruction of the internal office records, files, or~~  
12 ~~databases maintained by a State's Attorney's Office or~~  
13 ~~other prosecutor.~~

14 "Juvenile court record" includes, but is not limited  
15 to:

16 (a) all documents filed in or maintained by the  
17 juvenile court pertaining to a specific incident,  
18 proceeding, or individual;

19 (b) all documents relating to a specific incident,  
20 proceeding, or individual made available to or maintained  
21 by probation officers, social workers, or other  
22 individuals assigned by the court to conduct a  
23 pre-adjudication or predisposition investigation, or by  
24 individuals responsible for supervising or providing  
25 temporary or permanent care and custody for minors pursuant  
26 to the order of the juvenile court;

1           (c) all documents, video or audio tapes,  
2           photographs, and exhibits admitted into evidence at  
3           juvenile court hearings; or

4           (d) all documents, transcripts, records, reports  
5           or other evidence prepared by, maintained by, or released  
6           by any municipal, county, or state agency or department, in  
7           any format, if indicating involvement with the juvenile  
8           court relating to a specific incident, proceeding, or  
9           individual.

10           "Law enforcement record" includes but is not limited to  
11           records of arrest, station adjustments, fingerprints,  
12           probation adjustments, the issuance of a notice to appear,  
13           or any other records or documents maintained by any a law  
14           enforcement agency relating to a minor suspected of  
15           committing an offense or evidence of interaction with law  
16           enforcement.

17           (0.1) (a) The Department of State Police and all law  
18           enforcement agencies within the State shall automatically  
19           expunge, on or before January 1 of each year, all law  
20           enforcement records relating to events occurring before an  
21           individual's 18th birthday if:

22           (1) one year or more has elapsed since the date of the  
23           arrest or law enforcement interaction documented in the  
24           records;

25           (2) no petition for delinquency or criminal charges  
26           were filed with the clerk of the circuit court relating to



1       the arrest or law enforcement interaction documented in the  
2       records; and

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

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

16      (0.2) (a) Upon dismissal of a petition alleging delinquency  
17      or upon a finding of not delinquent, the court shall order all  
18      agencies named in the juvenile's court and probation files,  
19      including each law enforcement agency, other municipal,  
20      county, or State agencies who may have records of the  
21      juvenile's adjudication, public or private correctional,  
22      detention, treatment facilities, and each individual who  
23      provided treatment or rehabilitation services for the juvenile  
24      under an order of the court, to send that person's juvenile  
25      records to the court within 5 business days. The court shall  
26      then destroy the paper and electronic records and mail an

1 affidavit of expungement to the person. Each law enforcement  
2 agency shall affirm in an affidavit of expungement to the court  
3 that it destroyed all paper and electronic copies of the  
4 expunged records, except as provided in subdivision (0.2) (b) of  
5 this Section.

6 (b) If the chief law enforcement officer of the agency, or  
7 his or her designee, certifies in writing that certain  
8 information is needed for a pending investigation involving the  
9 commission of a felony, that information, and information  
10 identifying the juvenile, may be retained in an intelligence  
11 file until the investigation is terminated or for one  
12 additional year, whichever is sooner. Retention of a portion of  
13 a juvenile's law enforcement record does not disqualify the  
14 remainder of his or her record from immediate automatic  
15 expungement.

16 (0.3) (a) Upon an adjudication of delinquency based on any  
17 offense except first degree murder, the juvenile court shall  
18 automatically order the expungement of the juvenile records 2  
19 years after the juvenile's case was closed if no delinquency or  
20 criminal proceeding is pending and the person has had no  
21 subsequent delinquency adjudication or criminal conviction.  
22 This requires no application or action on the part of the  
23 person. Upon receipt of the court order, all agencies named in  
24 the juvenile's court and probation files, including each law  
25 enforcement agency, other municipal, county or state agencies  
26 who may have records of the juvenile's adjudication, public or

1 private correctional, detention, and treatment facilities and  
2 each individual who provided treatment or rehabilitation  
3 services for the juvenile under an order of the court, to send  
4 that person's juvenile records to the court within 5 business  
5 days. The court shall then destroy the paper and electronic  
6 records and mail an affidavit of expungement to the person.  
7 Additionally, each law enforcement agency shall also affirm in  
8 an affidavit of expungement to the court that it destroyed all  
9 paper and electronic copies of the expunged records, except as  
10 provided in subdivision (0.3) (b).

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

21 (1) Nothing in this subsection (1) precludes an eligible  
22 minor from obtaining expungement under subsections (0.1),  
23 (0.2), or (0.3). Whenever a person has been arrested, charged,  
24 or adjudicated delinquent for an incident occurring before his  
25 or her 18th birthday that if committed by an adult would be an  
26 offense, and that person's records are not eligible for

1 automatic expungement under subsections (0.1), (0.2), or  
2 (0.3), the person may petition the court at any time for  
3 expungement of law enforcement records and juvenile court  
4 records relating to the incident and upon termination of all  
5 juvenile court proceedings relating to that incident, the court  
6 shall order the expungement of all records in the possession of  
7 the Department of State Police, the clerk of the circuit court,  
8 and law enforcement agencies relating to the incident, but only  
9 in any of the following circumstances:

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

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

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

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

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

23 (1.5) (Blank). ~~Commencing 180 days after the effective date~~  
24 ~~of this amendatory Act of the 98th General Assembly, the~~  
25 ~~Department of State Police shall automatically expunge, on or~~  
26 ~~before January 1 of each year, a person's law enforcement~~

1 ~~records which are not subject to subsection (1) relating to~~  
2 ~~incidents occurring before his or her 18th birthday in the~~  
3 ~~Department's possession or control and which contains the final~~  
4 ~~disposition which pertain to the person when arrested as a~~  
5 ~~minor if:~~

6 ~~(a) the minor was arrested for an eligible offense and~~  
7 ~~no petition for delinquency was filed with the clerk of the~~  
8 ~~circuit court; and~~

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

11 ~~(c) since the date of the minor's most recent arrest,~~  
12 ~~at least 6 months have elapsed without an additional~~  
13 ~~arrest, filing of a petition for delinquency whether~~  
14 ~~related or not to a previous arrest, or filing of charges~~  
15 ~~not initiated by arrest.~~

16 The Department of State Police shall allow a person to use  
17 the Access and Review process, established in the Department of  
18 State Police, for verifying that his or her law enforcement  
19 records relating to incidents occurring before his or her 18th  
20 birthday eligible under this subsection have been expunged as  
21 provided in subsection (0.1) of this Section ~~this subsection.~~

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

24 (1.6) (Blank). ~~Commencing on the effective date of this~~  
25 ~~amendatory Act of the 98th General Assembly, a person whose law~~  
26 ~~enforcement records are not subject to subsection (1) or (1.5)~~

1 ~~of this Section and who has attained the age of 18 years may~~  
2 ~~use the Access and Review process, established in the~~  
3 ~~Department of State Police, for verifying his or her law~~  
4 ~~enforcement records relating to incidents occurring before his~~  
5 ~~or her 18th birthday in the Department's possession or control~~  
6 ~~which pertain to the person when arrested as a minor, if the~~  
7 ~~incident occurred no earlier than 30 years before the effective~~  
8 ~~date of this amendatory Act of the 98th General Assembly. If~~  
9 ~~the person identifies a law enforcement record of an eligible~~  
10 ~~offense that meets the requirements of this subsection,~~  
11 ~~paragraphs (a) and (c) of subsection (1.5) of this Section, and~~  
12 ~~all juvenile court proceedings related to the person have been~~  
13 ~~terminated, the person may file a Request for Expungement of~~  
14 ~~Juvenile Law Enforcement Records, in the form and manner~~  
15 ~~prescribed by the Department of State Police, with the~~  
16 ~~Department and the Department shall consider expungement of the~~  
17 ~~record as otherwise provided for automatic expungement under~~  
18 ~~subsection (1.5) of this Section. The person shall provide~~  
19 ~~notice and a copy of the Request for Expungement of Juvenile~~  
20 ~~Law Enforcement Records to the arresting agency, prosecutor~~  
21 ~~charged with the prosecution of the minor, or the State's~~  
22 ~~Attorney of the county that prosecuted the minor. The~~  
23 ~~Department of State Police shall provide by rule the process~~  
24 ~~for access, review, and Request for Expungement of Juvenile Law~~  
25 ~~Enforcement Records.~~

26 (1.7) (Blank). Nothing in subsections (1.5) and (1.6) of

1 ~~this Section precludes a person from filing a petition under~~  
2 ~~subsection (1) for expungement of records subject to automatic~~  
3 ~~expungement under that subsection (1) or subsection (1.5) or~~  
4 ~~(1.6) of this Section.~~

5 (1.8) (Blank). ~~For the purposes of subsections (1.5) and~~  
6 ~~(1.6) of this Section, "eligible offense" means records~~  
7 ~~relating to an arrest or incident occurring before the person's~~  
8 ~~18th birthday that if committed by an adult is not an offense~~  
9 ~~classified as a Class 2 felony or higher offense, an offense~~  
10 ~~under Article 11 of the Criminal Code of 1961 or the Criminal~~  
11 ~~Code of 2012, or an offense under Section 12-13, 12-14,~~  
12 ~~12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.~~

13 (2) Any person whose delinquency adjudications are not  
14 eligible for automatic expungement under subsections (0.1),  
15 (0.2), or (0.3) may petition the court to expunge all law  
16 enforcement records relating to any incidents occurring before  
17 his or her 18th birthday which did not result in proceedings in  
18 criminal court and all juvenile court records with respect to  
19 any adjudications except those based upon first degree murder;  
20 ~~and sex offenses which would be felonies if committed by an~~  
21 ~~adult, if the person for whom expungement is sought has had no~~  
22 ~~convictions for any crime since his or her 18th birthday and:~~

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

24 (b) 2 5 years have elapsed since all juvenile court  
25 proceedings relating to him or her have been terminated or  
26 his or her commitment to the Department of Juvenile Justice

1           under ~~pursuant to~~ this Act has been terminated. †  
2 ~~whichever is later of (a) or (b). Nothing in this Section 5-915~~  
3 ~~precludes a minor from obtaining expungement under Section~~  
4 ~~5-622.~~

5           (2.5) If a minor is arrested and no petition for  
6 delinquency is filed with the clerk of the circuit court ~~as~~  
7 ~~provided in paragraph (a) of subsection (1)~~ at the time the  
8 minor is released from custody, the youth officer, if  
9 applicable, or other designated person from the arresting  
10 agency, shall notify verbally and in writing to the minor or  
11 the minor's parents or guardians ~~that the minor has a right to~~  
12 ~~petition to have his or her arrest record expunged when all~~  
13 ~~juvenile court proceedings relating to that minor have been~~  
14 ~~terminated and that unless a petition to expunge is filed,~~ the  
15 minor shall have an arrest record and shall provide the minor  
16 and the minor's parents or guardians with an expungement  
17 information packet, information regarding this State's  
18 expungement laws including a petition to expunge juvenile  
19 records obtained from the clerk of the circuit court.

20           (2.6) If a minor is referred to court ~~charged with an~~  
21 ~~offense and is found not delinquent of that offense; or if a~~  
22 ~~minor is placed under supervision under Section 5-615, and the~~  
23 ~~order of supervision is successfully terminated; or if a minor~~  
24 ~~is adjudicated for an offense that would be a Class B~~  
25 ~~misdemeanor, a Class C misdemeanor, or a business or petty~~  
26 ~~offense if committed by an adult; or if a minor has incidents~~



1 ~~occurring before his or her 18th birthday that have not~~  
2 ~~resulted in proceedings in criminal court, or resulted in~~  
3 ~~proceedings in juvenile court, and the adjudications were not~~  
4 ~~based upon first degree murder or sex offenses that would be~~  
5 ~~felonies if committed by an adult;~~ then at the time of  
6 sentencing or dismissal of the case, or successful completion  
7 of supervision, the judge shall inform the delinquent minor of  
8 his or her rights regarding expungement ~~right to petition for~~  
9 ~~expungement as provided by law,~~ and the clerk of the circuit  
10 court shall provide an expungement information packet to the  
11 ~~delinquent~~ minor, written in plain language, including  
12 information regarding this State's expungement laws and a  
13 petition for expungement, a sample of a completed petition,  
14 expungement instructions that shall include information  
15 informing the minor that (i) once the case is expunged, it  
16 shall be treated as if it never occurred, (ii) he or she may  
17 apply to have petition fees waived, (iii) once he or she  
18 obtains an expungement, he or she may not be required to  
19 disclose that he or she had a juvenile record, and (iv) if  
20 petitioning he or she may file the petition on his or her own  
21 or with the assistance of an attorney. The failure of the judge  
22 to inform the delinquent minor of his or her right to petition  
23 for expungement as provided by law does not create a  
24 substantive right, nor is that failure grounds for: (i) a  
25 reversal of an adjudication of delinquency, (ii) a new trial;  
26 or (iii) an appeal.

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

11           (2.8) The petition for expungement for subsection (1) and  
12 (2) may include multiple offenses on the same petition and  
13 shall be substantially in the following form:

14                   IN THE CIRCUIT COURT OF ....., ILLINOIS  
15                                   ..... JUDICIAL CIRCUIT

16   IN THE INTEREST OF )     NO.  
17                                    )  
18                                    )  
19   .....)  
20   (Name of Petitioner)

21                                   PETITION TO EXPUNGE JUVENILE RECORDS  
22                                   (705 ILCS 405/5-915 (SUBSECTION 1 AND 2))

23   Now comes ....., petitioner, and respectfully requests  
24   that this Honorable Court enter an order expunging all juvenile

1 law enforcement and court records of petitioner and in support  
2 thereof states that: ~~Petitioner has attained the age of .....,~~  
3 ~~his/her birth date being ....., or all Juvenile Court~~  
4 ~~proceedings terminated as of ....., whichever occurred later.~~

5 Petitioner was arrested on ..... by the ..... Police  
6 Department for the offense or offenses of ....., and:

7 (Check All That Apply:)

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

10 ( ) b. was charged with ..... and was found not delinquent of  
11 the offense or offenses.

12 ( ) c. a petition or petitions were filed and the petition or  
13 petitions were dismissed without a finding of delinquency on  
14 .....

15 ( ) d. on ..... placed under supervision pursuant to Section  
16 5-615 of the Juvenile Court Act of 1987 and such order of  
17 supervision successfully terminated on .....

18 ( ) e. was adjudicated for the offense or offenses and 2 years  
19 have passed since the adjudication, ~~which would have been a~~  
20 ~~Class B misdemeanor, a Class C misdemeanor, or a petty offense~~  
21 ~~or business offense if committed by an adult.~~

22 Petitioner .... has .... has not been arrested on charges in  
23 this or any county other than the charges listed above. If  
24 petitioner has been arrested on additional charges, please list  
25 the charges below:

26 Charge(s): .....

1 Arresting Agency or Agencies: .....

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

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

8 .....

9 Petitioner (Signature)

10 .....

11 Petitioner's Street Address

12 .....

13 City, State, Zip Code

14 .....

15 Petitioner's Telephone Number

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

20 .....

1 Petitioner (Signature)

2 ~~The Petition for Expungement for subsection (2) shall be~~  
3 ~~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 2))~~

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

14 ~~Now comes ....., petitioner, and respectfully requests~~  
15 ~~that this Honorable Court enter an order expunging all Juvenile~~  
16 ~~Law Enforcement and Court records of petitioner and in support~~  
17 ~~thereof states that:~~

18 ~~The incident for which the Petitioner seeks expungement~~  
19 ~~occurred before the Petitioner's 18th birthday and did not~~  
20 ~~result in proceedings in criminal court and the Petitioner has~~  
21 ~~not had any convictions for any crime since his/her 18th~~  
22 ~~birthday; and~~

23 ~~The incident for which the Petitioner seeks expungement~~

1 ~~occurred before the Petitioner's 18th birthday and the~~  
2 ~~adjudication was not based upon first degree murder or sex~~  
3 ~~offenses which would be felonies if committed by an adult, and~~  
4 ~~the Petitioner has not had any convictions for any crime since~~  
5 ~~his/her 18th birthday.~~

6 ~~Petitioner was arrested on ..... by the ..... Police~~  
7 ~~Department for the offense of ....., and:~~

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

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

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

20 ~~Charge(s): .....~~

21 ~~Arresting Agency or Agencies: .....~~

22 ~~Disposition/Result: (choose from a or b, 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 related to this incident, and (2) to~~  
26 ~~order the Clerk of the Court to expunge all records concerning~~

1 ~~the petitioner regarding this incident.~~

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 (3) The chief judge of the circuit in which an arrest was  
17 made or a charge was brought or any judge of that circuit  
18 designated by the chief judge may, upon verified petition of a  
19 person who is the subject of an arrest or a juvenile court  
20 proceeding under subsection (1) or (2) of this Section, order  
21 the law enforcement records or official court file, or both, to  
22 be expunged from the official records of the arresting

1 authority, the clerk of the circuit court and the Department of  
2 State Police. The person whose records are to be expunged shall  
3 petition the court using the appropriate form containing his or  
4 her current address and shall promptly notify the clerk of the  
5 circuit court of any change of address. Notice of the petition  
6 shall be served upon the State's Attorney or prosecutor charged  
7 with the duty of prosecuting the offense, the Department of  
8 State Police, and the arresting agency or agencies by the clerk  
9 of the circuit court. If an objection is filed within 45 days  
10 of the notice of the petition, the clerk of the circuit court  
11 shall set a date for hearing after the 45-day ~~45-day~~ objection  
12 period. At the hearing the court shall hear evidence on whether  
13 the expungement should or should not be granted. Unless the  
14 State's Attorney or prosecutor, the Department of State Police,  
15 or an arresting agency objects to the expungement within 45  
16 days of the notice, the court may enter an order granting  
17 expungement. The clerk shall forward a certified copy of the  
18 order to the Department of State Police and deliver a certified  
19 copy of the order to the arresting agency.

20 (3.1) The Notice of Expungement shall be in substantially  
21 the following form:

22 IN THE CIRCUIT COURT OF ....., ILLINOIS

23 ..... JUDICIAL CIRCUIT

24 IN THE INTEREST OF ) NO.

25 )



1 )  
 2 .....)  
 3 (Name of Petitioner)

4 NOTICE

5 TO: State's Attorney

6 TO: Arresting Agency

7  
 8 .....

9 .....

10  
 11 .....

12 .....

13 TO: Illinois State Police

14  
 15 .....

16  
 17 .....

18 ATTENTION: Expungement

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

24 .....  
 25 Petitioner's Signature

1 .....  
 2 Petitioner's Street Address  
 3 .....  
 4 City, State, Zip Code  
 5 .....  
 6 Petitioner's Telephone Number

7 PROOF OF SERVICE

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

11 (Check One:)

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

14 or

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

19 .....

20  
21 Signature

22 Clerk of the Circuit Court or Deputy Clerk

23 Printed Name of Delinquent Minor/Petitioner: ....

24 Address: .....

25 Telephone Number: .....

26 (3.2) The Order of Expungement shall be in substantially

1 the following form:

2 IN THE CIRCUIT COURT OF ....., ILLINOIS

3 ..... JUDICIAL CIRCUIT

4 IN THE INTEREST OF ) NO.

5 )

6 )

7 .....

8 (Name of Petitioner)

9 DOB .....

10 Arresting Agency/Agencies .....

11 ORDER OF EXPUNGEMENT

12 (705 ILCS 405/5-915 (SUBSECTION 3))

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

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

19 ( ) 2. The Illinois State Police Bureau of Identification  
20 and the following law enforcement agencies expunge all records  
21 of petitioner relating to an arrest dated ..... for the  
22 offense of .....

23 Law Enforcement Agencies:

24 .....

1 .....  
2

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

5 ENTER: .....

6 JUDGE

7 DATED: .....

8 Name:

9 Attorney for:

10 Address: City/State/Zip:

11 Attorney Number:

12 (3.3) The Notice of Objection shall be in substantially the  
13 following form:

14 IN THE CIRCUIT COURT OF ....., ILLINOIS

15 ..... JUDICIAL CIRCUIT

16 IN THE INTEREST OF ) NO.

17 )

18 )

19 .....)

20 (Name of Petitioner)

21 NOTICE OF OBJECTION

22 TO: (Attorney, Public Defender, Minor)

23 .....

24 .....

1 TO: (Illinois State Police)  
 2 .....  
 3 .....

4 TO: (Clerk of the Court)  
 5 .....  
 6 .....

7 TO: (Judge)  
 8 .....  
 9 .....

10 TO: (Arresting Agency/Agencies)  
 11 .....  
 12 .....

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

- 16 ( ) State's Attorney's Office;
- 17 ( ) Prosecutor (other than State's Attorney's Office) charged
- 18 with the duty of prosecuting the offense sought to be expunged;
- 19 ( ) Department of Illinois State Police; or
- 20 ( ) Arresting Agency or Agencies.

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

24 DATED: .....

25 Name:

26 Attorney For:

1 Address:

2 City/State/Zip:

3 Telephone:

4 Attorney No.:

5 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

6 This matter has been set for hearing on the foregoing  
7 objection, on ..... in room ....., located at ....., before the  
8 Honorable ....., Judge, or any judge sitting in his/her stead.  
9 (Only one hearing shall be set, regardless of the number of  
10 Notices of Objection received on the same case).

11 A copy of this completed Notice of Objection containing the  
12 court date, time, and location, has been sent via regular U.S.  
13 Mail to the following entities. (If more than one Notice of  
14 Objection is received on the same case, each one must be  
15 completed with the court date, time and location and mailed to  
16 the following entities):

17 ( ) Attorney, Public Defender or Minor;

18 ( ) State's Attorney's Office;

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

21 ( ) Department of Illinois State Police; and

22 ( ) Arresting agency or agencies.

23 Date: .....

24 Initials of Clerk completing this section: .....

25 (4) (a) Upon entry of an order expunging records or files,  
26 the offense, which the records or files concern shall be

1 treated as if it never occurred. Law enforcement officers and  
2 other public offices and agencies shall properly reply on  
3 inquiry that no record or file exists with respect to the  
4 person.

5 (a-5) The Department of State Police and local arresting  
6 agency shall send written notice to the minor of the  
7 expungement of any records within 60 days of automatic  
8 expungement or the date of service of an expungement order,  
9 whichever applies. If a minor's court file has been expunged,  
10 the clerk of the circuit court shall send written notice to the  
11 minor of the expungement of any records within 60 days of  
12 automatic expungement or the date of service of an expungement  
13 order, whichever applies.

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

1 records of adjudication or arrest, shall be treated as  
2 dissemination of an expunged record by the employer.

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

6 (5) (Blank). ~~Records which have not been expunged are~~  
7 ~~sealed, and may be obtained only under the provisions of~~  
8 ~~Sections 5-901, 5-905 and 5-915.~~

9 (5.5) (a) Whether or not expunged, records eligible for  
10 automatic expungement under subdivision (0.1) (a), (0.2) (a), or  
11 (0.3) (a) may be treated as expunged by the individual subject  
12 to the records.

13 (b) Whether or not expunged, dissemination by any law  
14 enforcement officer or agency, an official of the juvenile  
15 court, any municipal, county or State agency or department  
16 subject to an order of expungement or any individual employed  
17 by an agency or department of any information contained in  
18 records eligible for automatic expungement under subdivision  
19 (0.1) (a), (0.2) (a), or (0.3) (a) shall be treated as  
20 dissemination of expunged records.

21 (6) Nothing in this Section shall be construed to prohibit  
22 the maintenance of information relating to an offense after  
23 records or files concerning the offense have been expunged if  
24 the information is kept in a manner that does not enable  
25 identification of the individual ~~offender~~. This information  
26 may only be used for anonymous statistical and bona fide



1 research purposes.

2 (6.5) (Blank). ~~The Department of State Police or any~~  
3 ~~employee of the Department shall be immune from civil or~~  
4 ~~criminal liability for failure to expunge any records of arrest~~  
5 ~~that are subject to expungement under subsection (1.5) or (1.6)~~  
6 ~~of this Section because of inability to verify a record.~~  
7 ~~Nothing in subsection (1.5) or (1.6) of this Section shall~~  
8 ~~create Department of State Police liability or responsibility~~  
9 ~~for the expungement of law enforcement records it does not~~  
10 ~~possess.~~

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

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

19 (i) An explanation of the State's juvenile expungement  
20 laws, including both automatic expungement and expungement  
21 by petition process;

22 (ii) The circumstances under which juvenile  
23 expungement may occur;

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

25 (iv) The steps necessary to initiate and complete the  
26 juvenile expungement process; and

1 (v) Directions on how to contact the State Appellate  
2 Defender.

3 (c) The State Appellate Defender shall establish and  
4 maintain a statewide toll-free telephone number that a person  
5 may use to receive information or assistance concerning the  
6 expungement of juvenile records. The State Appellate Defender  
7 shall advertise the toll-free telephone number statewide. The  
8 State Appellate Defender shall develop an expungement  
9 information packet that may be sent to eligible persons seeking  
10 expungement of their juvenile records, which may include, but  
11 is not limited to, a pre-printed expungement petition with  
12 instructions on how to complete the petition and a pamphlet  
13 containing information that would assist individuals through  
14 the juvenile expungement process.

15 (d) The State Appellate Defender shall compile a statewide  
16 list of volunteer attorneys willing to assist eligible  
17 individuals through the juvenile expungement process.

18 (e) This Section shall be implemented from funds  
19 appropriated by the General Assembly to the State Appellate  
20 Defender for this purpose. The State Appellate Defender shall  
21 employ the necessary staff and adopt the necessary rules for  
22 implementation of this Section.

23 (7.5) (a) Dissemination of any information contained in an  
24 expunged record shall be treated as a Class B Misdemeanor and  
25 punishable by a fine of \$1,000. Dissemination by an employee of  
26 any municipal, county, or State agency, including law

1 enforcement, shall be grounds for unpaid suspension upon the  
2 first offense, and dismissal upon any subsequent offense.

3 (b) Dissemination for financial gain of any information  
4 contained in an expunged record shall be treated as a Class 4  
5 felony. Dissemination for financial gain by an employee of any  
6 municipal, county, or State agency, including law enforcement,  
7 shall result in immediate termination.

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

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

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

1 on the Department's website to inform employers that employers  
2 may not ask if an applicant had a juvenile record expunged and  
3 that application for employment must contain specific language  
4 that states that the applicant is not obligated to disclose  
5 expunged juvenile records of adjudication, arrest, or  
6 conviction.

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

13 ~~(c) The expungement of juvenile records under Section 5-622~~  
14 ~~shall be funded by the additional fine imposed under Section~~  
15 ~~5-9-1.17 of the Unified Code of Corrections and additional~~  
16 ~~appropriations made by the General Assembly for such purpose.~~

17 (9) (Blank). ~~The changes made to this Section by Public Act~~  
18 ~~98-61 apply to law enforcement records of a minor who has been~~  
19 ~~arrested or taken into custody on or after January 1, 2014 (the~~  
20 ~~effective date of Public Act 98-61).~~

21 (10) (Blank). ~~The changes made in subsection (1.5) of this~~  
22 ~~Section by this amendatory Act of the 98th General Assembly~~  
23 ~~apply to law enforcement records of a minor who has been~~  
24 ~~arrested or taken into custody on or after January 1, 2015. The~~  
25 ~~changes made in subsection (1.6) of this Section by this~~  
26 ~~amendatory Act of the 98th General Assembly apply to law~~

1 ~~enforcement records of a minor who has been arrested or taken~~  
2 ~~into custody before January 1, 2015.~~

3 (Source: P.A. 98-61, eff. 1-1-14; 98-637, eff. 1-1-15; 98-756,  
4 eff. 7-16-14; 99-835, eff. 1-1-17; 99-881, eff. 1-1-17; revised  
5 9-2-16.)

6 (705 ILCS 405/5-622 rep.)

7 Section 10. The Juvenile Court Act of 1987 is amended by  
8 repealing Section 5-622".