



Rep. Kevin John Olickal

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10300HB5023ham003

LRB103 37573 AWJ 71752 a

1 AMENDMENT TO HOUSE BILL 5023

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5023 by replacing  
3 everything after the enacting clause with the following:

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 following Sections of the  
14 Unified Code of Corrections:

15 Business Offense, Section 5-1-2.

16 Charge, Section 5-1-3.

1 Court, Section 5-1-6.  
2 Defendant, Section 5-1-7.  
3 Felony, Section 5-1-9.  
4 Imprisonment, Section 5-1-10.  
5 Judgment, Section 5-1-12.  
6 Misdemeanor, Section 5-1-14.  
7 Offense, Section 5-1-15.  
8 Parole, Section 5-1-16.  
9 Petty Offense, Section 5-1-17.  
10 Probation, Section 5-1-18.  
11 Sentence, Section 5-1-19.  
12 Supervision, Section 5-1-21.  
13 Victim, Section 5-1-22.

14 (B) As used in this Section, "charge not initiated  
15 by arrest" means a charge (as defined by Section 5-1-3  
16 of the Unified Code of Corrections) brought against a  
17 defendant where the defendant is not arrested prior to  
18 or as a direct result of the charge.

19 (C) "Conviction" means a judgment of conviction or  
20 sentence entered upon a plea of guilty or upon a  
21 verdict or finding of guilty of an offense, rendered  
22 by a legally constituted jury or by a court of  
23 competent jurisdiction authorized to try the case  
24 without a jury. An order of supervision successfully  
25 completed by the petitioner is not a conviction. An  
26 order of qualified probation (as defined in subsection

1 (a) (1) (J)) successfully completed by the petitioner is  
2 not a conviction. An order of supervision or an order  
3 of qualified probation that is terminated  
4 unsatisfactorily is a conviction, unless the  
5 unsatisfactory termination is reversed, vacated, or  
6 modified and the judgment of conviction, if any, is  
7 reversed or vacated.

8 (D) "Criminal offense" means a petty offense,  
9 business offense, misdemeanor, felony, or municipal  
10 ordinance violation (as defined in subsection  
11 (a) (1) (H)). As used in this Section, a minor traffic  
12 offense (as defined in subsection (a) (1) (G)) shall not  
13 be considered a criminal offense.

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

23 (i) has the same meaning as in paragraph (5)  
24 of subsection (b) of Section 5 of the Court Record  
25 and Document Accessibility Act for circuit court  
26 clerks. Nothing in this Act or the Court Record

1           and Document Accessibility Act shall require the  
2           physical destruction of the circuit court clerk  
3           file. The petitioner's name shall be obliterated  
4           from the official index required to be kept by the  
5           circuit court clerk under Section 16 of the Clerks  
6           of Courts Act, but the order shall not affect any  
7           index issued by the circuit court clerk before the  
8           entry of the order to expunge; or

9           (ii) means to physically destroy the records  
10          or return them to the petitioner and to obliterate  
11          the petitioner's name from any official index or  
12          public record, or both for the arresting agency,  
13          the Illinois State Police, and any other agency as  
14          so ordered by the court not covered in subsection  
15          (a) (1) (E) (i).

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 (i) has the same meaning as in paragraph (4)  
3 of subsection (b) of Section 5 of the Court Record  
4 and Document Accessibility Act for circuit court  
5 clerks. The petitioner's name shall also be  
6 obliterated from the official index required to be  
7 kept by the circuit court clerk under Section 16  
8 of the Clerks of Courts Act, but any index issued  
9 by the circuit court clerk before the entry of the  
10 order to seal shall not be affected; or

11 (ii) means to physically and electronically  
12 maintain the records, for the arresting agency,  
13 the Illinois State Police, and any other agency as  
14 so ordered by the court not covered in subsection  
15 (a)(1)(K)(i), unless the records would otherwise  
16 be destroyed due to age, but to make the records  
17 unavailable without a court order, subject to the  
18 exceptions in Sections 12 and 13.

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

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

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

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

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



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

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

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

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

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

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

7 (i) offenses included in Article 11 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012  
9 or a similar provision of a local ordinance,  
10 except Section 11-14 and a misdemeanor violation  
11 of Section 11-30 of the Criminal Code of 1961 or  
12 the Criminal Code of 2012, or a similar provision  
13 of a local ordinance;

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

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

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

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

1 Sex Offender Registration Act.

2 (D) (blank).

3 (b) Expungement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Corrections, Section 12-4.3 or subdivision (b)(1) of  
2 Section 12-3.05 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, Section 10-102 of the Illinois  
4 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
5 the Substance Use Disorder Act, or Section 10 of the  
6 Steroid Control Act.

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

14 (c) Sealing.

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

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

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

25 (B) Arrests or charges not initiated by arrest  
26 resulting in acquittal, dismissal, or conviction when



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

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

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

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

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

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

26 (A) Records identified as eligible under

1 subsections (c) (2) (A) and (c) (2) (B) may be sealed at  
2 any time.

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

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

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

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

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

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

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

26 (d) Procedure. The following procedures apply to

1 expungement under subsections (b), (e), and (e-6) and sealing  
2 under subsections (c) and (e-5):

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

15 (1.5) County fee waiver pilot program. From August 9,  
16 2019 (the effective date of Public Act 101-306) through  
17 December 31, 2020, in a county of 3,000,000 or more  
18 inhabitants, no fee shall be required to be paid by a  
19 petitioner if the records sought to be expunged or sealed  
20 were arrests resulting in release without charging or  
21 arrests or charges not initiated by arrest resulting in  
22 acquittal, dismissal, or conviction when the conviction  
23 was reversed or vacated, unless excluded by subsection  
24 (a) (3) (B). The provisions of this paragraph (1.5), other  
25 than this sentence, are inoperative on and after January  
26 1, 2022.

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

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

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

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

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

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

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

11 (5) Objections.

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

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

23 (6) Entry of order.

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

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

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

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

1 applicable federal, State, or local law.

2 (D) Notwithstanding any other provision of law,  
3 the court shall not deny a petition to expunge or seal  
4 under this Section because the petitioner has  
5 submitted a drug test taken within 30 days before the  
6 filing of the petition to expunge or seal that  
7 indicates a positive test for the presence of cannabis  
8 within the petitioner's body. In this subparagraph  
9 (D), "cannabis" has the meaning ascribed to it in  
10 Section 3 of the Cannabis Control Act.

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

23 (A) the strength of the evidence supporting the  
24 defendant's conviction;

25 (B) the reasons for retention of the conviction  
26 records by the State;



1 (C) the petitioner's age, criminal record history,  
2 and employment history;

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

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

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

18 (9) Implementation of order.

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

22 (i) the records shall be expunged (as defined  
23 in subsection (a) (1) (E) (ii) ~~(a) (1) (E)~~) by the  
24 arresting agency, the Illinois State Police, and  
25 any other agency as ordered by the court, within  
26 60 days of the date of service of the order, unless

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

4 (ii) the records of the circuit court clerk  
5 shall be expunged (as defined in subsection  
6 (a)(1)(E)(i)), ~~impounded~~ until further order of  
7 the court upon good cause shown ~~and the name of the~~  
8 ~~petitioner obliterated on the official index~~  
9 ~~required to be kept by the circuit court clerk~~  
10 ~~under Section 16 of the Clerks of Courts Act, but~~  
11 ~~the order shall not affect any index issued by the~~  
12 ~~circuit court clerk before the entry of the order;~~  
13 and

14 (iii) in response to an inquiry for expunged  
15 records, the circuit court clerk ~~court~~, the  
16 Illinois State Police, or the agency receiving  
17 such inquiry, shall reply as it does in response  
18 to inquiries when no records ever existed.

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

22 (i) the records shall be expunged (as defined  
23 in subsection (a)(1)(E)(ii) ~~(a)(1)(E)~~) by the  
24 arresting agency and any other agency as ordered  
25 by the court, within 60 days of the date of service  
26 of the order, unless a motion to vacate, modify,

1 or reconsider the order is filed pursuant to  
2 paragraph (12) of subsection (d) of this Section;

3 (ii) the records of the circuit court clerk  
4 shall be expunged (as defined in subsection  
5 (a)(1)(E)(i)), ~~impounded~~ until further order of  
6 the 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 (iii) the records shall be impounded by the  
13 Illinois State Police within 60 days of the date  
14 of service of the order as ordered by the court,  
15 unless a motion to vacate, modify, or reconsider  
16 the order is filed pursuant to paragraph (12) of  
17 subsection (d) of this Section;

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

1 (v) in response to an inquiry for such records  
2 from anyone not authorized by law to access such  
3 records, the circuit court clerk ~~court~~, the  
4 Illinois State Police, or the agency receiving  
5 such inquiry shall reply as it does in response to  
6 inquiries when no records ever existed.

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

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

16 (ii) the records of the circuit court clerk  
17 shall be expunged (as defined in subsection  
18 (a) (1) (E) (i)), ~~impounded~~ until further order of  
19 the court upon good cause shown ~~and the name of the~~  
20 ~~petitioner obliterated on the official index~~  
21 ~~required to be kept by the circuit court clerk~~  
22 ~~under Section 16 of the Clerks of Courts Act, but~~  
23 ~~the order shall not affect any index issued by the~~  
24 ~~circuit court clerk before the entry of the order;~~

25 (iii) the records shall be impounded by the  
26 Illinois State Police within 60 days of the date

1 of service of the order as ordered by the court,  
2 unless a motion to vacate, modify, or reconsider  
3 the order is filed under paragraph (12) of  
4 subsection (d) of this Section;

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

13 (v) in response to an inquiry for these  
14 records from anyone not authorized by law to  
15 access the records, the circuit court clerk ~~court~~,  
16 the Illinois State Police, or the agency receiving  
17 the inquiry shall reply as it does in response to  
18 inquiries when no records ever existed.

19 (C) Upon entry of an order to seal records under  
20 subsection (c), the arresting agency, any other agency  
21 as ordered by the court, the Illinois State Police,  
22 and the circuit court clerk ~~court~~ shall seal the  
23 records (as defined in subsection (a)(1)(K)). In  
24 response to an inquiry for such records, from anyone  
25 not authorized by law to access such records, the  
26 circuit court clerk ~~court~~, the Illinois State Police,

1 or the agency receiving such inquiry shall reply as it  
2 does in response to inquiries when no records ever  
3 existed.

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

20 (E) Upon motion, the court may order that a sealed  
21 judgment or other court record necessary to  
22 demonstrate the amount of any legal financial  
23 obligation due and owing be made available for the  
24 limited purpose of collecting any legal financial  
25 obligations owed by the petitioner that were  
26 established, imposed, or originated in the criminal

1 proceeding for which those records have been sealed.  
2 The records made available under this subparagraph (E)  
3 shall not be entered into the official index required  
4 to be kept by the circuit court clerk under Section 16  
5 of the Clerks of Courts Act and shall be immediately  
6 resealed ~~re-impounded~~ upon the collection of the  
7 outstanding financial obligations.

8 (F) Notwithstanding any other provision of this  
9 Section, a circuit court clerk may access a sealed  
10 record for the limited purpose of collecting payment  
11 for any legal financial obligations that were  
12 established, imposed, or originated in the criminal  
13 proceedings for which those records have been sealed.

14 (10) Fees. The Illinois State Police may charge the  
15 petitioner a fee equivalent to the cost of processing any  
16 order to expunge or seal records. Notwithstanding any  
17 provision of the Clerks of Courts Act to the contrary, the  
18 circuit court clerk may charge a fee equivalent to the  
19 cost associated with the sealing or expungement of records  
20 by the circuit court clerk. From the total filing fee  
21 collected for the petition to seal or expunge, the circuit  
22 court clerk shall deposit \$10 into the Circuit Court Clerk  
23 Operation and Administrative Fund, to be used to offset  
24 the costs incurred by the circuit court clerk in  
25 performing the additional duties required to serve the  
26 petition to seal or expunge on all parties. The circuit

1 court clerk shall collect and remit the Illinois State  
2 Police portion of the fee to the State Treasurer and it  
3 shall be deposited in the State Police Services Fund. If  
4 the record brought under an expungement petition was  
5 previously sealed under this Section, the fee for the  
6 expungement petition for that same record shall be waived.

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

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

24 (13) Effect of Order. An order granting a petition  
25 under the expungement or sealing provisions of this  
26 Section shall not be considered void because it fails to



1       comply with the provisions of this Section or because of  
2       any error asserted in a motion to vacate, modify, or  
3       reconsider. The circuit court retains jurisdiction to  
4       determine whether the order is voidable and to vacate,  
5       modify, or reconsider its terms based on a motion filed  
6       under paragraph (12) of this subsection (d).

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

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

25               (16) The changes to this subsection (d) made by Public  
26       Act 98-163 apply to all petitions pending on August 5,

1           2013 (the effective date of Public Act 98-163) and to all  
2           orders ruling on a petition to expunge or seal on or after  
3           August 5, 2013 (the effective date of Public Act 98-163).

4           (e) Whenever a person who has been convicted of an offense  
5           is granted a pardon by the Governor 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 defendant'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 Illinois State Police be  
14          sealed until further order of the court upon good cause shown  
15          or as otherwise provided herein, and the name of the defendant  
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 pardoned but the order  
20          shall not affect any index issued by the circuit court clerk  
21          before the entry of the order. All records sealed by the  
22          Illinois State Police may be disseminated by the Illinois  
23          State Police only to the arresting authority, the State's  
24          Attorney, and the court upon a later arrest for the same or  
25          similar offense or for the purpose of sentencing for any  
26          subsequent felony. Upon conviction for any subsequent offense,

1 the Department of Corrections shall have access to all sealed  
2 records of the Illinois State Police pertaining to that  
3 individual. Upon entry of the order of expungement, the  
4 circuit court clerk shall promptly mail a copy of the order to  
5 the person who was pardoned.

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

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

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

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

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

1 later than September 1, 2010.

2 (g) Immediate Sealing.

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

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

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

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

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

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

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

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

26           (D) Service of Petition. A copy of the petition

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

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

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

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

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

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

22 (J) Final Order. No court order issued under this  
23 subsection (g) shall become final for purposes of  
24 appeal until 30 days after service of the order on the  
25 petitioner and all parties entitled to service of the  
26 order in conformance with subsection (d) (8).



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

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

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

26          (h) Sealing or vacation and expungement of trafficking

1 victims' crimes.

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

11 (1.5) A petition under paragraph (1) shall be  
12 prepared, signed, and filed in accordance with Supreme  
13 Court Rule 9. The court may allow the petitioner to attend  
14 any required hearing remotely in accordance with local  
15 rules. The court may allow a petition to be filed under  
16 seal if the public filing of the petition would constitute  
17 a risk of harm to the petitioner.

18 (2) A petitioner under this subsection (h), in  
19 addition to the requirements provided under paragraph (4)  
20 of subsection (d) of this Section, shall include in his or  
21 her petition a clear and concise statement that: (A) he or  
22 she was a victim of human trafficking at the time of the  
23 offense; and (B) that his or her participation in the  
24 offense was a result of human trafficking under Section  
25 10-9 of the Criminal Code of 2012 or a severe form of  
26 trafficking under the federal Trafficking Victims

1 Protection Act.

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

17 (i) Minor Cannabis Offenses under the Cannabis Control  
18 Act.

19 (1) Expungement of Arrest Records of Minor Cannabis  
20 Offenses.

21 (A) The Illinois State Police and all law  
22 enforcement agencies within the State shall  
23 automatically expunge all criminal history records of  
24 an arrest, charge not initiated by arrest, order of  
25 supervision, or order of qualified probation for a  
26 Minor Cannabis Offense committed prior to June 25,

1           2019 (the effective date of Public Act 101-27) if:

2                   (i) One year or more has elapsed since the  
3                   date of the arrest or law enforcement interaction  
4                   documented in the records; and

5                   (ii) No criminal charges were filed relating  
6                   to the arrest or law enforcement interaction or  
7                   criminal charges were filed and subsequently  
8                   dismissed or vacated or the arrestee was  
9                   acquitted.

10                  (B) If the law enforcement agency is unable to  
11                  verify satisfaction of condition (ii) in paragraph  
12                  (A), records that satisfy condition (i) in paragraph  
13                  (A) shall be automatically expunged.

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

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

20                   (ii) Records created prior to January 1, 2013,  
21                   but on or after January 1, 2000, shall be  
22                   automatically expunged prior to January 1, 2023;

23                   (iii) Records created prior to January 1, 2000  
24                   shall be automatically expunged prior to January  
25                   1, 2025.

26                  In response to an inquiry for expunged records,

1 the law enforcement agency receiving such inquiry  
2 shall reply as it does in response to inquiries when no  
3 records ever existed; however, it shall provide a  
4 certificate of disposition or confirmation that the  
5 record was expunged to the individual whose record was  
6 expunged if such a record exists.

7 (D) Nothing in this Section shall be construed to  
8 restrict or modify an individual's right to have that  
9 individual's records expunged except as otherwise may  
10 be provided in this Act, or diminish or abrogate any  
11 rights or remedies otherwise available to the  
12 individual.

13 (2) Pardons Authorizing Expungement of Minor Cannabis  
14 Offenses.

15 (A) Upon June 25, 2019 (the effective date of  
16 Public Act 101-27), the Department of State Police  
17 shall review all criminal history record information  
18 and identify all records that meet all of the  
19 following criteria:

20 (i) one or more convictions for a Minor  
21 Cannabis Offense;

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

25 (iii) the conviction identified in paragraph  
26 (2)(A)(i) is not associated with a conviction for

1 a violent crime as defined in subsection (c) of  
2 Section 3 of the Rights of Crime Victims and  
3 Witnesses Act.

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

9 (i) The Prisoner Review Board shall notify the  
10 State's Attorney of the county of conviction of  
11 each record identified by State Police in  
12 paragraph (2) (A) that is classified as a Class 4  
13 felony. The State's Attorney may provide a written  
14 objection to the Prisoner Review Board on the sole  
15 basis that the record identified does not meet the  
16 criteria established in paragraph (2) (A). Such an  
17 objection must be filed within 60 days or by such  
18 later date set by the Prisoner Review Board in the  
19 notice after the State's Attorney received notice  
20 from the Prisoner Review Board.

21 (ii) In response to a written objection from a  
22 State's Attorney, the Prisoner Review Board is  
23 authorized to conduct a non-public hearing to  
24 evaluate the information provided in the  
25 objection.

26 (iii) The Prisoner Review Board shall make a

1 confidential and privileged recommendation to the  
2 Governor as to whether to grant a pardon  
3 authorizing expungement for each of the records  
4 identified by the Department of State Police as  
5 described in paragraph (2) (A).

6 (C) If an individual has been granted a pardon  
7 authorizing expungement as described in this Section,  
8 the Prisoner Review Board, through the Attorney  
9 General, shall file a petition for expungement with  
10 the Chief Judge of the circuit or any judge of the  
11 circuit designated by the Chief Judge where the  
12 individual had been convicted. Such petition may  
13 include more than one individual. Whenever an  
14 individual who has been convicted of an offense is  
15 granted a pardon by the Governor that specifically  
16 authorizes expungement, an objection to the petition  
17 may not be filed. Petitions to expunge under this  
18 subsection (i) may include more than one individual.  
19 Within 90 days of the filing of such a petition, the  
20 court shall enter an order expunging the records of  
21 arrest from the official records of the arresting  
22 authority and order that the records of the circuit  
23 court clerk and the Illinois State Police be expunged  
24 and the name of the defendant obliterated from the  
25 official index requested to be kept by the circuit  
26 court clerk under Section 16 of the Clerks of Courts

1 Act in connection with the arrest and conviction for  
2 the offense for which the individual had received a  
3 pardon but the order shall not affect any index issued  
4 by the circuit court clerk before the entry of the  
5 order. Upon entry of the order of expungement, the  
6 circuit court clerk shall promptly provide a copy of  
7 the order and a certificate of disposition to the  
8 individual who was pardoned to the individual's last  
9 known address or by electronic means (if available) or  
10 otherwise make it available to the individual upon  
11 request.

12 (D) Nothing in this Section is intended to  
13 diminish or abrogate any rights or remedies otherwise  
14 available to the individual.

15 (3) Any individual may file a motion to vacate and  
16 expunge a conviction for a misdemeanor or Class 4 felony  
17 violation of Section 4 or Section 5 of the Cannabis  
18 Control Act. Motions to vacate and expunge under this  
19 subsection (i) may be filed with the circuit court, Chief  
20 Judge of a judicial circuit or any judge of the circuit  
21 designated by the Chief Judge. The circuit court clerk  
22 shall promptly serve a copy of the motion to vacate and  
23 expunge, and any supporting documentation, on the State's  
24 Attorney or prosecutor charged with the duty of  
25 prosecuting the offense. When considering such a motion to  
26 vacate and expunge, a court shall consider the following:



1 the reasons to retain the records provided by law  
2 enforcement, the petitioner's age, the petitioner's age at  
3 the time of offense, the time since the conviction, and  
4 the specific adverse consequences if denied. An individual  
5 may file such a petition after the completion of any  
6 non-financial sentence or non-financial condition imposed  
7 by the conviction. Within 60 days of the filing of such  
8 motion, a State's Attorney may file an objection to such a  
9 petition along with supporting evidence. If a motion to  
10 vacate and expunge is granted, the records shall be  
11 expunged in accordance with subparagraphs (d)(8) and  
12 (d)(9)(A) of this Section. An agency providing civil legal  
13 aid, as defined by Section 15 of the Public Interest  
14 Attorney Assistance Act, assisting individuals seeking to  
15 file a motion to vacate and expunge under this subsection  
16 may file motions to vacate and expunge with the Chief  
17 Judge of a judicial circuit or any judge of the circuit  
18 designated by the Chief Judge, and the motion may include  
19 more than one individual. Motions filed by an agency  
20 providing civil legal aid concerning more than one  
21 individual may be prepared, presented, and signed  
22 electronically.

23 (4) Any State's Attorney may file a motion to vacate  
24 and expunge a conviction for a misdemeanor or Class 4  
25 felony 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, and may include more than  
4 one individual. Motions filed by a State's Attorney  
5 concerning more than one individual may be prepared,  
6 presented, and signed electronically. When considering  
7 such a motion to vacate and expunge, a court shall  
8 consider the following: the reasons to retain the records  
9 provided by law enforcement, the individual's age, the  
10 individual's age at the time of offense, the time since  
11 the conviction, and the specific adverse consequences if  
12 denied. Upon entry of an order granting a motion to vacate  
13 and expunge records pursuant to this Section, the State's  
14 Attorney shall notify the Prisoner Review Board within 30  
15 days. Upon entry of the order of expungement, the circuit  
16 court clerk shall promptly provide a copy of the order and  
17 a certificate of disposition to the individual whose  
18 records will be expunged to the individual's last known  
19 address or by electronic means (if available) or otherwise  
20 make available to the individual upon request. If a motion  
21 to vacate and expunge is granted, the records shall be  
22 expunged in accordance with subparagraphs (d)(8) and  
23 (d)(9)(A) of this Section.

24 (5) In the public interest, the State's Attorney of a  
25 county has standing to file motions to vacate and expunge  
26 pursuant to this Section in the circuit court with

1 jurisdiction over the underlying conviction.

2 (6) If a person is arrested for a Minor Cannabis  
3 Offense as defined in this Section before June 25, 2019  
4 (the effective date of Public Act 101-27) and the person's  
5 case is still pending but a sentence has not been imposed,  
6 the person may petition the court in which the charges are  
7 pending for an order to summarily dismiss those charges  
8 against him or her, and expunge all official records of  
9 his or her arrest, plea, trial, conviction, incarceration,  
10 supervision, or expungement. If the court determines, upon  
11 review, that: (A) the person was arrested before June 25,  
12 2019 (the effective date of Public Act 101-27) for an  
13 offense that has been made eligible for expungement; (B)  
14 the case is pending at the time; and (C) the person has not  
15 been sentenced of the minor cannabis violation eligible  
16 for expungement under this subsection, the court shall  
17 consider the following: the reasons to retain the records  
18 provided by law enforcement, the petitioner's age, the  
19 petitioner's age at the time of offense, the time since  
20 the conviction, and the specific adverse consequences if  
21 denied. If a motion to dismiss and expunge is granted, the  
22 records shall be expunged in accordance with subparagraph  
23 (d) (9) (A) of this Section.

24 (7) A person imprisoned solely as a result of one or  
25 more convictions for Minor Cannabis Offenses under this  
26 subsection (i) shall be released from incarceration upon

1 the issuance of an order under this subsection.

2 (8) The Illinois State Police shall allow a person to  
3 use the access and review process, established in the  
4 Illinois State Police, for verifying that his or her  
5 records relating to Minor Cannabis Offenses of the  
6 Cannabis Control Act eligible under this Section have been  
7 expunged.

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

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

16 (11) Information. The Illinois State Police shall post  
17 general information on its website about the expungement  
18 process described in this subsection (i).

19 (j) Felony Prostitution Convictions.

20 (1) Any individual may file a motion to vacate and  
21 expunge a conviction for a prior Class 4 felony violation  
22 of prostitution. Motions to vacate and expunge under this  
23 subsection (j) may be filed with the circuit court, Chief  
24 Judge of a judicial circuit, or any judge of the circuit  
25 designated by the Chief Judge. When considering the motion  
26 to vacate and expunge, a court shall consider the

1 following:

2 (A) the reasons to retain the records provided by  
3 law enforcement;

4 (B) the petitioner's age;

5 (C) the petitioner's age at the time of offense;  
6 and

7 (D) the time since the conviction, and the  
8 specific adverse consequences if denied. An individual  
9 may file the petition after the completion of any  
10 sentence or condition imposed by the conviction.  
11 Within 60 days of the filing of the motion, a State's  
12 Attorney may file an objection to the petition along  
13 with supporting evidence. If a motion to vacate and  
14 expunge is granted, the records shall be expunged in  
15 accordance with subparagraph (d)(9)(A) of this  
16 Section. An agency providing civil legal aid, as  
17 defined in Section 15 of the Public Interest Attorney  
18 Assistance Act, assisting individuals seeking to file  
19 a motion to vacate and expunge under this subsection  
20 may file motions to vacate and expunge with the Chief  
21 Judge of a judicial circuit or any judge of the circuit  
22 designated by the Chief Judge, and the motion may  
23 include more than one individual.

24 (2) Any State's Attorney may file a motion to vacate  
25 and expunge a conviction for a Class 4 felony violation of  
26 prostitution. Motions to vacate and expunge under this

1 subsection (j) may be filed with the circuit court, Chief  
2 Judge of a judicial circuit, or any judge of the circuit  
3 court designated by the Chief Judge, and may include more  
4 than one individual. When considering the motion to vacate  
5 and expunge, a court shall consider the following reasons:

6 (A) the reasons to retain the records provided by  
7 law enforcement;

8 (B) the petitioner's age;

9 (C) the petitioner's age at the time of offense;

10 (D) the time since the conviction; and

11 (E) the specific adverse consequences if denied.

12 If the State's Attorney files a motion to vacate and  
13 expunge records for felony prostitution convictions  
14 pursuant to this Section, the State's Attorney shall  
15 notify the Prisoner Review Board within 30 days of the  
16 filing. If a motion to vacate and expunge is granted, the  
17 records shall be expunged in accordance with subparagraph  
18 (d) (9) (A) of this Section.

19 (3) In the public interest, the State's Attorney of a  
20 county has standing to file motions to vacate and expunge  
21 pursuant to this Section in the circuit court with  
22 jurisdiction over the underlying conviction.

23 (4) The Illinois State Police shall allow a person to  
24 a use the access and review process, established in the  
25 Illinois State Police, for verifying that his or her  
26 records relating to felony prostitution eligible under

1 this Section have been expunged.

2 (5) No conviction vacated pursuant to this Section  
3 shall serve as the basis for damages for time unjustly  
4 served as provided in the Court of Claims Act.

5 (6) Effect of Expungement. A person's right to expunge  
6 an expungeable offense shall not be limited under this  
7 Section. The effect of an order of expungement shall be to  
8 restore the person to the status he or she occupied before  
9 the arrest, charge, or conviction.

10 (7) Information. The Illinois State Police shall post  
11 general information on its website about the expungement  
12 process described in this subsection (j).

13 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;  
14 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.  
15 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

16 Section 10. The Court Record and Document Accessibility  
17 Act is amended by changing Section 5 as follows:

18 (705 ILCS 86/5)

19 Sec. 5. Record and document accessibility.

20 (a) All records and documents are presumed to be  
21 accessible by the court and the clerk of the court. A clerk of  
22 the court shall limit access to case information and documents  
23 that are not identified as public to the clerk of the court or  
24 limited supervisory staff through the use of access codes

1 restricting access. Access to court records and documents  
2 remotely over the Internet shall be as authorized by the  
3 Illinois Supreme Court Remote Access Policy.

4 (b) Unless otherwise specified by rule, statute, or order,  
5 access to case information and documents maintained by the  
6 clerk of the court is defined as follows:

7 (1) "Public" means a document or case that is  
8 accessible by any person upon request.

9 (2) "Impounded" means a document or case that is  
10 accessible only to the parties of record on a case;  
11 otherwise, the document or case is only accessible upon  
12 order of a court.

13 (3) "Confidential" means a document or case that is  
14 accessible only to the party submitting the document or  
15 filing the case; otherwise, the document or case is only  
16 accessible upon order of a court.

17 (4) "Sealed" means a document or case that is  
18 accessible only upon order of a court.

19 (5) "Expunged" means a document or case that is  
20 accessible only upon order of a court ~~as provided in~~  
21 ~~subparagraph (E) of paragraph (1) of subsection (a) of~~  
22 ~~Section 5.2 of the Criminal Identification Act.~~

23 (c) Notwithstanding any provision of subsections (a) and  
24 (b), the court may enter an order restricting access to any  
25 case or document per order of court.

26 (d) If any law of this State restricts access to any case



1 information and documents maintained by the clerk of the court  
2 by using the phrase "shall not be public", or a similar phrase  
3 stating that a court record is not available to the public, the  
4 clerk of the court shall impound such case information and  
5 documents unless the court directs otherwise.

6 (e) Notwithstanding any other provision of law, if any law  
7 or statute of this State conflicts with Supreme Court Rule 8,  
8 then Supreme Court Rule 8 governs.

9 (Source: P.A. 103-166, eff. 1-1-24.)

10 Section 15. The Code of Civil Procedure is amended by  
11 changing Section 9-121 as follows:

12 (735 ILCS 5/9-121)

13 Sec. 9-121. Impounding ~~Sealing~~ of court file.

14 (a) Definitions. ~~Definition.~~ As used in this Section:  
15 ~~"court~~

16 "Court file" means the court file created when an  
17 eviction action is filed with the court.

18 "Impounded" has the same meaning as in paragraph (2)  
19 of subsection (b) of Section 5 of the Court Record and Document  
20 Accessibility Act.

21 (b) Discretionary impounding ~~sealing~~ of court file. The  
22 court may order that a court file in an eviction action be  
23 impounded ~~placed under seal~~ if the court finds that the  
24 plaintiff's action is sufficiently without a basis in fact or

1 law, which may include a lack of jurisdiction, that impounding  
2 ~~placing~~ the court file ~~under seal~~ is clearly in the interests  
3 of justice, and that those interests are not outweighed by the  
4 public's interest in knowing about the record.

5 (b-5) Impounding of court file by agreement. The court may  
6 order that a file may be impounded by agreement of the parties.

7 (c) Mandatory impounding ~~sealing~~ of court file. The court  
8 file relating to an eviction action brought against a tenant  
9 under Section 9-207.5 of this Code or as set forth in  
10 subdivision (h)(6) of Section 15-1701 of this Code shall be  
11 impounded ~~placed under seal~~.

12 (d) This Section is operative on and after August 1, 2022.  
13 (Source: P.A. 102-5, eff. 5-17-21.)".