



Sen. Iris Y. Martinez

Filed: 5/20/2020

10100HB2238sam002

LRB101 08064 RJF 72282 a

1 AMENDMENT TO HOUSE BILL 2238

2 AMENDMENT NO. _____. Amend House Bill 2238 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Notary Public Act is amended by
5 changing Section 1-105 as follows:

6 (5 ILCS 312/1-105)

7 (Section scheduled to be repealed on July 1, 2020)

8 Sec. 1-105. Notarization Task Force on Best Practices and
9 Verification Standards to Implement Electronic Notarization.

10 (a) The General Assembly finds and declares that:

11 (1) As more and more citizens throughout the State of
12 Illinois rely on electronic devices they also increasingly
13 depend on electronic documentation. Any assertion that
14 e-mails or word processing documents are necessarily
15 "informal and not legally binding" has been dispelled by
16 national legislation such as the federal "E-Sign" law in

1 2000 and the Uniform Electronic Transactions Act, which has
2 been virtually universally adopted throughout the United
3 States. Increasingly, laws have bestowed upon electronic
4 documents the same legal effect as paper instruments.

5 (2) Moreover, institutions, businesses, and commerce
6 have gradually put more of their faith in electronic
7 commerce and information technology in order to facilitate
8 formal and informal interactions that are oftentimes
9 mission-critical and sensitive. In order to meet the
10 growing demand for electronic commerce that is both
11 convenient and secure, understanding the processes and
12 technology is critical and the need for an electronic or
13 remote notarization - the process of notarizing a signature
14 on an electronic document by electronic methods - is
15 becoming a necessity.

16 (b) As used in this Section, "Task Force" means the
17 Notarization Task Force on Best Practices and Verification
18 Standards to Implement Electronic Notarization.

19 (c) There is created a Notarization Task Force on Best
20 Practices and Verification Standards to Implement Electronic
21 Notarization to review and report on national standards for
22 best practices in relation to electronic notarization,
23 including security concerns and fraud prevention. The goal of
24 the Task Force is to investigate and provide recommendations on
25 national and State initiatives to implement electronic
26 notarization in such a manner that increases the availability

1 to notary public services, protects consumers, and maintains
2 the integrity of the notarization seal and signature.

3 (d) The Task Force's report shall include, but not be
4 limited to, standards for an electronic signature, including
5 encryption and decryption; the application process for
6 electronic notarial commission; and the training of notaries on
7 electronic notarization standards and best practices prior to
8 the commission of an electronic notary's electronic signature.
9 The report shall also evaluate and make a recommendation on
10 fees for notary application and commission, on which documents
11 and acts can be attested to by electronic notaries, and on
12 security measures that will protect the integrity of the
13 electronic notary's electronic signature, as well as standards
14 that the Secretary of State may rely upon for revoking an
15 electronic notarization. The report must make a recommendation
16 on whether and to what extent this Act should be expanded and
17 updated.

18 (e) The Task Force shall meet no less than 5 times between
19 the effective date of this amendatory Act of the 100th General
20 Assembly and December 31, 2019. The Task Force shall prepare a
21 report that summarizes its work and makes recommendations
22 resulting from its review. The Task Force shall submit the
23 report of its findings and recommendations to the Governor and
24 the General Assembly no later than June 30, 2020.

25 (f) The Task Force shall consist of the following 17
26 members:

1 (1) one member appointed by the Secretary of State from
2 the Index Department of the Office of the Secretary of
3 State;

4 (2) one member appointed by the Secretary of State from
5 the Department of Information Technology of the Office of
6 the Secretary of State;

7 (3) one member appointed by the President of the
8 Senate;

9 (4) one member appointed by the Minority Leader of the
10 Senate;

11 (5) one member appointed by the Speaker of the House of
12 Representatives;

13 (6) one member appointed by the Minority Leader of the
14 House of Representatives;

15 (7) one member appointed by the Attorney General;

16 (8) one member appointed by the Secretary of State from
17 nominations made by the president of a statewide
18 organization representing state's attorneys;

19 (9) one member appointed by the Secretary of State from
20 nominations made by a statewide organization representing
21 attorneys;

22 (10) one member appointed by the Secretary of State
23 from nominations made by an organization representing
24 attorneys in a municipality of more than 1,000,000
25 inhabitants;

26 (11) one member appointed by the Secretary of State

1 from nominations made by a statewide organization
2 representing bankers;

3 (12) one member appointed by the Secretary of State
4 from nominations made by a statewide organization
5 representing community bankers;

6 (13) one member appointed by the Secretary of State
7 from nominations made by a statewide organization
8 representing credit unions;

9 (14) one member appointed by the Secretary of State
10 from nominations made by a statewide organization
11 representing corporate fiduciaries;

12 (15) one member appointed by the Secretary of State
13 from nominations made by an organization representing
14 realtors in a municipality of more than 1,000,000
15 inhabitants;

16 (16) one member appointed by the Secretary of State
17 from nominations made by a statewide organization
18 representing realtors; and

19 (17) one member appointed by the Secretary of State
20 from nominations made by a statewide chapter of a national
21 organization representing elder law attorneys.

22 (g) The Secretary of State shall designate which member
23 shall serve as chairperson and facilitate the Task Force. The
24 members of the Task Force shall be appointed no later than 90
25 days after the effective date of this amendatory Act of the
26 100th General Assembly. Vacancies in the membership of the Task

1 Force shall be filled in the same manner as the original
2 appointment. The members of the Task Force shall not receive
3 compensation for serving as members of the Task Force.

4 (h) The Office of the Secretary of State shall provide the
5 Task Force with administrative and other support.

6 (i) This Section is repealed on July 1, 2021 ~~2020~~.
7 (Source: P.A. 100-440, eff. 8-25-17.)

8 Section 10. The Illinois Lottery Law is amended by changing
9 Section 21.13 as follows:

10 (20 ILCS 1605/21.13)

11 Sec. 21.13. Scratch-off for Alzheimer's care, support,
12 education, and awareness ~~The End of Alzheimer's Begins With Me~~
13 ~~scratch-off game.~~

14 (a) The Department shall offer a special instant
15 scratch-off game for the benefit of Alzheimer's care, support,
16 education, and awareness ~~with the title of "The End of~~
17 ~~Alzheimer's Begins With Me"~~. The game shall commence on January
18 1, 2020 or as soon thereafter, at the discretion of the
19 Director, as is reasonably practical, and shall be discontinued
20 on January 1, 2022 ~~2021~~. The operation of the game shall be
21 governed by this Act and any rules adopted by the Department.
22 If any provision of this Section is inconsistent with any other
23 provision of this Act, then this Section governs.

24 (b) The net revenue from the Alzheimer's care, support,

1 education, and awareness ~~"The End of Alzheimer's Begins With~~
2 ~~Me"~~ scratch-off game shall be deposited into the Alzheimer's
3 Awareness Fund.

4 Moneys received for the purposes of this Section,
5 including, without limitation, net revenue from the special
6 instant scratch-off game and from gifts, grants, and awards
7 from any public or private entity, must be deposited into the
8 Fund. Any interest earned on moneys in the Fund must be
9 deposited into the Fund.

10 For the purposes of this subsection, "net revenue" means
11 the total amount for which tickets have been sold less the sum
12 of the amount paid out in the prizes and the actual
13 administrative expenses of the Department solely related to the
14 scratch-off game under this Section.

15 (c) During the time that tickets are sold for the
16 Alzheimer's care, support, education, and awareness ~~"The End of~~
17 ~~Alzheimer's Begins With Me"~~ scratch-off game, the Department
18 shall not unreasonably diminish the efforts devoted to
19 marketing any other instant scratch-off lottery game.

20 (d) The Department may adopt any rules necessary to
21 implement and administer the provisions of this Section.

22 (Source: P.A. 101-561, eff. 8-23-19.)

23 Section 15. The Criminal Identification Act is amended by
24 changing Section 5.2 as follows:

1 (20 ILCS 2630/5.2)

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

3 (a) General Provisions.

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

7 (A) The following terms shall have the meanings
8 ascribed to them in the Unified Code of Corrections,
9 730 ILCS 5/5-1-2 through 5/5-1-22:

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

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

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

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

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

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

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

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

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

19 (x) Parole (730 ILCS 5/5-1-16),

20 (xi) Petty Offense (730 ILCS 5/5-1-17),

21 (xii) Probation (730 ILCS 5/5-1-18),

22 (xiii) Sentence (730 ILCS 5/5-1-19),

23 (xiv) Supervision (730 ILCS 5/5-1-21), and

24 (xv) Victim (730 ILCS 5/5-1-22).

25 (B) As used in this Section, "charge not initiated
26 by arrest" means a charge (as defined by 730 ILCS

1 5/5-1-3) brought against a defendant where the
2 defendant is not arrested prior to or as a direct
3 result of the charge.

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

19 (D) "Criminal offense" means a petty offense,
20 business offense, misdemeanor, felony, or municipal
21 ordinance violation (as defined in subsection
22 (a)(1)(H)). As used in this Section, a minor traffic
23 offense (as defined in subsection (a)(1)(G)) shall not
24 be considered a criminal offense.

25 (E) "Expunge" means to physically destroy the
26 records or return them to the petitioner and to

1 obliterate the petitioner's name from any official
2 index or public record, or both. Nothing in this Act
3 shall require the physical destruction of the circuit
4 court file, but such records relating to arrests or
5 charges, or both, ordered expunged shall be impounded
6 as required by subsections (d)(9)(A)(ii) and
7 (d)(9)(B)(ii).

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

22 (G) "Minor traffic offense" means a petty offense,
23 business offense, or Class C misdemeanor under the
24 Illinois Vehicle Code or a similar provision of a
25 municipal or local ordinance.

26 (G-5) "Minor Cannabis Offense" means a violation

1 of Section 4 or 5 of the Cannabis Control Act
2 concerning not more than 30 grams of any substance
3 containing cannabis, provided the violation did not
4 include a penalty enhancement under Section 7 of the
5 Cannabis Control Act and is not associated with an
6 arrest, conviction or other disposition for a violent
7 crime as defined in subsection (c) of Section 3 of the
8 Rights of Crime Victims and Witnesses Act.

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

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

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

1 40-10 of the Substance Use Disorder Act, or Section 10
2 of the Steroid Control Act. For the purpose of this
3 Section, "successful completion" of an order of
4 qualified probation under Section 10-102 of the
5 Illinois Alcoholism and Other Drug Dependency Act and
6 Section 40-10 of the Substance Use Disorder Act means
7 that the probation was terminated satisfactorily and
8 the 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
21 indecent solicitation of a child or criminal sexual
22 abuse when the victim of such offense is under 18 years
23 of age.

24 (M) "Terminate" as it relates to a sentence or
25 order of supervision or qualified probation includes
26 either satisfactory or unsatisfactory termination of

1 the sentence, unless otherwise specified in this
2 Section. A sentence is terminated notwithstanding any
3 outstanding financial legal obligation.

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

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

1 committed a civil law violation of subsection (a) of
2 Section 4 of the Cannabis Control Act or subsection (c) of
3 Section 3.5 of the Drug Paraphernalia Control Act in the
4 clerk's 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 and a misdemeanor violation of
11 Section 11-30 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, or a similar provision of a
13 local ordinance;

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

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

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

25 (v) any offense or attempted offense that
26 would subject a person to registration under the

1 Sex Offender Registration Act.

2 (D) (blank).

3 (b) Expungement.

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

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

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

24 (A) When the arrest or charge not initiated by
25 arrest sought to be expunged resulted in an acquittal,
26 dismissal, the petitioner's release without charging,

1 or the reversal or vacation of a conviction, there is
2 no waiting period to petition for the expungement of
3 such records.

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

8 (i) Those arrests or charges that resulted in
9 orders of supervision under Section 3-707, 3-708,
10 3-710, or 5-401.3 of the Illinois Vehicle Code or a
11 similar provision of a local ordinance, or under
12 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
13 Code of 1961 or the Criminal Code of 2012, or a
14 similar provision of a local ordinance, shall not
15 be eligible for expungement until 5 years have
16 passed following the satisfactory termination of
17 the supervision.

18 (i-5) Those arrests or charges that resulted
19 in orders of supervision for a misdemeanor
20 violation of subsection (a) of Section 11-503 of
21 the Illinois Vehicle Code or a similar provision of
22 a local ordinance, that occurred prior to the
23 offender reaching the age of 25 years and the
24 offender has no other conviction for violating
25 Section 11-501 or 11-503 of the Illinois Vehicle
26 Code or a similar provision of a local ordinance

1 shall not be eligible for expungement until the
2 petitioner has reached the age of 25 years.

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

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

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

18 (4) Whenever a person has been arrested for or
19 convicted of any offense, in the name of a person whose
20 identity he or she has stolen or otherwise come into
21 possession of, the aggrieved person from whom the identity
22 was stolen or otherwise obtained without authorization,
23 upon learning of the person having been arrested using his
24 or her identity, may, upon verified petition to the chief
25 judge of the circuit wherein the arrest was made, have a
26 court order entered nunc pro tunc by the Chief Judge to

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

20 (5) Whenever a person has been convicted of criminal
21 sexual assault, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, criminal
23 sexual abuse, or aggravated criminal sexual abuse, the
24 victim of that offense may request that the State's
25 Attorney of the county in which the conviction occurred
26 file a verified petition with the presiding trial judge at

1 the petitioner's trial to have a court order entered to
2 seal the records of the circuit court clerk in connection
3 with the proceedings of the trial court concerning that
4 offense. However, the records of the arresting authority
5 and the Department of State Police concerning the offense
6 shall not be sealed. The court, upon good cause shown,
7 shall make the records of the circuit court clerk in
8 connection with the proceedings of the trial court
9 concerning the offense available for public inspection.

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

18 (7) Nothing in this Section shall prevent the
19 Department of State Police from maintaining all records of
20 any person who is admitted to probation upon terms and
21 conditions and who fulfills those terms and conditions
22 pursuant to Section 10 of the Cannabis Control Act, Section
23 410 of the Illinois Controlled Substances Act, Section 70
24 of the Methamphetamine Control and Community Protection
25 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
26 Corrections, Section 12-4.3 or subdivision (b)(1) of

1 Section 12-3.05 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, Section 10-102 of the Illinois
3 Alcoholism and Other Drug Dependency Act, Section 40-10 of
4 the Substance Use Disorder Act, or Section 10 of the
5 Steroid Control Act.

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

13 (c) Sealing.

14 (1) Applicability. Notwithstanding any other provision
15 of this Act to the contrary, and cumulative with any rights
16 to expungement of criminal records, this subsection
17 authorizes the sealing of criminal records of adults and of
18 minors prosecuted as adults. Subsection (g) of this Section
19 provides for immediate sealing of certain records.

20 (2) Eligible Records. The following records may be
21 sealed:

22 (A) All arrests resulting in release without
23 charging;

24 (B) Arrests or charges not initiated by arrest
25 resulting in acquittal, dismissal, or conviction when
26 the conviction was reversed or vacated, except as

1 excluded by subsection (a) (3) (B);

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

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

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

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

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

25 (A) Records identified as eligible under
26 subsection (c) (2) (A) and (c) (2) (B) may be sealed at any

1 time.

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

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

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

21 (E) Records identified as eligible under
22 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or
23 (c)(2)(F) may be sealed upon termination of the
24 petitioner's last sentence if the petitioner earned a
25 high school diploma, associate's degree, career
26 certificate, vocational technical certification, or

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

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

20 (5) Notice of eligibility for sealing. Upon entry of a
21 disposition for an eligible record under this subsection
22 (c), the petitioner shall be informed by the court of the
23 right to have the records sealed and the procedures for the
24 sealing of the records.

25 (d) Procedure. The following procedures apply to
26 expungement under subsections (b), (e), and (e-6) and sealing

1 under subsections (c) and (e-5):

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

14 (1.5) County fee waiver pilot program. From August 9,
15 2019 (the effective date of Public Act 101-306) through
16 December 31, 2020, in a county of 3,000,000 or more
17 inhabitants, no fee shall be required to be paid by a
18 petitioner if the records sought to be expunged or sealed
19 were arrests resulting in release without charging or
20 arrests or charges not initiated by arrest resulting in
21 acquittal, dismissal, or conviction when the conviction
22 was reversed or vacated, unless excluded by subsection
23 (a) (3) (B). The provisions of this paragraph (1.5), other
24 than this sentence, are inoperative on and after January 1,
25 2022 ~~2021~~.

26 (2) Contents of petition. The petition shall be

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

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

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

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

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

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

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

11 (5) Objections.

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

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

23 (6) Entry of order.

24 (A) The Chief Judge of the circuit wherein the
25 charge was brought, any judge of that circuit
26 designated by the Chief Judge, or in counties of less

1 than 3,000,000 inhabitants, the presiding trial judge
2 at the petitioner's trial, if any, shall rule on the
3 petition to expunge or seal as set forth in this
4 subsection (d) (6).

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

11 (C) Notwithstanding any other provision of law,
12 the court shall not deny a petition for sealing under
13 this Section because the petitioner has not satisfied
14 an outstanding legal financial obligation established,
15 imposed, or originated by a court, law enforcement
16 agency, or a municipal, State, county, or other unit of
17 local government, including, but not limited to, any
18 cost, assessment, fine, or fee. An outstanding legal
19 financial obligation does not include any court
20 ordered restitution to a victim under Section 5-5-6 of
21 the Unified Code of Corrections, unless the
22 restitution has been converted to a civil judgment.
23 Nothing in this subparagraph (C) waives, rescinds, or
24 abrogates a legal financial obligation or otherwise
25 eliminates or affects the right of the holder of any
26 financial obligation to pursue collection under

1 applicable federal, State, or local law.

2 (7) Hearings. If an objection is filed, the court shall
3 set a date for a hearing and notify the petitioner and all
4 parties entitled to notice of the petition of the hearing
5 date at least 30 days prior to the hearing. Prior to the
6 hearing, the State's Attorney shall consult with the
7 Department as to the appropriateness of the relief sought
8 in the petition to expunge or seal. At the hearing, the
9 court shall hear evidence on whether the petition should or
10 should not be granted, and shall grant or deny the petition
11 to expunge or seal the records based on the evidence
12 presented at the hearing. The court may consider the
13 following:

14 (A) the strength of the evidence supporting the
15 defendant's conviction;

16 (B) the reasons for retention of the conviction
17 records by the State;

18 (C) the petitioner's age, criminal record history,
19 and employment history;

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

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

25 (8) Service of order. After entering an order to
26 expunge or seal records, the court must provide copies of

1 the order to the Department, in a form and manner
2 prescribed by the Department, to the petitioner, to the
3 State's Attorney or prosecutor charged with the duty of
4 prosecuting the offense, to the arresting agency, to the
5 chief legal officer of the unit of local government
6 effecting the arrest, and to such other criminal justice
7 agencies as may be ordered by the court.

8 (9) Implementation of order.

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

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

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

1 (iii) in response to an inquiry for expunged
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
5 existed.

6 (B) Upon entry of an order to expunge records
7 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

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

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

23 (iii) the records shall be impounded by the
24 Department within 60 days of the date of service of
25 the order as ordered by the court, unless a motion
26 to vacate, modify, or reconsider the order is filed

1 pursuant to paragraph (12) of subsection (d) of
2 this Section;

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

11 (v) in response to an inquiry for such records
12 from anyone not authorized by law to access such
13 records, the court, the Department, or the agency
14 receiving such inquiry shall reply as it does in
15 response to inquiries when no records ever
16 existed.

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

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

26 (ii) the records of the circuit court clerk

1 shall be impounded until further order of the court
2 upon good cause shown and the name of the
3 petitioner obliterated on the official index
4 required to be kept by the circuit court clerk
5 under Section 16 of the Clerks of Courts Act, but
6 the order shall not affect any index issued by the
7 circuit court clerk before the entry of the order;

8 (iii) the records shall be impounded by the
9 Department within 60 days of the date of service of
10 the order as ordered by the court, unless a motion
11 to vacate, modify, or reconsider the order is filed
12 under paragraph (12) of subsection (d) of this
13 Section;

14 (iv) records impounded by the Department may
15 be disseminated by the Department only as required
16 by law or to the arresting authority, the State's
17 Attorney, and the court upon a later arrest for the
18 same or a similar offense or for the purpose of
19 sentencing for any subsequent felony, and to the
20 Department of Corrections upon conviction for any
21 offense; and

22 (v) in response to an inquiry for these records
23 from anyone not authorized by law to access the
24 records, the court, the Department, or the agency
25 receiving the inquiry shall reply as it does in
26 response to inquiries when no records ever

1 existed.

2 (C) Upon entry of an order to seal records under
3 subsection (c), the arresting agency, any other agency
4 as ordered by the court, the Department, and the court
5 shall seal the records (as defined in subsection
6 (a) (1) (K)). In response to an inquiry for such records,
7 from anyone not authorized by law to access such
8 records, the court, the Department, or the agency
9 receiving such inquiry shall reply as it does in
10 response to inquiries when no records ever existed.

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

26 (E) Upon motion, the court may order that a sealed

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

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

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. If the record brought under
10 an expungement petition was previously sealed under this
11 Section, the fee for the expungement petition for that same
12 record shall be waived.

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

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

1 motion to vacate, modify, or reconsider, notice of the
2 motion shall be served upon the petitioner and all parties
3 entitled to notice of the petition.

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

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

21 (15) Compliance with Order Granting Petition to
22 Expunge Records. While a party is seeking relief from the
23 order granting the petition to expunge through a motion
24 filed under paragraph (12) of this subsection (d) or is
25 appealing the order, and unless a court has entered a stay
26 of that order, the parties entitled to notice of the

1 petition must seal, but need not expunge, the records until
2 there is a final order on the motion for relief or, in the
3 case of an appeal, the issuance of that court's mandate.

4 (16) The changes to this subsection (d) made by Public
5 Act 98-163 apply to all petitions pending on August 5, 2013
6 (the effective date of Public Act 98-163) and to all orders
7 ruling on a petition to expunge or seal on or after August
8 5, 2013 (the effective date of Public Act 98-163).

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

1 Department may be disseminated by the Department only to the
2 arresting authority, 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 expungement, the
8 circuit court clerk shall promptly mail a copy of the order to
9 the person who was pardoned.

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

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

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

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

18 (f) Subject to available funding, the Illinois Department
19 of Corrections shall conduct a study of the impact of sealing,
20 especially on employment and recidivism rates, utilizing a
21 random sample of those who apply for the sealing of their
22 criminal records under Public Act 93-211. At the request of the
23 Illinois Department of Corrections, records of the Illinois
24 Department of Employment Security shall be utilized as
25 appropriate to assist in the study. The study shall not
26 disclose any data in a manner that would allow the

1 identification of any particular individual or employing unit.
2 The study shall be made available to the General Assembly no
3 later than September 1, 2010.

4 (g) Immediate Sealing.

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

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

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

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

1 immediately sealed and the procedure for the immediate
2 sealing of these records.

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

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

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

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

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

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

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

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

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

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

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

1 order in conformance with subsection (d) (8).

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

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

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

1 (h) Sealing; trafficking victims.

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

11 (2) A petitioner under this subsection (h), in addition
12 to the requirements provided under paragraph (4) of
13 subsection (d) of this Section, shall include in his or her
14 petition a clear and concise statement that: (A) he or she
15 was a victim of human trafficking at the time of the
16 offense; and (B) that his or her participation in the
17 offense was a direct result of human trafficking under
18 Section 10-9 of the Criminal Code of 2012 or a severe form
19 of trafficking under the federal Trafficking Victims
20 Protection Act.

21 (3) If an objection is filed alleging that the
22 petitioner is not entitled to immediate sealing under this
23 subsection (h), the court shall conduct a hearing under
24 paragraph (7) of subsection (d) of this Section and the
25 court shall determine whether the petitioner is entitled to
26 immediate sealing under this subsection (h). A petitioner

1 is eligible for immediate relief under this subsection (h)
2 if he or she shows, by a preponderance of the evidence,
3 that: (A) he or she was a victim of human trafficking at
4 the time of the offense; and (B) that his or her
5 participation in the offense was a direct result of human
6 trafficking under Section 10-9 of the Criminal Code of 2012
7 or a severe form of trafficking under the federal
8 Trafficking Victims Protection Act.

9 (i) Minor Cannabis Offenses under the Cannabis Control Act.

10 (1) Expungement of Arrest Records of Minor Cannabis
11 Offenses.

12 (A) The Department of State Police and all law
13 enforcement agencies within the State shall
14 automatically expunge all criminal history records of
15 an arrest, charge not initiated by arrest, order of
16 supervision, or order of qualified probation for a
17 Minor Cannabis Offense committed prior to June 25, 2019
18 (the effective date of Public Act 101-27) if:

19 (i) One year or more has elapsed since the date
20 of the arrest or law enforcement interaction
21 documented in the records; and

22 (ii) No criminal charges were filed relating
23 to the arrest or law enforcement interaction or
24 criminal charges were filed and subsequently
25 dismissed or vacated or the arrestee was
26 acquitted.

1 (B) If the law enforcement agency is unable to
2 verify satisfaction of condition (ii) in paragraph
3 (A), records that satisfy condition (i) in paragraph
4 (A) shall be automatically expunged.

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

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

11 (ii) Records created prior to January 1, 2013,
12 but on or after January 1, 2000, shall be
13 automatically expunged prior to January 1, 2023;

14 (iii) Records created prior to January 1, 2000
15 shall be automatically expunged prior to January
16 1, 2025.

17 In response to an inquiry for expunged records, the
18 law enforcement agency receiving such inquiry shall
19 reply as it does in response to inquiries when no
20 records ever existed; however, it shall provide a
21 certificate of disposition or confirmation that the
22 record was expunged to the individual whose record was
23 expunged if such a record exists.

24 (D) Nothing in this Section shall be construed to
25 restrict or modify an individual's right to have that
26 individual's records expunged except as otherwise may

1 be provided in this Act, or diminish or abrogate any
2 rights or remedies otherwise available to the
3 individual.

4 (2) Pardons Authorizing Expungement of Minor Cannabis
5 Offenses.

6 (A) Upon June 25, 2019 (the effective date of
7 Public Act 101-27), the Department of State Police
8 shall review all criminal history record information
9 and identify all records that meet all of the following
10 criteria:

11 (i) one or more convictions for a Minor
12 Cannabis Offense;

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

16 (iii) the conviction identified in paragraph
17 (2)(A)(i) is not associated with a conviction for a
18 violent crime as defined in subsection (c) of
19 Section 3 of the Rights of Crime Victims and
20 Witnesses Act.

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

26 (i) The Prisoner Review Board shall notify the

1 State's Attorney of the county of conviction of
2 each record identified by State Police in
3 paragraph (2) (A) that is classified as a Class 4
4 felony. The State's Attorney may provide a written
5 objection to the Prisoner Review Board on the sole
6 basis that the record identified does not meet the
7 criteria established in paragraph (2) (A). Such an
8 objection must be filed within 60 days or by such
9 later date set by Prisoner Review Board in the
10 notice after the State's Attorney received notice
11 from the Prisoner Review Board.

12 (ii) In response to a written objection from a
13 State's Attorney, the Prisoner Review Board is
14 authorized to conduct a non-public hearing to
15 evaluate the information provided in the
16 objection.

17 (iii) The Prisoner Review Board shall make a
18 confidential and privileged recommendation to the
19 Governor as to whether to grant a pardon
20 authorizing expungement for each of the records
21 identified by the Department of State Police as
22 described in paragraph (2) (A).

23 (C) If an individual has been granted a pardon
24 authorizing expungement as described in this Section,
25 the Prisoner Review Board, through the Attorney
26 General, shall file a petition for expungement with the

1 Chief Judge of the circuit or any judge of the circuit
2 designated by the Chief Judge where the individual had
3 been convicted. Such petition may include more than one
4 individual. Whenever an individual who has been
5 convicted of an offense is granted a pardon by the
6 Governor that specifically authorizes expungement, an
7 objection to the petition may not be filed. Petitions
8 to expunge under this subsection (i) may include more
9 than one individual. Within 90 days of the filing of
10 such a petition, the court shall enter an order
11 expunging the records of arrest from the official
12 records of the arresting authority and order that the
13 records of the circuit court clerk and the Department
14 of State Police be expunged and the name of the
15 defendant obliterated from the official index
16 requested to be kept by the circuit court clerk under
17 Section 16 of the Clerks of Courts Act in connection
18 with the arrest and conviction for the offense for
19 which the individual had received a pardon but the
20 order shall not affect any index issued by the circuit
21 court clerk before the entry of the order. Upon entry
22 of the order of expungement, the circuit court clerk
23 shall promptly provide a copy of the order and a
24 certificate of disposition to the individual who was
25 pardoned to the individual's last known address or by
26 electronic means (if available) or otherwise make it

1 available to the individual upon request.

2 (D) Nothing in this Section is intended to diminish
3 or abrogate any rights or remedies otherwise available
4 to the individual.

5 (3) Any individual may file a motion to vacate and
6 expunge a conviction for a misdemeanor or Class 4 felony
7 violation of Section 4 or Section 5 of the Cannabis Control
8 Act. Motions to vacate and expunge under this subsection
9 (i) may be filed with the circuit court, Chief Judge of a
10 judicial circuit or any judge of the circuit designated by
11 the Chief Judge. The circuit court clerk shall promptly
12 serve a copy of the motion to vacate and expunge, and any
13 supporting documentation, on the State's Attorney or
14 prosecutor charged with the duty of prosecuting the
15 offense. When considering such a motion to vacate and
16 expunge, a court shall consider the following: the reasons
17 to retain the records provided by law enforcement, the
18 petitioner's age, the petitioner's age at the time of
19 offense, the time since the conviction, and the specific
20 adverse consequences if denied. An individual may file such
21 a petition after the completion of any non-financial
22 sentence or non-financial condition imposed by the
23 conviction. Within 60 days of the filing of such motion, a
24 State's Attorney may file an objection to such a petition
25 along with supporting evidence. If a motion to vacate and
26 expunge is granted, the records shall be expunged in

1 accordance with subparagraphs (d) (8) and (d) (9) (A) of this
2 Section. An agency providing civil legal aid, as defined by
3 Section 15 of the Public Interest Attorney Assistance Act,
4 assisting individuals seeking to file a motion to vacate
5 and expunge under this subsection may file motions to
6 vacate and expunge with the Chief Judge of a judicial
7 circuit or any judge of the circuit designated by the Chief
8 Judge, and the motion may include more than one individual.
9 Motions filed by an agency providing civil legal aid
10 concerning more than one individual may be prepared,
11 presented, and signed electronically.

12 (4) Any State's Attorney may file a motion to vacate
13 and expunge a conviction for a misdemeanor or Class 4
14 felony violation of Section 4 or Section 5 of the Cannabis
15 Control Act. Motions to vacate and expunge under this
16 subsection (i) may be filed with the circuit court, Chief
17 Judge of a judicial circuit or any judge of the circuit
18 designated by the Chief Judge, and may include more than
19 one individual. Motions filed by a State's Attorney
20 concerning more than one individual may be prepared,
21 presented, and signed electronically. When considering
22 such a motion to vacate and expunge, a court shall consider
23 the following: the reasons to retain the records provided
24 by law enforcement, the individual's age, the individual's
25 age at the time of offense, the time since the conviction,
26 and the specific adverse consequences if denied. Upon entry

1 of an order granting a motion to vacate and expunge records
2 pursuant to this Section, the State's Attorney shall notify
3 the Prisoner Review Board within 30 days. Upon entry of the
4 order of expungement, the circuit court clerk shall
5 promptly provide a copy of the order and a certificate of
6 disposition to the individual whose records will be
7 expunged to the individual's last known address or by
8 electronic means (if available) or otherwise make
9 available to the individual upon request. If a motion to
10 vacate and expunge is granted, the records shall be
11 expunged in accordance with subparagraphs (d)(8) and
12 (d)(9)(A) of this Section.

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

17 (6) If a person is arrested for a Minor Cannabis
18 Offense as defined in this Section before June 25, 2019
19 (the effective date of Public Act 101-27) and the person's
20 case is still pending but a sentence has not been imposed,
21 the person may petition the court in which the charges are
22 pending for an order to summarily dismiss those charges
23 against him or her, and expunge all official records of his
24 or her arrest, plea, trial, conviction, incarceration,
25 supervision, or expungement. If the court determines, upon
26 review, that: (A) the person was arrested before June 25,

1 2019 (the effective date of Public Act 101-27) for an
2 offense that has been made eligible for expungement; (B)
3 the case is pending at the time; and (C) the person has not
4 been sentenced of the minor cannabis violation eligible for
5 expungement under this subsection, the court shall
6 consider the following: the reasons to retain the records
7 provided by law enforcement, the petitioner's age, the
8 petitioner's age at the time of offense, the time since the
9 conviction, and the specific adverse consequences if
10 denied. If a motion to dismiss and expunge is granted, the
11 records shall be expunged in accordance with subparagraph
12 (d) (9) (A) of this Section.

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

17 (8) The Department of State Police shall allow a person
18 to use the access and review process, established in the
19 Department of State Police, for verifying that his or her
20 records relating to Minor Cannabis Offenses of the Cannabis
21 Control Act eligible under this Section have been expunged.

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

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

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

4 (11) Information. The Department of State Police shall
5 post general information on its website about the
6 expungement process described in this subsection (i).

7 (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;
8 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.
9 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,
10 eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
11 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
12 12-4-19.)

13 Section 20. The Criminal Diversion Racial Impact Data
14 Collection Act is amended by changing Section 20 as follows:

15 (20 ILCS 2637/20)

16 (Section scheduled to be repealed on December 31, 2020)

17 Sec. 20. Repeal. This Act is repealed on December 31, 2021
18 ~~2020~~.

19 (Source: P.A. 99-666, eff. 1-1-17.)

20 Section 23. The Illinois Holocaust and Genocide Commission
21 Act is amended by changing Section 95 as follows:

22 (20 ILCS 5010/95)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 95. Repeal. This Act is repealed on January 1, 2022
3 ~~2021~~.

4 (Source: P.A. 96-1063, eff. 1-1-11.)

5 Section 25. The Language Access to Government Services Task
6 Force Act is amended by changing Section 25 as follows:

7 (20 ILCS 5095/25)

8 (Section scheduled to be repealed on July 1, 2020)

9 Sec. 25. Repeal. This Act is repealed on July 1, 2021 ~~2020~~.

10 (Source: P.A. 100-320, eff. 8-24-17; 100-1145, eff. 12-10-18.)

11 Section 30. The Protection of Individuals with
12 Disabilities in the Criminal Justice System Task Force Act of
13 2019 is amended by changing Section 20 as follows:

14 (20 ILCS 5150/20)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 20. Report. The Task Force shall submit a report with
17 its findings and recommendations to the Governor, the Attorney
18 General, and to the General Assembly on or before September 30,
19 2021 ~~2020~~.

20 (Source: P.A. 101-391, eff. 8-16-19.)

21 Section 35. The State Finance Act is amended by changing

1 Sections 5.857 and 6z-100 as follows:

2 (30 ILCS 105/5.857)

3 (Section scheduled to be repealed on July 1, 2020)

4 Sec. 5.857. The Capital Development Board Revolving Fund.

5 This Section is repealed July 1, 2021 ~~2020~~.

6 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
7 101-10, eff. 6-5-19.)

8 (30 ILCS 105/6z-100)

9 (Section scheduled to be repealed on July 1, 2020)

10 Sec. 6z-100. Capital Development Board Revolving Fund;
11 payments into and use. All monies received by the Capital
12 Development Board for publications or copies issued by the
13 Board, and all monies received for contract administration
14 fees, charges, or reimbursements owing to the Board shall be
15 deposited into a special fund known as the Capital Development
16 Board Revolving Fund, which is hereby created in the State
17 treasury. The monies in this Fund shall be used by the Capital
18 Development Board, as appropriated, for expenditures for
19 personal services, retirement, social security, contractual
20 services, legal services, travel, commodities, printing,
21 equipment, electronic data processing, or telecommunications.
22 Unexpended moneys in the Fund shall not be transferred or
23 allocated by the Comptroller or Treasurer to any other fund,
24 nor shall the Governor authorize the transfer or allocation of

1 those moneys to any other fund. This Section is repealed July
2 1, 2021 ~~2020~~.

3 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
4 101-10, eff. 6-5-19.)

5 Section 40. The Illinois Procurement Code is amended by
6 changing Section 1-15.93 as follows:

7 (30 ILCS 500/1-15.93)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 1-15.93. Single prime. "Single prime" means the
10 design-bid-build procurement delivery method for a building
11 construction project in which the Capital Development Board is
12 the construction agency procuring 2 or more subdivisions of
13 work enumerated in paragraphs (1) through (5) of subsection (a)
14 of Section 30-30 of this Code under a single contract. This
15 Section is repealed on January 1, 2022 ~~2021~~.

16 (Source: P.A. 101-369, eff. 12-15-19.)

17 Section 45. The State Property Control Act is amended by
18 changing Section 7.4 as follows:

19 (30 ILCS 605/7.4)

20 Sec. 7.4. James R. Thompson Center.

21 (a) Notwithstanding any other provision of this Act or any
22 other law to the contrary, the administrator is authorized

1 under this Section to dispose of the James R. Thompson Center
2 located in Chicago, Illinois. The administrator may sell the
3 property as provided in subsection (b), and, either as a
4 condition of the sale or thereafter enter into a leaseback or
5 other agreement that directly or indirectly gives the State a
6 right to use, control, and possess the property.

7 (b) The administrator shall dispose of the property using a
8 competitive sealed proposal process that includes, at a
9 minimum, the following:

10 (1) Engagement Prior to Request for Proposal. The
11 administrator may, prior to soliciting requests for
12 proposals, enter into discussions with interested
13 purchasers in order to assess existing market conditions,
14 demands and likely development scenarios provided that no
15 such interested purchasers shall have any role in drafting
16 any request for proposals nor shall any request for
17 proposal be provided to any interested purchaser prior to
18 its general public distribution. The administrator may
19 issue a request for qualifications that requests
20 interested purchasers to provide such information as the
21 administrator reasonably deems necessary in order to
22 evaluate the qualifications of such interested purchasers
23 including the ability of interested purchasers to acquire
24 and develop the property, all as reasonably determined by
25 the administrator.

26 (2) Request for proposals. Proposals to acquire and

1 develop the property shall be solicited through a request
2 for proposals. Such request for proposals shall include
3 such requirements and factors as the administrator shall
4 determine are necessary or advisable with respect to the
5 disposition of the James R. Thompson Center, including
6 soliciting proposals designating a portion of the property
7 after the development or redevelopment thereof in honor of
8 Governor James R. Thompson.

9 (3) Public notice. Public notice of any request for
10 qualification or request for proposals shall be published
11 in the Illinois Procurement Bulletin at least 14 calendar
12 days before the date by which such requests are due. The
13 administrator may advertise the request in any other manner
14 or publication which it reasonably determines may increase
15 the scope and nature of responses to the request. In the
16 event the administrator shall have already identified
17 qualified purchasers pursuant to a request for
18 qualification process as set forth above, notice of the
19 request for proposals may be delivered only to such
20 qualified purchasers.

21 (4) Opening of proposals. Proposals shall be opened
22 publicly on the date, time and location designated in the
23 Illinois Procurement Bulletin, but proposals shall be
24 opened in a manner to avoid disclosure of contents to
25 competing purchasers during the process of negotiation. A
26 record of proposals shall be prepared and shall be open for

1 public inspection after contract award, but prior to
2 contract execution.

3 (5) Evaluation factors. Proposals shall be submitted
4 in 2 parts: (i) items except price, and (ii) covering
5 price. The first part of all proposals shall be evaluated
6 and ranked independently of the second part of all
7 proposals.

8 (6) Discussion with interested purchasers and
9 revisions of offers or proposals. After the opening of the
10 proposals, and under such guidelines as the administrator
11 may elect to establish in the request for proposals, the
12 administrator and his or her designees may engage in
13 discussions with interested purchasers who submitted
14 offers or proposals that the administrator determines are
15 reasonably susceptible of being selected for award for the
16 purpose of clarifying and assuring full understanding of
17 and responsiveness to the solicitation requirements. Those
18 purchasers shall be accorded fair and equal treatment with
19 respect to any opportunity for discussion and revision of
20 proposals. Revisions may be permitted after submission and
21 before award for the purpose of obtaining best and final
22 offers. In conducting discussions there shall be no
23 disclosure of any information derived from proposals
24 submitted by competing purchasers. If information is
25 disclosed to any purchaser, it shall be provided to all
26 competing purchasers.

1 (7) Award. Awards shall be made to the interested
2 purchaser whose proposal is determined in writing to be the
3 most advantageous to the State, taking into consideration
4 price and the evaluation factors set forth in the request
5 for proposals. The contract file shall contain the basis on
6 which the award is made.

7 (b-5) Any contract to dispose of the property is subject to
8 the following conditions:

9 (1) A commitment from the purchaser to make any
10 applicable payments to the City of Chicago with respect to
11 additional zoning density;

12 (2) A commitment from the purchaser to enter into an
13 agreement with the City of Chicago and the Chicago Transit
14 Authority regarding the existing operation of the Chicago
15 Transit Authority facility currently located on the
16 property, substantially similar to the existing agreement
17 between the City of Chicago, the Chicago Transit Authority,
18 and the State of Illinois, and such agreement must be
19 executed prior to assuming title to the property; and

20 (3) A commitment from the purchaser to designate a
21 portion of the property after the development or
22 redevelopment thereof in honor of Governor James R.
23 Thompson.

24 (b-10) The administrator shall have authority to order such
25 surveys, abstracts of title, or commitments for title
26 insurance, environmental reports, property condition reports,

1 or any other materials as the administrator may, in his or her
2 reasonable discretion, be deemed necessary to demonstrate to
3 prospective purchasers or bidders good and marketable title in
4 and the existing conditions or characteristics of the property
5 offered for sale under this Section. All conveyances of
6 property made by the administrator under this Section shall be
7 by quit claim deed.

8 (c) All moneys received from the sale of real property
9 under this Section shall be deposited into the General Revenue
10 Fund, provided that any obligations of the State to the
11 purchaser acquiring the property, a contractor involved in the
12 sale of the property, or a unit of local government may be
13 remitted from the proceeds during the closing process and need
14 not be deposited in the State treasury prior to closing.

15 (d) The administrator is authorized to enter into any
16 agreements and execute any documents necessary to exercise the
17 authority granted by this Section.

18 (e) Any agreement to dispose of the James R. Thompson
19 Center located in Chicago, Illinois pursuant to the authority
20 granted by this Section must be entered into no later than
21 April 5, 2022 ~~2 years after the effective date of this~~
22 ~~amendatory Act of the 100th General Assembly.~~

23 (f) The provisions of this Section are subject to the
24 Freedom of Information Act, and nothing shall be construed to
25 waive the ability of a public body to assert any applicable
26 exemptions.

1 (Source: P.A. 100-1184, eff. 4-5-19.)

2 Section 50. The Illinois Income Tax Act is amended by
3 changing Section 218 as follows:

4 (35 ILCS 5/218)

5 Sec. 218. Credit for student-assistance contributions.

6 (a) For taxable years ending on or after December 31, 2009
7 and on or before December 30, 2021 ~~2020~~, each taxpayer who,
8 during the taxable year, makes a contribution (i) to a
9 specified individual College Savings Pool Account under
10 Section 16.5 of the State Treasurer Act or (ii) to the Illinois
11 Prepaid Tuition Trust Fund in an amount matching a contribution
12 made in the same taxable year by an employee of the taxpayer to
13 that Account or Fund is entitled to a credit against the tax
14 imposed under subsections (a) and (b) of Section 201 in an
15 amount equal to 25% of that matching contribution, but not to
16 exceed \$500 per contributing employee per taxable year.

17 (b) For partners, shareholders of Subchapter S
18 corporations, and owners of limited liability companies, if the
19 liability company is treated as a partnership for purposes of
20 federal and State income taxation, there is allowed a credit
21 under this Section to be determined in accordance with the
22 determination of income and distributive share of income under
23 Sections 702 and 704 and Subchapter S of the Internal Revenue
24 Code.

1 (c) The credit may not be carried back. If the amount of
2 the credit exceeds the tax liability for the year, the excess
3 may be carried forward and applied to the tax liability of the
4 5 taxable years following the excess credit year. The tax
5 credit shall be applied to the earliest year for which there is
6 a tax liability. If there are credits for more than one year
7 that are available to offset a liability, the earlier credit
8 shall be applied first.

9 (d) A taxpayer claiming the credit under this Section must
10 maintain and record any information that the Illinois Student
11 Assistance Commission, the Office of the State Treasurer, or
12 the Department may require regarding the matching contribution
13 for which the credit is claimed.

14 (Source: P.A. 96-198, eff. 8-10-09.)

15 Section 55. The Illinois Pension Code is amended by
16 changing Section 16-118 as follows:

17 (40 ILCS 5/16-118) (from Ch. 108 1/2, par. 16-118)

18 Sec. 16-118. Retirement. "Retirement": Entry upon a
19 retirement annuity or receipt of a single-sum retirement
20 benefit granted under this Article after termination of active
21 service as a teacher.

22 (a) An annuitant receiving a retirement annuity other than
23 a disability retirement annuity may accept employment as a
24 teacher from a school board or other employer specified in

1 Section 16-106 without impairing retirement status, if that
2 employment:

3 (1) is not within the school year during which service
4 was terminated; and

5 (2) does not exceed the following:

6 (i) before July 1, 2001, 100 paid days or 500 paid
7 hours in any school year;

8 (ii) during the period beginning July 1, 2001
9 through June 30, 2011, 120 paid days or 600 paid hours
10 in each school year;

11 (iii) during the period beginning July 1, 2011
12 through June 30, 2018, 100 paid days or 500 paid hours
13 in each school year;

14 (iv) beginning July 1, 2018 through June 30, 2021
15 ~~2020~~, 120 paid days or 600 paid hours in each school
16 year, but not more than 100 paid days in the same
17 classroom; and

18 (v) beginning July 1, 2021 ~~2020~~, 100 paid days or
19 500 paid hours in each school year.

20 Where such permitted employment is partly on a daily and
21 partly on an hourly basis, a day shall be considered as 5
22 hours.

23 (b) Subsection (a) does not apply to an annuitant who
24 returns to teaching under the program established in Section
25 16-150.1, for the duration of his or her participation in that
26 program.

1 (Source: P.A. 100-596, eff. 7-1-18.)

2 Section 60. The Environmental Protection Act is amended by
3 changing Section 28.5 as follows:

4 (415 ILCS 5/28.5)

5 Sec. 28.5. Clean Air Act rules; fast-track.

6 (a) This Section applies through December 31, 2021 ~~2019~~ and
7 applies solely to the adoption of rules proposed by the Agency
8 and required to be adopted by the State under the Clean Air Act
9 as amended by the Clean Air Act Amendments of 1990 (CAAA).

10 (b) For purposes of this Section, a "fast-track" rulemaking
11 proceeding is a proceeding to promulgate a rule that the CAAA
12 requires to be adopted. For the purposes of this Section,
13 "requires to be adopted" refers only to those regulations or
14 parts of regulations for which the United States Environmental
15 Protection Agency is empowered to impose sanctions against the
16 State for failure to adopt such rules. All fast-track rules
17 must be adopted under procedures set forth in this Section,
18 unless another provision of this Act specifies the method for
19 adopting a specific rule.

20 (c) When the CAAA requires rules other than identical in
21 substance rules to be adopted, upon request by the Agency, the
22 Board must adopt rules under fast-track rulemaking
23 requirements.

24 (d) The Agency must submit its fast-track rulemaking

1 proposal in the following form:

2 (1) The Agency must file the rule in a form that meets
3 the requirements of the Illinois Administrative Procedure
4 Act and regulations promulgated thereunder.

5 (2) The cover sheet of the proposal shall prominently
6 state that the rule is being proposed under this Section.

7 (3) The proposal shall clearly identify the provisions
8 and portions of the federal statute, regulations,
9 guidance, policy statement, or other documents upon which
10 the rule is based.

11 (4) The supporting documentation for the rule shall
12 summarize the basis of the rule.

13 (5) The Agency must describe in general the alternative
14 selected and the basis for the alternative.

15 (6) The Agency must file a summary of economic and
16 technical data upon which it relied in drafting the rule.

17 (7) The Agency must provide a list of any documents
18 upon which it directly relied in drafting the rule or upon
19 which it intends to rely at the hearings and must provide
20 such documents to the Board. Additionally, the Agency must
21 make such documents available at an appropriate location
22 for inspection and copying at the expense of the interested
23 party.

24 (8) The Agency must include in its submission a
25 description of the geographical area to which the rule is
26 intended to apply, a description of the process or

1 processes affected, an identification by classes of the
2 entities expected to be affected, and a list of sources
3 expected to be affected by the rule to the extent known to
4 the Agency.

5 (e) Within 14 days of receipt of the proposal, the Board
6 must file the rule for first notice under the Illinois
7 Administrative Procedure Act and must schedule all required
8 hearings on the proposal and cause public notice to be given in
9 accordance with the Illinois Administrative Procedure Act and
10 the CAAA.

11 (f) The Board must set 3 hearings on the proposal, each of
12 which shall be scheduled to continue from day to day, excluding
13 weekends and State and federal holidays, until completed. The
14 Board must require the written submission of all testimony at
15 least 10 days before a hearing, with simultaneous service to
16 all participants of record in the proceeding as of 15 days
17 prior to hearing, unless a waiver is granted by the Board for
18 good cause. In order to further expedite the hearings,
19 presubmitted testimony shall be accepted into the record
20 without the reading of the testimony at hearing, provided that
21 the witness swears to the testimony and is available for
22 questioning, and the Board must make every effort to conduct
23 the proceedings expeditiously and avoid duplication and
24 extraneous material.

25 (1) The first hearing shall be held within 55 days of
26 receipt of the rule and shall be confined to testimony by

1 and questions of the Agency's witnesses concerning the
2 scope, applicability, and basis of the rule. Within 7 days
3 after the first hearing, any person may request that the
4 second hearing be held.

5 (A) If, after the first hearing, the Agency and
6 affected entities are in agreement on the rule, the
7 United States Environmental Protection Agency has not
8 informed the Board of any unresolved objection to the
9 rule, and no other interested party contests the rule
10 or asks for the opportunity to present additional
11 evidence, the Board may cancel the additional
12 hearings. When the Board adopts the final order under
13 these circumstances, it shall be based on the Agency's
14 proposal as agreed to by the parties.

15 (B) If, after the first hearing, the Agency and
16 affected entities are in agreement upon a portion of
17 the rule, the United States Environmental Protection
18 Agency has not informed the Board of any unresolved
19 objections to that agreed portion of the rule, and no
20 other interested party contests that agreed portion of
21 the rule or asks for the opportunity to present
22 additional evidence, the Board must proceed to the
23 second hearing, as provided in paragraph (2) of
24 subsection (g) of this Section, but the hearing shall
25 be limited in scope to the unresolved portion of the
26 proposal. When the Board adopts the final order under

1 these circumstances, it shall be based on such portion
2 of the Agency's proposal as agreed to by the parties.

3 (2) The second hearing shall be scheduled to commence
4 within 30 days of the first day of the first hearing and
5 shall be devoted to presentation of testimony, documents,
6 and comments by affected entities and all other interested
7 parties.

8 (3) The third hearing shall be scheduled to commence
9 within 14 days after the first day of the second hearing
10 and shall be devoted solely to any Agency response to the
11 material submitted at the second hearing and to any
12 response by other parties. The third hearing shall be
13 cancelled if the Agency indicates to the Board that it does
14 not intend to introduce any additional material.

15 (g) In any fast-track rulemaking proceeding, the Board must
16 accept evidence and comments on the economic impact of any
17 provision of the rule and must consider the economic impact of
18 the rule based on the record. The Board may order an economic
19 impact study in a manner that will not prevent adoption of the
20 rule within the time required by subsection (n) of this
21 Section.

22 (h) In all fast-track rulemakings under this Section, the
23 Board must take into account factors set forth in subsection
24 (a) of Section 27 of this Act.

25 (i) The Board must adopt rules in the fast-track rulemaking
26 docket under the requirements of this Section that the CAAA

1 requires to be adopted, and may consider a non-required rule in
2 a second docket that shall proceed under Title VII of this Act.

3 (j) The Board is directed to take whatever measures are
4 available to it to complete fast-track rulemaking as
5 expeditiously as possible consistent with the need for careful
6 consideration. These measures shall include, but not be limited
7 to, having hearings transcribed on an expedited basis.

8 (k) Following the hearings, the Board must close the record
9 14 days after the availability of the transcript.

10 (l) The Board must not revise or otherwise change an Agency
11 fast-track rulemaking proposal without agreement of the Agency
12 until after the end of the hearing and comment period. Any
13 revisions to an Agency proposal shall be based on the record of
14 the proceeding.

15 (m) All rules adopted by the Board under this Section shall
16 be based solely on the record before it.

17 (n) The Board must complete a fast-track rulemaking by
18 adopting a second notice order no later than 130 days after
19 receipt of the proposal if no third hearing is held and no
20 later than 150 days if the third hearing is held. If the order
21 includes a rule, the Illinois Board must file the rule for
22 second notice under the Illinois Administrative Procedure Act
23 within 5 days after adoption of the order.

24 (o) Upon receipt of a statement of no objection to the rule
25 from the Joint Committee on Administrative Rules, the Board
26 must adopt the final order and submit the rule to the Secretary

1 of State for publication and certification within 21 days.

2 (Source: P.A. 99-197, eff. 7-30-15.)

3 Section 65. The Clerks of Courts Act is amended by changing
4 Sections 27.1b and 27.1c as follows:

5 (705 ILCS 105/27.1b)

6 (Section scheduled to be repealed on January 1, 2021)

7 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
8 other provision of law, all fees charged by the clerks of the
9 circuit court for the services described in this Section shall
10 be established, collected, and disbursed in accordance with
11 this Section. Except as otherwise specified in this Section,
12 all fees under this Section shall be paid in advance and
13 disbursed by each clerk on a monthly basis. In a county with a
14 population of over 3,000,000, units of local government and
15 school districts shall not be required to pay fees under this
16 Section in advance and the clerk shall instead send an itemized
17 bill to the unit of local government or school district, within
18 30 days of the fee being incurred, and the unit of local
19 government or school district shall be allowed at least 30 days
20 from the date of the itemized bill to pay; these payments shall
21 be disbursed by each clerk on a monthly basis. Unless otherwise
22 specified in this Section, the amount of a fee shall be
23 determined by ordinance or resolution of the county board and
24 remitted to the county treasurer to be used for purposes

1 related to the operation of the court system in the county. In
2 a county with population of over 3,000,000, any amount retained
3 by the clerk of the circuit court or remitted to the county
4 treasurer shall be subject to appropriation by the county
5 board.

6 (a) Civil cases. The fee for filing a complaint, petition,
7 or other pleading initiating a civil action shall be as set
8 forth in the applicable schedule under this subsection in
9 accordance with case categories established by the Supreme
10 Court in schedules.

11 (1) SCHEDULE 1: not to exceed a total of \$366 in a
12 county with a population of 3,000,000 or more and not to
13 exceed \$316 in any other county, except as applied to units
14 of local government and school districts in counties with
15 more than 3,000,000 inhabitants an amount not to exceed
16 \$190 through December 31, 2021 and \$184 on and after
17 January 1, 2022. The fees collected under this schedule
18 shall be disbursed as follows:

19 (A) The clerk shall retain a sum, in an amount not
20 to exceed \$55 in a county with a population of
21 3,000,000 or more and in an amount not to exceed \$45 in
22 any other county determined by the clerk with the
23 approval of the Supreme Court, to be used for court
24 automation, court document storage, and administrative
25 purposes.

26 (B) The clerk shall remit up to \$21 to the State

1 Treasurer. The State Treasurer shall deposit the
2 appropriate amounts, in accordance with the clerk's
3 instructions, as follows:

4 (i) up to \$10, as specified by the Supreme
5 Court in accordance with Part 10A of Article II of
6 the Code of Civil Procedure, into the Mandatory
7 Arbitration Fund;

8 (ii) \$2 into the Access to Justice Fund; and

9 (iii) \$9 into the Supreme Court Special
10 Purposes Fund.

11 (C) The clerk shall remit a sum to the County
12 Treasurer, in an amount not to exceed \$290 in a county
13 with a population of 3,000,000 or more and in an amount
14 not to exceed \$250 in any other county, as specified by
15 ordinance or resolution passed by the county board, for
16 purposes related to the operation of the court system
17 in the county.

18 (2) SCHEDULE 2: not to exceed a total of \$357 in a
19 county with a population of 3,000,000 or more and not to
20 exceed \$266 in any other county, except as applied to units
21 of local government and school districts in counties with
22 more than 3,000,000 inhabitants an amount not to exceed
23 \$190 through December 31, 2021 and \$184 on and after
24 January 1, 2022. The fees collected under this schedule
25 shall be disbursed as follows:

26 (A) The clerk shall retain a sum, in an amount not

1 to exceed \$55 in a county with a population of
2 3,000,000 or more and in an amount not to exceed \$45 in
3 any other county determined by the clerk with the
4 approval of the Supreme Court, to be used for court
5 automation, court document storage, and administrative
6 purposes.

7 (B) The clerk shall remit up to \$21 to the State
8 Treasurer. The State Treasurer shall deposit the
9 appropriate amounts, in accordance with the clerk's
10 instructions, as follows:

11 (i) up to \$10, as specified by the Supreme
12 Court in accordance with Part 10A of Article II of
13 the Code of Civil Procedure, into the Mandatory
14 Arbitration Fund;

15 (ii) \$2 into the Access to Justice Fund: and

16 (iii) \$9 into the Supreme Court Special
17 Purposes Fund.

18 (C) The clerk shall remit a sum to the County
19 Treasurer, in an amount not to exceed \$281 in a county
20 with a population of 3,000,000 or more and in an amount
21 not to exceed \$200 in any other county, as specified by
22 ordinance or resolution passed by the county board, for
23 purposes related to the operation of the court system
24 in the county.

25 (3) SCHEDULE 3: not to exceed a total of \$265 in a
26 county with a population of 3,000,000 or more and not to

1 exceed \$89 in any other county, except as applied to units
2 of local government and school districts in counties with
3 more than 3,000,000 inhabitants an amount not to exceed
4 \$190 through December 31, 2021 and \$184 on and after
5 January 1, 2022. The fees collected under this schedule
6 shall be disbursed as follows:

7 (A) The clerk shall retain a sum, in an amount not
8 to exceed \$55 in a county with a population of
9 3,000,000 or more and in an amount not to exceed \$22 in
10 any other county determined by the clerk with the
11 approval of the Supreme Court, to be used for court
12 automation, court document storage, and administrative
13 purposes.

14 (B) The clerk shall remit \$11 to the State
15 Treasurer. The State Treasurer shall deposit the
16 appropriate amounts in accordance with the clerk's
17 instructions, as follows:

18 (i) \$2 into the Access to Justice Fund; and

19 (ii) \$9 into the Supreme Court Special
20 Purposes Fund.

21 (C) The clerk shall remit a sum to the County
22 Treasurer, in an amount not to exceed \$199 in a county
23 with a population of 3,000,000 or more and in an amount
24 not to exceed \$56 in any other county, as specified by
25 ordinance or resolution passed by the county board, for
26 purposes related to the operation of the court system

1 in the county.

2 (4) SCHEDULE 4: \$0.

3 (b) Appearance. The fee for filing an appearance in a civil
4 action, including a cannabis civil law action under the
5 Cannabis Control Act, shall be as set forth in the applicable
6 schedule under this subsection in accordance with case
7 categories established by the Supreme Court in schedules.

8 (1) SCHEDULE 1: not to exceed a total of \$230 in a
9 county with a population of 3,000,000 or more and not to
10 exceed \$191 in any other county, except as applied to units
11 of local government and school districts in counties with
12 more than 3,000,000 inhabitants an amount not to exceed
13 \$75. The fees collected under this schedule shall be
14 disbursed as follows:

15 (A) The clerk shall retain a sum, in an amount not
16 to exceed \$50 in a county with a population of
17 3,000,000 or more and in an amount not to exceed \$45 in
18 any other county determined by the clerk with the
19 approval of the Supreme Court, to be used for court
20 automation, court document storage, and administrative
21 purposes.

22 (B) The clerk shall remit up to \$21 to the State
23 Treasurer. The State Treasurer shall deposit the
24 appropriate amounts, in accordance with the clerk's
25 instructions, as follows:

26 (i) up to \$10, as specified by the Supreme

1 Court in accordance with Part 10A of Article II of
2 the Code of Civil Procedure, into the Mandatory
3 Arbitration Fund;

4 (ii) \$2 into the Access to Justice Fund; and

5 (iii) \$9 into the Supreme Court Special
6 Purposes Fund.

7 (C) The clerk shall remit a sum to the County
8 Treasurer, in an amount not to exceed \$159 in a county
9 with a population of 3,000,000 or more and in an amount
10 not to exceed \$125 in any other county, as specified by
11 ordinance or resolution passed by the county board, for
12 purposes related to the operation of the court system
13 in the county.

14 (2) SCHEDULE 2: not to exceed a total of \$130 in a
15 county with a population of 3,000,000 or more and not to
16 exceed \$109 in any other county, except as applied to units
17 of local government and school districts in counties with
18 more than 3,000,000 inhabitants an amount not to exceed
19 \$75. The fees collected under this schedule shall be
20 disbursed as follows:

21 (A) The clerk shall retain a sum, in an amount not
22 to exceed \$50 in a county with a population of
23 3,000,000 or more and in an amount not to exceed \$10 in
24 any other county determined by the clerk with the
25 approval of the Supreme Court, to be used for court
26 automation, court document storage, and administrative

1 purposes.

2 (B) The clerk shall remit \$9 to the State
3 Treasurer, which the State Treasurer shall deposit
4 into the Supreme Court Special Purpose Fund.

5 (C) The clerk shall remit a sum to the County
6 Treasurer, in an amount not to exceed \$71 in a county
7 with a population of 3,000,000 or more and in an amount
8 not to exceed \$90 in any other county, as specified by
9 ordinance or resolution passed by the county board, for
10 purposes related to the operation of the court system
11 in the county.

12 (3) SCHEDULE 3: \$0.

13 (b-5) Kane County and Will County. In Kane County and Will
14 County civil cases, there is an additional fee of up to \$30 as
15 set by the county board under Section 5-1101.3 of the Counties
16 Code to be paid by each party at the time of filing the first
17 pleading, paper, or other appearance; provided that no
18 additional fee shall be required if more than one party is
19 represented in a single pleading, paper, or other appearance.
20 Distribution of fees collected under this subsection (b-5)
21 shall be as provided in Section 5-1101.3 of the Counties Code.

22 (c) Counterclaim or third party complaint. When any
23 defendant files a counterclaim or third party complaint, as
24 part of the defendant's answer or otherwise, the defendant
25 shall pay a filing fee for each counterclaim or third party
26 complaint in an amount equal to the filing fee the defendant

1 would have had to pay had the defendant brought a separate
2 action for the relief sought in the counterclaim or third party
3 complaint, less the amount of the appearance fee, if any, that
4 the defendant has already paid in the action in which the
5 counterclaim or third party complaint is filed.

6 (d) Alias summons. The clerk shall collect a fee not to
7 exceed \$6 in a county with a population of 3,000,000 or more
8 and not to exceed \$5 in any other county for each alias summons
9 or citation issued by the clerk, except as applied to units of
10 local government and school districts in counties with more
11 than 3,000,000 inhabitants an amount not to exceed \$5 for each
12 alias summons or citation issued by the clerk.

13 (e) Jury services. The clerk shall collect, in addition to
14 other fees allowed by law, a sum not to exceed \$212.50, as a
15 fee for the services of a jury in every civil action not
16 quasi-criminal in its nature and not a proceeding for the
17 exercise of the right of eminent domain and in every other
18 action wherein the right of trial by jury is or may be given by
19 law. The jury fee shall be paid by the party demanding a jury
20 at the time of filing the jury demand. If the fee is not paid by
21 either party, no jury shall be called in the action or
22 proceeding, and the action or proceeding shall be tried by the
23 court without a jury.

24 (f) Change of venue. In connection with a change of venue:

25 (1) The clerk of the jurisdiction from which the case
26 is transferred may charge a fee, not to exceed \$40, for the

1 preparation and certification of the record; and

2 (2) The clerk of the jurisdiction to which the case is
3 transferred may charge the same filing fee as if it were
4 the commencement of a new suit.

5 (g) Petition to vacate or modify.

6 (1) In a proceeding involving a petition to vacate or
7 modify any final judgment or order filed within 30 days
8 after the judgment or order was entered, except for an
9 eviction case, small claims case, petition to reopen an
10 estate, petition to modify, terminate, or enforce a
11 judgment or order for child or spousal support, or petition
12 to modify, suspend, or terminate an order for withholding,
13 the fee shall not exceed \$60 in a county with a population
14 of 3,000,000 or more and shall not exceed \$50 in any other
15 county, except as applied to units of local government and
16 school districts in counties with more than 3,000,000
17 inhabitants an amount not to exceed \$50.

18 (2) In a proceeding involving a petition to vacate or
19 modify any final judgment or order filed more than 30 days
20 after the judgment or order was entered, except for a
21 petition to modify, terminate, or enforce a judgment or
22 order for child or spousal support, or petition to modify,
23 suspend, or terminate an order for withholding, the fee
24 shall not exceed \$75.

25 (3) In a proceeding involving a motion to vacate or
26 amend a final order, motion to vacate an ex parte judgment,

1 judgment of forfeiture, or "failure to appear" or "failure
2 to comply" notices sent to the Secretary of State, the fee
3 shall equal \$40.

4 (h) Appeals preparation. The fee for preparation of a
5 record on appeal shall be based on the number of pages, as
6 follows:

7 (1) if the record contains no more than 100 pages, the
8 fee shall not exceed \$70 in a county with a population of
9 3,000,000 or more and shall not exceed \$50 in any other
10 county;

11 (2) if the record contains between 100 and 200 pages,
12 the fee shall not exceed \$100; and

13 (3) if the record contains 200 or more pages, the clerk
14 may collect an additional fee not to exceed 25 cents per
15 page.

16 (i) Remands. In any cases remanded to the circuit court
17 from the Supreme Court or the appellate court for a new trial,
18 the clerk shall reinstate the case with either its original
19 number or a new number. The clerk shall not charge any new or
20 additional fee for the reinstatement. Upon reinstatement, the
21 clerk shall advise the parties of the reinstatement. Parties
22 shall have the same right to a jury trial on remand and
23 reinstatement that they had before the appeal, and no
24 additional or new fee or charge shall be made for a jury trial
25 after remand.

26 (j) Garnishment, wage deduction, and citation. In

1 garnishment affidavit, wage deduction affidavit, and citation
2 petition proceedings:

3 (1) if the amount in controversy in the proceeding is
4 not more than \$1,000, the fee may not exceed \$35 in a
5 county with a population of 3,000,000 or more and may not
6 exceed \$15 in any other county, except as applied to units
7 of local government and school districts in counties with
8 more than 3,000,000 inhabitants an amount not to exceed
9 \$15;

10 (2) if the amount in controversy in the proceeding is
11 greater than \$1,000 and not more than \$5,000, the fee may
12 not exceed \$45 in a county with a population of 3,000,000
13 or more and may not exceed \$30 in any other county, except
14 as applied to units of local government and school
15 districts in counties with more than 3,000,000 inhabitants
16 an amount not to exceed \$30; and

17 (3) if the amount in controversy in the proceeding is
18 greater than \$5,000, the fee may not exceed \$65 in a county
19 with a population of 3,000,000 or more and may not exceed
20 \$50 in any other county, except as applied to units of
21 local government and school districts in counties with more
22 than 3,000,000 inhabitants an amount not to exceed \$50.

23 (j-5) Debt collection. In any proceeding to collect a debt
24 subject to the exception in item (ii) of subparagraph (A-5) of
25 paragraph (1) of subsection (z) of this Section, the circuit
26 court shall order and the clerk shall collect from each

1 judgment debtor a fee of:

2 (1) \$35 if the amount in controversy in the proceeding
3 is not more than \$1,000;

4 (2) \$45 if the amount in controversy in the proceeding
5 is greater than \$1,000 and not more than \$5,000; and

6 (3) \$65 if the amount in controversy in the proceeding
7 is greater than \$5,000.

8 (k) Collections.

9 (1) For all collections made of others, except the
10 State and county and except in maintenance or child support
11 cases, the clerk may collect a fee of up to 2.5% of the
12 amount collected and turned over.

13 (2) In child support and maintenance cases, the clerk
14 may collect an annual fee of up to \$36 from the person
15 making payment for maintaining child support records and
16 the processing of support orders to the State of Illinois
17 KIDS system and the recording of payments issued by the
18 State Disbursement Unit for the official record of the
19 Court. This fee is in addition to and separate from amounts
20 ordered to be paid as maintenance or child support and
21 shall be deposited into a Separate Maintenance and Child
22 Support Collection Fund, of which the clerk shall be the
23 custodian, ex officio, to be used by the clerk to maintain
24 child support orders and record all payments issued by the
25 State Disbursement Unit for the official record of the
26 Court. The clerk may recover from the person making the

1 maintenance or child support payment any additional cost
2 incurred in the collection of this annual fee.

3 (3) The clerk may collect a fee of \$5 for
4 certifications made to the Secretary of State as provided
5 in Section 7-703 of the Illinois Vehicle Code, and this fee
6 shall be deposited into the Separate Maintenance and Child
7 Support Collection Fund.

8 (4) In proceedings to foreclose the lien of delinquent
9 real estate taxes, State's Attorneys shall receive a fee of
10 10% of the total amount realized from the sale of real
11 estate sold in the proceedings. The clerk shall collect the
12 fee from the total amount realized from the sale of the
13 real estate sold in the proceedings and remit to the County
14 Treasurer to be credited to the earnings of the Office of
15 the State's Attorney.

16 (l) Mailing. The fee for the clerk mailing documents shall
17 not exceed \$10 plus the cost of postage.

18 (m) Certified copies. The fee for each certified copy of a
19 judgment, after the first copy, shall not exceed \$10.

20 (n) Certification, authentication, and reproduction.

21 (1) The fee for each certification or authentication
22 for taking the acknowledgment of a deed or other instrument
23 in writing with the seal of office shall not exceed \$6.

24 (2) The fee for reproduction of any document contained
25 in the clerk's files shall not exceed:

26 (A) \$2 for the first page;

1 (B) 50 cents per page for the next 19 pages; and

2 (C) 25 cents per page for all additional pages.

3 (o) Record search. For each record search, within a
4 division or municipal district, the clerk may collect a search
5 fee not to exceed \$6 for each year searched.

6 (p) Hard copy. For each page of hard copy print output,
7 when case records are maintained on an automated medium, the
8 clerk may collect a fee not to exceed \$10 in a county with a
9 population of 3,000,000 or more and not to exceed \$6 in any
10 other county, except as applied to units of local government
11 and school districts in counties with more than 3,000,000
12 inhabitants an amount not to exceed \$6.

13 (q) Index inquiry and other records. No fee shall be
14 charged for a single plaintiff and defendant index inquiry or
15 single case record inquiry when this request is made in person
16 and the records are maintained in a current automated medium,
17 and when no hard copy print output is requested. The fees to be
18 charged for management records, multiple case records, and
19 multiple journal records may be specified by the Chief Judge
20 pursuant to the guidelines for access and dissemination of
21 information approved by the Supreme Court.

22 (r) Performing a marriage. There shall be a \$10 fee for
23 performing a marriage in court.

24 (s) Voluntary assignment. For filing each deed of voluntary
25 assignment, the clerk shall collect a fee not to exceed \$20.
26 For recording a deed of voluntary assignment, the clerk shall

1 collect a fee not to exceed 50 cents for each 100 words.
2 Exceptions filed to claims presented to an assignee of a debtor
3 who has made a voluntary assignment for the benefit of
4 creditors shall be considered and treated, for the purpose of
5 taxing costs therein, as actions in which the party or parties
6 filing the exceptions shall be considered as party or parties
7 plaintiff, and the claimant or claimants as party or parties
8 defendant, and those parties respectively shall pay to the
9 clerk the same fees as provided by this Section to be paid in
10 other actions.

11 (t) Expungement petition. The clerk may collect a fee not
12 to exceed \$60 for each expungement petition filed and an
13 additional fee not to exceed \$4 for each certified copy of an
14 order to expunge arrest records.

15 (u) Transcripts of judgment. For the filing of a transcript
16 of judgment, the clerk may collect the same fee as if it were
17 the commencement of a new suit.

18 (v) Probate filings.

19 (1) For each account (other than one final account)
20 filed in the estate of a decedent, or ward, the fee shall
21 not exceed \$25.

22 (2) For filing a claim in an estate when the amount
23 claimed is greater than \$150 and not more than \$500, the
24 fee shall not exceed \$40 in a county with a population of
25 3,000,000 or more and shall not exceed \$25 in any other
26 county; when the amount claimed is greater than \$500 and

1 not more than \$10,000, the fee shall not exceed \$55 in a
2 county with a population of 3,000,000 or more and shall not
3 exceed \$40 in any other county; and when the amount claimed
4 is more than \$10,000, the fee shall not exceed \$75 in a
5 county with a population of 3,000,000 or more and shall not
6 exceed \$60 in any other county; except the court in
7 allowing a claim may add to the amount allowed the filing
8 fee paid by the claimant.

9 (3) For filing in an estate a claim, petition, or
10 supplemental proceeding based upon an action seeking
11 equitable relief including the construction or contest of a
12 will, enforcement of a contract to make a will, and
13 proceedings involving testamentary trusts or the
14 appointment of testamentary trustees, the fee shall not
15 exceed \$60.

16 (4) There shall be no fee for filing in an estate: (i)
17 the appearance of any person for the purpose of consent; or
18 (ii) the appearance of an executor, administrator,
19 administrator to collect, guardian, guardian ad litem, or
20 special administrator.

21 (5) For each jury demand, the fee shall not exceed
22 \$137.50.

23 (6) For each certified copy of letters of office, of
24 court order, or other certification, the fee shall not
25 exceed \$2 per page.

26 (7) For each exemplification, the fee shall not exceed

1 \$2, plus the fee for certification.

2 (8) The executor, administrator, guardian, petitioner,
3 or other interested person or his or her attorney shall pay
4 the cost of publication by the clerk directly to the
5 newspaper.

6 (9) The person on whose behalf a charge is incurred for
7 witness, court reporter, appraiser, or other miscellaneous
8 fees shall pay the same directly to the person entitled
9 thereto.

10 (10) The executor, administrator, guardian,
11 petitioner, or other interested person or his or her
12 attorney shall pay to the clerk all postage charges
13 incurred by the clerk in mailing petitions, orders,
14 notices, or other documents pursuant to the provisions of
15 the Probate Act of 1975.

16 (w) Corrections of numbers. For correction of the case
17 number, case title, or attorney computer identification
18 number, if required by rule of court, on any document filed in
19 the clerk's office, to be charged against the party that filed
20 the document, the fee shall not exceed \$25.

21 (x) Miscellaneous.

22 (1) Interest earned on any fees collected by the clerk
23 shall be turned over to the county general fund as an
24 earning of the office.

25 (2) For any check, draft, or other bank instrument
26 returned to the clerk for non-sufficient funds, account

1 closed, or payment stopped, the clerk shall collect a fee
2 of \$25.

3 (y) Other fees. Any fees not covered in this Section shall
4 be set by rule or administrative order of the circuit court
5 with the approval of the Administrative Office of the Illinois
6 Courts. The clerk of the circuit court may provide services in
7 connection with the operation of the clerk's office, other than
8 those services mentioned in this Section, as may be requested
9 by the public and agreed to by the clerk and approved by the
10 Chief Judge. Any charges for additional services shall be as
11 agreed to between the clerk and the party making the request
12 and approved by the Chief Judge. Nothing in this subsection
13 shall be construed to require any clerk to provide any service
14 not otherwise required by law.

15 (y-5) Unpaid fees. Unless a court ordered payment schedule
16 is implemented or the fee requirements of this Section are
17 waived under a court order, the clerk of the circuit court may
18 add to any unpaid fees and costs under this Section a
19 delinquency amount equal to 5% of the unpaid fees that remain
20 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
21 after 60 days, and 15% of the unpaid fees that remain unpaid
22 after 90 days. Notice to those parties may be made by signage
23 posting or publication. The additional delinquency amounts
24 collected under this Section shall be deposited into the
25 Circuit Court Clerk Operations and Administration Fund and used
26 to defray additional administrative costs incurred by the clerk

1 of the circuit court in collecting unpaid fees and costs.

2 (z) Exceptions.

3 (1) No fee authorized by this Section shall apply to:

4 (A) police departments or other law enforcement
5 agencies. In this Section, "law enforcement agency"
6 means: an agency of the State or agency of a unit of
7 local government which is vested by law or ordinance
8 with the duty to maintain public order and to enforce
9 criminal laws or ordinances; the Attorney General; or
10 any State's Attorney;

11 (A-5) any unit of local government or school
12 district, except in counties having a population of
13 500,000 or more the county board may by resolution set
14 fees for units of local government or school districts
15 no greater than the minimum fees applicable in counties
16 with a population less than 3,000,000; provided
17 however, no fee may be charged to any unit of local
18 government or school district in connection with any
19 action which, in whole or in part, is: (i) to enforce
20 an ordinance; (ii) to collect a debt; or (iii) under
21 the Administrative Review Law;

22 (B) any action instituted by the corporate
23 authority of a municipality with more than 1,000,000
24 inhabitants under Section 11-31-1 of the Illinois
25 Municipal Code and any action instituted under
26 subsection (b) of Section 11-31-1 of the Illinois

1 Municipal Code by a private owner or tenant of real
2 property within 1,200 feet of a dangerous or unsafe
3 building seeking an order compelling the owner or
4 owners of the building to take any of the actions
5 authorized under that subsection;

6 (C) any commitment petition or petition for an
7 order authorizing the administration of psychotropic
8 medication or electroconvulsive therapy under the
9 Mental Health and Developmental Disabilities Code;

10 (D) a petitioner in any order of protection
11 proceeding, including, but not limited to, fees for
12 filing, modifying, withdrawing, certifying, or
13 photocopying petitions for orders of protection,
14 issuing alias summons, any related filing service, or
15 certifying, modifying, vacating, or photocopying any
16 orders of protection; or

17 (E) proceedings for the appointment of a
18 confidential intermediary under the Adoption Act.

19 (2) No fee other than the filing fee contained in the
20 applicable schedule in subsection (a) shall be charged to
21 any person in connection with an adoption proceeding.

22 (3) Upon good cause shown, the court may waive any fees
23 associated with a special needs adoption. The term "special
24 needs adoption" has the meaning provided by the Illinois
25 Department of Children and Family Services.

26 (aa) This Section is repealed on January 1, 2022 ~~2021~~.

1 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
2 100-1161, eff. 7-1-19.)

3 (705 ILCS 105/27.1c)

4 (Section scheduled to be repealed on January 1, 2021)

5 Sec. 27.1c. Assessment report.

6 (a) Not later than February 29, 2020, the clerk of the
7 circuit court shall submit to the Administrative Office of the
8 Illinois Courts a report for the period July 1, 2019 through
9 December 31, 2019 containing, with respect to each of the 4
10 categories of civil cases established by the Supreme Court
11 pursuant to Section 27.1b of this Act:

12 (1) the total number of cases that were filed;

13 (2) the amount of filing fees that were collected
14 pursuant to subsection (a) of Section 27.1b;

15 (3) the amount of appearance fees that were collected
16 pursuant to subsection (b) of Section 27.1b;

17 (4) the amount of fees collected pursuant to subsection
18 (b-5) of Section 27.1b;

19 (5) the amount of filing fees collected for
20 counterclaims or third party complaints pursuant to
21 subsection (c) of Section 27.1b;

22 (6) the nature and amount of any fees collected
23 pursuant to subsection (y) of Section 27.1b; and

24 (7) the number of cases for which, pursuant to Section
25 5-105 of the Code of Civil Procedure, there were waivers of

1 fees, costs, and charges of 25%, 50%, 75%, or 100%,
2 respectively, and the associated amount of fees, costs, and
3 charges that were waived.

4 (b) The Administrative Office of the Illinois Courts shall
5 publish the reports submitted under this Section on its
6 website.

7 (c) This Section is repealed on January 1, 2022 ~~2021~~.

8 (Source: P.A. 100-1161, eff. 7-1-19.)

9 Section 70. The Criminal and Traffic Assessment Act is
10 amended by changing Section 20-5 as follows:

11 (705 ILCS 135/20-5)

12 (Section scheduled to be repealed on January 1, 2021)

13 Sec. 20-5. Repeal. This Act is repealed on January 1, 2022
14 ~~2021~~.

15 (Source: P.A. 100-987, eff. 7-1-19.)

16 Section 75. The Code of Criminal Procedure of 1963 is
17 amended by changing Sections 106F-20 and 106F-25 as follows:

18 (725 ILCS 5/106F-20)

19 (Section scheduled to be repealed on July 1, 2020)

20 Sec. 106F-20. Task Force; meetings; duties.

21 (a) The Task Force on Children of Incarcerated Parents
22 shall meet at least 4 times beginning within 30 days after the

1 effective date of this amendatory Act of the 101st General
2 Assembly. The first meeting shall be held no later than August
3 1, 2019.

4 (b) The Task Force shall review available research, best
5 practices, and effective interventions to formulate
6 recommendations.

7 (c) The Task Force shall produce a report detailing the
8 Task Force's findings and recommendations and needed
9 resources. The Task Force shall submit a report of its findings
10 and recommendations to the General Assembly and the Governor by
11 March 1, 2021 ~~2020~~.

12 (d) (Blank).

13 (Source: P.A. 101-480, eff. 8-23-19; 101-606, eff. 12-13-19.)

14 (725 ILCS 5/106F-25)

15 (Section scheduled to be repealed on July 1, 2020)

16 Sec. 106F-25. Repeal. This Article is repealed on January
17 1, 2022 ~~July 1, 2020~~.

18 (Source: P.A. 101-606, eff. 12-13-19.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."