



Rep. Justin Slaughter

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1 AMENDMENT TO SENATE BILL 3463

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3463 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Section 5-915 as follows:

6 (705 ILCS 405/5-915)

7 Sec. 5-915. Expungement of juvenile law enforcement and  
8 juvenile court records.

9 (0.05) (Blank).

10 (0.1) (a) The Illinois State Police and all law enforcement  
11 agencies within the State shall automatically expunge, on or  
12 before January 1 of each year, except as described in  
13 paragraph (c) of this subsection (0.1), all juvenile law  
14 enforcement records relating to events occurring before an  
15 individual's 18th birthday if:

16 (1) one year or more has elapsed since the date of the

1           arrest or law enforcement interaction documented in the  
2           records;

3           (2) no petition for delinquency or criminal charges  
4           were filed with the clerk of the circuit court relating to  
5           the arrest or law enforcement interaction documented in  
6           the records; and

7           (3) 6 months have elapsed since the date of the arrest  
8           without an additional subsequent arrest or filing of a  
9           petition for delinquency or criminal charges whether  
10          related or not to the arrest or law enforcement  
11          interaction documented in the records.

12          (b) If the law enforcement agency is unable to verify  
13          satisfaction of conditions (2) and (3) of this subsection  
14          (0.1), records that satisfy condition (1) of this subsection  
15          (0.1) shall be automatically expunged if the records relate to  
16          an offense that if committed by an adult would not be an  
17          offense classified as a Class 2 felony or higher, an offense  
18          under Article 11 of the Criminal Code of 1961 or Criminal Code  
19          of 2012, or an offense under Section 12-13, 12-14, 12-14.1,  
20          12-15, or 12-16 of the Criminal Code of 1961.

21          (c) If the juvenile law enforcement record was received  
22          through a public submission to a statewide student  
23          confidential reporting system administered by the Illinois  
24          State Police, the record will be maintained for a period of 5  
25          years according to all other provisions in this subsection  
26          (0.1).

1 (0.15) If a juvenile law enforcement record meets  
2 paragraph (a) of subsection (0.1) of this Section, a juvenile  
3 law enforcement record created:

4 (1) prior to January 1, 2018, but on or after January  
5 1, 2013 shall be automatically expunged prior to January  
6 1, 2020;

7 (2) prior to January 1, 2013, but on or after January  
8 1, 2000, shall be automatically expunged prior to January  
9 1, 2023; and

10 (3) prior to January 1, 2000 shall not be subject to  
11 the automatic expungement provisions of this Act.

12 Nothing in this subsection (0.15) shall be construed to  
13 restrict or modify an individual's right to have the person's  
14 juvenile law enforcement records expunged except as otherwise  
15 may be provided in this Act.

16 (0.2) (a) Upon dismissal of a petition alleging delinquency  
17 or upon a finding of not delinquent, the successful  
18 termination of an order of supervision, or the successful  
19 termination of an adjudication for an offense which would be a  
20 Class B misdemeanor, Class C misdemeanor, or a petty or  
21 business offense if committed by an adult, the court shall  
22 automatically order the expungement of the juvenile court  
23 records and juvenile law enforcement records. The clerk shall  
24 deliver a certified copy of the expungement order to the  
25 Illinois State Police and the arresting agency. Upon request,  
26 the State's Attorney shall furnish the name of the arresting

1 agency. The expungement shall be completed within 60 business  
2 days after the receipt of the expungement order.

3 (b) If the chief law enforcement officer of the agency, or  
4 the chief law enforcement officer's designee, certifies in  
5 writing that certain information is needed for a pending  
6 investigation involving the commission of a felony, that  
7 information, and information identifying the juvenile, may be  
8 retained until the statute of limitations for the felony has  
9 run. If the chief law enforcement officer of the agency, or the  
10 chief law enforcement officer's designee, certifies in writing  
11 that certain information is needed with respect to an internal  
12 investigation of any law enforcement office, that information  
13 and information identifying the juvenile may be retained  
14 within an intelligence file until the investigation is  
15 terminated or the disciplinary action, including appeals, has  
16 been completed, whichever is later. Retention of a portion of  
17 a juvenile's law enforcement record does not disqualify the  
18 remainder of a juvenile's record from immediate automatic  
19 expungement.

20 (0.3) (a) Upon an adjudication of delinquency based on any  
21 offense except a disqualified offense, the juvenile court  
22 shall automatically order the expungement of the juvenile  
23 court and law enforcement records 2 years after the juvenile's  
24 case was closed if no delinquency or criminal proceeding is  
25 pending and the person has had no subsequent delinquency  
26 adjudication or criminal conviction. On the date that the

1 minor's sentence ends or the date that the court enters an  
2 order committing the minor to the Department of Juvenile  
3 Justice, the juvenile court judge shall schedule a date to  
4 enter the automatic expungement order. The minor must be  
5 notified but shall not be required to be present for the  
6 scheduled court date when automatic expungement is to be  
7 ordered. If the minor is not yet eligible on the originally  
8 scheduled date, the court shall schedule a subsequent date to  
9 enter the automatic expungement order. The clerk shall deliver  
10 a certified copy of the expungement order to the Illinois  
11 State Police and the arresting agency. Upon request, the  
12 State's Attorney shall furnish the name of the arresting  
13 agency. The expungement shall be completed within 60 business  
14 days after the receipt of the expungement order. In this  
15 subsection (0.3), "disqualified offense" means any of the  
16 following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1,  
17 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9,  
18 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,  
19 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5,  
20 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1,  
21 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,  
22 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,  
23 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal  
24 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)  
25 of subsection (a) of Section 11-14.4, subsection (a-5) of  
26 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a)

1 of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,  
2 paragraph (1) or (2) of subsection (a) of Section 12-7.4,  
3 subparagraph (i) of paragraph (1) of subsection (a) of Section  
4 12-9, subparagraph (H) of paragraph (3) of subsection (a) of  
5 Section 24-1.6, paragraph (1) of subsection (a) of Section  
6 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code  
7 of 2012.

8 (b) If the chief law enforcement officer of the agency, or  
9 the chief law enforcement officer's designee, certifies in  
10 writing that certain information is needed for a pending  
11 investigation involving the commission of a felony, that  
12 information, and information identifying the juvenile, may be  
13 retained in an intelligence file until the investigation is  
14 terminated or for one additional year, whichever is sooner.  
15 Retention of a portion of a juvenile's juvenile law  
16 enforcement record does not disqualify the remainder of a  
17 juvenile's record from immediate automatic expungement.

18 (0.4) Automatic expungement for the purposes of this  
19 Section shall not require law enforcement agencies to  
20 obliterate or otherwise destroy juvenile law enforcement  
21 records that would otherwise need to be automatically expunged  
22 under this Act, except after 2 years following the subject  
23 arrest for purposes of use in civil litigation against a  
24 governmental entity or its law enforcement agency or personnel  
25 which created, maintained, or used the records. However, these  
26 juvenile law enforcement records shall be considered expunged

1 for all other purposes during this period and the offense,  
2 which the records or files concern, shall be treated as if it  
3 never occurred as required under Section 5-923.

4 (0.5) Subsection (0.1) or (0.2) of this Section does not  
5 apply to violations of traffic, boating, fish and game laws,  
6 or county or municipal ordinances.

7 (0.6) Juvenile law enforcement records of a plaintiff who  
8 has filed civil litigation against the governmental entity or  
9 its law enforcement agency or personnel that created,  
10 maintained, or used the records, or juvenile law enforcement  
11 records that contain information related to the allegations  
12 set forth in the civil litigation may not be expunged until  
13 after 2 years have elapsed after the conclusion of the  
14 lawsuit, including any appeal.

15 (0.7) Officer-worn body camera recordings shall not be  
16 automatically expunged except as otherwise authorized by the  
17 Law Enforcement Officer-Worn Body Camera Act.

18 (1) Whenever a person has been arrested, charged, or  
19 adjudicated delinquent for an incident occurring before a  
20 person's 18th birthday that if committed by an adult would be  
21 an offense, and that person's juvenile law enforcement and  
22 juvenile court records are not eligible for automatic  
23 expungement under subsection (0.1), (0.2), or (0.3), the  
24 person may petition the court at any time at no cost to the  
25 person for expungement of juvenile law enforcement records and  
26 juvenile court records relating to the incident and, upon

1 termination of all juvenile court proceedings relating to that  
2 incident, the court shall order the expungement of all records  
3 in the possession of the Illinois State Police, the clerk of  
4 the circuit court, and law enforcement agencies relating to  
5 the incident, but only in any of the following circumstances:

6 (a) the minor was arrested and no petition for  
7 delinquency was filed with the clerk of the circuit court;

8 (a-5) the minor was charged with an offense and the  
9 petition or petitions were dismissed without a finding of  
10 delinquency;

11 (b) the minor was charged with an offense and was  
12 found not delinquent of that offense;

13 (c) the minor was placed under supervision under  
14 Section 5-615, and the order of supervision has since been  
15 successfully terminated; or

16 (d) the minor was adjudicated for an offense which  
17 would be a Class B misdemeanor, Class C misdemeanor, or a  
18 petty or business offense if committed by an adult.

19 (1.5) At no cost to the person, the Illinois State Police  
20 shall allow a person to use the Access and Review process,  
21 established in the Illinois State Police, for verifying that  
22 the person's juvenile law enforcement records relating to  
23 incidents occurring before the person's 18th birthday eligible  
24 under this Act have been expunged.

25 (1.6) (Blank).

26 (1.7) (Blank).



1 (1.8) (Blank).

2 (2) Any person whose delinquency adjudications are not  
3 eligible for automatic expungement under subsection (0.3) of  
4 this Section may petition the court at no cost to the person to  
5 expunge all juvenile law enforcement records relating to any  
6 incidents occurring before the person's 18th birthday which  
7 did not result in proceedings in criminal court and all  
8 juvenile court records with respect to any adjudications  
9 except those based upon first degree murder or an offense  
10 under Article 11 of the Criminal Code of 2012 if the person is  
11 required to register under the Sex Offender Registration Act  
12 at the time the person petitions the court for expungement;  
13 provided that 2 years have elapsed since all juvenile court  
14 proceedings relating to the person have been terminated and  
15 the person's commitment to the Department of Juvenile Justice  
16 under this Act has been terminated.

17 (2.5) If a minor is arrested and no petition for  
18 delinquency is filed with the clerk of the circuit court at the  
19 time the minor is released from custody, the youth officer, if  
20 applicable, or other designated person from the arresting  
21 agency, shall notify verbally and in writing to the minor or  
22 the minor's parents or guardians that the minor shall have an  
23 arrest record and shall provide the minor and the minor's  
24 parents or guardians with an expungement information packet,  
25 information regarding this State's expungement laws including  
26 a petition to expunge juvenile law enforcement and juvenile

1 court records obtained from the clerk of the circuit court.

2 (2.6) If a minor is referred to court, then, at the time of  
3 sentencing, dismissal of the case, or successful completion of  
4 supervision, the judge shall inform the delinquent minor of  
5 the minor's rights regarding expungement and the clerk of the  
6 circuit court shall provide an expungement information packet  
7 to the minor, written in plain language, including information  
8 regarding this State's expungement laws and a petition for  
9 expungement, a sample of a completed petition, expungement  
10 instructions that shall include information informing the  
11 minor that (i) once the case is expunged, it shall be treated  
12 as if it never occurred, (ii) the minor shall not be charged a  
13 fee to petition for expungement, (iii) once the minor obtains  
14 an expungement, the minor may not be required to disclose that  
15 the minor had a juvenile law enforcement or juvenile court  
16 record, and (iv) if petitioning the minor may file the  
17 petition on the minor's own or with the assistance of an  
18 attorney. The failure of the judge to inform the delinquent  
19 minor of the minor's right to petition for expungement as  
20 provided by law does not create a substantive right, nor is  
21 that failure grounds for: (i) a reversal of an adjudication of  
22 delinquency; (ii) a new trial; or (iii) an appeal.

23 (2.7) (Blank).

24 (2.8) (Blank).

25 (3) (Blank).

26 (3.1) (Blank).

1 (3.2) (Blank).

2 (3.3) (Blank).

3 (4) (Blank).

4 (5) (Blank).

5 (5.5) Whether or not expunged, records eligible for  
6 automatic expungement under subdivision (0.1) (a), (0.2) (a), or  
7 (0.3) (a) may be treated as expunged by the individual subject  
8 to the records.

9 (6) (Blank).

10 (6.5) The Illinois State Police or any employee of the  
11 Illinois State Police shall be immune from civil or criminal  
12 liability for failure to expunge any records of arrest that  
13 are subject to expungement under this Section because of  
14 inability to verify a record. Nothing in this Section shall  
15 create Illinois State Police liability or responsibility for  
16 the expungement of juvenile law enforcement records it does  
17 not possess.

18 (7) (Blank).

19 (7.5) (Blank).

20 (8) The expungement of juvenile law enforcement or  
21 juvenile court records under subsection (0.1), (0.2), or (0.3)  
22 of this Section shall be funded by appropriation by the  
23 General Assembly for that purpose.

24 (9) (Blank).

25 (10) (Blank).

26 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;

1 102-752, eff. 1-1-23; 103-22, eff. 8-8-23; 103-154, eff.  
2 6-30-23; 103-379, eff. 7-28-23; revised 8-30-23.)".