



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1830

Introduced 2/9/2023, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Identification Act. Provides that a petitioner may file a petition to vacate and expunge certain felony possession violations under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act. Amends the Counties Code. Provides that the States Attorney's office of each county shall report annually to the Sentencing Policy Advisory Council certain information regarding each person whose case was disposed under the Illinois Controlled Substances Act, the Cannabis Control Act, and the Methamphetamine Control and Community Protection Act. Amends the Illinois Controlled Substances Act. Provides that notwithstanding any provision of the statute prohibiting the knowing manufacture, delivery, or intent to manufacture or deliver a controlled substance to the contrary, this provision does not apply to possession with intent to deliver an amount of a controlled or counterfeit substances or controlled substance analogs for which possession is classified as a Class A misdemeanor. Reduces the penalties for the knowing manufacture or delivery, possession with intent to manufacture or deliver, or possession of certain specified controlled substances. Reduces the penalties for the knowing possession of certain specified controlled substances. Amends the Unified Code of Corrections and the Code of Civil Procedure to make conforming changes.

LRB103 24815 RLC 51146 b

1 AN ACT concerning criminal law.

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

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

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement, 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.

17 Court, Section 5-1-6.

18 Defendant, Section 5-1-7.

19 Felony, Section 5-1-9.

20 Imprisonment, Section 5-1-10.

21 Judgment, Section 5-1-12.

22 Misdemeanor, Section 5-1-14.

23 Offense, Section 5-1-15.

1 Parole, Section 5-1-16.
2 Petty Offense, Section 5-1-17.
3 Probation, Section 5-1-18.
4 Sentence, Section 5-1-19.
5 Supervision, Section 5-1-21.
6 Victim, Section 5-1-22.

7 (B) As used in this Section, "charge not initiated
8 by arrest" means a charge (as defined by Section 5-1-3
9 of the Unified Code of Corrections) brought against a
10 defendant where the defendant is not arrested prior to
11 or as a direct 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) ~~Section 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 Illinois State
25 Police for persons arrested prior to their 17th birthday
26 shall be expunged as provided in Section 5-915 of the

1 Juvenile 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 Illinois State Police, other criminal justice agencies,
14 the prosecutor, and the trial court concerning such
15 arrest, if any, by removing his or her name from all such
16 records in connection with the arrest and conviction, if
17 any, and by inserting in the records the name of the
18 offender, if known or ascertainable, in lieu of the
19 aggrieved's name. The records of the circuit court clerk
20 shall be sealed until further order of the court upon good
21 cause shown and the name of the aggrieved person
22 obliterated on the official index required to be kept by
23 the circuit court clerk under Section 16 of the Clerks of
24 Courts Act, but the order shall not affect any index
25 issued by the circuit court clerk before the entry of the
26 order. Nothing in this Section shall limit the Illinois

1 State Police or other criminal justice agencies or
2 prosecutors from listing under an offender's name the
3 false names he or she 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 Illinois State Police concerning the offense shall
16 not be sealed. The court, upon good cause shown, shall
17 make the records of the circuit court clerk in connection
18 with the proceedings of the trial court concerning the
19 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 Illinois
4 State Police from maintaining all records of any person
5 who is admitted to probation upon terms and conditions and
6 who fulfills those terms and conditions pursuant to
7 Section 10 of the Cannabis Control Act, Section 410 of the
8 Illinois Controlled Substances Act, Section 70 of the
9 Methamphetamine Control and Community Protection Act,
10 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
11 Corrections, Section 12-4.3 or subdivision (b)(1) of
12 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 subsections ~~subsection~~ (c)(2)(A) and (c)(2)(B) may be
12 sealed at 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 subsection ~~subsections~~ (c) (2) (C), (c) (2) (D),
8 (c) (2) (E), or (c) (2) (F) may be sealed upon termination
9 of the petitioner's last sentence if the petitioner
10 earned a high school diploma, associate's degree,
11 career certificate, vocational technical
12 certification, or bachelor's degree, or passed the
13 high school level Test of General Educational
14 Development, during the period of his or her sentence
15 or mandatory supervised release. This subparagraph
16 shall apply only to a petitioner who has not completed
17 the same educational goal prior to the period of his or
18 her sentence or mandatory supervised release. If a
19 petition for sealing eligible records filed under this
20 subparagraph is denied by the court, the time periods
21 under subparagraph (B) or (C) shall apply to any
22 subsequent petition for sealing filed by the
23 petitioner.

24 (4) Subsequent felony convictions. A person may not
25 have subsequent felony conviction records sealed as
26 provided in this subsection (c) if he or she is convicted

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

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

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

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

26 (1.5) County fee waiver pilot program. From August 9,

1 2019 (the effective date of Public Act 101-306) through
2 December 31, 2020, in a county of 3,000,000 or more
3 inhabitants, no fee shall be required to be paid by a
4 petitioner if the records sought to be expunged or sealed
5 were arrests resulting in release without charging or
6 arrests or charges not initiated by arrest resulting in
7 acquittal, dismissal, or conviction when the conviction
8 was reversed or vacated, unless excluded by subsection
9 (a)(3)(B). The provisions of this paragraph (1.5), other
10 than this sentence, are inoperative on and after January
11 1, 2022.

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

26 (3) Drug test. The petitioner must attach to the

1 petition proof that the petitioner has taken within 30
2 days before the filing of the petition a test showing the
3 absence within his or her body of all illegal substances
4 as defined by the Illinois Controlled Substances Act and
5 the Methamphetamine Control and Community Protection Act
6 if he or she 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 Illinois State Police, the
20 arresting agency and the chief legal officer of the unit
21 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 Illinois State Police, the arresting agency, or the
18 chief legal officer files an objection to the petition
19 to expunge or seal within 60 days from the date of
20 service of the petition, the court shall enter an
21 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 (D) Notwithstanding any other provision of law,
14 the court shall not deny a petition to expunge or seal
15 under this Section because the petitioner has
16 submitted a drug test taken within 30 days before the
17 filing of the petition to expunge or seal that
18 indicates a positive test for the presence of cannabis
19 within the petitioner's body. In this subparagraph
20 (D), "cannabis" has the meaning ascribed to it in
21 Section 3 of the Cannabis Control Act.

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

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

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

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

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

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

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

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

1 government effecting the arrest, and to such other
2 criminal justice agencies as may be ordered by the court.

3 (9) Implementation of order.

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

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

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

24 (iii) in response to an inquiry for expunged
25 records, the court, the Illinois State Police, or
26 the agency receiving such inquiry, shall reply as

1 it does in response to inquiries when no records
2 ever existed.

3 (B) Upon entry of an order to expunge records
4 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
5 both:

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

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

21 (iii) the records shall be impounded by the
22 Illinois State Police within 60 days of the date
23 of service of the order as ordered by the court,
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 (iv) records impounded by the Illinois State
2 Police may be disseminated by the Illinois State
3 Police only as required by law or to the arresting
4 authority, the State's Attorney, and the court
5 upon a later arrest for the same or a similar
6 offense or for the purpose of sentencing for any
7 subsequent felony, and to the Department of
8 Corrections upon conviction for any offense; and

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

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

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

24 (ii) the records of the circuit court clerk
25 shall be impounded until further order of the
26 court upon good cause shown and the name of the

1 petitioner obliterated on the official index
2 required to be kept by the circuit court clerk
3 under Section 16 of the Clerks of Courts Act, but
4 the order shall not affect any index issued by the
5 circuit court clerk before the entry of the order;

6 (iii) the records shall be impounded by the
7 Illinois State Police within 60 days of the date
8 of service of the order as ordered by the court,
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 (iv) records impounded by the Illinois State
13 Police may be disseminated by the Illinois State
14 Police only as required by law or to the arresting
15 authority, the State's Attorney, and the court
16 upon a later arrest for the same or a similar
17 offense or for the purpose of sentencing for any
18 subsequent felony, and to the Department of
19 Corrections upon conviction for any offense; and

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

26 (C) Upon entry of an order to seal records under

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

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

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

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

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

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

1 collected for the petition to seal or expunge, the circuit
2 court clerk shall deposit \$10 into the Circuit Court Clerk
3 Operation and Administrative Fund, to be used to offset
4 the costs incurred by the circuit court clerk in
5 performing the additional duties required to serve the
6 petition to seal or expunge on all parties. The circuit
7 court clerk shall collect and remit the Illinois State
8 Police portion of the fee to the State Treasurer and it
9 shall be deposited in the State Police Services Fund. If
10 the record brought under an expungement petition was
11 previously sealed under this Section, the fee for the
12 expungement petition for that same record shall be waived.

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

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

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

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

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

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

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

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

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

1 before the entry of the order. All records sealed by the
2 Illinois State Police may be disseminated by the Illinois
3 State Police only to the arresting authority, the State's
4 Attorney, and the court upon a later arrest for the same or
5 similar offense or for the purpose of sentencing for any
6 subsequent felony. Upon conviction for any subsequent offense,
7 the Department of Corrections shall have access to all sealed
8 records of the Illinois State Police pertaining to that
9 individual. Upon entry of the order of expungement, the
10 circuit court clerk shall promptly mail a copy of the order to
11 the person who was pardoned.

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

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

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

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

22 (f) Subject to available funding, the Illinois Department
23 of Corrections shall conduct a study of the impact of sealing,
24 especially on employment and recidivism rates, utilizing a
25 random sample of those who apply for the sealing of their
26 criminal records under Public Act 93-211. At the request of

1 the Illinois Department of Corrections, records of the
2 Illinois Department of Employment Security shall be utilized
3 as appropriate to assist in the study. The study shall not
4 disclose any data in a manner that would allow the
5 identification of any particular individual or employing unit.
6 The study shall be made available to the General Assembly no
7 later than September 1, 2010.

8 (g) Immediate Sealing.

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

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

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

1 (4) Notice of Eligibility for Immediate Sealing. Upon
2 entry of a disposition for an eligible record under this
3 subsection (g), the defendant shall be informed by the
4 court of his or her right to have eligible records
5 immediately sealed and the procedure for the immediate
6 sealing of these records.

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

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

22 (B) Contents of Petition. The immediate sealing
23 petition shall be verified and shall contain the
24 petitioner's name, date of birth, current address, and
25 for each eligible record, the case number, the date of
26 arrest if applicable, the identity of the arresting

1 authority if applicable, and other information as the
2 court may require.

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

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

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

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

19 (G) Service of Order. An order to immediately seal
20 eligible records shall be served in conformance with
21 subsection (d) (8).

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

25 (I) Fees. The fee imposed by the circuit court
26 clerk and the Illinois State Police shall comply with

1 paragraph (1) of subsection (d) of this Section.

2 (J) Final Order. No court order issued under this
3 subsection (g) shall become final for purposes of
4 appeal until 30 days after service of the order on the
5 petitioner and all parties entitled to service of the
6 order in conformance with subsection (d) (8).

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

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

26 (M) Compliance with Order Granting Petition to

1 Seal Records. Unless a court has entered a stay of an
2 order granting a petition to immediately seal, all
3 parties entitled to service of the order must fully
4 comply with the terms of the order within 60 days of
5 service of the order.

6 (h) Sealing; trafficking victims.

7 (1) A trafficking victim as defined by paragraph (10)
8 of subsection (a) of Section 10-9 of the Criminal Code of
9 2012 shall be eligible to petition for immediate sealing
10 of his or her criminal record upon the completion of his or
11 her last sentence if his or her participation in the
12 underlying offense was a direct result of human
13 trafficking under Section 10-9 of the Criminal Code of
14 2012 or a severe form of trafficking under the federal
15 Trafficking Victims Protection Act.

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

26 (3) If an objection is filed alleging that the

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

14 (i) Minor Cannabis Offenses under the Cannabis Control
15 Act.

16 (1) Expungement of Arrest Records of Minor Cannabis
17 Offenses.

18 (A) The Illinois State Police and all law
19 enforcement agencies within the State shall
20 automatically expunge all criminal history records of
21 an arrest, charge not initiated by arrest, order of
22 supervision, or order of qualified probation for a
23 Minor Cannabis Offense committed prior to June 25,
24 2019 (the effective date of Public Act 101-27) if:

25 (i) One year or more has elapsed since the
26 date of the arrest or law enforcement interaction

1 documented in the records; and

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

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

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

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

17 (ii) Records created prior to January 1, 2013,
18 but on or after January 1, 2000, shall be
19 automatically expunged prior to January 1, 2023;

20 (iii) Records created prior to January 1, 2000
21 shall be automatically expunged prior to January
22 1, 2025.

23 In response to an inquiry for expunged records,
24 the law enforcement agency receiving such inquiry
25 shall reply as it does in response to inquiries when no
26 records ever existed; however, it shall provide a

1 certificate of disposition or confirmation that the
2 record was expunged to the individual whose record was
3 expunged if such a record exists.

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

10 (2) Pardons Authorizing Expungement of Minor Cannabis
11 Offenses.

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

17 (i) one or more convictions for a Minor
18 Cannabis Offense;

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

22 (iii) the conviction identified in paragraph
23 (2)(A)(i) is not associated with a conviction for
24 a violent crime as defined in subsection (c) of
25 Section 3 of the Rights of Crime Victims and
26 Witnesses Act.

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

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

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

23 (iii) The Prisoner Review Board shall make a
24 confidential and privileged recommendation to the
25 Governor as to whether to grant a pardon
26 authorizing expungement for each of the records

1 identified by the Department of State Police as
2 described in paragraph (2) (A).

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

1 by the circuit court clerk before the entry of the
2 order. Upon entry of the order of expungement, the
3 circuit court clerk shall promptly provide a copy of
4 the order and a certificate of disposition to the
5 individual who was pardoned to the individual's last
6 known address or by electronic means (if available) or
7 otherwise make it available to the individual upon
8 request.

9 (D) Nothing in this Section is intended to
10 diminish or abrogate any rights or remedies otherwise
11 available to the individual.

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

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

20 (4) Any State's Attorney may file a motion to vacate
21 and expunge a conviction for a misdemeanor or Class 4
22 felony violation of Section 4 or Section 5 of the Cannabis
23 Control Act. Motions to vacate and expunge under this
24 subsection (i) may be filed with the circuit court, Chief
25 Judge of a judicial circuit or any judge of the circuit
26 designated by the Chief Judge, and may include more than

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

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

25 (6) If a person is arrested for a Minor Cannabis
26 Offense as defined in this Section before June 25, 2019

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

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

25 (8) The Illinois State Police shall allow a person to
26 use the access and review process, established in the

1 Illinois State Police, for verifying that his or her
2 records relating to Minor Cannabis Offenses of the
3 Cannabis Control Act eligible under this Section have been
4 expunged.

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

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

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

16 (j) Felony Prostitution Convictions.

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

25 (A) the reasons to retain the records provided by
26 law enforcement;

1 (B) the petitioner's age;
2 (C) the petitioner's age at the time of offense;
3 and

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

21 (2) Any State's Attorney may file a motion to vacate
22 and expunge a conviction for a Class 4 felony violation of
23 prostitution. Motions to vacate and expunge under this
24 subsection (j) may be filed with the circuit court, Chief
25 Judge of a judicial circuit, or any judge of the circuit
26 court designated by the Chief Judge, and may include more

1 than one individual. When considering the motion to vacate
2 and expunge, a court shall consider the following reasons:

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

5 (B) the petitioner's age;

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

7 (D) the time since the conviction; and

8 (E) the specific adverse consequences if denied.

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

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

20 (4) The Illinois State Police shall allow a person to
21 use the access and review process, established in the
22 Illinois State Police, for verifying that his or her
23 records relating to felony prostitution eligible under
24 this Section have been expunged.

25 (5) No conviction vacated pursuant to this Section
26 shall serve as the basis for damages for time unjustly

1 served as provided in the Court of Claims Act.

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

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

10 (k) Felony Controlled Substance or Methamphetamine
11 Possession Convictions.

12 (1) Any individual may file a petition to vacate and
13 expunge a conviction for:

14 (A) a Class 4 felony violation of Section 402 of
15 the Illinois Controlled Substances Act; or

16 (B) a Class 2 felony or Class 3 felony violation of
17 Section 60 of the Methamphetamine Control and
18 Community Protection Act.

19 (2) A petition to vacate and expunge under this
20 subsection (k) may be filed with the circuit court, the
21 Chief Judge of a judicial circuit, or any judge of the
22 circuit designated by the Chief Judge. When considering
23 the petition to vacate and expunge, a court shall consider
24 the following:

25 (A) the reasons to retain the records provided by
26 law enforcement;

- 1 (B) the petitioner's age;
2 (C) the petitioner's age at the time of the
3 offense;
4 (D) the time since the conviction; and
5 (E) the specific adverse consequences if the
6 petition is denied.

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

22 (3) Any State's Attorney may file a petition to vacate
23 and expunge a conviction for an offense described in
24 paragraph (1) of this subsection (k). A petition to vacate
25 and expunge under this paragraph may be filed with the
26 circuit court, the Chief Judge of a judicial circuit, or

1 any judge of the circuit court designated by the Chief
2 Judge, and may include more than one individual. When
3 considering the petition to vacate and expunge, a court
4 shall consider the following:

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

7 (B) the age of the person convicted;

8 (C) the age of the person convicted at the time of
9 the offense;

10 (D) the time since the conviction; and

11 (E) the specific adverse consequences if the
12 petition is denied.

13 If a petition to vacate and expunge is granted, the
14 records shall be expunged in accordance with subparagraph
15 (d) (9) (A) of this Section.

16 (4) In the public interest, the State's Attorney of a
17 county has standing to file a petition to vacate and
18 expunge under this subsection in the circuit court with
19 jurisdiction over the underlying conviction.

20 (5) The Illinois State Police shall allow a person to
21 use the access and review process established in the
22 Illinois State Police for verifying that the eligible
23 records under this Section have been expunged.

24 (6) No conviction vacated under this subsection shall
25 serve as the basis for damages for time unjustly served
26 under the Court of Claims Act.

1 (7) A person's right to expunge an expungeable offense
2 shall not be limited under this subsection. The effect of
3 an order of expungement shall be to restore the person to
4 the status that he or she held before the arrest, charge,
5 or conviction.

6 (8) The Illinois State Police shall post general
7 information on its website about the expungement process
8 described in this subsection.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
10 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
11 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
12 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
13 5-13-22; 102-933, eff. 1-1-23; revised 12-8-22.)

14 Section 10. The Counties Code is amended by adding Section
15 3-9014 as follows:

16 (55 ILCS 5/3-9014 new)

17 Sec. 3-9014. State's Attorney annual report to the
18 Sentencing Policy Advisory Council. The States Attorney's
19 office of each county shall report annually to the Sentencing
20 Policy Advisory Council the following information regarding
21 each individual whose case was disposed under the Illinois
22 Controlled Substances Act, the Cannabis Control Act, or the
23 Methamphetamine Control and Community Protection Act:

24 (1) the race, gender, ethnicity, and age of each

1 individual charged with a violation of these Acts whose case
2 was disposed in the prior year;

3 (2) the original charge or charges against each
4 individual, including:

5 (A) the statutory citation or citations of the
6 original charge;

7 (B) if the individual is charged under Section 5 of
8 the Cannabis Control Act, Section 401 or 407 of the
9 Illinois Controlled Substances Act, or Section 55 of the
10 Methamphetamine Control and Community Protection Act,
11 whether the individual was alleged to have possessed with
12 intent to deliver, delivered, or manufactured a substance;
13 and

14 (C) the amount of controlled substance alleged to have
15 been involved in the offense in the original charge;

16 (3) the number of days the case was pending, and how many
17 of those days the individual was incarcerated before trial;
18 and

19 (4) the disposition of each individual's charges,
20 including:

21 (A) whether the individual plead guilty, was found
22 guilty at a bench or jury trial, was found not guilty, had
23 the case dismissed after participation in a diversion or
24 deferred prosecution program, had the case dismissed for
25 nondiversion reasons, or had another disposition; and

26 (B) if the individual was found guilty at trial, plead

1 guilty, or plead to supervision:

2 (i) the statutory citation or citations of the
3 charge the individual was found guilty of or plead
4 guilty to;

5 (ii) if the individual is convicted or sentenced
6 to supervision under Section 5 of the Cannabis Control
7 Act, Section 401 or 407 of the Illinois Controlled
8 Substances Act, or Section 55 of the Methamphetamine
9 Control and Community Protection Act, whether the
10 individual was found to have possessed with intent to
11 deliver, delivered, or manufactured a substance; and

12 (iii) the amount of controlled substance found to
13 have been involved in the offense; and

14 (C) the sentence each individual whose case resolved
15 with a finding of guilt, a guilty plea, or a plea to
16 supervision, including whether the individual was
17 sentenced to a special form of probation or other
18 community release.

19 Section 15. The Illinois Controlled Substances Act is
20 amended by changing Sections 401, 402, and 408 as follows:

21 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

22 Sec. 401. Manufacture or delivery, or possession with
23 intent to manufacture or deliver, a controlled substance, a
24 counterfeit substance, or controlled substance analog. Except

1 as authorized by this Act, it is unlawful for any person
2 knowingly to manufacture or deliver, or possess with intent to
3 manufacture or deliver, a controlled substance other than
4 methamphetamine and other than bath salts as defined in the
5 Bath Salts Prohibition Act sold or offered for sale in a retail
6 mercantile establishment as defined in Section 16-0.1 of the
7 Criminal Code of 2012, a counterfeit substance, or a
8 controlled substance analog. A violation of this Act with
9 respect to each of the controlled substances listed herein
10 constitutes a single and separate violation of this Act. For
11 purposes of this Section, "controlled substance analog" or
12 "analog" means a substance, other than a controlled substance,
13 which is not approved by the United States Food and Drug
14 Administration or, if approved, is not dispensed or possessed
15 in accordance with State or federal law, and that has a
16 chemical structure substantially similar to that of a
17 controlled substance in Schedule I or II, or that was
18 specifically designed to produce an effect substantially
19 similar to that of a controlled substance in Schedule I or II.
20 Examples of chemical classes in which controlled substance
21 analogs are found include, but are not limited to, the
22 following: phenethylamines, N-substituted piperidines,
23 morphinans, ecgonines, quinazolinones, substituted indoles,
24 and arylcycloalkylamines. For purposes of this Act, a
25 controlled substance analog shall be treated in the same
26 manner as the controlled substance to which it is

1 substantially similar.

2 (a) Any person who violates this Section with respect to
3 the following amounts of controlled or counterfeit substances
4 or controlled substance analogs, notwithstanding any of the
5 provisions of subsections (c), (d), (e), (f), (g) or (h) to the
6 contrary, is guilty of a Class X felony and shall be sentenced
7 to a term of imprisonment as provided in this subsection (a)
8 and fined as provided in subsection (b):

9 (1) (A) not less than 6 years and not more than 30 years
10 with respect to 15 grams or more but less than 100 grams of
11 a substance containing heroin, or an analog thereof;

12 (B) not less than 9 years and not more than 40 years
13 with respect to 100 grams or more but less than 400 grams
14 of a substance containing heroin, or an analog thereof;

15 (C) not less than 12 years and not more than 50 years
16 with respect to 400 grams or more but less than 900 grams
17 of a substance containing heroin, or an analog thereof;

18 (D) not less than 15 years and not more than 60 years
19 with respect to 900 grams or more of any substance
20 containing heroin, or an analog thereof;

21 (1.5) (A) not less than 6 years and not more than 30
22 years with respect to 15 grams or more but less than 100
23 grams of a substance containing fentanyl, or an analog
24 thereof;

25 (B) not less than 9 years and not more than 40 years
26 with respect to 100 grams or more but less than 400 grams

1 of a substance containing fentanyl, or an analog thereof;

2 (C) not less than 12 years and not more than 50 years
3 with respect to 400 grams or more but less than 900 grams
4 of a substance containing fentanyl, or an analog thereof;

5 (D) not less than 15 years and not more than 60 years
6 with respect to 900 grams or more of a substance
7 containing fentanyl, or an analog thereof;

8 (2) (A) not less than 6 years and not more than 30 years
9 with respect to 15 grams or more but less than 100 grams of
10 a substance containing cocaine, or an analog thereof;

11 (B) not less than 9 years and not more than 40 years
12 with respect to 100 grams or more but less than 400 grams
13 of a substance containing cocaine, or an analog thereof;

14 (C) not less than 12 years and not more than 50 years
15 with respect to 400 grams or more but less than 900 grams
16 of a substance containing cocaine, or an analog thereof;

17 (D) not less than 15 years and not more than 60 years
18 with respect to 900 grams or more of any substance
19 containing cocaine, or an analog thereof;

20 (3) (A) not less than 6 years and not more than 30 years
21 with respect to 15 grams or more but less than 100 grams of
22 a substance containing morphine, or an analog thereof;

23 (B) not less than 9 years and not more than 40 years
24 with respect to 100 grams or more but less than 400 grams
25 of a substance containing morphine, or an analog thereof;

26 (C) not less than 12 years and not more than 50 years

1 with respect to 400 grams or more but less than 900 grams
2 of a substance containing morphine, or an analog thereof;

3 (D) not less than 15 years and not more than 60 years
4 with respect to 900 grams or more of a substance
5 containing morphine, or an analog thereof;

6 (4) 200 grams or more of any substance containing
7 peyote, or an analog thereof;

8 (5) 200 grams or more of any substance containing a
9 derivative of barbituric acid or any of the salts of a
10 derivative of barbituric acid, or an analog thereof;

11 (6) 200 grams or more of any substance containing
12 amphetamine or any salt of an optical isomer of
13 amphetamine, or an analog thereof;

14 (6.5) (blank);

15 (6.6) (blank);

16 (7) (A) not less than 6 years and not more than 30 years
17 with respect to: (i) 15 grams or more but less than 100
18 grams of a substance containing lysergic acid diethylamide
19 (LSD), or an analog thereof, or (ii) 15 or more objects or
20 15 or more segregated parts of an object or objects but
21 less than 200 objects or 200 segregated parts of an object
22 or objects containing in them or having upon them any
23 amounts of any substance containing lysergic acid
24 diethylamide (LSD), or an analog thereof;

25 (B) not less than 9 years and not more than 40 years
26 with respect to: (i) 100 grams or more but less than 400

1 grams of a substance containing lysergic acid diethylamide
2 (LSD), or an analog thereof, or (ii) 200 or more objects or
3 200 or more segregated parts of an object or objects but
4 less than 600 objects or less than 600 segregated parts of
5 an object or objects containing in them or having upon
6 them any amount of any substance containing lysergic acid
7 diethylamide (LSD), or an analog thereof;

8 (C) not less than 12 years and not more than 50 years
9 with respect to: (i) 400 grams or more but less than 900
10 grams of a substance containing lysergic acid diethylamide
11 (LSD), or an analog thereof, or (ii) 600 or more objects or
12 600 or more segregated parts of an object or objects but
13 less than 1500 objects or 1500 segregated parts of an
14 object or objects containing in them or having upon them
15 any amount of any substance containing lysergic acid
16 diethylamide (LSD), or an analog thereof;

17 (D) not less than 15 years and not more than 60 years
18 with respect to: (i) 900 grams or more of any substance
19 containing lysergic acid diethylamide (LSD), or an analog
20 thereof, or (ii) 1500 or more objects or 1500 or more
21 segregated parts of an object or objects containing in
22 them or having upon them any amount of a substance
23 containing lysergic acid diethylamide (LSD), or an analog
24 thereof;

25 (7.5) (A) not less than 6 years and not more than 30 years
26 with respect to: (i) 15 grams or more but less than 100

1 grams of a substance listed in paragraph (1), (2), (2.1),
2 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
3 (26) of subsection (d) of Section 204, or an analog or
4 derivative thereof, or (ii) 15 or more pills, tablets,
5 caplets, capsules, or objects but less than 200 pills,
6 tablets, caplets, capsules, or objects containing in them
7 or having upon them any amounts of any substance listed in
8 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
9 (20.1), (21), (25), or (26) of subsection (d) of Section
10 204, or an analog or derivative thereof;

11 (B) not less than 9 years and not more than 40 years
12 with respect to: (i) 100 grams or more but less than 400
13 grams of a substance listed in paragraph (1), (2), (2.1),
14 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
15 (26) of subsection (d) of Section 204, or an analog or
16 derivative thereof, or (ii) 200 or more pills, tablets,
17 caplets, capsules, or objects but less than 600 pills,
18 tablets, caplets, capsules, or objects containing in them
19 or having upon them any amount of any substance listed in
20 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
21 (20.1), (21), (25), or (26) of subsection (d) of Section
22 204, or an analog or derivative thereof;

23 (C) not less than 12 years and not more than 50 years
24 with respect to: (i) 400 grams or more but less than 900
25 grams of a substance listed in paragraph (1), (2), (2.1),
26 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

1 (26) of subsection (d) of Section 204, or an analog or
2 derivative thereof, or (ii) 600 or more pills, tablets,
3 caplets, capsules, or objects but less than 1,500 pills,
4 tablets, caplets, capsules, or objects containing in them
5 or having upon them any amount of any substance listed in
6 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
7 (20.1), (21), (25), or (26) of subsection (d) of Section
8 204, or an analog or derivative thereof;

9 (D) not less than 15 years and not more than 60 years
10 with respect to: (i) 900 grams or more of any substance
11 listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1),
12 (19), (20), (20.1), (21), (25), or (26) of subsection (d)
13 of Section 204, or an analog or derivative thereof, or
14 (ii) 1,500 or more pills, tablets, caplets, capsules, or
15 objects containing in them or having upon them any amount
16 of a substance listed in paragraph (1), (2), (2.1), (2.2),
17 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
18 subsection (d) of Section 204, or an analog or derivative
19 thereof;

20 (8) 30 grams or more of any substance containing
21 pentazocine or any of the salts, isomers and salts of
22 isomers of pentazocine, or an analog thereof;

23 (9) 30 grams or more of any substance containing
24 methaqualone or any of the salts, isomers and salts of
25 isomers of methaqualone, or an analog thereof;

26 (10) 30 grams or more of any substance containing

1 phencyclidine or any of the salts, isomers and salts of
2 isomers of phencyclidine (PCP), or an analog thereof;

3 (10.5) 30 grams or more of any substance containing
4 ketamine or any of the salts, isomers and salts of isomers
5 of ketamine, or an analog thereof;

6 (10.6) 100 grams or more of any substance containing
7 hydrocodone, or any of the salts, isomers and salts of
8 isomers of hydrocodone, or an analog thereof;

9 (10.7) (blank);

10 (10.8) 100 grams or more of any substance containing
11 dihydrocodeine, or any of the salts, isomers and salts of
12 isomers of dihydrocodeine, or an analog thereof;

13 (10.9) 100 grams or more of any substance containing
14 oxycodone, or any of the salts, isomers and salts of
15 isomers of oxycodone, or an analog thereof;

16 (11) 200 grams or more of any substance containing any
17 other controlled substance classified in Schedules I or
18 II, or an analog thereof, which is not otherwise included
19 in this subsection.

20 (b) Any person sentenced with respect to violations of
21 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
22 involving 100 grams or more of the controlled substance named
23 therein, may in addition to the penalties provided therein, be
24 fined an amount not more than \$500,000 or the full street value
25 of the controlled or counterfeit substance or controlled
26 substance analog, whichever is greater. The term "street

1 value" shall have the meaning ascribed in Section 110-5 of the
2 Code of Criminal Procedure of 1963. Any person sentenced with
3 respect to any other provision of subsection (a), may in
4 addition to the penalties provided therein, be fined an amount
5 not to exceed \$500,000.

6 (b-1) Excluding violations of this Act when the controlled
7 substance is fentanyl, any person sentenced to a term of
8 imprisonment with respect to violations of Section 401, 401.1,
9 405, 405.1, 405.2, or 407, when the substance containing the
10 controlled substance contains any amount of fentanyl, 3 years
11 shall be added to the term of imprisonment imposed by the
12 court, and the maximum sentence for the offense shall be
13 increased by 3 years.

14 (c) Any person who violates this Section with regard to
15 the following amounts of controlled or counterfeit substances
16 or controlled substance analogs, notwithstanding any of the
17 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
18 to the contrary, is guilty of a Class 1 felony. The fine for
19 violation of this subsection (c) shall not be more than
20 \$250,000:

21 (1) 1 gram or more but less than 15 grams of any
22 substance containing heroin, or an analog thereof;

23 (1.5) 1 gram or more but less than 15 grams of any
24 substance containing fentanyl, or an analog thereof;

25 (2) 1 gram or more but less than 15 grams of any
26 substance containing cocaine, or an analog thereof;

1 (3) 10 grams or more but less than 15 grams of any
2 substance containing morphine, or an analog thereof;

3 (4) 50 grams or more but less than 200 grams of any
4 substance containing peyote, or an analog thereof;

5 (5) 50 grams or more but less than 200 grams of any
6 substance containing a derivative of barbituric acid or
7 any of the salts of a derivative of barbituric acid, or an
8 analog thereof;

9 (6) 50 grams or more but less than 200 grams of any
10 substance containing amphetamine or any salt of an optical
11 isomer of amphetamine, or an analog thereof;

12 (6.5) (blank);

13 (7) (i) 5 grams or more but less than 15 grams of any
14 substance containing lysergic acid diethylamide (LSD), or
15 an analog thereof, or (ii) more than 10 objects or more
16 than 10 segregated parts of an object or objects but less
17 than 15 objects or less than 15 segregated parts of an
18 object containing in them or having upon them any amount
19 of any substance containing lysergic acid diethylamide
20 (LSD), or an analog thereof;

21 (7.5) (i) 5 grams or more but less than 15 grams of any
22 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
23 (14.1), (19), (20), (20.1), (21), (25), or (26) of
24 subsection (d) of Section 204, or an analog or derivative
25 thereof, or (ii) more than 10 pills, tablets, caplets,
26 capsules, or objects but less than 15 pills, tablets,

1 caplets, capsules, or objects containing in them or having
2 upon them any amount of any substance listed in paragraph
3 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
4 (21), (25), or (26) of subsection (d) of Section 204, or an
5 analog or derivative thereof;

6 (8) 10 grams or more but less than 30 grams of any
7 substance containing pentazocine or any of the salts,
8 isomers and salts of isomers of pentazocine, or an analog
9 thereof;

10 (9) 10 grams or more but less than 30 grams of any
11 substance containing methaqualone or any of the salts,
12 isomers and salts of isomers of methaqualone, or an analog
13 thereof;

14 (10) 10 grams or more but less than 30 grams of any
15 substance containing phencyclidine or any of the salts,
16 isomers and salts of isomers of phencyclidine (PCP), or an
17 analog thereof;

18 (10.5) 10 grams or more but less than 30 grams of any
19 substance containing ketamine or any of the salts, isomers
20 and salts of isomers of ketamine, or an analog thereof;

21 (10.6) 50 grams or more but less than 100 grams of any
22 substance containing hydrocodone, or any of the salts,
23 isomers and salts of isomers of hydrocodone, or an analog
24 thereof;

25 (10.7) (blank);

26 (10.8) 50 grams or more but less than 100 grams of any

1 substance containing dihydrocodeine, or any of the salts,
2 isomers and salts of isomers of dihydrocodeine, or an
3 analog thereof;

4 (10.9) 50 grams or more but less than 100 grams of any
5 substance containing oxycodone, or any of the salts,
6 isomers and salts of isomers of oxycodone, or an analog
7 thereof;

8 (11) 50 grams or more but less than 200 grams of any
9 substance containing a substance classified in Schedules I
10 or II, or an analog thereof, which is not otherwise
11 included in this subsection.

12 (c-5) (Blank).

13 (d) Any person who violates this Section with regard to
14 any other amount of a controlled or counterfeit substance
15 containing dihydrocodeine or classified in Schedules I or II,
16 or an analog thereof, which is (i) a narcotic drug, (ii)
17 lysergic acid diethylamide (LSD) or an analog thereof, (iii)
18 any substance containing amphetamine or fentanyl or any salt
19 or optical isomer of amphetamine or fentanyl, or an analog
20 thereof, or (iv) any substance containing N-Benzylpiperazine
21 (BZP) or any salt or optical isomer of N-Benzylpiperazine
22 (BZP), or an analog thereof, is guilty of a Class 2 felony. The
23 fine for violation of this subsection (d) shall not be more
24 than \$200,000.

25 (d-5) (Blank).

26 (e) Any person who violates this Section with regard to

1 any other amount of a controlled substance other than
2 methamphetamine or counterfeit substance classified in
3 Schedule I or II, or an analog thereof, which substance is not
4 included under subsection (d) of this Section, is guilty of a
5 Class 3 felony. The fine for violation of this subsection (e)
6 shall not be more than \$150,000.

7 (f) Any person who violates this Section with regard to
8 any other amount of a controlled or counterfeit substance
9 classified in Schedule III is guilty of a Class 3 felony. The
10 fine for violation of this subsection (f) shall not be more
11 than \$125,000.

12 (g) Any person who violates this Section with regard to
13 any other amount of a controlled or counterfeit substance
14 classified in Schedule IV is guilty of a Class 3 felony. The
15 fine for violation of this subsection (g) shall not be more
16 than \$100,000.

17 (h) Any person who violates this Section with regard to
18 any other amount of a controlled or counterfeit substance
19 classified in Schedule V is guilty of a Class 3 felony. The
20 fine for violation of this subsection (h) shall not be more
21 than \$75,000.

22 (i) This Section does not apply to the manufacture,
23 possession or distribution of a substance in conformance with
24 the provisions of an approved new drug application or an
25 exemption for investigational use within the meaning of
26 Section 505 of the Federal Food, Drug and Cosmetic Act.

1 (j) (Blank).

2 (k) Notwithstanding any provision of this Section to the
3 contrary, any person who violates this Section by possessing
4 with intent to deliver an amount of a controlled or
5 counterfeit substance or controlled substance analog for which
6 possession is classified as a Class A misdemeanor under
7 subsection (c) of Section 402 of this Act is guilty of a Class
8 A misdemeanor, except that:

9 (1) a person convicted of a third or subsequent
10 offense under this subsection is guilty of a Class 2
11 felony; and

12 (2) a person convicted of violating this subsection
13 after having been convicted a total of 2 or more times of
14 any combination of the following offenses is guilty of a
15 Class 2 felony:

16 (A) any violation of this Act that is punishable
17 as a Class 3 felony or higher, except a violation of
18 Section 402; or

19 (B) any violation of the Methamphetamine Control
20 and Community Protection Act that is punishable as a
21 Class 2 felony or higher, except a violation of
22 Section 60.

23 Nothing in this subsection (k) limits the application of
24 Section 401 to the manufacture or delivery of any amount of a
25 controlled substance.

26 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17;

1 100-368, eff. 1-1-18.)

2 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

3 Sec. 402. Except as otherwise authorized by this Act, it
4 is unlawful for any person knowingly to possess a controlled
5 or counterfeit substance or controlled substance analog. A
6 violation of this Act with respect to each of the controlled
7 substances listed herein constitutes a single and separate
8 violation of this Act. For purposes of this Section,
9 "controlled substance analog" or "analog" means a substance,
10 other than a controlled substance, which is not approved by
11 the United States Food and Drug Administration or, if
12 approved, is not dispensed or possessed in accordance with
13 State or federal law, and that has a chemical structure
14 substantially similar to that of a controlled substance in
15 Schedule I or II, or that was specifically designed to produce
16 an effect substantially similar to that of a controlled
17 substance in Schedule I or II. Examples of chemical classes in
18 which controlled substance analogs are found include, but are
19 not limited to, the following: phenethylamines, N-substituted
20 piperidines, morphinans, ecgonines, quinazolinones,
21 substituted indoles, and arylcycloalkylamines. For purposes of
22 this Act, a controlled substance analog shall be treated in
23 the same manner as the controlled substance to which it is
24 substantially similar.

25 (a) Any person who violates this Section with respect to

1 the following controlled or counterfeit substances and
2 amounts, notwithstanding any of the provisions of subsections
3 (c) and (d) to the contrary, is guilty of a Class 1 felony and
4 shall, if sentenced to a term of imprisonment, be sentenced as
5 provided in this subsection (a) and fined as provided in
6 subsection (b):

7 (1) (A) not less than 4 years and not more than 15
8 years with respect to 15 grams or more but less than
9 100 grams of a substance containing heroin;

10 (B) not less than 6 years and not more than 30
11 years with respect to 100 grams or more but less than
12 400 grams of a substance containing heroin;

13 (C) not less than 8 years and not more than 40
14 years with respect to 400 grams or more but less than
15 900 grams of any substance containing heroin;

16 (D) not less than 10 years and not more than 50
17 years with respect to 900 grams or more of any
18 substance containing heroin;

19 (2) (A) not less than 4 years and not more than 15
20 years with respect to 15 grams or more but less than
21 100 grams of any substance containing cocaine;

22 (B) not less than 6 years and not more than 30
23 years with respect to 100 grams or more but less than
24 400 grams of any substance containing cocaine;

25 (C) not less than 8 years and not more than 40
26 years with respect to 400 grams or more but less than

1 900 grams of any substance containing cocaine;

2 (D) not less than 10 years and not more than 50
3 years with respect to 900 grams or more of any
4 substance containing cocaine;

5 (3) (A) not less than 4 years and not more than 15
6 years with respect to 15 grams or more but less than
7 100 grams of any substance containing morphine;

8 (B) not less than 6 years and not more than 30
9 years with respect to 100 grams or more but less than
10 400 grams of any substance containing morphine;

11 (C) not less than 6 years and not more than 40
12 years with respect to 400 grams or more but less than
13 900 grams of any substance containing morphine;

14 (D) not less than 10 years and not more than 50
15 years with respect to 900 grams or more of any
16 substance containing morphine;

17 (4) 200 grams or more of any substance containing
18 peyote;

19 (5) 200 grams or more of any substance containing a
20 derivative of barbituric acid or any of the salts of a
21 derivative of barbituric acid;

22 (6) 200 grams or more of any substance containing
23 amphetamine or any salt of an optical isomer of
24 amphetamine;

25 (6.5) (blank);

26 (7) (A) not less than 4 years and not more than 15

1 years with respect to: (i) 15 grams or more but less
2 than 100 grams of any substance containing lysergic
3 acid diethylamide (LSD), or an analog thereof, or (ii)
4 15 or more objects or 15 or more segregated parts of an
5 object or objects but less than 200 objects or 200
6 segregated parts of an object or objects containing in
7 them or having upon them any amount of any substance
8 containing lysergic acid diethylamide (LSD), or an
9 analog thereof;

10 (B) not less than 6 years and not more than 30
11 years with respect to: (i) 100 grams or more but less
12 than 400 grams of any substance containing lysergic
13 acid diethylamide (LSD), or an analog thereof, or (ii)
14 200 or more objects or 200 or more segregated parts of
15 an object or objects but less than 600 objects or less
16 than 600 segregated parts of an object or objects
17 containing in them or having upon them any amount of
18 any substance containing lysergic acid diethylamide
19 (LSD), or an analog thereof;

20 (C) not less than 8 years and not more than 40
21 years with respect to: (i) 400 grams or more but less
22 than 900 grams of any substance containing lysergic
23 acid diethylamide (LSD), or an analog thereof, or (ii)
24 600 or more objects or 600 or more segregated parts of
25 an object or objects but less than 1500 objects or 1500
26 segregated parts of an object or objects containing in

1 them or having upon them any amount of any substance
2 containing lysergic acid diethylamide (LSD), or an
3 analog thereof;

4 (D) not less than 10 years and not more than 50
5 years with respect to: (i) 900 grams or more of any
6 substance containing lysergic acid diethylamide (LSD),
7 or an analog thereof, or (ii) 1500 or more objects or
8 1500 or more segregated parts of an object or objects
9 containing in them or having upon them any amount of a
10 substance containing lysergic acid diethylamide (LSD),
11 or an analog thereof;

12 (7.5) (A) not less than 4 years and not more than 15
13 years with respect to: (i) 15 grams or more but less
14 than 100 grams of any substance listed in paragraph
15 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
16 (20.1), (21), (25), or (26) of subsection (d) of
17 Section 204, or an analog or derivative thereof, or
18 (ii) 15 or more pills, tablets, caplets, capsules, or
19 objects but less than 200 pills, tablets, caplets,
20 capsules, or objects containing in them or having upon
21 them any amount of any substance listed in paragraph
22 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
23 (20.1), (21), (25), or (26) of subsection (d) of
24 Section 204, or an analog or derivative thereof;

25 (B) not less than 6 years and not more than 30
26 years with respect to: (i) 100 grams or more but less

1 than 400 grams of any substance listed in paragraph
2 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
3 (20.1), (21), (25), or (26) of subsection (d) of
4 Section 204, or an analog or derivative thereof, or
5 (ii) 200 or more pills, tablets, caplets, capsules, or
6 objects but less than 600 pills, tablets, caplets,
7 capsules, or objects containing in them or having upon
8 them any amount of any substance listed in paragraph
9 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
10 (20.1), (21), (25), or (26) of subsection (d) of
11 Section 204, or an analog or derivative thereof;

12 (C) not less than 8 years and not more than 40
13 years with respect to: (i) 400 grams or more but less
14 than 900 grams of any substance listed in paragraph
15 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
16 (20.1), (21), (25), or (26) of subsection (d) of
17 Section 204, or an analog or derivative thereof, or
18 (ii) 600 or more pills, tablets, caplets, capsules, or
19 objects but less than 1,500 pills, tablets, caplets,
20 capsules, or objects containing in them or having upon
21 them any amount of any substance listed in paragraph
22 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
23 (20.1), (21), (25), or (26) of subsection (d) of
24 Section 204, or an analog or derivative thereof;

25 (D) not less than 10 years and not more than 50
26 years with respect to: (i) 900 grams or more of any

1 substance listed in paragraph (1), (2), (2.1), (2.2),
2 (3), (14.1), (19), (20), (20.1), (21), (25), or (26)
3 of subsection (d) of Section 204, or an analog or
4 derivative thereof, or (ii) 1,500 or more pills,
5 tablets, caplets, capsules, or objects containing in
6 them or having upon them any amount of a substance
7 listed in paragraph (1), (2), (2.1), (2.2), (3),
8 (14.1), (19), (20), (20.1), (21), (25), or (26) of
9 subsection (d) of Section 204, or an analog or
10 derivative thereof;

11 (8) 30 grams or more of any substance containing
12 pentazocine or any of the salts, isomers, and salts of
13 isomers of pentazocine, or an analog thereof;

14 (9) 30 grams or more of any substance containing
15 methaqualone or any of the salts, isomers, and salts of
16 isomers of methaqualone;

17 (10) 30 grams or more of any substance containing
18 phencyclidine or any of the salts, isomers, and salts of
19 isomers of phencyclidine (PCP);

20 (10.5) 30 grams or more of any substance containing
21 ketamine or any of the salts, isomers, and salts of
22 isomers of ketamine;

23 (11) 200 grams or more of any substance containing any
24 substance classified as a narcotic drug in Schedules I or
25 II, or an analog thereof, which is not otherwise included
26 in this subsection.

1 (b) Any person sentenced with respect to violations of
2 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
3 involving 100 grams or more of the controlled substance named
4 therein, may in addition to the penalties provided therein, be
5 fined an amount not to exceed \$200,000 or the full street value
6 of the controlled or counterfeit substances, whichever is
7 greater. The term "street value" shall have the meaning
8 ascribed in Section 110-5 of the Code of Criminal Procedure of
9 1963. Any person sentenced with respect to any other provision
10 of subsection (a), may in addition to the penalties provided
11 therein, be fined an amount not to exceed \$200,000.

12 (b-1) Any person who violates this Section with regard to
13 the following amounts of controlled or counterfeit substances
14 or controlled substance analogs, notwithstanding any of the
15 provisions of subsections (a), (b), or (d) to the contrary, is
16 guilty of a Class 4 felony, and the fine for a violation of
17 this subsection (b-1) shall not be more than \$25,000:

18 (1) 3 grams or more but less than 15 grams of any
19 substance containing heroin, or an analog thereof;

20 (2) 3 grams or more but less than 200 grams of any
21 substance containing fentanyl, or an analog thereof;

22 (3) 5 grams or more but less than 15 grams of any
23 substance containing cocaine, or an analog thereof;

24 (4) 4 grams or more but less than 15 grams of any
25 substance containing morphine, or an analog thereof;

26 (5) (i) 1 gram or more but less than 15 grams of any

1 substance containing lysergic acid diethylamide (LSD); or
2 (ii) more than 40 objects or segregated parts of an
3 object or objects but less than 100 objects or segregated
4 parts of an object or objects containing in them or having
5 upon them any amount of a substance containing lysergic
6 acid diethylamide (LSD), or an analog thereof;

7 (6) (i) 2 grams or more but less than 15 grams of any
8 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
9 (14.1), (19), (20), (20.1), (21), (25), or (26) of
10 subsection (d) of Section 204, or an analog or derivative
11 thereof; or

12 (ii) 5 or more pills, tablets, caplets, capsules, or
13 objects containing in them or having upon them any amount
14 of any substance listed in paragraph (1), (2), (2.1),
15 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
16 (26) of subsection (d) of Section 204, or an analog or
17 derivative thereof;

18 (7) 50 grams or more but less than 200 grams of any
19 substance containing peyote, or an analog thereof;

20 (8) 50 grams or more but less than 200 grams of any
21 substance containing a derivative of barbituric acid or
22 any of the salts of a derivative of barbituric acid, or an
23 analog thereof;

24 (9) 50 grams or more but less than 200 grams of any
25 substance containing amphetamine or any salt of an optical
26 isomer of amphetamine, or an analog thereof;

1 (10) 4 grams or more but less than 30 grams of any
2 substance containing pentazocine or any of the salts,
3 isomers, and salts of isomers of pentazocine, or an analog
4 thereof;

5 (11) 4 grams or more but less than 30 grams of any
6 substance containing methaqualone or any of the salts,
7 isomers, and salts of isomers of methaqualone, or an
8 analog thereof;

9 (12) 3 grams or more but less than 30 grams of any
10 substance containing phencyclidine or any of the salts,
11 isomers, and salts of isomers of phencyclidine (PCP), or
12 an analog thereof;

13 (13) 3 grams or more but less than 30 grams of any
14 substance containing ketamine or any of the salts,
15 isomers, and salts of isomers of ketamine, or an analog
16 thereof;

17 (14) (i) 4 grams or more but less than 200 grams of a
18 substance containing hydrocodone, dihydrocodeine,
19 oxycodone, or any of the salts, isomers, and salts of
20 isomers of hydrocodone, dihydrocodeine, or oxycodone, or
21 an analog thereof; or (ii) more than 40 pills, tablets,
22 caplets, capsules, or objects but less than 100 pills,
23 tablets, capsules, or objects containing hydrocodone,
24 dihydrocodeine, oxycodone, or any of the salts, isomers,
25 and salts of isomers of hydrocodone, dihydrocodeine, or
26 oxycodone, or an analog of hydrocodone, dihydrocodeine, or

1 oxycodone;

2 (15) 50 grams or more but less than 200 grams of any
3 substance classified as a narcotic drug in Schedule I or
4 II, or an analog thereof, that is not otherwise included
5 in this subsection.

6 (c) Any person who violates this Section with regard to an
7 amount of a controlled substance other than methamphetamine or
8 counterfeit substance not set forth in subsection (a), ~~(b-1),~~
9 or (d) is guilty of a Class A misdemeanor ~~Class 4 felony. The~~
10 ~~fine for a violation punishable under this subsection (c)~~
11 ~~shall not be more than \$25,000.~~

12 (d) Any person who violates this Section with regard to
13 any amount of anabolic steroid is guilty of a Class C
14 misdemeanor for the first offense and a Class B misdemeanor
15 for a subsequent offense committed within 2 years of a prior
16 conviction.

17 (Source: P.A. 99-371, eff. 1-1-16; 100-368, eff. 1-1-18.)

18 (720 ILCS 570/408) (from Ch. 56 1/2, par. 1408)

19 Sec. 408. Second or subsequent offense; penalties.

20 (a) Any person convicted of a second or subsequent felony
21 offense under this Act may be sentenced to imprisonment for a
22 term up to twice the maximum term otherwise authorized, fined
23 an amount up to twice that otherwise authorized, or both.

24 (b) For purposes of this Section, an offense is considered
25 a second or subsequent felony offense, if, prior to his or her

1 conviction of the offense, the person:

2 (1) has been convicted, subsequent to the effective
3 date of this amendatory Act of the 103rd General Assembly,
4 of a felony violation of this Act or the Methamphetamine
5 Control and Community Protection Act or any substantially
6 similar law of any other state or the United States; or

7 (2) has at any time been convicted of a Class 1 or
8 higher felony violation of this Act or the Methamphetamine
9 Control and Community Protection Act or any substantially
10 similar law of any other state or the United States.

11 ~~offender has at any time been convicted under this Act or~~
12 ~~under any law of the United States or of any State relating~~
13 ~~to controlled substances.~~

14 (Source: P.A. 97-334, eff. 1-1-12.)

15 Section 20. The Methamphetamine Control and Community
16 Protection Act is amended by changing Sections 55 and 60 as
17 follows:

18 (720 ILCS 646/55)

19 Sec. 55. Methamphetamine delivery.

20 (a) Delivery or possession with intent to deliver
21 methamphetamine or a substance containing methamphetamine.

22 (1) It is unlawful knowingly to engage in the delivery
23 or possession with intent to deliver methamphetamine or a
24 substance containing methamphetamine.

1 (2) A person who violates paragraph (1) of this
2 subsection (a) is subject to the following penalties:

3 (A) A person who delivers ~~or possesses with intent~~
4 ~~to deliver~~ less than 5 grams of methamphetamine or a
5 substance containing methamphetamine is guilty of a
6 Class 2 felony.

7 (A-1) A person who possesses with intent to
8 deliver less than 3 grams of methamphetamine or a
9 substance containing methamphetamine is guilty of a
10 Class A misdemeanor, except that:

11 (i) A person convicted of a third or
12 subsequent offense under this subsection is guilty
13 of a Class 2 felony; and

14 (ii) A person convicted of violating this
15 subsection after having been convicted a total of
16 2 or more times of any combination of the
17 following offenses is guilty of a Class 2 felony:

18 (I) any violation of the Illinois
19 Controlled Substances Act that is punishable
20 as a Class 3 felony or higher, except a
21 violation of Section 402; or

22 (II) any violation of this Act that is
23 punishable as a Class 2 felony or higher,
24 except a violation of Section 60.

25 Nothing in this subparagraph (A-1) limits the
26 application of this Section to the delivery of any

1 amount of a substance containing methamphetamine.

2 (A-2) A person who possesses with intent to
3 deliver 3 grams or more but less than 5 grams of
4 methamphetamine or a substance containing
5 methamphetamine is guilty of a Class 2 felony.

6 (B) A person who delivers or possesses with intent
7 to deliver 5 or more grams but less than 15 grams of
8 methamphetamine or a substance containing
9 methamphetamine is guilty of a Class 1 felony.

10 (C) A person who delivers or possesses with intent
11 to deliver 15 or more grams but less than 100 grams of
12 methamphetamine or a substance containing
13 methamphetamine is guilty of a Class X felony, subject
14 to a term of imprisonment of not less than 6 years and
15 not more than 30 years, and subject to a fine not to
16 exceed \$100,000 or the street value of the
17 methamphetamine, whichever is greater.

18 (D) A person who delivers or possesses with intent
19 to deliver 100 or more grams but less than 400 grams of
20 methamphetamine or a substance containing
21 methamphetamine is guilty of a Class X felony, subject
22 to a term of imprisonment of not less than 9 years and
23 not more than 40 years, and subject to a fine not to
24 exceed \$200,000 or the street value of the
25 methamphetamine, whichever is greater.

26 (E) A person who delivers or possesses with intent

1 to deliver 400 or more grams but less than 900 grams of
2 methamphetamine or a substance containing
3 methamphetamine is guilty of a Class X felony, subject
4 to a term of imprisonment of not less than 12 years and
5 not more than 50 years, and subject to a fine not to
6 exceed \$300,000 or the street value of the
7 methamphetamine, whichever is greater.

8 (F) A person who delivers or possesses with intent
9 to deliver 900 or more grams of methamphetamine or a
10 substance containing methamphetamine is guilty of a
11 Class X felony, subject to a term of imprisonment of
12 not less than 15 years and not more than 60 years, and
13 subject to a fine not to exceed \$400,000 or the street
14 value of the methamphetamine, whichever is greater.

15 (b) Aggravated delivery or possession with intent to
16 deliver methamphetamine or a substance containing
17 methamphetamine.

18 (1) It is unlawful to engage in the aggravated
19 delivery or possession with intent to deliver
20 methamphetamine or a substance containing methamphetamine.
21 A person engages in the aggravated delivery or possession
22 with intent to deliver methamphetamine or a substance
23 containing methamphetamine when the person violates
24 paragraph (1) of subsection (a) of this Section and:

25 (A) the person is at least 18 years of age and
26 knowingly delivers or possesses with intent to deliver

1 the methamphetamine or substance containing
2 methamphetamine to a person under 18 years of age;

3 (B) the person is at least 18 years of age and
4 knowingly uses, engages, employs, or causes another
5 person to use, engage, or employ a person under 18
6 years of age to deliver the methamphetamine or
7 substance containing methamphetamine;

8 (C) the person knowingly delivers or possesses
9 with intent to deliver the methamphetamine or
10 substance containing methamphetamine in any structure
11 or vehicle protected by one or more firearms,
12 explosive devices, booby traps, alarm systems,
13 surveillance systems, guard dogs, or dangerous
14 animals;

15 (D) the person knowingly delivers or possesses
16 with intent to deliver the methamphetamine or
17 substance containing methamphetamine in any school, on
18 any real property comprising any school, or in any
19 conveyance owned, leased, or contracted by a school to
20 transport students to or from school or a
21 school-related activity and at the time of the
22 violation persons under the age of 18 are present, the
23 offense is committed during school hours, or the
24 offense is committed at times when persons under the
25 age of 18 are reasonably expected to be present in the
26 school, in the conveyance, or on the real property,

1 such as when after-school activities are occurring;

2 (E) the person delivers or causes another person
3 to deliver the methamphetamine or substance containing
4 methamphetamine to a woman that the person knows to be
5 pregnant; or

6 (F) (blank).

7 (2) A person who violates paragraph (1) of this
8 subsection (b) is subject to the following penalties:

9 (A) A person who delivers or possesses with intent
10 to deliver less than 5 grams of methamphetamine or a
11 substance containing methamphetamine is guilty of a
12 Class 1 felony.

13 (B) A person who delivers or possesses with intent
14 to deliver 5 or more grams but less than 15 grams of
15 methamphetamine or a substance containing
16 methamphetamine is guilty of a Class X felony, subject
17 to a term of imprisonment of not less than 6 years and
18 not more than 30 years, and subject to a fine not to
19 exceed \$100,000 or the street value of the
20 methamphetamine, whichever is greater.

21 (C) A person who delivers or possesses with intent
22 to deliver 15 or more grams but less than 100 grams of
23 methamphetamine or a substance containing
24 methamphetamine is guilty of a Class X felony, subject
25 to a term of imprisonment of not less than 8 years and
26 not more than 40 years, and subject to a fine not to

1 exceed \$200,000 or the street value of the
2 methamphetamine, whichever is greater.

3 (D) A person who delivers or possesses with intent
4 to deliver 100 or more grams of methamphetamine or a
5 substance containing methamphetamine is guilty of a
6 Class X felony, subject to a term of imprisonment of
7 not less than 10 years and not more than 50 years, and
8 subject to a fine not to exceed \$300,000 or the street
9 value of the methamphetamine, whichever is greater.

10 (Source: P.A. 100-3, eff. 1-1-18.)

11 (720 ILCS 646/60)

12 Sec. 60. Methamphetamine possession.

13 (a) It is unlawful knowingly to possess methamphetamine or
14 a substance containing methamphetamine.

15 (b) A person who violates subsection (a) is subject to the
16 following penalties:

17 (1) A person who possesses less than 3 ~~5~~ grams of
18 methamphetamine or a substance containing methamphetamine
19 is guilty of a Class A misdemeanor ~~3-felony~~.

20 (2) A person who possesses 3 ~~5~~ or more grams but less
21 than 15 grams of methamphetamine or a substance containing
22 methamphetamine is guilty of a Class 4 ~~2~~ felony.

23 (3) A person who possesses 15 or more grams but less
24 than 100 grams of methamphetamine or a substance
25 containing methamphetamine is guilty of a Class 1 felony.

1 (4) A person who possesses 100 or more grams but less
2 than 400 grams of methamphetamine or a substance
3 containing methamphetamine is guilty of a Class X felony,
4 subject to a term of imprisonment of not less than 6 years
5 and not more than 30 years, and subject to a fine not to
6 exceed \$100,000.

7 (5) A person who possesses 400 or more grams but less
8 than 900 grams of methamphetamine or a substance
9 containing methamphetamine is guilty of a Class X felony,
10 subject to a term of imprisonment of not less than 8 years
11 and not more than 40 years, and subject to a fine not to
12 exceed \$200,000.

13 (6) A person who possesses 900 or more grams of
14 methamphetamine or a substance containing methamphetamine
15 is guilty of a Class X felony, subject to a term of
16 imprisonment of not less than 10 years and not more than 50
17 years, and subject to a fine not to exceed \$300,000.

18 (Source: P.A. 94-556, eff. 9-11-05.)

19 Section 25. The Unified Code of Corrections is amended
20 changing Section 5-6-3.8 and by adding Section 5-6-3.7 as
21 follows:

22 (730 ILCS 5/5-6-3.7 new)

23 Sec. 5-6-3.7. Misdemeanor diversion program.

24 (a) The General Assembly seeks to promote public safety,

1 conserve valuable resources, and reduce recidivism through the
2 establishment of misdemeanor diversion programs.

3 (b) In this Section:

4 "Appropriate and accessible" refers to services that
5 are likely to be needed by a participant in the program,
6 and whose location and hours of service make
7 transportation to and from the services reasonable for the
8 participant.

9 "Eligible misdemeanor" means any misdemeanor that is
10 not subject to the denial of pretrial release under
11 subsection (a) of Section 110-6.1 of the Code of Criminal
12 Procedure of 1963.

13 "Human services organization" means any organization
14 equipped to provide screening services described in
15 paragraph (2) of subsection (e) or authorized by the State
16 to perform behavioral health treatment or substance use
17 intervention and treatment or other social services,
18 including, but not limited to, homelessness services,
19 education, and job training and placement.

20 (c) Any circuit court or the State's Attorney of any
21 county may establish a misdemeanor diversion program in
22 accordance with this Section.

23 (d) Whenever any person who does not have a felony case
24 pending is arrested for and charged with an eligible
25 misdemeanor, the court, with the consent of the defendant, may
26 suspend the proceedings prior to the entry of a finding of

1 guilt or plea of guilty to ascertain the defendant's
2 eligibility to participate in and complete the misdemeanor
3 diversion program. If the program was established by the
4 State's Attorney, then except as otherwise provided in this
5 subsection (d), the defendant's eligibility to participate in
6 the program shall be within the discretion of the State's
7 Attorney.

8 A finding of guilt, plea of guilty, or admission of
9 sufficient facts to find guilt is not a prerequisite for
10 participation in the program.

11 (e) The State's Attorney shall be responsible for
12 identifying eligible defendants. Placement into the program
13 shall include the following:

14 (1) At the defendant's initial court appearance or as
15 soon as the defendant's eligibility for the program may be
16 ascertained, the State's Attorney shall inform the
17 defendant of the existence of the program, the need for a
18 preliminary screening for behavioral health or other
19 social service needs, the requirements for successful
20 completion, the implications of noncompliance, and that
21 successful completion shall result in dismissal of the
22 charge and make the defendant eligible to petition for the
23 sealing or expungement of the defendant's record with no
24 waiting period.

25 (2) If the defendant agrees, the defendant shall be
26 immediately referred to a human services organization that

1 shall perform a brief screening to determine the presence
2 of any substance use, mental health, or other social
3 service needs experienced by the defendant.

4 (3) If the screening does not indicate the defendant's
5 need for services, the court shall continue the case for
6 further proceedings under the Code of Criminal Procedure
7 of 1963.

8 (4) If the screening indicates a need for services,
9 the defendant shall be considered eligible for
10 participation. Participation is voluntary. To participate,
11 the defendant shall sign a written agreement with the
12 court that the defendant understands and agrees to the
13 conditions of participation, as set forth in subsection
14 (f).

15 (5) Upon the acceptance of the agreement by the court,
16 the human services organization responsible for the
17 screening shall refer the defendant to an appropriate and
18 accessible human services organization responsible for
19 conducting a comprehensive assessment and developing a
20 service plan, as described in subsection (f).

21 (6) The human services organization responsible for
22 the screening shall report to the court whether the
23 individual has successfully or unsuccessfully completed
24 the conditions of participation.

25 (f) The defendant shall agree to submit to a more
26 comprehensive assessment of behavioral health and other social

1 service needs conducted by the human services organization to
2 which the defendant is referred. As a result of this
3 assessment, the human services organization shall prepare
4 recommendations for treatment and other social services that
5 would likely benefit the defendant, which the human services
6 organization shall present to and discuss with the defendant
7 who may agree to pursue treatment voluntarily. Adherence to
8 the service plan recommendations may not be a condition of
9 participation. Completion of all of the conditions of
10 participation shall occur no more than 90 days from the date of
11 admission into the program.

12 (g) Under no circumstances shall the human services
13 organization performing either the brief screening, referral,
14 and reporting under subsection (e) or the assessment and
15 service recommendations under subsection (f) be required to
16 perform those services in the absence of reimbursement for
17 those services. The human services organization may be
18 reimbursed through an existing mechanism for reimbursement, or
19 a new mechanism may be created by way of agreement with the
20 court, the State's Attorney, or the jurisdiction in which the
21 misdemeanor diversion program was developed specifically for
22 the purposes of the program.

23 (h) If all conditions of participation have been met, the
24 defendant shall be deemed to have successfully completed the
25 program and the court shall dismiss the proceedings against
26 the defendant. Discharge and dismissal shall not be considered

1 a conviction for purposes of disqualification or disability
2 imposed by law upon conviction of a crime.

3 (i) Noncompliance with the conditions of participation, or
4 failure to complete the conditions of participation within 90
5 days, shall be considered a violation and the court shall
6 continue the case for further proceedings under the Code of
7 Criminal Procedure of 1963 as if the defendant had not
8 participated in the program.

9 (730 ILCS 5/5-6-3.8)

10 Sec. 5-6-3.8. Eligibility for programs restricted by
11 felony background. Any conviction entered prior to July 1,
12 2021 (the effective date of Public Act 101-652) ~~this~~
13 ~~amendatory Act of the 101st General Assembly~~ for:

14 (1) felony possession of a controlled substance, or
15 possession with intent to manufacture or deliver a
16 controlled substance, in an amount punishable as a Class A
17 misdemeanor under ~~a total amount equal to or less than the~~
18 ~~amounts listed in~~ subsection (c) ~~(a-5)~~ of Section 402 of
19 the Illinois Controlled Substances Act; or

20 (2) felony possession of methamphetamine, or
21 possession with intent to deliver methamphetamine, in an
22 amount less than 3 grams; or any adjudication of
23 delinquency under the Juvenile Court Act of 1987 for acts
24 that would have constituted those felonies if committed by
25 an adult, shall be treated as a Class A misdemeanor for the

1 purposes of evaluating a defendant's eligibility for
2 programs of qualified probation, impact incarceration, or
3 any other diversion, deflection, probation, or other
4 program for which felony background or delinquency
5 background is a factor in determining eligibility.

6 (Source: P.A. 101-652, eff. 7-1-21.)

7 Section 30. The Code of Civil Procedure is amended by
8 changing Section 2-1401 as follows:

9 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

10 Sec. 2-1401. Relief from judgments.

11 (a) Relief from final orders and judgments, after 30 days
12 from the entry thereof, may be had upon petition as provided in
13 this Section. Writs of error coram nobis and coram vobis,
14 bills of review, and bills in the nature of bills of review are
15 abolished. All relief heretofore obtainable and the grounds
16 for such relief heretofore available, whether by any of the
17 foregoing remedies or otherwise, shall be available in every
18 case, by proceedings hereunder, regardless of the nature of
19 the order or judgment from which relief is sought or of the
20 proceedings in which it was entered. Except as provided in the
21 Illinois Parentage Act of 2015, there shall be no distinction
22 between actions and other proceedings, statutory or otherwise,
23 as to availability of relief, grounds for relief, or the
24 relief obtainable.

1 (b) The petition must be filed in the same proceeding in
2 which the order or judgment was entered but is not a
3 continuation thereof. The petition must be supported by an
4 affidavit or other appropriate showing as to matters not of
5 record. A petition to reopen a foreclosure proceeding must
6 include as parties to the petition, but is not limited to, all
7 parties in the original action in addition to the current
8 record title holders of the property, current occupants, and
9 any individual or entity that had a recorded interest in the
10 property before the filing of the petition. All parties to the
11 petition shall be notified as provided by rule.

12 (b-5) A movant may present a meritorious claim under this
13 Section if the allegations in the petition establish each of
14 the following by a preponderance of the evidence:

15 (1) the movant was convicted of a forcible felony;

16 (2) the movant's participation in the offense was
17 related to him or her previously having been a victim of
18 domestic violence as perpetrated by an intimate partner;

19 (3) no evidence of domestic violence against the
20 movant was presented at the movant's sentencing hearing;

21 (4) the movant was unaware of the mitigating nature of
22 the evidence of the domestic violence at the time of
23 sentencing and could not have learned of its significance
24 sooner through diligence; and

25 (5) the new evidence of domestic violence against the
26 movant is material and noncumulative to other evidence

1 offered at the sentencing hearing, and is of such a
2 conclusive character that it would likely change the
3 sentence imposed by the original trial court.

4 Nothing in this subsection (b-5) shall prevent a movant
5 from applying for any other relief under this Section or any
6 other law otherwise available to him or her.

7 As used in this subsection (b-5):

8 "Domestic violence" means abuse as defined in Section
9 103 of the Illinois Domestic Violence Act of 1986.

10 "Forcible felony" has the meaning ascribed to the term
11 in Section 2-8 of the Criminal Code of 2012.

12 "Intimate partner" means a spouse or former spouse,
13 persons who have or allegedly have had a child in common,
14 or persons who have or have had a dating or engagement
15 relationship.

16 (b-10) A movant may present a meritorious claim under this
17 Section if the allegations in the petition establish each of
18 the following by a preponderance of the evidence:

19 (A) she was convicted of a forcible felony;

20 (B) her participation in the offense was a direct
21 result of her suffering from post-partum depression or
22 post-partum psychosis;

23 (C) no evidence of post-partum depression or
24 post-partum psychosis was presented by a qualified medical
25 person at trial or sentencing, or both;

26 (D) she was unaware of the mitigating nature of the

1 evidence or, if aware, was at the time unable to present
2 this defense due to suffering from post-partum depression
3 or post-partum psychosis, or, at the time of trial or
4 sentencing, neither was a recognized mental illness and as
5 such, she was unable to receive proper treatment; and

6 (E) evidence of post-partum depression or post-partum
7 psychosis as suffered by the person is material and
8 noncumulative to other evidence offered at the time of
9 trial or sentencing, and it is of such a conclusive
10 character that it would likely change the sentence imposed
11 by the original court.

12 Nothing in this subsection (b-10) prevents a person from
13 applying for any other relief under this Article or any other
14 law otherwise available to her.

15 As used in this subsection (b-10):

16 "Post-partum depression" means a mood disorder which
17 strikes many women during and after pregnancy and usually
18 occurs during pregnancy and up to 12 months after
19 delivery. This depression can include anxiety disorders.

20 "Post-partum psychosis" means an extreme form of
21 post-partum depression which can occur during pregnancy
22 and up to 12 months after delivery. This can include
23 losing touch with reality, distorted thinking, delusions,
24 auditory and visual hallucinations, paranoia,
25 hyperactivity and rapid speech, or mania.

26 (c) Except as provided in Section 20b of the Adoption Act

1 and Section 2-32 of the Juvenile Court Act of 1987, in a
2 petition based upon Section 116-3 of the Code of Criminal
3 Procedure of 1963 or subsection (b-10) of this Section, ~~or~~ in a
4 motion to vacate and expunge convictions under the Cannabis
5 Control Act as provided by subsection (i) of Section 5.2 of the
6 Criminal Identification Act, or in a petition to vacate and
7 expunge convictions under the Illinois Controlled Substances
8 Act or the Methamphetamine Control and Community Protection
9 Act as provided in subsection (k) of Section 5.2 of the
10 Criminal Identification Act, the petition must be filed not
11 later than 2 years after the entry of the order or judgment.
12 Time during which the person seeking relief is under legal
13 disability or duress or the ground for relief is fraudulently
14 concealed shall be excluded in computing the period of 2
15 years.

16 (c-5) Any individual may at any time file a petition and
17 institute proceedings under this Section if his or her final
18 order or judgment, which was entered based on a plea of guilty
19 or nolo contendere, has potential consequences under federal
20 immigration law.

21 (d) The filing of a petition under this Section does not
22 affect the order or judgment, or suspend its operation.

23 (e) Unless lack of jurisdiction affirmatively appears from
24 the record proper, the vacation or modification of an order or
25 judgment pursuant to the provisions of this Section does not
26 affect the right, title, or interest in or to any real or

1 personal property of any person, not a party to the original
2 action, acquired for value after the entry of the order or
3 judgment but before the filing of the petition, nor affect any
4 right of any person not a party to the original action under
5 any certificate of sale issued before the filing of the
6 petition, pursuant to a sale based on the order or judgment.
7 When a petition is filed pursuant to this Section to reopen a
8 foreclosure proceeding, notwithstanding the provisions of
9 Section 15-1701 of this Code, the purchaser or successor
10 purchaser of real property subject to a foreclosure sale who
11 was not a party to the mortgage foreclosure proceedings is
12 entitled to remain in possession of the property until the
13 foreclosure action is defeated or the previously foreclosed
14 defendant redeems from the foreclosure sale if the purchaser
15 has been in possession of the property for more than 6 months.

16 (f) Nothing contained in this Section affects any existing
17 right to relief from a void order or judgment, or to employ any
18 existing method to procure that relief.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-411, eff. 8-16-19;
20 102-639, eff. 8-27-21; 102-813, eff. 5-13-22.)

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 2630/5.2

4 55 ILCS 5/3-9014 new

5 720 ILCS 570/401 from Ch. 56 1/2, par. 1401

6 720 ILCS 570/402 from Ch. 56 1/2, par. 1402

7 720 ILCS 570/408 from Ch. 56 1/2, par. 1408

8 720 ILCS 646/55

9 720 ILCS 646/60

10 730 ILCS 5/5-6-3.7 new

11 730 ILCS 5/5-6-3.8

12 735 ILCS 5/2-1401 from Ch. 110, par. 2-1401