

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Identification Act is amended by  
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

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

12 (A) The following terms shall have the meanings  
13 ascribed to them in the Unified Code of Corrections,  
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),  
2 (xi) Petty Offense (730 ILCS 5/5-1-17),  
3 (xii) Probation (730 ILCS 5/5-1-18),  
4 (xiii) Sentence (730 ILCS 5/5-1-19),  
5 (xiv) Supervision (730 ILCS 5/5-1-21), and  
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated  
8 by arrest" means a charge (as defined by 730 ILCS  
9 5/5-1-3) brought against a defendant where the  
10 defendant is not arrested prior to or as a direct  
11 result of the charge.

12 (C) "Conviction" means a judgment of conviction or  
13 sentence entered upon a plea of guilty or upon a  
14 verdict or finding of guilty of an offense, rendered by  
15 a legally constituted jury or by a court of competent  
16 jurisdiction authorized to try the case without a jury.  
17 An order of supervision successfully completed by the  
18 petitioner is not a conviction. An order of qualified  
19 probation (as defined in subsection (a)(1)(J))  
20 successfully completed by the petitioner is not a  
21 conviction. An order of supervision or an order of  
22 qualified probation that is terminated  
23 unsatisfactorily is a conviction, unless the  
24 unsatisfactory termination is reversed, vacated, or  
25 modified and the judgment of conviction, if any, is  
26 reversed or vacated.

1           (D) "Criminal offense" means a petty offense,  
2           business offense, misdemeanor, felony, or municipal  
3           ordinance violation (as defined in subsection  
4           (a) (1) (H)). As used in this Section, a minor traffic  
5           offense (as defined in subsection (a) (1) (G)) shall not  
6           be considered a criminal offense.

7           (E) "Expunge" means to physically destroy the  
8           records or return them to the petitioner and to  
9           obliterate the petitioner's name from any official  
10          index or public record, or both. Nothing in this Act  
11          shall require the physical destruction of the circuit  
12          court file, but such records relating to arrests or  
13          charges, or both, ordered expunged shall be impounded  
14          as required by subsections (d) (9) (A) (ii) and  
15          (d) (9) (B) (ii).

16          (F) As used in this Section, "last sentence" means  
17          the sentence, order of supervision, or order of  
18          qualified probation (as defined by subsection  
19          (a) (1) (J)), for a criminal offense (as defined by  
20          subsection (a) (1) (D)) that terminates last in time in  
21          any jurisdiction, regardless of whether the petitioner  
22          has included the criminal offense for which the  
23          sentence or order of supervision or qualified  
24          probation was imposed in his or her petition. If  
25          multiple sentences, orders of supervision, or orders  
26          of qualified probation terminate on the same day and

1           are last in time, they shall be collectively considered  
2           the "last sentence" regardless of whether they were  
3           ordered to run concurrently.

4           (G) "Minor traffic offense" means a petty offense,  
5           business offense, or Class C misdemeanor under the  
6           Illinois Vehicle Code or a similar provision of a  
7           municipal or local ordinance.

8           (H) "Municipal ordinance violation" means an  
9           offense defined by a municipal or local ordinance that  
10          is criminal in nature and with which the petitioner was  
11          charged or for which the petitioner was arrested and  
12          released without charging.

13          (I) "Petitioner" means an adult or a minor  
14          prosecuted as an adult who has applied for relief under  
15          this Section.

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

1 Dependency Act, or Section 10 of the Steroid Control  
2 Act. For the purpose of this Section, "successful  
3 completion" of an order of qualified probation under  
4 Section 10-102 of the Illinois Alcoholism and Other  
5 Drug Dependency Act and Section 40-10 of the Alcoholism  
6 and Other Drug Abuse and Dependency Act means that the  
7 probation was terminated satisfactorily and the  
8 judgment of conviction was vacated.

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

19 (L) "Sexual offense committed against a minor"  
20 includes but is not limited to the offenses of indecent  
21 solicitation of a child or criminal sexual abuse when  
22 the victim of such offense is under 18 years of age.

23 (M) "Terminate" as it relates to a sentence or  
24 order of supervision or qualified probation includes  
25 either satisfactory or unsatisfactory termination of  
26 the sentence, unless otherwise specified in this

1 Section.

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

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

1 law violation of subsection (a) of Section 4 of the  
2 Cannabis Control Act or subsection (c) of Section 3.5 of  
3 the Drug Paraphernalia Control Act in the clerk's  
4 possession or control and which contains the final  
5 satisfactory disposition which pertain to the person  
6 issued a citation for any of those offenses.

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

10 (A) the sealing or expungement of the records of  
11 arrests or charges not initiated by arrest that result  
12 in an order of supervision for or conviction of: (i)  
13 any sexual offense committed against a minor; (ii)  
14 Section 11-501 of the Illinois Vehicle Code or a  
15 similar provision of a local ordinance; or (iii)  
16 Section 11-503 of the Illinois Vehicle Code or a  
17 similar provision of a local ordinance, unless the  
18 arrest or charge is for a misdemeanor violation of  
19 subsection (a) of Section 11-503 or a similar provision  
20 of a local ordinance, that occurred prior to the  
21 offender reaching the age of 25 years and the offender  
22 has no other conviction for violating Section 11-501 or  
23 11-503 of the Illinois Vehicle Code or a similar  
24 provision of a local ordinance.

25 (B) the sealing or expungement of records of minor  
26 traffic offenses (as defined in subsection (a) (1) (G)),

1 unless the petitioner was arrested and released  
2 without charging.

3 (C) the sealing of the records of arrests or  
4 charges not initiated by arrest which result in an  
5 order of supervision or a conviction for the following  
6 offenses:

7 (i) offenses included in Article 11 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012  
9 or a similar provision of a local ordinance, except  
10 Section 11-14 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012, or a similar provision of a  
12 local ordinance;

13 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
14 26-5, or 48-1 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, or a similar provision of a  
16 local ordinance;

17 (iii) Sections 12-3.1 or 12-3.2 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012,  
19 or Section 125 of the Stalking No Contact Order  
20 Act, or Section 219 of the Civil No Contact Order  
21 Act, or a similar provision of a local ordinance;

22 (iv) offenses which are Class A misdemeanors  
23 under the Humane Care for Animals Act; ~~or~~

24 (v) any offense or attempted offense that  
25 would subject a person to registration under the  
26 Sex Offender Registration Act; or ~~or~~



1                   (vi) Section 16-1.3, 12-21, 16G-20, 12-4.4a,  
2                   or 17-56 or paragraph (1) of subsection (b) of  
3                   Section 16-30 of the Criminal Code of 1961 or the  
4                   Criminal Code of 2012 or a similar provision of a  
5                   local ordinance.

6                   (D) the sealing of the records of an arrest which  
7 results in the petitioner being charged with a felony  
8 offense or records of a charge not initiated by arrest  
9 for a felony offense unless:

10                   (i) the charge is amended to a misdemeanor and  
11 is otherwise eligible to be sealed pursuant to  
12 subsection (c);

13                   (ii) the charge is brought along with another  
14 charge as a part of one case and the charge results  
15 in acquittal, dismissal, or conviction when the  
16 conviction was reversed or vacated, and another  
17 charge brought in the same case results in a  
18 disposition for a misdemeanor offense that is  
19 eligible to be sealed pursuant to subsection (c) or  
20 a disposition listed in paragraph (i), (iii), or  
21 (iv) of this subsection;

22                   (iii) the charge results in first offender  
23 probation as set forth in subsection (c) (2) (E);

24                   (iv) the charge is for a felony offense listed  
25 in subsection (c) (2) (F) or the charge is amended to  
26 a felony offense listed in subsection (c) (2) (F);

1                   (v) the charge results in acquittal,  
2                   dismissal, or the petitioner's release without  
3                   conviction; or

4                   (vi) the charge results in a conviction, but  
5                   the conviction was reversed or vacated.

6           (b) Expungement.

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

20           (1.5) When a petitioner seeks to have a record of  
21           arrest expunged under this Section, and the offender has  
22           been convicted of a criminal offense, the State's Attorney  
23           may object to the expungement on the grounds that the  
24           records contain specific relevant information aside from  
25           the mere fact of the arrest.

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

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

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

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

21           (i-5) Those arrests or charges that resulted  
22 in orders of supervision for a misdemeanor  
23 violation of subsection (a) of Section 11-503 of  
24 the Illinois Vehicle Code or a similar provision of  
25 a local ordinance, that occurred prior to the  
26 offender reaching the age of 25 years and the

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

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

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

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

21 (4) Whenever a person has been arrested for or  
22 convicted of any offense, in the name of a person whose  
23 identity he or she has stolen or otherwise come into  
24 possession of, the aggrieved person from whom the identity  
25 was stolen or otherwise obtained without authorization,  
26 upon learning of the person having been arrested using his

1 or her identity, may, upon verified petition to the chief  
2 judge of the circuit wherein the arrest was made, have a  
3 court order entered nunc pro tunc by the Chief Judge to  
4 correct the arrest record, conviction record, if any, and  
5 all official records of the arresting authority, the  
6 Department, other criminal justice agencies, the  
7 prosecutor, and the trial court concerning such arrest, if  
8 any, by removing his or her name from all such records in  
9 connection with the arrest and conviction, if any, and by  
10 inserting in the records the name of the offender, if known  
11 or ascertainable, in lieu of the aggrieved's name. The  
12 records of the circuit court clerk shall be sealed until  
13 further order of the court upon good cause shown and the  
14 name of the aggrieved person obliterated on the official  
15 index required to be kept by the circuit court clerk under  
16 Section 16 of the Clerks of Courts Act, but the order shall  
17 not affect any index issued by the circuit court clerk  
18 before the entry of the order. Nothing in this Section  
19 shall limit the Department of State Police or other  
20 criminal justice agencies or prosecutors from listing  
21 under an offender's name the false names he or she has  
22 used.

23 (5) Whenever a person has been convicted of criminal  
24 sexual assault, aggravated criminal sexual assault,  
25 predatory criminal sexual assault of a child, criminal  
26 sexual abuse, or aggravated criminal sexual abuse, the

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

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

21 (7) Nothing in this Section shall prevent the  
22 Department of State Police from maintaining all records of  
23 any person who is admitted to probation upon terms and  
24 conditions and who fulfills those terms and conditions  
25 pursuant to Section 10 of the Cannabis Control Act, Section  
26 410 of the Illinois Controlled Substances Act, Section 70

1 of the Methamphetamine Control and Community Protection  
2 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
3 Corrections, Section 12-4.3 or subdivision (b)(1) of  
4 Section 12-3.05 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, Section 10-102 of the Illinois  
6 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
7 the Alcoholism and Other Drug Abuse and Dependency Act, or  
8 Section 10 of the Steroid Control Act.

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

16 (c) Sealing.

17 (1) Applicability. Notwithstanding any other provision  
18 of this Act to the contrary, and cumulative with any rights  
19 to expungement of criminal records, this subsection  
20 authorizes the sealing of criminal records of adults and of  
21 minors prosecuted as adults.

22 (2) Eligible Records. The following records may be  
23 sealed:

24 (A) All arrests resulting in release without  
25 charging;

26 (B) Arrests or charges not initiated by arrest

1 resulting in acquittal, dismissal, or conviction when  
2 the conviction was reversed or vacated, except as  
3 excluded by subsection (a) (3) (B);

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

9 (D) Arrests or charges not initiated by arrest  
10 resulting in convictions, including convictions on  
11 municipal ordinance violations, unless excluded by  
12 subsection (a) (3);

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

20 (F) Arrests or charges not initiated by arrest  
21 resulting in felony convictions for the following  
22 offenses:

23 (i) Class 4 felony convictions for:

24 Prostitution under Section 11-14 of the  
25 Criminal Code of 1961 or the Criminal Code of  
26 2012.



1 Possession of cannabis under Section 4 of  
2 the Cannabis Control Act.

3 Possession of a controlled substance under  
4 Section 402 of the Illinois Controlled  
5 Substances Act.

6 Offenses under the Methamphetamine  
7 Precursor Control Act.

8 Offenses under the Steroid Control Act.

9 Theft under Section 16-1 of the Criminal  
10 Code of 1961 or the Criminal Code of 2012.

11 Retail theft under Section 16A-3 or  
12 paragraph (a) of 16-25 of the Criminal Code of  
13 1961 or the Criminal Code of 2012.

14 Deceptive practices under Section 17-1 of  
15 the Criminal Code of 1961 or the Criminal Code  
16 of 2012.

17 Forgery under Section 17-3 of the Criminal  
18 Code of 1961 or the Criminal Code of 2012.

19 Possession of burglary tools under Section  
20 19-2 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012.

22 (ii) Class 3 felony convictions for:

23 Theft under Section 16-1 of the Criminal  
24 Code of 1961 or the Criminal Code of 2012.

25 Retail theft under Section 16A-3 or  
26 paragraph (a) of 16-25 of the Criminal Code of

1 1961 or the Criminal Code of 2012.

2 Deceptive practices under Section 17-1 of  
3 the Criminal Code of 1961 or the Criminal Code  
4 of 2012.

5 Forgery under Section 17-3 of the Criminal  
6 Code of 1961 or the Criminal Code of 2012.

7 Possession with intent to manufacture or  
8 deliver a controlled substance under Section  
9 401 of the Illinois Controlled Substances Act.

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

13 (A) Records identified as eligible under  
14 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
15 time.

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

21 (C) Except as otherwise provided in subparagraph  
22 (E) of this paragraph (3), records identified as  
23 eligible under subsections (c)(2)(D), (c)(2)(E), and  
24 (c)(2)(F) may be sealed 3 years after the termination  
25 of the petitioner's last sentence (as defined in  
26 subsection (a)(1)(F)).

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

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

22          (4) Subsequent felony convictions. A person may not  
23          have subsequent felony conviction records sealed as  
24          provided in this subsection (c) if he or she is convicted  
25          of any felony offense after the date of the sealing of  
26          prior felony convictions as provided in this subsection

1 (c). The court may, upon conviction for a subsequent felony  
2 offense, order the unsealing of prior felony conviction  
3 records previously ordered sealed by the court.

4 (5) Notice of eligibility for sealing. Upon entry of a  
5 disposition for an eligible record under this subsection  
6 (c), the petitioner shall be informed by the court of the  
7 right to have the records sealed and the procedures for the  
8 sealing of the records.

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

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

24 (1.5) County fee waiver pilot program. In a county of  
25 3,000,000 or more inhabitants, no fee shall be required to  
26 be paid by a petitioner if the records sought to be

1 expunged or sealed were arrests resulting in release  
2 without charging or arrests or charges not initiated by  
3 arrest resulting in acquittal, dismissal, or conviction  
4 when the conviction was reversed or vacated, unless  
5 excluded by subsection (a) (3) (B). The provisions of this  
6 paragraph (1.5), other than this sentence, are inoperative  
7 on and after January 1, 2018 or one year after January 1,  
8 2017 (the effective date of Public Act 99-881) ~~this~~  
9 ~~amendatory Act of the 99th General Assembly~~, whichever is  
10 later.

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

25 (3) Drug test. The petitioner must attach to the  
26 petition proof that the petitioner has passed a test taken

1           within 30 days before the filing of the petition showing  
2           the absence within his or her body of all illegal  
3           substances as defined by the Illinois Controlled  
4           Substances Act, the Methamphetamine Control and Community  
5           Protection Act, and the Cannabis Control Act if he or she  
6           is petitioning to:

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

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

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

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

15          (4) Service of petition. The circuit court clerk shall  
16          promptly serve a copy of the petition and documentation to  
17          support the petition under subsection (e-5) or (e-6) on the  
18          State's Attorney or prosecutor charged with the duty of  
19          prosecuting the offense, the Department of State Police,  
20          the arresting agency and the chief legal officer of the  
21          unit of local government effecting the arrest.

22          (5) Objections.

23                   (A) Any party entitled to notice of the petition  
24          may file an objection to the petition. All objections  
25          shall be in writing, shall be filed with the circuit  
26          court clerk, and shall state with specificity the basis

1 of the objection. Whenever a person who has been  
2 convicted of an offense is granted a pardon by the  
3 Governor which specifically authorizes expungement, an  
4 objection to the petition may not be filed.

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

8 (6) Entry of order.

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

16 (B) Unless the State's Attorney or prosecutor, the  
17 Department of State Police, the arresting agency, or  
18 the chief legal officer files an objection to the  
19 petition to expunge or seal within 60 days from the  
20 date of service of the petition, the court shall enter  
21 an order granting or denying the petition.

22 (7) Hearings. If an objection is filed, the court shall  
23 set a date for a hearing and notify the petitioner and all  
24 parties entitled to notice of the petition of the hearing  
25 date at least 30 days prior to the hearing. Prior to the  
26 hearing, the State's Attorney shall consult with the

1 Department as to the appropriateness of the relief sought  
2 in the petition to expunge or seal. At the hearing, the  
3 court shall hear evidence on whether the petition should or  
4 should not be granted, and shall grant or deny the petition  
5 to expunge or seal the records based on the evidence  
6 presented at the hearing. The court may consider the  
7 following:

8 (A) the strength of the evidence supporting the  
9 defendant's conviction;

10 (B) the reasons for retention of the conviction  
11 records by the State;

12 (C) the petitioner's age, criminal record history,  
13 and employment history;

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

17 (E) the specific adverse consequences the  
18 petitioner may be subject to if the petition is denied.

19 (8) Service of order. After entering an order to  
20 expunge or seal records, the court must provide copies of  
21 the order to the Department, in a form and manner  
22 prescribed by the Department, to the petitioner, to the  
23 State's Attorney or prosecutor charged with the duty of  
24 prosecuting the offense, to the arresting agency, to the  
25 chief legal officer of the unit of local government  
26 effecting the arrest, and to such other criminal justice



1 agencies as may be ordered by the court.

2 (9) Implementation of order.

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

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

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

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

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

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

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

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

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

23                   (iv) records impounded by the Department may  
24                   be disseminated by the Department only as required  
25                   by law or to the arresting authority, the State's  
26                   Attorney, and the court upon a later arrest for the

1 same or a similar offense or for the purpose of  
2 sentencing for any subsequent felony, and to the  
3 Department of Corrections upon conviction for any  
4 offense; and

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

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

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

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

1 circuit court clerk before the entry of the order;

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

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

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

22 (C) Upon entry of an order to seal records under  
23 subsection (c), the arresting agency, any other agency  
24 as ordered by the court, the Department, and the court  
25 shall seal the records (as defined in subsection  
26 (a) (1) (K)). In response to an inquiry for such records,

1 from anyone not authorized by law to access such  
2 records, the court, the Department, or the agency  
3 receiving such inquiry shall reply as it does in  
4 response to inquiries when no records ever existed.

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

20 (10) Fees. The Department may charge the petitioner a  
21 fee equivalent to the cost of processing any order to  
22 expunge or seal records. Notwithstanding any provision of  
23 the Clerks of Courts Act to the contrary, the circuit court  
24 clerk may charge a fee equivalent to the cost associated  
25 with the sealing or expungement of records by the circuit  
26 court clerk. From the total filing fee collected for the

1 petition to seal or expunge, the circuit court clerk shall  
2 deposit \$10 into the Circuit Court Clerk Operation and  
3 Administrative Fund, to be used to offset the costs  
4 incurred by the circuit court clerk in performing the  
5 additional duties required to serve the petition to seal or  
6 expunge on all parties. The circuit court clerk shall  
7 collect and forward the Department of State Police portion  
8 of the fee to the Department and it shall be deposited in  
9 the State Police Services Fund.

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

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

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

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

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

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

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



1 of sentencing for any subsequent felony. Upon conviction for  
2 any subsequent offense, the Department of Corrections shall  
3 have access to all sealed records of the Department pertaining  
4 to that individual. Upon entry of the order of expungement, the  
5 circuit court clerk shall promptly mail a copy of the order to  
6 the person who was pardoned.

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

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

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

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

15 (f) Subject to available funding, the Illinois Department  
16 of Corrections shall conduct a study of the impact of sealing,  
17 especially on employment and recidivism rates, utilizing a  
18 random sample of those who apply for the sealing of their  
19 criminal records under Public Act 93-211. At the request of the  
20 Illinois Department of Corrections, records of the Illinois  
21 Department of Employment Security shall be utilized as  
22 appropriate to assist in the study. The study shall not  
23 disclose any data in a manner that would allow the  
24 identification of any particular individual or employing unit.  
25 The study shall be made available to the General Assembly no  
26 later than September 1, 2010.

1 (Source: P.A. 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,  
2 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,  
3 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;  
4 98-1009, eff. 1-1-15; 99-78, eff. 7-20-15; 99-378, eff. 1-1-16;  
5 99-385, eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff.  
6 7-29-16; 99-881, eff. 1-1-17; revised 9-2-16.)

7 Section 10. The Criminal Code of 2012 is amended by  
8 changing Sections 1-6, 16-1, and 17-56 as follows:

9 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

10 Sec. 1-6. Place of trial.

11 (a) Generally.

12 Criminal actions shall be tried in the county where the  
13 offense was committed, except as otherwise provided by law. The  
14 State is not required to prove during trial that the alleged  
15 offense occurred in any particular county in this State. When a  
16 defendant contests the place of trial under this Section, all  
17 proceedings regarding this issue shall be conducted under  
18 Section 114-1 of the Code of Criminal Procedure of 1963. All  
19 objections of improper place of trial are waived by a defendant  
20 unless made before trial.

21 (b) Assailant and Victim in Different Counties.

22 If a person committing an offense upon the person of  
23 another is located in one county and his victim is located in  
24 another county at the time of the commission of the offense,

1 trial may be had in either of said counties.

2 (c) Death and Cause of Death in Different Places or  
3 Undetermined.

4 If cause of death is inflicted in one county and death  
5 ensues in another county, the offender may be tried in either  
6 county. If neither the county in which the cause of death was  
7 inflicted nor the county in which death ensued are known before  
8 trial, the offender may be tried in the county where the body  
9 was found.

10 (d) Offense Commenced Outside the State.

11 If the commission of an offense commenced outside the State  
12 is consummated within this State, the offender shall be tried  
13 in the county where the offense is consummated.

14 (e) Offenses Committed in Bordering Navigable Waters.

15 If an offense is committed on any of the navigable waters  
16 bordering on this State, the offender may be tried in any  
17 county adjacent to such navigable water.

18 (f) Offenses Committed while in Transit.

19 If an offense is committed upon any railroad car, vehicle,  
20 watercraft or aircraft passing within this State, and it cannot  
21 readily be determined in which county the offense was  
22 committed, the offender may be tried in any county through  
23 which such railroad car, vehicle, watercraft or aircraft has  
24 passed.

25 (g) Theft.

26 A person who commits theft of property may be tried in any

1 county in which he exerted control over such property.

2 (h) Bigamy.

3 A person who commits the offense of bigamy may be tried in  
4 any county where the bigamous marriage or bigamous cohabitation  
5 has occurred.

6 (i) Kidnaping.

7 A person who commits the offense of kidnaping may be tried  
8 in any county in which his victim has traveled or has been  
9 confined during the course of the offense.

10 (j) Pandering.

11 A person who commits the offense of pandering as set forth  
12 in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 may be  
13 tried in any county in which the prostitution was practiced or  
14 in any county in which any act in furtherance of the offense  
15 shall have been committed.

16 (k) Treason.

17 A person who commits the offense of treason may be tried in  
18 any county.

19 (l) Criminal Defamation.

20 If criminal defamation is spoken, printed or written in one  
21 county and is received or circulated in another or other  
22 counties, the offender shall be tried in the county where the  
23 defamation is spoken, printed or written. If the defamation is  
24 spoken, printed or written outside this state, or the offender  
25 resides outside this state, the offender may be tried in any  
26 county in this state in which the defamation was circulated or

1 received.

2 (m) Inchoate Offenses.

3 A person who commits an inchoate offense may be tried in  
4 any county in which any act which is an element of the offense,  
5 including the agreement in conspiracy, is committed.

6 (n) Accountability for Conduct of Another.

7 Where a person in one county solicits, aids, abets, agrees,  
8 or attempts to aid another in the planning or commission of an  
9 offense in another county, he may be tried for the offense in  
10 either county.

11 (o) Child Abduction.

12 A person who commits the offense of child abduction may be  
13 tried in any county in which his victim has traveled, been  
14 detained, concealed or removed to during the course of the  
15 offense. Notwithstanding the foregoing, unless for good cause  
16 shown, the preferred place of trial shall be the county of the  
17 residence of the lawful custodian.

18 (p) A person who commits the offense of narcotics  
19 racketeering may be tried in any county where cannabis or a  
20 controlled substance which is the basis for the charge of  
21 narcotics racketeering was used; acquired; transferred or  
22 distributed to, from or through; or any county where any act  
23 was performed to further the use; acquisition, transfer or  
24 distribution of said cannabis or controlled substance; any  
25 money, property, property interest, or any other asset  
26 generated by narcotics activities was acquired, used, sold,

1 transferred or distributed to, from or through; or, any  
2 enterprise interest obtained as a result of narcotics  
3 racketeering was acquired, used, transferred or distributed  
4 to, from or through, or where any activity was conducted by the  
5 enterprise or any conduct to further the interests of such an  
6 enterprise.

7 (q) A person who commits the offense of money laundering  
8 may be tried in any county where any part of a financial  
9 transaction in criminally derived property took place or in any  
10 county where any money or monetary instrument which is the  
11 basis for the offense was acquired, used, sold, transferred or  
12 distributed to, from or through.

13 (r) A person who commits the offense of cannabis  
14 trafficking or controlled substance trafficking may be tried in  
15 any county.

16 (s) A person who commits the offense of online sale of  
17 stolen property, online theft by deception, or electronic  
18 fencing may be tried in any county where any one or more  
19 elements of the offense took place, regardless of whether the  
20 element of the offense was the result of acts by the accused,  
21 the victim or by another person, and regardless of whether the  
22 defendant was ever physically present within the boundaries of  
23 the county.

24 (t) A person who commits the offense of identity theft or  
25 aggravated identity theft may be tried in any one of the  
26 following counties in which: (1) the offense occurred; (2) the



1 information used to commit the offense was illegally used; or  
2 (3) the victim resides.

3 (u) A person who commits the offense of financial  
4 exploitation of an elderly person or a person with a disability  
5 may be tried in any one of the following counties in which (1)  
6 any part of the offense occurred or (2) the victim or one of  
7 the victims reside.

8 If a person is charged with more than one violation of  
9 identity theft or aggravated identity theft and those  
10 violations may be tried in more than one county, any of those  
11 counties is a proper venue for all of the violations.

12 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

13 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

14 Sec. 16-1. Theft.

15 (a) A person commits theft when he or she knowingly:

16 (1) Obtains or exerts unauthorized control over  
17 property of the owner; or

18 (2) Obtains by deception control over property of the  
19 owner; or

20 (3) Obtains by threat control over property of the  
21 owner; or

22 (4) Obtains control over stolen property knowing the  
23 property to have been stolen or under such circumstances as  
24 would reasonably induce him or her to believe that the  
25 property was stolen; or

1           (5) Obtains or exerts control over property in the  
2           custody of any law enforcement agency which any law  
3           enforcement officer or any individual acting in behalf of a  
4           law enforcement agency explicitly represents to the person  
5           as being stolen or represents to the person such  
6           circumstances as would reasonably induce the person to  
7           believe that the property was stolen, and

8                   (A) Intends to deprive the owner permanently of the  
9                   use or benefit of the property; or

10                   (B) Knowingly uses, conceals or abandons the  
11                   property in such manner as to deprive the owner  
12                   permanently of such use or benefit; or

13                   (C) Uses, conceals, or abandons the property  
14                   knowing such use, concealment or abandonment probably  
15                   will deprive the owner permanently of such use or  
16                   benefit.

17           (b) Sentence.

18                   (1) Theft of property not from the person and not  
19                   exceeding \$500 in value is a Class A misdemeanor.

20                   (1.1) Theft of property not from the person and not  
21                   exceeding \$500 in value is a Class 4 felony if the theft  
22                   was committed in a school or place of worship or if the  
23                   theft was of governmental property.

24                   (2) A person who has been convicted of theft of  
25                   property not from the person and not exceeding \$500 in  
26                   value who has been previously convicted of any type of

1 theft, robbery, armed robbery, burglary, residential  
2 burglary, possession of burglary tools, home invasion,  
3 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or  
4 4-103.3 of the Illinois Vehicle Code relating to the  
5 possession of a stolen or converted motor vehicle, or a  
6 violation of Section 17-36 of the Criminal Code of 1961 or  
7 the Criminal Code of 2012, or Section 8 of the Illinois  
8 Credit Card and Debit Card Act is guilty of a Class 4  
9 felony.

10 (3) (Blank).

11 (4) Theft of property from the person not exceeding  
12 \$500 in value, or theft of property exceeding \$500 and not  
13 exceeding \$10,000 in value, is a Class 3 felony.

14 (4.1) Theft of property from the person not exceeding  
15 \$500 in value, or theft of property exceeding \$500 and not  
16 exceeding \$10,000 in value, is a Class 2 felony if the  
17 theft was committed in a school or place of worship or if  
18 the theft was of governmental property.

19 (5) Theft of property exceeding \$10,000 and not  
20 exceeding \$100,000 in value is a Class 2 felony.

21 (5.1) Theft of property exceeding \$10,000 and not  
22 exceeding \$100,000 in value is a Class 1 felony if the  
23 theft was committed in a school or place of worship or if  
24 the theft was of governmental property.

25 (6) Theft of property exceeding \$100,000 and not  
26 exceeding \$500,000 in value is a Class 1 felony.

1           (6.1) Theft of property exceeding \$100,000 in value is  
2           a Class X felony if the theft was committed in a school or  
3           place of worship or if the theft was of governmental  
4           property.

5           (6.2) Theft of property exceeding \$500,000 and not  
6           exceeding \$1,000,000 in value is a Class 1  
7           non-probationable felony.

8           (6.3) Theft of property exceeding \$1,000,000 in value  
9           is a Class X felony.

10          (7) Theft by deception, as described by paragraph (2)  
11          of subsection (a) of this Section, in which the offender  
12          obtained money or property valued at \$5,000 or more from a  
13          victim 60 years of age or older or a person with a  
14          disability is a Class 2 felony.

15          (8) Theft by deception, as described by paragraph (2)  
16          of subsection (a) of this Section, in which the offender  
17          falsely poses as a landlord or agent or employee of the  
18          landlord and obtains a rent payment or a security deposit  
19          from a tenant is a Class 3 felony if the rent payment or  
20          security deposit obtained does not exceed \$500.

21          (9) Theft by deception, as described by paragraph (2)  
22          of subsection (a) of this Section, in which the offender  
23          falsely poses as a landlord or agent or employee of the  
24          landlord and obtains a rent payment or a security deposit  
25          from a tenant is a Class 2 felony if the rent payment or  
26          security deposit obtained exceeds \$500 and does not exceed

1           \$10,000.

2           (10) Theft by deception, as described by paragraph (2)  
3           of subsection (a) of this Section, in which the offender  
4           falsely poses as a landlord or agent or employee of the  
5           landlord and obtains a rent payment or a security deposit  
6           from a tenant is a Class 1 felony if the rent payment or  
7           security deposit obtained exceeds \$10,000 and does not  
8           exceed \$100,000.

9           (11) Theft by deception, as described by paragraph (2)  
10          of subsection (a) of this Section, in which the offender  
11          falsely poses as a landlord or agent or employee of the  
12          landlord and obtains a rent payment or a security deposit  
13          from a tenant is a Class X felony if the rent payment or  
14          security deposit obtained exceeds \$100,000.

15          (c) When a charge of theft of property exceeding a  
16          specified value is brought, the value of the property involved  
17          is an element of the offense to be resolved by the trier of  
18          fact as either exceeding or not exceeding the specified value.

19          (d) Theft by lessee; permissive inference. The trier of  
20          fact may infer evidence that a person intends to deprive the  
21          owner permanently of the use or benefit of the property (1) if  
22          a lessee of the personal property of another fails to return it  
23          to the owner within 10 days after written demand from the owner  
24          for its return or (2) if a lessee of the personal property of  
25          another fails to return it to the owner within 24 hours after  
26          written demand from the owner for its return and the lessee had

1 presented identification to the owner that contained a  
2 materially fictitious name, address, or telephone number. A  
3 notice in writing, given after the expiration of the leasing  
4 agreement, addressed and mailed, by registered mail, to the  
5 lessee at the address given by him and shown on the leasing  
6 agreement shall constitute proper demand.

7 (e) Permissive inference; evidence of intent that a person  
8 obtains by deception control over property. The trier of fact  
9 may infer that a person "knowingly obtains by deception control  
10 over property of the owner" when he or she fails to return,  
11 within 45 days after written demand from the owner, the  
12 downpayment and any additional payments accepted under a  
13 promise, oral or in writing, to perform services for the owner  
14 for consideration of \$3,000 or more, and the promisor knowingly  
15 without good cause failed to substantially perform pursuant to  
16 the agreement after taking a down payment of 10% or more of the  
17 agreed upon consideration. This provision shall not apply where  
18 the owner initiated the suspension of performance under the  
19 agreement, or where the promisor responds to the notice within  
20 the 45-day notice period. A notice in writing, addressed and  
21 mailed, by registered mail, to the promisor at the last known  
22 address of the promisor, shall constitute proper demand.

23 (f) Offender's interest in the property.

24 (1) It is no defense to a charge of theft of property  
25 that the offender has an interest therein, when the owner  
26 also has an interest to which the offender is not entitled.

1           (2) Where the property involved is that of the  
2           offender's spouse, no prosecution for theft may be  
3           maintained unless the parties were not living together as  
4           man and wife and were living in separate abodes at the time  
5           of the alleged theft.

6           (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;  
7           96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.  
8           1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,  
9           eff. 1-25-13.)

10           (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

11           Sec. 17-56. Financial exploitation of an elderly person or  
12           a person with a disability.

13           (a) A person commits financial exploitation of an elderly  
14           person or a person with a disability when he or she stands in a  
15           position of trust or confidence with the elderly person or a  
16           person with a disability and he or she knowingly: ~~and~~

17                 (1) by deception or intimidation obtains control over  
18           the property of an elderly person or a person with a  
19           disability; or

20                 (2) illegally uses the assets or resources of an  
21           elderly person or a person with a disability.

22           (b) Sentence. Financial exploitation of an elderly person  
23           or a person with a disability is: (1) a Class 4 felony if the  
24           value of the property is \$300 or less, (2) a Class 3 felony if  
25           the value of the property is more than \$300 but less than

1 \$5,000, (3) a Class 2 felony if the value of the property is  
2 \$5,000 or more but less than \$50,000, and (4) a Class 1 felony  
3 if the value of the property is \$50,000 or more or if the  
4 elderly person is over 70 years of age and the value of the  
5 property is \$15,000 or more or if the elderly person is 80  
6 years of age or older and the value of the property is \$5,000  
7 or more.

8 (c) For purposes of this Section:

9 (1) "Elderly person" means a person 60 years of age or  
10 older.

11 (2) "Person with a disability" means a person who  
12 suffers from a physical or mental impairment resulting from  
13 disease, injury, functional disorder or congenital  
14 condition that impairs the individual's mental or physical  
15 ability to independently manage his or her property or  
16 financial resources, or both.

17 (3) "Intimidation" means the communication to an  
18 elderly person or a person with a disability that he or she  
19 shall be deprived of food and nutrition, shelter,  
20 prescribed medication or medical care and treatment or  
21 conduct as provided in Section 12-6 of this Code.

22 (4) "Deception" means, in addition to its meaning as  
23 defined in Section 15-4 of this Code, a misrepresentation  
24 or concealment of material fact relating to the terms of a  
25 contract or agreement entered into with the elderly person  
26 or person with a disability or to the existing or



1 pre-existing condition of any of the property involved in  
2 such contract or agreement; or the use or employment of any  
3 misrepresentation, false pretense or false promise in  
4 order to induce, encourage or solicit the elderly person or  
5 person with a disability to enter into a contract or  
6 agreement.

7 The illegal use of the assets or resources of an elderly  
8 person or a person with a disability includes, but is not  
9 limited to, the misappropriation of those assets or resources  
10 by undue influence, breach of a fiduciary relationship, fraud,  
11 deception, extortion, or use of the assets or resources  
12 contrary to law.

13 A person stands in a position of trust and confidence with  
14 an elderly person or person with a disability when he (i) is a  
15 parent, spouse, adult child or other relative by blood or  
16 marriage of the elderly person or person with a disability,  
17 (ii) is a joint tenant or tenant in common with the elderly  
18 person or person with a disability, (iii) has a legal or  
19 fiduciary relationship with the elderly person or person with a  
20 disability, (iv) is a financial planning or investment  
21 professional, or (v) is a paid or unpaid caregiver for the  
22 elderly person or person with a disability.

23 (d) Limitations. Nothing in this Section shall be construed  
24 to limit the remedies available to the victim under the  
25 Illinois Domestic Violence Act of 1986.

26 (e) Good faith efforts. Nothing in this Section shall be

1 construed to impose criminal liability on a person who has made  
2 a good faith effort to assist the elderly person or person with  
3 a disability in the management of his or her property, but  
4 through no fault of his or her own has been unable to provide  
5 such assistance.

6 (f) Not a defense. It shall not be a defense to financial  
7 exploitation of an elderly person or person with a disability  
8 that the accused reasonably believed that the victim was not an  
9 elderly person or person with a disability. Consent shall not  
10 be a defense to financial exploitation of an elderly person or  
11 a person with a disability if the accused knew or had reason to  
12 know that the elderly person or a person with a disability  
13 lacked capacity to consent.

14 (g) Civil Liability. A civil cause of action exists for  
15 financial exploitation of an elderly person or a person with a  
16 disability as described in subsection (a) of this Section. A  
17 person against whom a civil judgment has been entered for  
18 financial exploitation of an elderly person or person with a  
19 disability shall be liable to the victim or to the estate of  
20 the victim in damages of treble the amount of the value of the  
21 property obtained, plus reasonable attorney fees and court  
22 costs. In a civil action under this subsection, the burden of  
23 proof that the defendant committed financial exploitation of an  
24 elderly person or a person with a disability as described in  
25 subsection (a) of this Section shall be by a preponderance of  
26 the evidence. This subsection shall be operative whether or not

1 the defendant has been charged or convicted of the criminal  
2 offense as described in subsection (a) of this Section. This  
3 subsection (g) shall not limit or affect the right of any  
4 person to bring any cause of action or seek any remedy  
5 available under the common law, or other applicable law,  
6 arising out of the financial exploitation of an elderly person  
7 or a person with a disability.

8 (h) If a person is charged with financial exploitation of  
9 an elderly person or a person with a disability that involves  
10 the taking or loss of property valued at more than \$5,000, a  
11 prosecuting attorney may file a petition with the circuit court  
12 of the county in which the defendant has been charged to freeze  
13 the assets of the defendant in an amount equal to but not  
14 greater than the alleged value of lost or stolen property in  
15 the defendant's pending criminal proceeding for purposes of  
16 restitution to the victim. The burden of proof required to  
17 freeze the defendant's assets shall be by a preponderance of  
18 the evidence.

19 (Source: P.A. 99-272, eff. 1-1-16.)