

1 AN ACT concerning courts.

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

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

6 (20 ILCS 2630/5.2)

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

8 (a) General Provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8           (G-5) "Minor Cannabis Offense" means a violation  
9           of Section 4 or 5 of the Cannabis Control Act  
10           concerning not more than 30 grams of any substance  
11           containing cannabis, provided the violation did not  
12           include a penalty enhancement under Section 7 of the  
13           Cannabis Control Act and is not associated with an  
14           arrest, conviction or other disposition for a violent  
15           crime as defined in subsection (c) of Section 3 of the  
16           Rights of Crime Victims and Witnesses Act.

17           (H) "Municipal ordinance violation" means an  
18           offense defined by a municipal or local ordinance that  
19           is criminal in nature and with which the petitioner  
20           was charged or for which the petitioner was arrested  
21           and released without charging.

22           (I) "Petitioner" means an adult or a minor  
23           prosecuted as an adult who has applied for relief  
24           under this Section.

25           (J) "Qualified probation" means an order of  
26           probation under Section 10 of the Cannabis Control

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

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

1 affected.

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

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

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

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

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

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

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

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

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

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

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

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



1           (iii) Sections 12-3.1 or 12-3.2 of the  
2 Criminal Code of 1961 or the Criminal Code of  
3 2012, or Section 125 of the Stalking No Contact  
4 Order Act, or Section 219 of the Civil No Contact  
5 Order Act, or a similar provision of a local  
6 ordinance;

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

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

12           (D) (blank).

13           (b) Expungement.

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

1           (1.5) When a petitioner seeks to have a record of  
2           arrest expunged under this Section, and the offender has  
3           been convicted of a criminal offense, the State's Attorney  
4           may object to the expungement on the grounds that the  
5           records contain specific relevant information aside from  
6           the mere fact of the arrest.

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

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

14          (B) When the arrest or charge not initiated by  
15          arrest sought to be expunged resulted in an order of  
16          supervision, successfully completed by the petitioner,  
17          the following time frames will apply:

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

1 the supervision.

2 (i-5) Those arrests or charges that resulted  
3 in orders of supervision for a misdemeanor  
4 violation of subsection (a) of Section 11-503 of  
5 the Illinois Vehicle Code or a similar provision  
6 of a local ordinance, that occurred prior to the  
7 offender reaching the age of 25 years and the  
8 offender has no other conviction for violating  
9 Section 11-501 or 11-503 of the Illinois Vehicle  
10 Code or a similar provision of a local ordinance  
11 shall not be eligible for expungement until the  
12 petitioner has reached the age of 25 years.

13 (ii) Those arrests or charges that resulted in  
14 orders of supervision for any other offenses shall  
15 not be eligible for expungement until 2 years have  
16 passed following the satisfactory termination of  
17 the supervision.

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

24 (3) Those records maintained by the Department for  
25 persons arrested prior to their 17th birthday shall be  
26 expunged as provided in Section 5-915 of the Juvenile

1 Court Act of 1987.

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

1 other criminal justice agencies or prosecutors from  
2 listing under an offender's name the false names he or she  
3 has used.

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

20 (6) If a conviction has been set aside on direct  
21 review or on collateral attack and the court determines by  
22 clear and convincing evidence that the petitioner was  
23 factually innocent of the charge, the court that finds the  
24 petitioner factually innocent of the charge shall enter an  
25 expungement order for the conviction for which the  
26 petitioner has been determined to be innocent as provided

1 in subsection (b) of Section 5-5-4 of the Unified Code of  
2 Corrections.

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

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

24 (c) Sealing.

25 (1) Applicability. Notwithstanding any other provision  
26 of this Act to the contrary, and cumulative with any

1 rights to expungement of criminal records, this subsection  
2 authorizes the sealing of criminal records of adults and  
3 of minors prosecuted as adults. Subsection (g) of this  
4 Section provides for immediate sealing of certain records.

5 (2) Eligible Records. The following records may be  
6 sealed:

7 (A) All arrests resulting in release without  
8 charging;

9 (B) Arrests or charges not initiated by arrest  
10 resulting in acquittal, dismissal, or conviction when  
11 the conviction was reversed or vacated, except as  
12 excluded by subsection (a) (3) (B);

13 (C) Arrests or charges not initiated by arrest  
14 resulting in orders of supervision, including orders  
15 of supervision for municipal ordinance violations,  
16 successfully completed by the petitioner, unless  
17 excluded by subsection (a) (3);

18 (D) Arrests or charges not initiated by arrest  
19 resulting in convictions, including convictions on  
20 municipal ordinance violations, unless excluded by  
21 subsection (a) (3);

22 (E) Arrests or charges not initiated by arrest  
23 resulting in orders of first offender probation under  
24 Section 10 of the Cannabis Control Act, Section 410 of  
25 the Illinois Controlled Substances Act, Section 70 of  
26 the Methamphetamine Control and Community Protection

1 Act, or Section 5-6-3.3 of the Unified Code of  
2 Corrections; and

3 (F) Arrests or charges not initiated by arrest  
4 resulting in felony convictions unless otherwise  
5 excluded by subsection (a) paragraph (3) of this  
6 Section.

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

10 (A) Records identified as eligible under  
11 subsection (c)(2)(A) and (c)(2)(B) may be sealed at  
12 any time.

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

18 (C) Except as otherwise provided in subparagraph  
19 (E) of this paragraph (3), records identified as  
20 eligible under subsections (c)(2)(D), (c)(2)(E), and  
21 (c)(2)(F) may be sealed 3 years after the termination  
22 of the petitioner's last sentence (as defined in  
23 subsection (a)(1)(F)). Convictions requiring public  
24 registration under the Arsonist Registration Act, the  
25 Sex Offender Registration Act, or the Murderer and  
26 Violent Offender Against Youth Registration Act may



1 not be sealed until the petitioner is no longer  
2 required to register under that relevant Act.

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

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

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

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

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

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

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

25 (1.5) County fee waiver pilot program. From August 9,  
26 2019 (the effective date of Public Act 101-306) through

1 December 31, 2020, in a county of 3,000,000 or more  
2 inhabitants, no fee shall be required to be paid by a  
3 petitioner if the records sought to be expunged or sealed  
4 were arrests resulting in release without charging or  
5 arrests or charges not initiated by arrest resulting in  
6 acquittal, dismissal, or conviction when the conviction  
7 was reversed or vacated, unless excluded by subsection  
8 (a)(3)(B). The provisions of this paragraph (1.5), other  
9 than this sentence, are inoperative on and after January  
10 1, 2022.

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

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

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

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

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

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

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

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

22 (5) Objections.

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

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

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

8 (6) Entry of order.

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

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

22 (C) Notwithstanding any other provision of law,  
23 the court shall not deny a petition for sealing under  
24 this Section because the petitioner has not satisfied  
25 an outstanding legal financial obligation established,  
26 imposed, or originated by a court, law enforcement

1 agency, or a municipal, State, county, or other unit  
2 of local government, including, but not limited to,  
3 any cost, assessment, fine, or fee. An outstanding  
4 legal financial obligation does not include any court  
5 ordered restitution to a victim under Section 5-5-6 of  
6 the Unified Code of Corrections, unless the  
7 restitution has been converted to a civil judgment.  
8 Nothing in this subparagraph (C) waives, rescinds, or  
9 abrogates a legal financial obligation or otherwise  
10 eliminates or affects the right of the holder of any  
11 financial obligation to pursue collection under  
12 applicable federal, State, or local law.

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

25 (A) the strength of the evidence supporting the  
26 defendant's conviction;

1 (B) the reasons for retention of the conviction  
2 records by the State;

3 (C) the petitioner's age, criminal record history,  
4 and employment history;

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

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

11 (8) Service of order. After entering an order to  
12 expunge or seal records, the court must provide copies of  
13 the order to the Department, in a form and manner  
14 prescribed by the Department, to the petitioner, to the  
15 State's Attorney or prosecutor charged with the duty of  
16 prosecuting the offense, to the arresting agency, to the  
17 chief legal officer of the unit of local government  
18 effecting the arrest, and to such other criminal justice  
19 agencies as may be ordered by the court.

20 (9) Implementation of order.

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

23 (i) the records shall be expunged (as defined  
24 in subsection (a) (1) (E)) by the arresting agency,  
25 the Department, and any other agency as ordered by  
26 the court, within 60 days of the date of service of

1           the order, unless a motion to vacate, modify, or  
2           reconsider the order is filed pursuant to  
3           paragraph (12) of subsection (d) of this Section;

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

13          (iii) in response to an inquiry for expunged  
14          records, the court, the Department, or the agency  
15          receiving such inquiry, shall reply as it does in  
16          response to inquiries when no records ever  
17          existed.

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

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



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

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

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

23           (v) in response to an inquiry for such records  
24 from anyone not authorized by law to access such  
25 records, the court, the Department, or the agency  
26 receiving such inquiry shall reply as it does in

1 response to inquiries when no records ever  
2 existed.

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

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

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

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

26 (iv) records impounded by the Department may

1           be disseminated by the Department only as required  
2           by law or to the arresting authority, the State's  
3           Attorney, and the court upon a later arrest for  
4           the same or a similar offense or for the purpose of  
5           sentencing for any subsequent felony, and to the  
6           Department of Corrections upon conviction for any  
7           offense; and

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

14          (C) Upon entry of an order to seal records under  
15          subsection (c), the arresting agency, any other agency  
16          as ordered by the court, the Department, and the court  
17          shall seal the records (as defined in subsection  
18          (a)(1)(K)). In response to an inquiry for such  
19          records, from anyone not authorized by law to access  
20          such records, the court, the Department, or the agency  
21          receiving such inquiry shall reply as it does in  
22          response to inquiries when no records ever existed.

23          (D) The Department shall send written notice to  
24          the petitioner of its compliance with each order to  
25          expunge or seal records within 60 days of the date of  
26          service of that order or, if a motion to vacate,

1 modify, or reconsider is filed, within 60 days of  
2 service of the order resolving the motion, if that  
3 order requires the Department to expunge or seal  
4 records. In the event of an appeal from the circuit  
5 court order, the Department shall send written notice  
6 to the petitioner of its compliance with an Appellate  
7 Court or Supreme Court judgment to expunge or seal  
8 records within 60 days of the issuance of the court's  
9 mandate. The notice is not required while any motion  
10 to vacate, modify, or reconsider, or any appeal or  
11 petition for discretionary appellate review, is  
12 pending.

13 (E) Upon motion, the court may order that a sealed  
14 judgment or other court record necessary to  
15 demonstrate the amount of any legal financial  
16 obligation due and owing be made available for the  
17 limited purpose of collecting any legal financial  
18 obligations owed by the petitioner that were  
19 established, imposed, or originated in the criminal  
20 proceeding for which those records have been sealed.  
21 The records made available under this subparagraph (E)  
22 shall not be entered into the official index required  
23 to be kept by the circuit court clerk under Section 16  
24 of the Clerks of Courts Act and shall be immediately  
25 re-impounded upon the collection of the outstanding  
26 financial obligations.

1 (F) Notwithstanding any other provision of this  
2 Section, a circuit court clerk may access a sealed  
3 record for the limited purpose of collecting payment  
4 for any legal financial obligations that were  
5 established, imposed, or originated in the criminal  
6 proceedings for which those records have been sealed.

7 (10) Fees. The Department may charge the petitioner a  
8 fee equivalent to the cost of processing any order to  
9 expunge or seal records. Notwithstanding any provision of  
10 the Clerks of Courts Act to the contrary, the circuit  
11 court clerk may charge a fee equivalent to the cost  
12 associated with the sealing or expungement of records by  
13 the circuit court clerk. From the total filing fee  
14 collected for the petition to seal or expunge, the circuit  
15 court clerk shall deposit \$10 into the Circuit Court Clerk  
16 Operation and Administrative Fund, to be used to offset  
17 the costs incurred by the circuit court clerk in  
18 performing the additional duties required to serve the  
19 petition to seal or expunge on all parties. The circuit  
20 court clerk shall collect and remit forward the Department  
21 of State Police portion of the fee to the State Treasurer  
22 ~~Department~~ and it shall be deposited in the State Police  
23 Services Fund. If the record brought under an expungement  
24 petition was previously sealed under this Section, the fee  
25 for the expungement petition for that same record shall be  
26 waived.

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

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

18           (13) Effect of Order. An order granting a petition  
19 under the expungement or sealing provisions of this  
20 Section shall not be considered void because it fails to  
21 comply with the provisions of this Section or because of  
22 any error asserted in a motion to vacate, modify, or  
23 reconsider. The circuit court retains jurisdiction to  
24 determine whether the order is voidable and to vacate,  
25 modify, or reconsider its terms based on a motion filed  
26 under paragraph (12) of this subsection (d).

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

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

19          (16) The changes to this subsection (d) made by Public  
20          Act 98-163 apply to all petitions pending on August 5,  
21          2013 (the effective date of Public Act 98-163) and to all  
22          orders ruling on a petition to expunge or seal on or after  
23          August 5, 2013 (the effective date of Public Act 98-163).

24          (e) Whenever a person who has been convicted of an offense  
25          is granted a pardon by the Governor which specifically  
26          authorizes expungement, he or she may, upon verified petition

1 to the Chief Judge of the circuit where the person had been  
2 convicted, any judge of the circuit designated by the Chief  
3 Judge, or in counties of less than 3,000,000 inhabitants, the  
4 presiding trial judge at the defendant's trial, have a court  
5 order entered expunging the record of arrest from the official  
6 records of the arresting authority and order that the records  
7 of the circuit court clerk and the Department be sealed until  
8 further order of the court upon good cause shown or as  
9 otherwise provided herein, and the name of the defendant  
10 obliterated from the official index requested to be kept by  
11 the circuit court clerk under Section 16 of the Clerks of  
12 Courts Act in connection with the arrest and conviction for  
13 the offense for which he or she had been pardoned but the order  
14 shall not affect any index issued by the circuit court clerk  
15 before the entry of the order. All records sealed by the  
16 Department may be disseminated by the Department only to the  
17 arresting authority, the State's Attorney, and the court upon  
18 a later arrest for the same or similar offense or for the  
19 purpose of sentencing for any subsequent felony. Upon  
20 conviction for any subsequent offense, the Department of  
21 Corrections shall have access to all sealed records of the  
22 Department pertaining to that individual. Upon entry of the  
23 order of expungement, the circuit court clerk shall promptly  
24 mail a copy of the order to the person who was pardoned.

25 (e-5) Whenever a person who has been convicted of an  
26 offense is granted a certificate of eligibility for sealing by



1 the Prisoner Review Board which specifically authorizes  
2 sealing, he or she may, upon verified petition to the Chief  
3 Judge of the circuit where the person had been convicted, any  
4 judge of the circuit designated by the Chief Judge, or in  
5 counties of less than 3,000,000 inhabitants, the presiding  
6 trial judge at the petitioner's trial, have a court order  
7 entered sealing the record of arrest from the official records  
8 of the arresting authority and order that the records of the  
9 circuit court clerk and the Department be sealed until further  
10 order of the court upon good cause shown or as otherwise  
11 provided herein, and the name of the petitioner obliterated  
12 from the official index requested to be kept by the circuit  
13 court clerk under Section 16 of the Clerks of Courts Act in  
14 connection with the arrest and conviction for the offense for  
15 which he or she had been granted the certificate but the order  
16 shall not affect any index issued by the circuit court clerk  
17 before the entry of the order. All records sealed by the  
18 Department may be disseminated by the Department only as  
19 required by this Act or to the arresting authority, a law  
20 enforcement agency, the State's Attorney, and the court upon a  
21 later arrest for the same or similar offense or for the purpose  
22 of sentencing for any subsequent felony. Upon conviction for  
23 any subsequent offense, the Department of Corrections shall  
24 have access to all sealed records of the Department pertaining  
25 to that individual. Upon entry of the order of sealing, the  
26 circuit court clerk shall promptly mail a copy of the order to

1 the person who was granted the certificate of eligibility for  
2 sealing.

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

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

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

19 (g) Immediate Sealing.

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

25 (2) Eligible Records. Arrests or charges not initiated  
26 by arrest resulting in acquittal or dismissal with

1 prejudice, except as excluded by subsection (a)(3)(B),  
2 that occur on or after January 1, 2018 (the effective date  
3 of Public Act 100-282), may be sealed immediately if the  
4 petition is filed with the circuit court clerk on the same  
5 day and during the same hearing in which the case is  
6 disposed.

7 (3) When Records are Eligible to be Immediately  
8 Sealed. Eligible records under paragraph (2) of this  
9 subsection (g) may be sealed immediately after entry of  
10 the final disposition of a case, notwithstanding the  
11 disposition of other charges in the same case.

12 (4) Notice of Eligibility for Immediate Sealing. Upon  
13 entry of a disposition for an eligible record under this  
14 subsection (g), the defendant shall be informed by the  
15 court of his or her right to have eligible records  
16 immediately sealed and the procedure for the immediate  
17 sealing of these records.

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

20 (A) Filing the Petition. Upon entry of the final  
21 disposition of the case, the defendant's attorney may  
22 immediately petition the court, on behalf of the  
23 defendant, for immediate sealing of eligible records  
24 under paragraph (2) of this subsection (g) that are  
25 entered on or after January 1, 2018 (the effective  
26 date of Public Act 100-282). The immediate sealing

1 petition may be filed with the circuit court clerk  
2 during the hearing in which the final disposition of  
3 the case is entered. If the defendant's attorney does  
4 not file the petition for immediate sealing during the  
5 hearing, the defendant may file a petition for sealing  
6 at any time as authorized under subsection (c) (3) (A).

7 (B) Contents of Petition. The immediate sealing  
8 petition shall be verified and shall contain the  
9 petitioner's name, date of birth, current address, and  
10 for each eligible record, the case number, the date of  
11 arrest if applicable, the identity of the arresting  
12 authority if applicable, and other information as the  
13 court may require.

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

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

21 (E) Entry of Order. The presiding trial judge  
22 shall enter an order granting or denying the petition  
23 for immediate sealing during the hearing in which it  
24 is filed. Petitions for immediate sealing shall be  
25 ruled on in the same hearing in which the final  
26 disposition of the case is entered.

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

4 (G) Service of Order. An order to immediately seal  
5 eligible records shall be served in conformance with  
6 subsection (d) (8).

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

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

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

18 (K) Motion to Vacate, Modify, or Reconsider. Under  
19 Section 2-1203 of the Code of Civil Procedure, the  
20 petitioner, State's Attorney, or the Department of  
21 State Police may file a motion to vacate, modify, or  
22 reconsider the order denying the petition to  
23 immediately seal within 60 days of service of the  
24 order. If filed more than 60 days after service of the  
25 order, a petition to vacate, modify, or reconsider  
26 shall comply with subsection (c) of Section 2-1401 of

1 the Code of Civil Procedure.

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

11 (M) Compliance with Order Granting Petition to  
12 Seal Records. Unless a court has entered a stay of an  
13 order granting a petition to immediately seal, all  
14 parties entitled to service of the order must fully  
15 comply with the terms of the order within 60 days of  
16 service of the order.

17 (h) Sealing; trafficking victims.

18 (1) A trafficking victim as defined by paragraph (10)  
19 of subsection (a) of Section 10-9 of the Criminal Code of  
20 2012 shall be eligible to petition for immediate sealing  
21 of his or her criminal record upon the completion of his or  
22 her last sentence if his or her participation in the  
23 underlying offense was a direct result of human  
24 trafficking under Section 10-9 of the Criminal Code of  
25 2012 or a severe form of trafficking under the federal  
26 Trafficking Victims Protection Act.

1           (2) A petitioner under this subsection (h), in  
2 addition to the requirements provided under paragraph (4)  
3 of subsection (d) of this Section, shall include in his or  
4 her petition a clear and concise statement that: (A) he or  
5 she was a victim of human trafficking at the time of the  
6 offense; and (B) that his or her participation in the  
7 offense was a direct result of human trafficking under  
8 Section 10-9 of the Criminal Code of 2012 or a severe form  
9 of trafficking under the federal Trafficking Victims  
10 Protection Act.

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

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



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

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

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

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

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

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

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

1 expunged prior to January 1, 2021;

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

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

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

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

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

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

1 following criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

1 (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;  
2 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.  
3 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,  
4 eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
5 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.  
6 12-4-19; 101-645, eff. 6-26-20; revised 8-18-20.)

7 Section 10. The Illinois Vehicle Code is amended by  
8 changing Section 16-105 as follows:

9 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

10 Sec. 16-105. Disposition of fines and forfeitures.

11 (a) Except as provided in Section 15-113 of this Act and  
12 except those amounts subject to disbursement by the circuit  
13 clerk under the Criminal and Traffic Assessment Act, fines and  
14 penalties recovered under the provisions of Chapters 3 through  
15 17 and 18b inclusive of this Code shall be paid and used as  
16 follows:

17 1. For offenses committed upon a highway within the  
18 limits of a city, village, or incorporated town or under  
19 the jurisdiction of any park district, to the treasurer of  
20 the particular city, village, incorporated town or park  
21 district, if the violator was arrested by the authorities  
22 of the city, village, incorporated town or park district,  
23 provided the police officers and officials of cities,  
24 villages, incorporated towns and park districts shall

1 seasonably prosecute for all fines and penalties under  
2 this Code. If the violation is prosecuted by the  
3 authorities of the county, any fines or penalties  
4 recovered shall be paid to the county treasurer, except  
5 that fines and penalties recovered from violations  
6 arrested by the State Police shall be remitted to the  
7 State Treasurer for deposit into the State Police Law  
8 Enforcement Administration Fund. Provided further that if  
9 the violator was arrested by the State Police, fines and  
10 penalties recovered under the provisions of paragraph (a)  
11 of Section 15-113 of this Code or paragraph (e) of Section  
12 15-316 of this Code shall be remitted ~~paid over to the~~  
13 ~~Department of State Police which shall thereupon remit the~~  
14 ~~amount of the fines and penalties so received~~ to the State  
15 Treasurer who shall deposit the amount so remitted in the  
16 special fund in the State treasury known as the Road Fund  
17 except that if the violation is prosecuted by the State's  
18 Attorney, 10% of the fine or penalty recovered shall be  
19 paid to the State's Attorney as a fee of his office and the  
20 balance shall be remitted to the State Treasurer ~~paid over~~  
21 ~~to the Department of State Police~~ for remittance to and  
22 deposit by the State Treasurer as hereinabove provided.

23 2. Except as provided in paragraph 4, for offenses  
24 committed upon any highway outside the limits of a city,  
25 village, incorporated town or park district, to the county  
26 treasurer of the county where the offense was committed

1       except if such offense was committed on a highway  
2       maintained by or under the supervision of a township,  
3       township district, or a road district to the Treasurer  
4       thereof for deposit in the road and bridge fund of such  
5       township or other district, except that fines and  
6       penalties recovered from violations arrested by the State  
7       Police shall be remitted to the State Treasurer for  
8       deposit into the State Police Law Enforcement  
9       Administration Fund; provided, that fines and penalties  
10      recovered under the provisions of paragraph (a) of Section  
11      15-113, paragraph (d) of Section 3-401, or paragraph (e)  
12      of Section 15-316 of this Code shall be remitted ~~paid over~~  
13      ~~to the Department of State Police which shall thereupon~~  
14      ~~remit the amount of the fines and penalties so received~~ to  
15      the State Treasurer who shall deposit the amount so  
16      remitted in the special fund in the State treasury known  
17      as the Road Fund except that if the violation is  
18      prosecuted by the State's Attorney, 10% of the fine or  
19      penalty recovered shall be paid to the State's Attorney as  
20      a fee of his office and the balance shall be remitted ~~paid~~  
21      ~~over~~ to the State Treasurer ~~Department of State Police~~ for  
22      remittance to and deposit by the State Treasurer as  
23      hereinabove provided.

24           3. Notwithstanding subsections 1 and 2 of this  
25      paragraph, for violations of overweight and overload  
26      limits found in Sections 15-101 through 15-203 of this

1 Code, which are committed upon the highways belonging to  
2 the Illinois State Toll Highway Authority, fines and  
3 penalties shall be remitted ~~paid over~~ to the Illinois  
4 State Toll Highway Authority for deposit with the State  
5 Treasurer into that special fund known as the Illinois  
6 State Toll Highway Authority Fund, except that if the  
7 violation is prosecuted by the State's Attorney, 10% of  
8 the fine or penalty recovered shall be paid to the State's  
9 Attorney as a fee of his office and the balance shall be  
10 remitted ~~paid over~~ to the Illinois State Toll Highway  
11 Authority for remittance to and deposit by the State  
12 Treasurer as hereinabove provided.

13 4. With regard to violations of overweight and  
14 overload limits found in Sections 15-101 through 15-203 of  
15 this Code committed by operators of vehicles registered as  
16 Special Hauling Vehicles, for offenses committed upon a  
17 highway within the limits of a city, village, or  
18 incorporated town or under the jurisdiction of any park  
19 district, all fines and penalties shall be paid over or  
20 retained as required in paragraph 1. However, with regard  
21 to the above offenses committed by operators of vehicles  
22 registered as Special Hauling Vehicles upon any highway  
23 outside the limits of a city, village, incorporated town  
24 or park district, fines and penalties shall be paid over  
25 or retained by the entity having jurisdiction over the  
26 road or highway upon which the offense occurred, except

1           that if the violation is prosecuted by the State's  
2           Attorney, 10% of the fine or penalty recovered shall be  
3           paid to the State's Attorney as a fee of his office.

4           (b) Failure, refusal or neglect on the part of any  
5           judicial or other officer or employee receiving or having  
6           custody of any such fine or forfeiture either before or after a  
7           deposit with the proper official as defined in paragraph (a)  
8           of this Section, shall constitute misconduct in office and  
9           shall be grounds for removal therefrom.

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

11           Section 15. The Snowmobile Registration and Safety Act is  
12          amended by changing Section 5-7 as follows:

13           (625 ILCS 40/5-7)

14           Sec. 5-7. Operating a snowmobile while under the influence  
15          of alcohol or other drug or drugs, intoxicating compound or  
16          compounds, or a combination of them; criminal penalties;  
17          suspension of operating privileges.

18           (a) A person may not operate or be in actual physical  
19          control of a snowmobile within this State while:

20           1. The alcohol concentration in that person's blood,  
21          other bodily substance, or breath is a concentration at  
22          which driving a motor vehicle is prohibited under  
23          subdivision (1) of subsection (a) of Section 11-501 of the  
24          Illinois Vehicle Code;

1           2. The person is under the influence of alcohol;

2           3. The person is under the influence of any other drug  
3 or combination of drugs to a degree that renders that  
4 person incapable of safely operating a snowmobile;

5           3.1. The person is under the influence of any  
6 intoxicating compound or combination of intoxicating  
7 compounds to a degree that renders the person incapable of  
8 safely operating a snowmobile;

9           4. The person is under the combined influence of  
10 alcohol and any other drug or drugs or intoxicating  
11 compound or compounds to a degree that renders that person  
12 incapable of safely operating a snowmobile;

13           4.3. The person who is not a CDL holder has a  
14 tetrahydrocannabinol concentration in the person's whole  
15 blood or other bodily substance at which driving a motor  
16 vehicle is prohibited under subdivision (7) of subsection  
17 (a) of Section 11-501 of the Illinois Vehicle Code;

18           4.5. The person who is a CDL holder has any amount of a  
19 drug, substance, or compound in the person's breath,  
20 blood, other bodily substance, or urine resulting from the  
21 unlawful use or consumption of cannabis listed in the  
22 Cannabis Control Act; or

23           5. There is any amount of a drug, substance, or  
24 compound in that person's breath, blood, other bodily  
25 substance, or urine resulting from the unlawful use or  
26 consumption of a controlled substance listed in the

1 Illinois Controlled Substances Act, methamphetamine as  
2 listed in the Methamphetamine Control and Community  
3 Protection Act, or intoxicating compound listed in the use  
4 of Intoxicating Compounds Act.

5 (b) The fact that a person charged with violating this  
6 Section is or has been legally entitled to use alcohol, other  
7 drug or drugs, any intoxicating compound or compounds, or any  
8 combination of them does not constitute a defense against a  
9 charge of violating this Section.

10 (c) Every person convicted of violating this Section or a  
11 similar provision of a local ordinance is guilty of a Class A  
12 misdemeanor, except as otherwise provided in this Section.

13 (c-1) As used in this Section, "first time offender" means  
14 any person who has not had a previous conviction or been  
15 assigned supervision for violating this Section or a similar  
16 provision of a local ordinance, or any person who has not had a  
17 suspension imposed under subsection (e) of Section 5-7.1.

18 (c-2) For purposes of this Section, the following are  
19 equivalent to a conviction:

20 (1) a forfeiture of bail or collateral deposited to  
21 secure a defendant's appearance in court when forfeiture  
22 has not been vacated; or

23 (2) the failure of a defendant to appear for trial.

24 (d) Every person convicted of violating this Section is  
25 guilty of a Class 4 felony if:

26 1. The person has a previous conviction under this



1 Section;

2 2. The offense results in personal injury where a  
3 person other than the operator suffers great bodily harm  
4 or permanent disability or disfigurement, when the  
5 violation was a proximate cause of the injuries. A person  
6 guilty of a Class 4 felony under this paragraph 2, if  
7 sentenced to a term of imprisonment, shall be sentenced to  
8 not less than one year nor more than 12 years; or

9 3. The offense occurred during a period in which the  
10 person's privileges to operate a snowmobile are revoked or  
11 suspended, and the revocation or suspension was for a  
12 violation of this Section or was imposed under Section  
13 5-7.1.

14 (e) Every person convicted of violating this Section is  
15 guilty of a Class 2 felony if the offense results in the death  
16 of a person. A person guilty of a Class 2 felony under this  
17 subsection (e), if sentenced to a term of imprisonment, shall  
18 be sentenced to a term of not less than 3 years and not more  
19 than 14 years.

20 (e-1) Every person convicted of violating this Section or  
21 a similar provision of a local ordinance who had a child under  
22 the age of 16 on board the snowmobile at the time of offense  
23 shall be subject to a mandatory minimum fine of \$500 and shall  
24 be subject to a mandatory minimum of 5 days of community  
25 service in a program benefiting children. The assignment under  
26 this subsection shall not be subject to suspension nor shall

1 the person be eligible for probation in order to reduce the  
2 assignment.

3 (e-2) Every person found guilty of violating this Section,  
4 whose operation of a snowmobile while in violation of this  
5 Section proximately caused any incident resulting in an  
6 appropriate emergency response, shall be liable for the  
7 expense of an emergency response as provided in subsection (i)  
8 of Section 11-501.01 of the Illinois Vehicle Code.

9 (e-3) In addition to any other penalties and liabilities,  
10 a person who is found guilty of violating this Section,  
11 including any person placed on court supervision, shall be  
12 fined \$100, payable to the circuit clerk, who shall distribute  
13 the money to the law enforcement agency that made the arrest or  
14 as provided in subsection (c) of Section 10-5 of the Criminal  
15 and Traffic Assessment Act if the arresting agency is a State  
16 agency, unless more than one agency is responsible for the  
17 arrest, in which case the amount shall be remitted to each unit  
18 of government equally. ~~In the event that more than one agency~~  
19 ~~is responsible for the arrest, the \$100 shall be shared~~  
20 ~~equally.~~ Any moneys received by a law enforcement agency under  
21 this subsection (e-3) shall be used to purchase law  
22 enforcement equipment or to provide law enforcement training  
23 that will assist in the prevention of alcohol related criminal  
24 violence throughout the State. Law enforcement equipment shall  
25 include, but is not limited to, in-car video cameras, radar  
26 and laser speed detection devices, and alcohol breath testers.

1 (f) In addition to any criminal penalties imposed, the  
2 Department of Natural Resources shall suspend the snowmobile  
3 operation privileges of a person convicted or found guilty of  
4 a misdemeanor under this Section for a period of one year,  
5 except that first-time offenders are exempt from this  
6 mandatory one year suspension.

7 (g) In addition to any criminal penalties imposed, the  
8 Department of Natural Resources shall suspend for a period of  
9 5 years the snowmobile operation privileges of any person  
10 convicted or found guilty of a felony under this Section.

11 (Source: P.A. 99-697, eff. 7-29-16; 100-201, eff. 8-18-17.)

12 Section 20. The Boat Registration and Safety Act is  
13 amended by changing Section 5-16 as follows:

14 (625 ILCS 45/5-16)

15 Sec. 5-16. Operating a watercraft under the influence of  
16 alcohol, other drug or drugs, intoxicating compound or  
17 compounds, or combination thereof.

18 (A) 1. A person shall not operate or be in actual physical  
19 control of any watercraft within this State while:

20 (a) The alcohol concentration in such person's blood,  
21 other bodily substance, or breath is a concentration at  
22 which driving a motor vehicle is prohibited under  
23 subdivision (1) of subsection (a) of Section 11-501 of the  
24 Illinois Vehicle Code;

1 (b) Under the influence of alcohol;

2 (c) Under the influence of any other drug or  
3 combination of drugs to a degree which renders such person  
4 incapable of safely operating any watercraft;

5 (c-1) Under the influence of any intoxicating compound  
6 or combination of intoxicating compounds to a degree that  
7 renders the person incapable of safely operating any  
8 watercraft;

9 (d) Under the combined influence of alcohol and any  
10 other drug or drugs to a degree which renders such person  
11 incapable of safely operating a watercraft;

12 (d-3) The person who is not a CDL holder has a  
13 tetrahydrocannabinol concentration in the person's whole  
14 blood or other bodily substance at which driving a motor  
15 vehicle is prohibited under subdivision (7) of subsection  
16 (a) of Section 11-501 of the Illinois Vehicle Code;

17 (d-5) The person who is a CDL holder has any amount of  
18 a drug, substance, or compound in the person's breath,  
19 blood, other bodily substance, or urine resulting from the  
20 unlawful use or consumption of cannabis listed in the  
21 Cannabis Control Act; or

22 (e) There is any amount of a drug, substance, or  
23 compound in the person's blood, other bodily substance, or  
24 urine resulting from the unlawful use or consumption of a  
25 controlled substance listed in the Illinois Controlled  
26 Substances Act, methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act, or  
2 an intoxicating compound listed in the Use of Intoxicating  
3 Compounds Act.

4 2. The fact that any person charged with violating this  
5 Section is or has been legally entitled to use alcohol, other  
6 drug or drugs, any intoxicating compound or compounds, or any  
7 combination of them, shall not constitute a defense against  
8 any charge of violating this Section.

9 3. Every person convicted of violating this Section shall  
10 be guilty of a Class A misdemeanor, except as otherwise  
11 provided in this Section.

12 4. Every person convicted of violating this Section shall  
13 be guilty of a Class 4 felony if:

14 (a) He or she has a previous conviction under this  
15 Section;

16 (b) The offense results in personal injury where a  
17 person other than the operator suffers great bodily harm  
18 or permanent disability or disfigurement, when the  
19 violation was a proximate cause of the injuries. A person  
20 guilty of a Class 4 felony under this subparagraph (b), if  
21 sentenced to a term of imprisonment, shall be sentenced to  
22 a term of not less than one year nor more than 12 years; or

23 (c) The offense occurred during a period in which his  
24 or her privileges to operate a watercraft are revoked or  
25 suspended, and the revocation or suspension was for a  
26 violation of this Section or was imposed under subsection

1 (B).

2 5. Every person convicted of violating this Section shall  
3 be guilty of a Class 2 felony if the offense results in the  
4 death of a person. A person guilty of a Class 2 felony under  
5 this paragraph 5, if sentenced to a term of imprisonment,  
6 shall be sentenced to a term of not less than 3 years and not  
7 more than 14 years.

8 5.1. A person convicted of violating this Section or a  
9 similar provision of a local ordinance who had a child under  
10 the age of 16 aboard the watercraft at the time of offense is  
11 subject to a mandatory minimum fine of \$500 and to a mandatory  
12 minimum of 5 days of community service in a program benefiting  
13 children. The assignment under this paragraph 5.1 is not  
14 subject to suspension and the person is not eligible for  
15 probation in order to reduce the assignment.

16 5.2. A person found guilty of violating this Section, if  
17 his or her operation of a watercraft while in violation of this  
18 Section proximately caused any incident resulting in an  
19 appropriate emergency response, is liable for the expense of  
20 an emergency response as provided in subsection (m) of Section  
21 11-501 of the Illinois Vehicle Code.

22 5.3. In addition to any other penalties and liabilities, a  
23 person who is found guilty of violating this Section,  
24 including any person placed on court supervision, shall be  
25 fined \$100, payable to the circuit clerk, who shall distribute  
26 the money to the law enforcement agency that made the arrest or

1 as provided in subsection (c) of Section 10-5 of the Criminal  
2 and Traffic Assessment Act if the arresting agency is a State  
3 agency, unless more than one agency is responsible for the  
4 arrest, in which case the amount shall be remitted to each unit  
5 of government equally. ~~In the event that more than one agency~~  
6 ~~is responsible for the arrest, the \$100 shall be shared~~  
7 ~~equally.~~ Any moneys received by a law enforcement agency under  
8 this paragraph 5.3 shall be used to purchase law enforcement  
9 equipment or to provide law enforcement training that will  
10 assist in the prevention of alcohol related criminal violence  
11 throughout the State. Law enforcement equipment shall include,  
12 but is not limited to, in-car video cameras, radar and laser  
13 speed detection devices, and alcohol breath testers.

14 6. (a) In addition to any criminal penalties imposed, the  
15 Department of Natural Resources shall suspend the watercraft  
16 operation privileges of any person convicted or found guilty  
17 of a misdemeanor under this Section, a similar provision of a  
18 local ordinance, or Title 46 of the U.S. Code of Federal  
19 Regulations for a period of one year, except that a first time  
20 offender is exempt from this mandatory one year suspension.

21 As used in this subdivision (A)6(a), "first time offender"  
22 means any person who has not had a previous conviction or been  
23 assigned supervision for violating this Section, a similar  
24 provision of a local ordinance or, Title 46 of the U.S. Code of  
25 Federal Regulations, or any person who has not had a  
26 suspension imposed under subdivision (B)3.1 of Section 5-16.

1 (b) In addition to any criminal penalties imposed, the  
2 Department of Natural Resources shall suspend the watercraft  
3 operation privileges of any person convicted of a felony under  
4 this Section, a similar provision of a local ordinance, or  
5 Title 46 of the U.S. Code of Federal Regulations for a period  
6 of 3 years.

7 (B) 1. Any person who operates or is in actual physical  
8 control of any watercraft upon the waters of this State shall  
9 be deemed to have given consent to a chemical test or tests of  
10 blood, breath, other bodily substance, or urine for the  
11 purpose of determining the content of alcohol, other drug or  
12 drugs, intoxicating compound or compounds, or combination  
13 thereof in the person's blood or other bodily substance if  
14 arrested for any offense of subsection (A) above. The chemical  
15 test or tests shall be administered at the direction of the  
16 arresting officer. The law enforcement agency employing the  
17 officer shall designate which of the tests shall be  
18 administered. Up to 2 additional tests of urine or other  
19 bodily substance may be administered even after a blood or  
20 breath test or both has been administered.

21 1.1. For the purposes of this Section, an Illinois Law  
22 Enforcement officer of this State who is investigating the  
23 person for any offense defined in Section 5-16 may travel into  
24 an adjoining state, where the person has been transported for  
25 medical care to complete an investigation, and may request  
26 that the person submit to the test or tests set forth in this



1 Section. The requirements of this Section that the person be  
2 arrested are inapplicable, but the officer shall issue the  
3 person a uniform citation for an offense as defined in Section  
4 5-16 or a similar provision of a local ordinance prior to  
5 requesting that the person submit to the test or tests. The  
6 issuance of the uniform citation shall not constitute an  
7 arrest, but shall be for the purpose of notifying the person  
8 that he or she is subject to the provisions of this Section and  
9 of the officer's belief in the existence of probable cause to  
10 arrest. Upon returning to this State, the officer shall file  
11 the uniform citation with the circuit clerk of the county  
12 where the offense was committed and shall seek the issuance of  
13 an arrest warrant or a summons for the person.

14 1.2. Notwithstanding any ability to refuse under this Act  
15 to submit to these tests or any ability to revoke the implied  
16 consent to these tests, if a law enforcement officer has  
17 probable cause to believe that a watercraft operated by or  
18 under actual physical control of a person under the influence  
19 of alcohol, other drug or drugs, intoxicating compound or  
20 compounds, or any combination of them has caused the death of  
21 or personal injury to another, that person shall submit, upon  
22 the request of a law enforcement officer, to a chemical test or  
23 tests of his or her blood, breath, other bodily substance, or  
24 urine for the purpose of determining the alcohol content or  
25 the presence of any other drug, intoxicating compound, or  
26 combination of them. For the purposes of this Section, a

1 personal injury includes severe bleeding wounds, distorted  
2 extremities, and injuries that require the injured party to be  
3 carried from the scene for immediate professional attention in  
4 either a doctor's office or a medical facility.

5 2. Any person who is dead, unconscious or who is otherwise  
6 in a condition rendering such person incapable of refusal,  
7 shall be deemed not to have withdrawn the consent provided  
8 above, and the test may be administered.

9 3. A person requested to submit to a chemical test as  
10 provided above shall be verbally advised by the law  
11 enforcement officer requesting the test that a refusal to  
12 submit to the test will result in suspension of such person's  
13 privilege to operate a watercraft for a minimum of 2 years.  
14 Following this warning, if a person under arrest refuses upon  
15 the request of a law enforcement officer to submit to a test  
16 designated by the officer, no test shall be given, but the law  
17 enforcement officer shall file with the clerk of the circuit  
18 court for the county in which the arrest was made, and with the  
19 Department of Natural Resources, a sworn statement naming the  
20 person refusing to take and complete the chemical test or  
21 tests requested under the provisions of this Section. Such  
22 sworn statement shall identify the arrested person, such  
23 person's current residence address and shall specify that a  
24 refusal by such person to take the chemical test or tests was  
25 made. Such sworn statement shall include a statement that the  
26 arresting officer had reasonable cause to believe the person

1 was operating or was in actual physical control of the  
2 watercraft within this State while under the influence of  
3 alcohol, other drug or drugs, intoxicating compound or  
4 compounds, or combination thereof and that such chemical test  
5 or tests were made as an incident to and following the lawful  
6 arrest for an offense as defined in this Section or a similar  
7 provision of a local ordinance, and that the person after  
8 being arrested for an offense arising out of acts alleged to  
9 have been committed while so operating a watercraft refused to  
10 submit to and complete a chemical test or tests as requested by  
11 the law enforcement officer.

12 3.1. The law enforcement officer submitting the sworn  
13 statement as provided in paragraph 3 of this subsection (B)  
14 shall serve immediate written notice upon the person refusing  
15 the chemical test or tests that the person's privilege to  
16 operate a watercraft within this State will be suspended for a  
17 period of 2 years unless, within 28 days from the date of the  
18 notice, the person requests in writing a hearing on the  
19 suspension.

20 If the person desires a hearing, such person shall file a  
21 complaint in the circuit court for and in the county in which  
22 such person was arrested for such hearing. Such hearing shall  
23 proceed in the court in the same manner as other civil  
24 proceedings, shall cover only the issues of whether the person  
25 was placed under arrest for an offense as defined in this  
26 Section or a similar provision of a local ordinance as

1 evidenced by the issuance of a uniform citation; whether the  
2 arresting officer had reasonable grounds to believe that such  
3 person was operating a watercraft while under the influence of  
4 alcohol, other drug or drugs, intoxicating compound or  
5 compounds, or combination thereof; and whether such person  
6 refused to submit and complete the chemical test or tests upon  
7 the request of the law enforcement officer. Whether the person  
8 was informed that such person's privilege to operate a  
9 watercraft would be suspended if such person refused to submit  
10 to the chemical test or tests shall not be an issue.

11 If the person fails to request in writing a hearing within  
12 28 days from the date of notice, or if a hearing is held and  
13 the court finds against the person on the issues before the  
14 court, the clerk shall immediately notify the Department of  
15 Natural Resources, and the Department shall suspend the  
16 watercraft operation privileges of the person for at least 2  
17 years.

18 3.2. If the person is a CDL holder and submits to a test  
19 that discloses an alcohol concentration of 0.08 or more, or  
20 any amount of a drug, substance or intoxicating compound in  
21 the person's breath, blood, other bodily substance, or urine  
22 resulting from the unlawful use of cannabis listed in the  
23 Cannabis Control Act, a controlled substance listed in the  
24 Illinois Controlled Substances Act, methamphetamine as listed  
25 in the Methamphetamine Control and Community Protection Act,  
26 or an intoxicating compound listed in the Use of Intoxicating

1 Compounds Act, the law enforcement officer shall immediately  
2 submit a sworn report to the circuit clerk of venue and the  
3 Department of Natural Resources, certifying that the test or  
4 tests were requested under paragraph 1 of this subsection (B)  
5 and the person submitted to testing that disclosed an alcohol  
6 concentration of 0.08 or more or any amount of a drug,  
7 substance or intoxicating compound in the person's breath,  
8 blood, other bodily substance, or urine resulting from the  
9 unlawful use of cannabis listed in the Cannabis Control Act, a  
10 controlled substance listed in the Illinois Controlled  
11 Substances Act, methamphetamine as listed in the  
12 Methamphetamine Control and Community Protection Act, or an  
13 intoxicating compound listed in the Use of Intoxicating  
14 Compounds Act. If the person is not a CDL holder and submits to  
15 a test that discloses an alcohol concentration of 0.08 or  
16 more, a tetrahydrocannabinol concentration in the person's  
17 whole blood or other bodily substance as defined in paragraph  
18 6 of subsection (a) of Section 11-501.2 of the Illinois  
19 Vehicle Code, or any amount of a drug, substance or  
20 intoxicating compound in the person's breath, blood, other  
21 bodily substance, or urine resulting from the unlawful use of  
22 a controlled substance listed in the Illinois Controlled  
23 Substances Act, methamphetamine as listed in the  
24 Methamphetamine Control and Community Protection Act, or an  
25 intoxicating compound listed in the Use of Intoxicating  
26 Compounds Act, the law enforcement officer shall immediately

1 submit a sworn report to the circuit clerk of venue and the  
2 Department of Natural Resources, certifying that the test or  
3 tests were requested under paragraph 1 of this subsection (B)  
4 and the person submitted to testing that disclosed an alcohol  
5 concentration of 0.08 or more, a tetrahydrocannabinol  
6 concentration in the person's whole blood or other bodily  
7 substance as defined in paragraph 6 of subsection (a) of  
8 Section 11-501.2 of the Illinois Vehicle Code, or any amount  
9 of a drug, substance or intoxicating compound in the person's  
10 breath, blood, other bodily substance, or urine resulting from  
11 the unlawful use of a controlled substance listed in the  
12 Illinois Controlled Substances Act, methamphetamine as listed  
13 in the Methamphetamine Control and Community Protection Act,  
14 or an intoxicating compound listed in the Use of Intoxicating  
15 Compounds Act.

16 In cases involving a person who is a CDL holder where the  
17 blood alcohol concentration of 0.08 or greater or any amount  
18 of drug, substance or compound resulting from the unlawful use  
19 of cannabis, a controlled substance, methamphetamine, or an  
20 intoxicating compound is established by a subsequent analysis  
21 of blood, other bodily substance, or urine collected at the  
22 time of arrest, the arresting officer or arresting agency  
23 shall immediately submit a sworn report to the circuit clerk  
24 of venue and the Department of Natural Resources upon receipt  
25 of the test results. In cases involving a person who is not a  
26 CDL holder where the blood alcohol concentration of 0.08 or

1 greater, a tetrahydrocannabinol concentration in the person's  
2 whole blood or other bodily substance as defined in paragraph  
3 6 of subsection (a) of Section 11-501.2 of the Illinois  
4 Vehicle Code, or any amount of drug, substance, or compound  
5 resulting from the unlawful use of a controlled substance,  
6 methamphetamine, or an intoxicating compound is established by  
7 a subsequent analysis of blood, other bodily substance, or  
8 urine collected at the time of arrest, the arresting officer  
9 or arresting agency shall immediately submit a sworn report to  
10 the circuit clerk of venue and the Department of Natural  
11 Resources upon receipt of the test results.

12 4. A person must submit to each chemical test offered by  
13 the law enforcement officer in order to comply with the  
14 implied consent provisions of this Section.

15 5. The provisions of Section 11-501.2 of the Illinois  
16 Vehicle Code, as amended, concerning the certification and use  
17 of chemical tests apply to the use of such tests under this  
18 Section.

19 (C) Upon the trial of any civil or criminal action or  
20 proceeding arising out of acts alleged to have been committed  
21 by any person while operating a watercraft while under the  
22 influence of alcohol, other drug or drugs, intoxicating  
23 compound or compounds, or combination thereof, the  
24 concentration of alcohol, drug, or compound in the person's  
25 blood, other bodily substance, or breath at the time alleged  
26 as shown by analysis of a person's blood, urine, breath, or

1 other bodily substance shall give rise to the presumptions  
2 specified in subdivisions 1, 2, and 3 of subsection (b) and  
3 subsection (b-5) of Section 11-501.2 of the Illinois Vehicle  
4 Code. The foregoing provisions of this subsection (C) shall  
5 not be construed as limiting the introduction of any other  
6 relevant evidence bearing upon the question whether the person  
7 was under the influence of alcohol, other drug or drugs,  
8 intoxicating compound or compounds, or a combination thereof.

9 (D) If a person under arrest refuses to submit to a  
10 chemical test under the provisions of this Section, evidence  
11 of refusal shall be admissible in any civil or criminal action  
12 or proceeding arising out of acts alleged to have been  
13 committed while the person under the influence of alcohol,  
14 other drug or drugs, intoxicating compound or compounds, or  
15 combination of them was operating a watercraft.

16 (E) The owner of any watercraft or any person given  
17 supervisory authority over a watercraft, may not knowingly  
18 permit a watercraft to be operated by any person under the  
19 influence of alcohol, other drug or drugs, intoxicating  
20 compound or compounds, or combination thereof.

21 (F) Whenever any person is convicted or found guilty of a  
22 violation of this Section, including any person placed on  
23 court supervision, the court shall notify the Office of Law  
24 Enforcement of the Department of Natural Resources, to provide  
25 the Department with the records essential for the performance  
26 of the Department's duties to monitor and enforce any order of



1 suspension or revocation concerning the privilege to operate a  
2 watercraft.

3 (G) No person who has been arrested and charged for  
4 violating paragraph 1 of subsection (A) of this Section shall  
5 operate any watercraft within this State for a period of 24  
6 hours after such arrest.

7 (Source: P.A. 99-697, eff. 7-29-16.)

8 Section 25. The Clerks of Courts Act is amended by  
9 changing Sections 27.1b and 27.1c as follows:

10 (705 ILCS 105/27.1b)

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

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

1 at least 30 days from the date of the itemized bill to pay;  
2 these payments shall be disbursed by each clerk on a monthly  
3 basis. Unless otherwise specified in this Section, the amount  
4 of a fee shall be determined by ordinance or resolution of the  
5 county board and remitted to the county treasurer to be used  
6 for purposes related to the operation of the court system in  
7 the county. In a county with a population of over 3,000,000,  
8 any amount retained by the clerk of the circuit court or  
9 remitted to the county treasurer shall be subject to  
10 appropriation by the county board.

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

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

24 (A) The clerk shall retain a sum, in an amount not  
25 to exceed \$55 in a county with a population of  
26 3,000,000 or more and in an amount not to exceed \$45 in

1 any other county determined by the clerk with the  
2 approval of the Supreme Court, to be used for court  
3 automation, court document storage, and administrative  
4 purposes.

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

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

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

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

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

23 (2) SCHEDULE 2: not to exceed a total of \$357 in a  
24 county with a population of 3,000,000 or more and not to  
25 exceed \$266 in any other county, except as applied to  
26 units of local government and school districts in counties

1 with more than 3,000,000 inhabitants an amount not to  
2 exceed \$190 through December 31, 2021 and \$184 on and  
3 after January 1, 2022. The fees collected under this  
4 schedule shall be disbursed as follows:

5 (A) The clerk shall retain a sum, in an amount not  
6 to exceed \$55 in a county with a population of  
7 3,000,000 or more and in an amount not to exceed \$45 in  
8 any other county determined by the clerk with the  
9 approval of the Supreme Court, to be used for court  
10 automation, court document storage, and administrative  
11 purposes.

12 (B) The clerk shall remit up to \$21 to the State  
13 Treasurer. The State Treasurer shall deposit the  
14 appropriate amounts, in accordance with the clerk's  
15 instructions, as follows:

16 (i) up to \$10, as specified by the Supreme  
17 Court in accordance with Part 10A of Article II of  
18 the Code of Civil Procedure, into the Mandatory  
19 Arbitration Fund;

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

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

23 (C) The clerk shall remit a sum to the County  
24 Treasurer, in an amount not to exceed \$281 in a county  
25 with a population of 3,000,000 or more and in an amount  
26 not to exceed \$200 in any other county, as specified by

1 ordinance or resolution passed by the county board,  
2 for purposes related to the operation of the court  
3 system in the county.

4 (3) SCHEDULE 3: not to exceed a total of \$265 in a  
5 county with a population of 3,000,000 or more and not to  
6 exceed \$89 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 \$190 through December 31, 2021 and \$184 on and after  
10 January 1, 2022. The fees collected under this schedule  
11 shall be disbursed as follows:

12 (A) The clerk shall retain a sum, in an amount not  
13 to exceed \$55 in a county with a population of  
14 3,000,000 or more and in an amount not to exceed \$22 in  
15 any other county determined by the clerk with the  
16 approval of the Supreme Court, to be used for court  
17 automation, court document storage, and administrative  
18 purposes.

19 (B) The clerk shall remit \$11 to the State  
20 Treasurer. The State Treasurer shall deposit the  
21 appropriate amounts in accordance with the clerk's  
22 instructions, as follows:

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

24 (ii) \$9 into the Supreme Court Special  
25 Purposes Fund.

26 (C) The clerk shall remit a sum to the County

1           Treasurer, in an amount not to exceed \$199 in a county  
2           with a population of 3,000,000 or more and in an amount  
3           not to exceed \$56 in any other county, as specified by  
4           ordinance or resolution passed by the county board,  
5           for purposes related to the operation of the court  
6           system in the county.

7           (4) SCHEDULE 4: \$0.

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

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

20                 (A) The clerk shall retain a sum, in an amount not  
21                 to exceed \$50 in a county with a population of  
22                 3,000,000 or more and in an amount not to exceed \$45 in  
23                 any other county determined by the clerk with the  
24                 approval of the Supreme Court, to be used for court  
25                 automation, court document storage, and administrative  
26                 purposes.

1 (B) The clerk shall remit up to \$21 to the State  
2 Treasurer. The State Treasurer shall deposit the  
3 appropriate amounts, in accordance with the clerk's  
4 instructions, as follows:

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

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

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

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

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

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

1 to exceed \$50 in a county with a population of  
2 3,000,000 or more and in an amount not to exceed \$10 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 \$9 to the State  
8 Treasurer, which the State Treasurer shall deposit  
9 into the Supreme Court Special Purpose Fund.

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

17 (3) SCHEDULE 3: \$0.

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



1           (c) Counterclaim or third party complaint. When any  
2 defendant files a counterclaim or third party complaint, as  
3 part of the defendant's answer or otherwise, the defendant  
4 shall pay a filing fee for each counterclaim or third party  
5 complaint in an amount equal to the filing fee the defendant  
6 would have had to pay had the defendant brought a separate  
7 action for the relief sought in the counterclaim or third  
8 party complaint, less the amount of the appearance fee, if  
9 any, that the defendant has already paid in the action in which  
10 the counterclaim or third party complaint is filed.

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

18           (e) Jury services. The clerk shall collect, in addition to  
19 other fees allowed by law, a sum not to exceed \$212.50, as a  
20 fee for the services of a jury in every civil action not  
21 quasi-criminal in its nature and not a proceeding for the  
22 exercise of the right of eminent domain and in every other  
23 action wherein the right of trial by jury is or may be given by  
24 law. The jury fee shall be paid by the party demanding a jury  
25 at the time of filing the jury demand. If the fee is not paid  
26 by either party, no jury shall be called in the action or

1 proceeding, and the action or proceeding shall be tried by the  
2 court without a jury.

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

4 (1) The clerk of the jurisdiction from which the case  
5 is transferred may charge a fee, not to exceed \$40, for the  
6 preparation and certification of the record; and

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

10 (g) Petition to vacate or modify.

11 (1) In a proceeding involving a petition to vacate or  
12 modify any final judgment or order filed within 30 days  
13 after the judgment or order was entered, except for an  
14 eviction case, small claims case, petition to reopen an  
15 estate, petition to modify, terminate, or enforce a  
16 judgment or order for child or spousal support, or  
17 petition to modify, suspend, or terminate an order for  
18 withholding, the fee shall not exceed \$60 in a county with  
19 a population of 3,000,000 or more and shall not exceed \$50  
20 in any other county, except as applied to units of local  
21 government and school districts in counties with more than  
22 3,000,000 inhabitants an amount not to exceed \$50.

23 (2) In a proceeding involving a petition to vacate or  
24 modify any final judgment or order filed more than 30 days  
25 after the judgment or order was entered, except for a  
26 petition to modify, terminate, or enforce a judgment or

1 order for child or spousal support, or petition to modify,  
2 suspend, or terminate an order for withholding, the fee  
3 shall not exceed \$75.

4 (3) In a proceeding involving a motion to vacate or  
5 amend a final order, motion to vacate an ex parte  
6 judgment, judgment of forfeiture, or "failure to appear"  
7 or "failure to comply" notices sent to the Secretary of  
8 State, the fee shall equal \$40.

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

12 (1) if the record contains no more than 100 pages, the  
13 fee shall not exceed \$70 in a county with a population of  
14 3,000,000 or more and shall not exceed \$50 in any other  
15 county;

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

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

21 (i) Remands. In any cases remanded to the circuit court  
22 from the Supreme Court or the appellate court for a new trial,  
23 the clerk shall reinstate the case with either its original  
24 number or a new number. The clerk shall not charge any new or  
25 additional fee for the reinstatement. Upon reinstatement, the  
26 clerk shall advise the parties of the reinstatement. Parties

1 shall have the same right to a jury trial on remand and  
2 reinstatement that they had before the appeal, and no  
3 additional or new fee or charge shall be made for a jury trial  
4 after remand.

5 (j) Garnishment, wage deduction, and citation. In  
6 garnishment affidavit, wage deduction affidavit, and citation  
7 petition proceedings:

8 (1) if the amount in controversy in the proceeding is  
9 not more than \$1,000, the fee may not exceed \$35 in a  
10 county with a population of 3,000,000 or more and may not  
11 exceed \$15 in any other county, except as applied to units  
12 of local government and school districts in counties with  
13 more than 3,000,000 inhabitants an amount not to exceed  
14 \$15;

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

22 (3) if the amount in controversy in the proceeding is  
23 greater than \$5,000, the fee may not exceed \$65 in a county  
24 with a population of 3,000,000 or more and may not exceed  
25 \$50 in any other county, except as applied to units of  
26 local government and school districts in counties with

1 more than 3,000,000 inhabitants an amount not to exceed  
2 \$50.

3 (j-5) Debt collection. In any proceeding to collect a debt  
4 subject to the exception in item (ii) of subparagraph (A-5) of  
5 paragraph (1) of subsection (z) of this Section, the circuit  
6 court shall order and the clerk shall collect from each  
7 judgment debtor a fee of:

8 (1) \$35 if the amount in controversy in the proceeding  
9 is not more than \$1,000;

10 (2) \$45 if the amount in controversy in the proceeding  
11 is greater than \$1,000 and not more than \$5,000; and

12 (3) \$65 if the amount in controversy in the proceeding  
13 is greater than \$5,000.

14 (k) Collections.

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

19 (2) In child support and maintenance cases, the clerk  
20 may collect an annual fee of up to \$36 from the person  
21 making payment for maintaining child support records and  
22 the processing of support orders to the State of Illinois  
23 KIDS system and the recording of payments issued by the  
24 State Disbursement Unit for the official record of the  
25 Court. This fee is in addition to and separate from  
26 amounts ordered to be paid as maintenance or child support

1 and shall be deposited into a Separate Maintenance and  
2 Child Support Collection Fund, of which the clerk shall be  
3 the custodian, ex officio, to be used by the clerk to  
4 maintain child support orders and record all payments  
5 issued by the State Disbursement Unit for the official  
6 record of the Court. The clerk may recover from the person  
7 making the maintenance or child support payment any  
8 additional cost incurred in the collection of this annual  
9 fee.

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

15 (4) In proceedings to foreclose the lien of delinquent  
16 real estate taxes, State's Attorneys shall receive a fee  
17 of 10% of the total amount realized from the sale of real  
18 estate sold in the proceedings. The clerk shall collect  
19 the fee from the total amount realized from the sale of the  
20 real estate sold in the proceedings and remit to the  
21 County Treasurer to be credited to the earnings of the  
22 Office of the State's Attorney.

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

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

1 (n) Certification, authentication, and reproduction.

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

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

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

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

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

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

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

21 (q) Index inquiry and other records. No fee shall be  
22 charged for a single plaintiff and defendant index inquiry or  
23 single case record inquiry when this request is made in person  
24 and the records are maintained in a current automated medium,  
25 and when no hard copy print output is requested. The fees to be  
26 charged for management records, multiple case records, and

1 multiple journal records may be specified by the Chief Judge  
2 pursuant to the guidelines for access and dissemination of  
3 information approved by the Supreme Court.

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

6 (s) Voluntary assignment. For filing each deed of  
7 voluntary assignment, the clerk shall collect a fee not to  
8 exceed \$20. For recording a deed of voluntary assignment, the  
9 clerk shall collect a fee not to exceed 50 cents for each 100  
10 words. Exceptions filed to claims presented to an assignee of  
11 a debtor who has made a voluntary assignment for the benefit of  
12 creditors shall be considered and treated, for the purpose of  
13 taxing costs therein, as actions in which the party or parties  
14 filing the exceptions shall be considered as party or parties  
15 plaintiff, and the claimant or claimants as party or parties  
16 defendant, and those parties respectively shall pay to the  
17 clerk the same fees as provided by this Section to be paid in  
18 other actions.

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

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

26 (v) Probate filings.



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

4           (2) For filing a claim in an estate when the amount  
5           claimed is greater than \$150 and not more than \$500, the  
6           fee shall not exceed \$40 in a county with a population of  
7           3,000,000 or more and shall not exceed \$25 in any other  
8           county; when the amount claimed is greater than \$500 and  
9           not more than \$10,000, the fee shall not exceed \$55 in a  
10          county with a population of 3,000,000 or more and shall  
11          not exceed \$40 in any other county; and when the amount  
12          claimed is more than \$10,000, the fee shall not exceed \$75  
13          in a county with a population of 3,000,000 or more and  
14          shall not exceed \$60 in any other county; except the court  
15          in allowing a claim may add to the amount allowed the  
16          filing fee paid by the claimant.

17          (3) For filing in an estate a claim, petition, or  
18          supplemental proceeding based upon an action seeking  
19          equitable relief including the construction or contest of  
20          a will, enforcement of a contract to make a will, and  
21          proceedings involving testamentary trusts or the  
22          appointment of testamentary trustees, the fee shall not  
23          exceed \$60.

24          (4) There shall be no fee for filing in an estate: (i)  
25          the appearance of any person for the purpose of consent;  
26          or (ii) the appearance of an executor, administrator,

1 administrator to collect, guardian, guardian ad litem, or  
2 special administrator.

3 (5) For each jury demand, the fee shall not exceed  
4 \$137.50.

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

8 (7) For each exemplification, the fee shall not exceed  
9 \$2, plus the fee for certification.

10 (8) The executor, administrator, guardian, petitioner,  
11 or other interested person or his or her attorney shall  
12 pay the cost of publication by the clerk directly to the  
13 newspaper.

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

18 (10) The executor, administrator, guardian,  
19 petitioner, or other interested person or his or her  
20 attorney shall pay to the clerk all postage charges  
21 incurred by the clerk in mailing petitions, orders,  
22 notices, or other documents pursuant to the provisions of  
23 the Probate Act of 1975.

24 (w) Corrections of numbers. For correction of the case  
25 number, case title, or attorney computer identification  
26 number, if required by rule of court, on any document filed in

1 the clerk's office, to be charged against the party that filed  
2 the document, the fee shall not exceed \$25.

3 (x) Miscellaneous.

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

7 (2) For any check, draft, or other bank instrument  
8 returned to the clerk for non-sufficient funds, account  
9 closed, or payment stopped, the clerk shall collect a fee  
10 of \$25.

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

23 (y-5) Unpaid fees. Unless a court ordered payment schedule  
24 is implemented or the fee requirements of this Section are  
25 waived under a court order, the clerk of the circuit court may  
26 add to any unpaid fees and costs under this Section a

1 delinquency amount equal to 5% of the unpaid fees that remain  
2 unpaid after 30 days, 10% of the unpaid fees that remain unpaid  
3 after 60 days, and 15% of the unpaid fees that remain unpaid  
4 after 90 days. Notice to those parties may be made by signage  
5 posting or publication. The additional delinquency amounts  
6 collected under this Section shall be deposited into the  
7 Circuit Court Clerk Operations and Administration Fund and  
8 used to defray additional administrative costs incurred by the  
9 clerk of the circuit court in collecting unpaid fees and  
10 costs.

11 (z) Exceptions.

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

13 (A) police departments or other law enforcement  
14 agencies. In this Section, "law enforcement agency"  
15 means: an agency of the State or agency of a unit of  
16 local government which is vested by law or ordinance  
17 with the duty to maintain public order and to enforce  
18 criminal laws or ordinances; the Attorney General; or  
19 any State's Attorney;

20 (A-5) any unit of local government or school  
21 district, except in counties having a population of  
22 500,000 or more the county board may by resolution set  
23 fees for units of local government or school districts  
24 no greater than the minimum fees applicable in  
25 counties with a population less than 3,000,000;  
26 provided however, no fee may be charged to any unit of

1 local government or school district in connection with  
2 any action which, in whole or in part, is: (i) to  
3 enforce an ordinance; (ii) to collect a debt; or (iii)  
4 under the Administrative Review Law;

5 (B) any action instituted by the corporate  
6 authority of a municipality with more than 1,000,000  
7 inhabitants under Section 11-31-1 of the Illinois  
8 Municipal Code and any action instituted under  
9 subsection (b) of Section 11-31-1 of the Illinois  
10 Municipal Code by a private owner or tenant of real  
11 property within 1,200 feet of a dangerous or unsafe  
12 building seeking an order compelling the owner or  
13 owners of the building to take any of the actions  
14 authorized under that subsection;

15 (C) any commitment petition or petition for an  
16 order authorizing the administration of psychotropic  
17 medication or electroconvulsive therapy under the  
18 Mental Health and Developmental Disabilities Code;

19 (D) a petitioner in any order of protection  
20 proceeding, including, but not limited to, fees for  
21 filing, modifying, withdrawing, certifying, or  
22 photocopying petitions for orders of protection,  
23 issuing alias summons, any related filing service, or  
24 certifying, modifying, vacating, or photocopying any  
25 orders of protection; or

26 (E) proceedings for the appointment of a

1 confidential intermediary under the Adoption Act.

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

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

9 (aa) This Section is repealed on January 1, 2024 ~~2022~~.

10 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;  
11 100-1161, eff. 7-1-19; 101-645, eff. 6-26-20; revised  
12 8-18-20.)

13 (705 ILCS 105/27.1c)

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

15 Sec. 27.1c. Assessment report.

16 (a) Not later than March 1, 2022, and March 1 of every year  
17 thereafter, February 29, 2020, the clerk of the circuit court  
18 shall submit to the Administrative Office of the Illinois  
19 Courts an annual ~~a~~ report for the period January 1 ~~July 1, 2019~~  
20 through December 31 of the previous year. The report shall  
21 contain, ~~, 2019 containing,~~ with respect to each of the 4  
22 categories of civil cases established by the Supreme Court  
23 pursuant to Section 27.1b of this Act:

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

25 (2) the amount of filing fees that were collected

1           pursuant to subsection (a) of Section 27.1b;

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

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

6           (5) the amount of filing fees collected for  
7           counterclaims or third party complaints pursuant to  
8           subsection (c) of Section 27.1b;

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

11          (7) the number of cases for which, pursuant to Section  
12          5-105 of the Code of Civil Procedure, there were waivers  
13          of fees, costs, and charges of 25%, 50%, 75%, or 100%,  
14          respectively, and the associated amount of fees, costs,  
15          and charges that were waived.

16          (b) The Administrative Office of the Illinois Courts shall  
17          publish the reports submitted under this Section on its  
18          website.

19          (c) (Blank). ~~This Section is repealed on January 1, 2022.~~

20          (Source: P.A. 100-1161, eff. 7-1-19; 101-645, eff. 6-26-20.)

21          Section 30. The Criminal and Traffic Assessment Act is  
22          amended by changing Sections 15-70 and 20-5 as follows:

23                 (705 ILCS 135/15-70)

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

1           Sec. 15-70. Conditional assessments. In addition to  
2 payments under one of the Schedule of Assessments 1 through 13  
3 of this Act, the court shall also order payment of any of the  
4 following conditional assessment amounts for each sentenced  
5 violation in the case to which a conditional assessment is  
6 applicable, which shall be collected and remitted by the Clerk  
7 of the Circuit Court as provided in this Section:

8           (1) arson, residential arson, or aggravated arson,  
9           \$500 per conviction to the State Treasurer for deposit  
10 into the Fire Prevention Fund;

11           (2) child pornography under Section 11-20.1 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012, \$500  
13 per conviction, unless more than one agency is responsible  
14 for the arrest in which case the amount shall be remitted  
15 to each unit of government equally:

16           (A) if the arresting agency is an agency of a unit  
17 of local government, \$500 to the treasurer of the unit  
18 of local government for deposit into the unit of local  
19 government's General Fund, except that if the  
20 Department of State Police provides digital or  
21 electronic forensic examination assistance, or both,  
22 to the arresting agency then \$100 to the State  
23 Treasurer for deposit into the State Crime Laboratory  
24 Fund; or

25           (B) if the arresting agency is the Department of  
26 State Police, \$500 to the State Treasurer for deposit



1           into the State Crime Laboratory Fund;

2           (3) crime laboratory drug analysis for a drug-related  
3 offense involving possession or delivery of cannabis or  
4 possession or delivery of a controlled substance as  
5 defined in the Cannabis Control Act, the Illinois  
6 Controlled Substances Act, or the Methamphetamine Control  
7 and Community Protection Act, \$100 reimbursement for  
8 laboratory analysis, as set forth in subsection (f) of  
9 Section 5-9-1.4 of the Unified Code of Corrections;

10          (4) DNA analysis, \$250 on each conviction in which it  
11 was used to the State Treasurer for deposit into the State  
12 Offender DNA Identification System Fund as set forth in  
13 Section 5-4-3 of the Unified Code of Corrections;

14          (5) DUI analysis, \$150 on each sentenced violation in  
15 which it was used as set forth in subsection (f) of Section  
16 5-9-1.9 of the Unified Code of Corrections;

17          (6) drug-related offense involving possession or  
18 delivery of cannabis or possession or delivery of a  
19 controlled substance, other than methamphetamine, as  
20 defined in the Cannabis Control Act or the Illinois  
21 Controlled Substances Act, an amount not less than the  
22 full street value of the cannabis or controlled substance  
23 seized for each conviction to be disbursed as follows:

24                 (A) 12.5% of the street value assessment shall be  
25                 paid into the Youth Drug Abuse Prevention Fund, to be  
26                 used by the Department of Human Services for the

1 funding of programs and services for drug-abuse  
2 treatment, and prevention and education services;

3 (B) 37.5% to the county in which the charge was  
4 prosecuted, to be deposited into the county General  
5 Fund;

6 (C) 50% to the treasurer of the arresting law  
7 enforcement agency of the municipality or county, or  
8 to the State Treasurer if the arresting agency was a  
9 state agency, to be deposited as provided in  
10 subsection (c) of Section 10-5;

11 (D) if the arrest was made in combination with  
12 multiple law enforcement agencies, the clerk shall  
13 equitably allocate the portion in subparagraph (C) of  
14 this paragraph (6) among the law enforcement agencies  
15 involved in the arrest;

16 (6.5) Kane County or Will County, in felony,  
17 misdemeanor, local or county ordinance, traffic, or  
18 conservation cases, up to \$30 as set by the county board  
19 under Section 5-1101.3 of the Counties Code upon the entry  
20 of a judgment of conviction, an order of supervision, or a  
21 sentence of probation without entry of judgment under  
22 Section 10 of the Cannabis Control Act, Section 410 of the  
23 Illinois Controlled Substances Act, Section 70 of the  
24 Methamphetamine Control and Community Protection Act,  
25 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of  
26 the Criminal Code of 1961 or the Criminal Code of 2012,

1 Section 10-102 of the Illinois Alcoholism and Other Drug  
2 Dependency Act, or Section 10 of the Steroid Control Act;  
3 except in local or county ordinance, traffic, and  
4 conservation cases, if fines are paid in full without a  
5 court appearance, then the assessment shall not be imposed  
6 or collected. Distribution of assessments collected under  
7 this paragraph (6.5) shall be as provided in Section  
8 5-1101.3 of the Counties Code;

9 (7) methamphetamine-related offense involving  
10 possession or delivery of methamphetamine or any salt of  
11 an optical isomer of methamphetamine or possession of a  
12 methamphetamine manufacturing material as set forth in  
13 Section 10 of the Methamphetamine Control and Community  
14 Protection Act with the intent to manufacture a substance  
15 containing methamphetamine or salt of an optical isomer of  
16 methamphetamine, an amount not less than the full street  
17 value of the methamphetamine or salt of an optical isomer  
18 of methamphetamine or methamphetamine manufacturing  
19 materials seized for each conviction to be disbursed as  
20 follows:

21 (A) 12.5% of the street value assessment shall be  
22 paid into the Youth Drug Abuse Prevention Fund, to be  
23 used by the Department of Human Services for the  
24 funding of programs and services for drug-abuse  
25 treatment, and prevention and education services;

26 (B) 37.5% to the county in which the charge was

1 prosecuted, to be deposited into the county General  
2 Fund;

3 (C) 50% to the treasurer of the arresting law  
4 enforcement agency of the municipality or county, or  
5 to the State Treasurer if the arresting agency was a  
6 state agency, to be deposited as provided in  
7 subsection (c) of Section 10-5;

8 (D) if the arrest was made in combination with  
9 multiple law enforcement agencies, the clerk shall  
10 equitably allocate the portion in subparagraph (C) of  
11 this paragraph (6) among the law enforcement agencies  
12 involved in the arrest;

13 (8) order of protection violation under Section 12-3.4  
14 of the Criminal Code of 2012, \$200 for each conviction to  
15 the county treasurer for deposit into the Probation and  
16 Court Services Fund for implementation of a domestic  
17 violence surveillance program and any other assessments or  
18 fees imposed under Section 5-9-1.16 of the Unified Code of  
19 Corrections;

20 (9) order of protection violation, \$25 for each  
21 violation to the State Treasurer, for deposit into the  
22 Domestic Violence Abuser Services Fund;

23 (10) prosecution by the State's Attorney of a:

24 (A) petty or business offense, \$4 to the county  
25 treasurer of which \$2 deposited into the State's  
26 Attorney Records Automation Fund and \$2 into the

1           Public Defender Records Automation Fund;

2                   (B) conservation or traffic offense, \$2 to the  
3           county treasurer for deposit into the State's Attorney  
4           Records Automation Fund;

5           (11) speeding in a construction zone violation, \$250  
6           to the State Treasurer for deposit into the Transportation  
7           Safety Highway Hire-back Fund, unless (i) the violation  
8           occurred on a highway other than an interstate highway and  
9           (ii) a county police officer wrote the ticket for the  
10          violation, in which case to the county treasurer for  
11          deposit into that county's Transportation Safety Highway  
12          Hire-back Fund;

13          (12) supervision disposition on an offense under the  
14          Illinois Vehicle Code or similar provision of a local  
15          ordinance, 50 cents, unless waived by the court, into the  
16          Prisoner Review Board Vehicle and Equipment Fund;

17          (13) victim and offender are family or household  
18          members as defined in Section 103 of the Illinois Domestic  
19          Violence Act of 1986 and offender pleads guilty or no  
20          contest to or is convicted of murder, voluntary  
21          manslaughter, involuntary manslaughter, burglary,  
22          residential burglary, criminal trespass to residence,  
23          criminal trespass to vehicle, criminal trespass to land,  
24          criminal damage to property, telephone harassment,  
25          kidnapping, aggravated kidnaping, unlawful restraint,  
26          forcible detention, child abduction, indecent solicitation

1 of a child, sexual relations between siblings,  
2 exploitation of a child, child pornography, assault,  
3 aggravated assault, battery, aggravated battery, heinous  
4 battery, aggravated battery of a child, domestic battery,  
5 reckless conduct, intimidation, criminal sexual assault,  
6 predatory criminal sexual assault of a child, aggravated  
7 criminal sexual assault, criminal sexual abuse, aggravated  
8 criminal sexual abuse, violation of an order of  
9 protection, disorderly conduct, endangering the life or  
10 health of a child, child abandonment, contributing to  
11 dependency or neglect of child, or cruelty to children and  
12 others, \$200 for each sentenced violation to the State  
13 Treasurer for deposit as follows: (i) for sexual assault,  
14 as defined in Section 5-9-1.7 of the Unified Code of  
15 Corrections, when the offender and victim are family  
16 members, one-half to the Domestic Violence Shelter and  
17 Service Fund, and one-half to the Sexual Assault Services  
18 Fund; (ii) for the remaining offenses to the Domestic  
19 Violence Shelter and Service Fund;

20 (14) violation of Section 11-501 of the Illinois  
21 Vehicle Code, Section 5-7 of the Snowmobile Registration  
22 and Safety Act, Section 5-16 of the Boat Registration and  
23 Safety Act, or a similar provision, whose operation of a  
24 motor vehicle, snowmobile, or watercraft while in  
25 violation of Section 11-501, Section 5-7 of the Snowmobile  
26 Registration and Safety Act, Section 5-16 of the Boat

1 Registration and Safety Act, or a similar provision  
2 proximately caused an incident resulting in an appropriate  
3 emergency response, \$1,000 maximum to the public agency  
4 that provided an emergency response related to the  
5 person's violation, or as provided in subsection (c) of  
6 Section 10-5 if the arresting agency was a State agency,  
7 unless more than one agency was responsible for the  
8 arrest, in which case the amount shall be remitted to each  
9 unit of government equally ~~and if more than one agency~~  
10 ~~responded, the amount payable to public agencies shall be~~  
11 ~~shared equally;~~

12 (15) violation of Section 401, 407, or 407.2 of the  
13 Illinois Controlled Substances Act that proximately caused  
14 any incident resulting in an appropriate drug-related  
15 emergency response, \$1,000 as reimbursement for the  
16 emergency response to the law enforcement agency that made  
17 the arrest, or as provided in subsection (c) of Section  
18 10-5 if the arresting agency was a State agency, unless  
19 more than one agency was responsible for the arrest, in  
20 which case the amount shall be remitted to each unit of  
21 government equally ~~and if more than one agency is~~  
22 ~~responsible for the arrest, the amount payable to law~~  
23 ~~enforcement agencies shall be shared equally;~~

24 (16) violation of reckless driving, aggravated  
25 reckless driving, or driving 26 miles per hour or more in  
26 excess of the speed limit that triggered an emergency

1 response, \$1,000 maximum reimbursement for the emergency  
2 response to be distributed in its entirety to a public  
3 agency that provided an emergency response related to the  
4 person's violation, or as provided in subsection (c) of  
5 Section 10-5 if the arresting agency was a State agency,  
6 unless more than one agency was responsible for the  
7 arrest, in which case the amount shall be remitted to each  
8 unit of government equally ~~and if more than one agency~~  
9 ~~responded, the amount payable to public agencies shall be~~  
10 ~~shared equally;~~

11 (17) violation based upon each plea of guilty,  
12 stipulation of facts, or finding of guilt resulting in a  
13 judgment of conviction or order of supervision for an  
14 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of  
15 the Criminal Code of 2012 that results in the imposition  
16 of a fine, to be distributed as follows:

17 (A) \$50 to the county treasurer for deposit into  
18 the Circuit Court Clerk Operation and Administrative  
19 Fund to cover the costs in administering this  
20 paragraph (17);

21 (B) \$300 to the State Treasurer who shall deposit  
22 the portion as follows:

23 (i) if the arresting or investigating agency  
24 is the Department of State Police, into the State  
25 Police Law Enforcement Administration Fund;

26 (ii) if the arresting or investigating agency



1 is the Department of Natural Resources, into the  
2 Conservation Police Operations Assistance Fund;

3 (iii) if the arresting or investigating agency  
4 is the Secretary of State, into the Secretary of  
5 State Police Services Fund;

6 (iv) if the arresting or investigating agency  
7 is the Illinois Commerce Commission, into the  
8 Transportation Regulatory Fund; or

9 (v) if more than one of the State agencies in  
10 this subparagraph (B) is the arresting or  
11 investigating agency, then equal shares with the  
12 shares deposited as provided in the applicable  
13 items (i) through (iv) of this subparagraph (B);  
14 and

15 (C) the remainder for deposit into the Specialized  
16 Services for Survivors of Human Trafficking Fund;

17 (18) weapons violation under Section 24-1.1, 24-1.2,  
18 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code  
19 of 2012, \$100 for each conviction to the State Treasurer  
20 for deposit into the Trauma Center Fund; and

21 (19) violation of subsection (c) of Section 11-907 of  
22 the Illinois Vehicle Code, \$250 to the State Treasurer for  
23 deposit into the Scott's Law Fund, unless a county or  
24 municipal police officer wrote the ticket for the  
25 violation, in which case to the county treasurer for  
26 deposit into that county's or municipality's

1 Transportation Safety Highway Hire-back Fund to be used as  
2 provided in subsection (j) of Section 11-907 of the  
3 Illinois Vehicle Code.

4 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;  
5 101-173, eff. 1-1-20; 101-636, eff. 6-10-20.)

6 (705 ILCS 135/20-5)

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

8 Sec. 20-5. Repeal. This Act is repealed on January 1, 2024  
9 ~~2022~~.

10 (Source: P.A. 100-987, eff. 7-1-19; 101-645, eff. 6-26-20.)

11 Section 35. The Cannabis Control Act is amended by  
12 changing Section 8 as follows:

13 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

14 Sec. 8. Except as otherwise provided in the Cannabis  
15 Regulation and Tax Act and the Industrial Hemp Act, it is  
16 unlawful for any person knowingly to produce the Cannabis  
17 sativa plant or to possess such plants unless production or  
18 possession has been authorized pursuant to the provisions of  
19 Section 11 or 15.2 of the Act. Any person who violates this  
20 Section with respect to production or possession of:

21 (a) Not more than 5 plants is guilty of a civil  
22 violation punishable by a minimum fine of \$100 and a  
23 maximum fine of \$200. The proceeds of the fine are payable

1 to the clerk of the circuit court. Within 30 days after the  
2 deposit of the fine, the clerk shall distribute the  
3 proceeds of the fine as follows:

4 (1) \$10 of the fine to the circuit clerk and \$10 of  
5 the fine to the law enforcement agency that issued the  
6 citation; the proceeds of each \$10 fine distributed to  
7 the circuit clerk and each \$10 fine distributed to the  
8 law enforcement agency that issued the citation for  
9 the violation shall be used to defer the cost of  
10 automatic expungements under paragraph (2.5) of  
11 subsection (a) of Section 5.2 of the Criminal  
12 Identification Act;

13 (2) \$15 to the county to fund drug addiction  
14 services;

15 (3) \$10 to the Office of the State's Attorneys  
16 Appellate Prosecutor for use in training programs;

17 (4) \$10 to the State's Attorney; and

18 (5) any remainder of the fine to the law  
19 enforcement agency that issued the citation for the  
20 violation.

21 With respect to funds designated for the Department of  
22 State Police, the moneys shall be remitted by the circuit  
23 court clerk to the State Treasurer ~~Department of State~~  
24 ~~Police~~ within one month after receipt for deposit into the  
25 State Police Operations Assistance Fund. With respect to  
26 funds designated for the Department of Natural Resources,

1 the Department of Natural Resources shall deposit the  
2 moneys into the Conservation Police Operations Assistance  
3 Fund.

4 (b) More than 5, but not more than 20 plants, is guilty  
5 of a Class 4 felony.

6 (c) More than 20, but not more than 50 plants, is  
7 guilty of a Class 3 felony.

8 (d) More than 50, but not more than 200 plants, is  
9 guilty of a Class 2 felony for which a fine not to exceed  
10 \$100,000 may be imposed and for which liability for the  
11 cost of conducting the investigation and eradicating such  
12 plants may be assessed. Compensation for expenses incurred  
13 in the enforcement of this provision shall be transmitted  
14 to and deposited in the treasurer's office at the level of  
15 government represented by the Illinois law enforcement  
16 agency whose officers or employees conducted the  
17 investigation or caused the arrest or arrests leading to  
18 the prosecution, to be subsequently made available to that  
19 law enforcement agency as expendable receipts for use in  
20 the enforcement of laws regulating controlled substances  
21 and cannabis. If such seizure was made by a combination of  
22 law enforcement personnel representing different levels of  
23 government, the court levying the assessment shall  
24 determine the allocation of such assessment. The proceeds  
25 of assessment awarded to the State treasury shall be  
26 deposited in a special fund known as the Drug Traffic

1 Prevention Fund.

2 (e) More than 200 plants is guilty of a Class 1 felony  
3 for which a fine not to exceed \$100,000 may be imposed and  
4 for which liability for the cost of conducting the  
5 investigation and eradicating such plants may be assessed.  
6 Compensation for expenses incurred in the enforcement of  
7 this provision shall be transmitted to and deposited in  
8 the treasurer's office at the level of government  
9 represented by the Illinois law enforcement agency whose  
10 officers or employees conducted the investigation or  
11 caused the arrest or arrests leading to the prosecution,  
12 to be subsequently made available to that law enforcement  
13 agency as expendable receipts for use in the enforcement  
14 of laws regulating controlled substances and cannabis. If  
15 such seizure was made by a combination of law enforcement  
16 personnel representing different levels of government, the  
17 court levying the assessment shall determine the  
18 allocation of such assessment. The proceeds of assessment  
19 awarded to the State treasury shall be deposited in a  
20 special fund known as the Drug Traffic Prevention Fund.

21 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

22 Section 40. The Unified Code of Corrections is amended by  
23 changing Section 5-9-1.9 as follows:

24 (730 ILCS 5/5-9-1.9)

1           Sec. 5-9-1.9. DUI analysis fee.

2           (a) "Crime laboratory" means a not-for-profit laboratory  
3 substantially funded by a single unit or combination of units  
4 of local government or the State of Illinois that regularly  
5 employs at least one person engaged in the DUI analysis of  
6 blood, other bodily substance, and urine for criminal justice  
7 agencies in criminal matters and provides testimony with  
8 respect to such examinations.

9           "DUI analysis" means an analysis of blood, other bodily  
10 substance, or urine for purposes of determining whether a  
11 violation of Section 11-501 of the Illinois Vehicle Code has  
12 occurred.

13           (b) (Blank).

14           (c) In addition to any other disposition made under the  
15 provisions of the Juvenile Court Act of 1987, any minor  
16 adjudicated delinquent for an offense which if committed by an  
17 adult would constitute a violation of Section 11-501 of the  
18 Illinois Vehicle Code shall pay a crime laboratory DUI  
19 analysis assessment of \$150 for each adjudication. Upon  
20 verified petition of the minor, the court may suspend payment  
21 of all or part of the assessment if it finds that the minor  
22 does not have the ability to pay the assessment. The parent,  
23 guardian, or legal custodian of the minor may pay some or all  
24 of the assessment on the minor's behalf.

25           (d) All crime laboratory DUI analysis assessments provided  
26 for by this Section shall be collected by the clerk of the

1 court and forwarded to the appropriate crime laboratory DUI  
2 fund as provided in subsection (f).

3 (e) Crime laboratory funds shall be established as  
4 follows:

5 (1) A unit of local government that maintains a crime  
6 laboratory may establish a crime laboratory DUI fund  
7 within the office of the county or municipal treasurer.

8 (2) Any combination of units of local government that  
9 maintains a crime laboratory may establish a crime  
10 laboratory DUI fund within the office of the treasurer of  
11 the county where the crime laboratory is situated.

12 (3) The State Police DUI Fund is created as a special  
13 fund in the State Treasury.

14 (f) The analysis assessment provided for in subsection (c)  
15 of this Section shall be forwarded to the office of the  
16 treasurer of the unit of local government that performed the  
17 analysis if that unit of local government has established a  
18 crime laboratory DUI fund, or remitted to the State Treasurer  
19 for deposit into the State Crime Laboratory Fund if the  
20 analysis was performed by a laboratory operated by the  
21 Department of State Police. If the analysis was performed by a  
22 crime laboratory funded by a combination of units of local  
23 government, the analysis assessment shall be forwarded to the  
24 treasurer of the county where the crime laboratory is situated  
25 if a crime laboratory DUI fund has been established in that  
26 county. If the unit of local government or combination of

1 units of local government has not established a crime  
2 laboratory DUI fund, then the analysis assessment shall be  
3 remitted ~~forwarded~~ to the State Treasurer for deposit into the  
4 State Crime Laboratory Fund.

5 (g) Moneys deposited into a crime laboratory DUI fund  
6 created under paragraphs (1) and (2) of subsection (e) of this  
7 Section shall be in addition to any allocations made pursuant  
8 to existing law and shall be designated for the exclusive use  
9 of the crime laboratory. These uses may include, but are not  
10 limited to, the following:

11 (1) Costs incurred in providing analysis for DUI  
12 investigations conducted within this State.

13 (2) Purchase and maintenance of equipment for use in  
14 performing analyses.

15 (3) Continuing education, training, and professional  
16 development of forensic scientists regularly employed by  
17 these laboratories.

18 (h) Moneys deposited in the State Crime Laboratory Fund  
19 shall be used by State crime laboratories as designated by the  
20 Director of State Police. These funds shall be in addition to  
21 any allocations made according to existing law and shall be  
22 designated for the exclusive use of State crime laboratories.  
23 These uses may include those enumerated in subsection (g) of  
24 this Section.

25 (Source: P.A. 99-697, eff. 7-29-16; 100-987, eff. 7-1-19;  
26 100-1161, eff. 7-1-19.)



1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.