

1 AN ACT concerning minors.

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

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 (1) Whenever any person has attained the age of 17 or  
10 whenever all juvenile court proceedings relating to that person  
11 have been terminated, whichever is later, the person may  
12 petition the court to expunge law enforcement records relating  
13 to incidents occurring before his or her 17th birthday or his  
14 or her juvenile court records, or both, but only in the  
15 following circumstances:

16 (a) the minor was arrested and no petition for  
17 delinquency was filed with the clerk of the circuit court;  
18 or

19 (b) the minor was charged with an offense and was found  
20 not delinquent of that offense; or

21 (c) the minor was placed under supervision pursuant to  
22 Section 5-615, and the order of supervision has since been  
23 successfully terminated; or

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

27 (2) Any person may petition the court to expunge all law  
28 enforcement records relating to any incidents occurring before  
29 his or her 17th birthday which did not result in proceedings in  
30 criminal court and all juvenile court records with respect to  
31 any adjudications except those based upon first degree murder  
32 and sex offenses which would be felonies if committed by an

1 adult, if the person for whom expungement is sought has had no  
2 convictions for any crime since his or her 17th birthday and:

3 (a) has attained the age of 21 years; or

4 (b) 5 years have elapsed since all juvenile court  
5 proceedings relating to him or her have been terminated or  
6 his or her commitment to the Department of Corrections,  
7 Juvenile Division pursuant to this Act has been terminated;  
8 whichever is later of (a) or (b).

9 (2.5) If a minor is arrested and no petition for  
10 delinquency is filed with the clerk of the circuit court as  
11 provided in paragraph (a) of subsection (1) at the time the  
12 minor is released from custody, the youth officer, if  
13 applicable, or other designated person from the arresting  
14 agency, shall notify verbally and in writing to the minor or  
15 the minor's parents or guardians that if the State's Attorney  
16 does not file a petition for delinquency, the minor has a right  
17 to petition to have his or her arrest record expunged when the  
18 minor attains the age of 17 or when all juvenile court  
19 proceedings relating to that minor have been terminated and  
20 that unless a petition to expunge is filed, the minor shall  
21 have an arrest record and shall provide the minor and the  
22 minor's parents or guardians with an expungement information  
23 packet, including a petition to expunge juvenile records  
24 obtained from the clerk of the circuit court.

25 (2.6) If a minor is charged with an offense and is found  
26 not delinquent of that offense; or if a minor is placed under  
27 supervision under Section 5-615, and the order of supervision  
28 is successfully terminated; or if a minor is adjudicated for an  
29 offense that would be a Class B misdemeanor, a Class C  
30 misdemeanor, or a business or petty offense if committed by an  
31 adult; or if a minor has incidents occurring before his or her  
32 17th birthday that have not resulted in proceedings in criminal  
33 court, or resulted in proceedings in juvenile court, and the  
34 adjudications were not based upon first degree murder or sex  
35 offenses that would be felonies if committed by an adult; then  
36 at the time of sentencing or dismissal of the case, the judge

1 shall inform the delinquent minor of his or her right to  
 2 petition for expungement as provided by law, and the clerk of  
 3 the circuit court shall provide an expungement information  
 4 packet to the delinquent minor, written in plain language,  
 5 including a petition for expungement, a sample of a completed  
 6 petition, expungement instructions that shall include  
 7 information informing the minor that (i) once the case is  
 8 expunged, it shall be treated as if it never occurred, (ii) he  
 9 or she may apply to have petition fees waived, (iii) once he or  
 10 she obtains an expungement, he or she may not be required to  
 11 disclose that he or she had a juvenile record, and (iv) he or  
 12 she may file the petition on his or her own or with the  
 13 assistance of an attorney.

14 (2.7) For counties with a population over 3,000,000, the  
 15 clerk of the circuit court shall send a "Notification of a  
 16 Possible Right to Expungement" post card to the minor at the  
 17 address last received by the clerk of the circuit court on the  
 18 date that the minor attains the age of 17 based on the  
 19 birthdate provided to the court by the minor or his or her  
 20 guardian in cases under paragraphs (b), (c), and (d) of  
 21 subsection (1); and when the minor attains the age of 21 based  
 22 on the birthdate provided to the court by the minor or his or  
 23 her guardian in cases under subsection (2).

24 (2.8) The petition for expungement for subsection (1) shall  
 25 be substantially in the following form:

26 IN THE CIRCUIT COURT OF ....., ILLINOIS

27 .....JUDICIAL CIRCUIT

28 IN THE INTEREST OF )

29 NO.

30

31 )

32

33 )

34 .....)

35 (Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS

(705 ILCS 405/5-915 (SUBSECTION 1))

(Please prepare a separate petition for each offense)

Now comes ....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner has attained the age of 17, his/her birth date being ....., or all Juvenile Court proceedings terminated as of ....., whichever occurred later. Petitioner was arrested on ..... by the ..... Police Department for the offense of ....., and:

(Check One:)

( ) a. no petition was filed with the Clerk of the Circuit Court.

( ) b. was charged with ..... and was found not delinquent of the offense.

( ) c. a petition was filed and the petition was dismissed without a finding of delinquency on .....

( ) d. on ..... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on .....

( ) e. was adjudicated for the offense, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.

Petitioner .... has .... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below:

Charge(s): .....

Arresting Agency or Agencies: .....

Disposition/Result: (choose from a. through e., above): .....

WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident.

1 .....

2 Petitioner (Signature)

3 .....

4 Petitioner's Street Address

5 .....

6 City, State, Zip Code

7 .....

8 Petitioner's Telephone Number

9 Pursuant to the penalties of perjury under the Code of Civil  
10 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
11 statements in this petition are true and correct, or on  
12 information and belief I believe the same to be true.

13 .....

14 Petitioner (Signature)

15 The Petition for Expungement for subsection (2) shall be  
16 substantially in the following form:

17 IN THE CIRCUIT COURT OF ....., ILLINOIS

18 ..... JUDICIAL CIRCUIT

19 IN THE INTEREST OF )

20 NO.

21 )

22 )

23 )

24 )

25 .....)

26 (Name of Petitioner)

27 PETITION TO EXPUNGE JUVENILE RECORDS

28 (705 ILCS 405/5-915 (SUBSECTION 2))

29 (Please prepare a separate petition for each offense)

1 Now comes ....., petitioner, and respectfully requests  
2 that this Honorable Court enter an order expunging all Juvenile  
3 Law Enforcement and Court records of petitioner and in support  
4 thereof states that:

5 The incident for which the Petitioner seeks expungement  
6 occurred before the Petitioner's 17th birthday and did not  
7 result in proceedings in criminal court and the Petitioner has  
8 not had any convictions for any crime since his/her 17th  
9 birthday; and

10 The incident for which the Petitioner seeks expungement  
11 occurred before the Petitioner's 17th birthday and the  
12 adjudication was not based upon first-degree murder or sex  
13 offenses which would be felonies if committed by an adult, and  
14 the Petitioner has not had any convictions for any crime since  
15 his/her 17th birthday.

16 Petitioner was arrested on ..... by the ..... Police  
17 Department for the offense of ....., and:

18 (Check whichever one occurred the latest:)

19 ( ) a. The Petitioner has attained the age of 21 years, his/her  
20 birthday being .....; or

21 ( ) b. 5 years have elapsed since all juvenile court  
22 proceedings relating to the Petitioner have been terminated; or  
23 the Petitioner's commitment to the Department of Corrections,  
24 Juvenile Division, pursuant to the expungement of juvenile law  
25 enforcement and court records provisions of the Juvenile Court  
26 Act of 1987 has been terminated. Petitioner ...has ...has not  
27 been arrested on charges in this or any other county other than  
28 the charge listed above. If petitioner has been arrested on  
29 additional charges, please list the charges below:

30 Charge(s): .....

31 Arresting Agency or Agencies: .....

32 Disposition/Result: (choose from a or b, above): .....

33 WHEREFORE, the petitioner respectfully requests this Honorable  
34 Court to (1) order all law enforcement agencies to expunge all  
35 records of petitioner related to this incident, and (2) to  
36 order the Clerk of the Court to expunge all records concerning

1 the petitioner regarding this incident.

2 .....  
3 Petitioner (Signature)

4 .....  
5 Petitioner's Street Address

6 .....  
7 City, State, Zip Code

8 .....  
9 Petitioner's Telephone Number

10 Pursuant to the penalties of perjury under the Code of Civil  
11 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
12 statements in this petition are true and correct, or on  
13 information and belief I believe the same to be true.

14 .....  
15 Petitioner (Signature)

16 (3) The chief judge of the circuit in which an arrest was  
17 made or a charge was brought or any judge of that circuit  
18 designated by the chief judge may, upon verified petition of a  
19 person who is the subject of an arrest or a juvenile court  
20 proceeding under subsection (1) or (2) of this Section, order  
21 the law enforcement records or official court file, or both, to  
22 be expunged from the official records of the arresting  
23 authority, the clerk of the circuit court and the Department of  
24 State Police. The person whose records are to be expunged shall  
25 petition the court using the appropriate form containing his or  
26 her current address and shall promptly notify the clerk of the  
27 circuit court of any change of address. Notice of the petition  
28 shall be served upon the State's Attorney or prosecutor charged  
29 with the duty of prosecuting the offense, the Department of  
30 State Police, and the arresting agency or agencies by the clerk  
31 of the circuit court. If an objection is filed within 90 days  
32 of the notice of the petition, the clerk of the circuit court

1 shall set a date for hearing after the 90 day objection period.  
 2 At the hearing the court shall hear evidence on whether the  
 3 expungement should or should not be granted. Unless the State's  
 4 Attorney or prosecutor, the Department of State Police, or an  
 5 arresting agency objects to the expungement within 90 days of  
 6 the notice, the court may enter an order granting expungement.  
 7 The person whose records are to be expunged shall pay the clerk  
 8 of the circuit court a fee equivalent to the cost associated  
 9 with expungement of records by the clerk and the Department of  
 10 State Police. The clerk shall forward a certified copy of the  
 11 order to the Department of State Police, the appropriate  
 12 portion of the fee to the Department of State Police for  
 13 processing, and deliver a certified copy of the order to the  
 14 arresting agency. and upon the arresting authority which is the  
 15 subject of the petition for expungement.

16 (3.1) The Notice of Expungement shall be in substantially  
 17 the following form:

18 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 19 ..... JUDICIAL CIRCUIT

20 IN THE INTEREST OF )

21 NO.

22 )

23 )

24 .....)

25 (Name of Petitioner)

26 NOTICE

27 TO: State's Attorney

28 TO: Arresting Agency

29 .....

30 .....

31 .....

32 .....



1 TO: Illinois State Police

2

3 .....

4

5 .....

6 ATTENTION: Expungement

7 You are hereby notified that on ....., at ....., in courtroom  
8 ..., located at ..., before the Honorable ..., Judge, or any  
9 judge sitting in his/her stead, I shall then and there present  
10 a Petition to Expunge Juvenile records in the above-entitled  
11 matter, at which time and place you may appear.

12

.....

13

Petitioner's Signature

14

.....

15

Petitioner's Street Address

16

.....

17

City, State, Zip Code

18

.....

19

Petitioner's Telephone Number

20

PROOF OF SERVICE

21 On the ..... day of ....., 20..., I on oath state that I  
22 served this notice and true and correct copies of the  
23 above-checked documents by:

24 (Check One:)

25 delivering copies personally to each entity to whom they are  
26 directed;

27 or

28 by mailing copies to each entity to whom they are directed by  
29 depositing the same in the U.S. Mail, proper postage fully  
30 prepaid, before the hour of 5:00 p.m., at the United States  
31 Postal Depository located at .....

32

.....

33

34 Signature

35

Clerk of the Circuit Court or Deputy Clerk

36

Printed Name of Delinquent Minor/Petitioner: ....

1 Address: .....

2 Telephone Number: .....

3 (3.2) The Order of Expungement shall be in substantially  
4 the following form:

5 IN THE CIRCUIT COURT OF ....., ILLINOIS

6 ..... JUDICIAL CIRCUIT

7 IN THE INTEREST OF )

8 NO.

9

10 )

11

12 )

13 .....)

14 (Name of Petitioner)

15 DOB .....

16 Arresting Agency/Agencies .....

17 ORDER OF EXPUNGEMENT

18 (705 ILCS 405/5-915 (SUBSECTION 3))

19 This matter having been heard on the petitioner's motion and  
20 the court being fully advised in the premises does find that  
21 the petitioner is indigent or has presented reasonable cause to  
22 waive all costs in this matter, IT IS HEREBY ORDERED that:

23 ( ) 1. Clerk of Court and Department of State Police costs  
24 are hereby waived in this matter.

25 ( ) 2. The Illinois State Police Bureau of Identification  
26 and the following law enforcement agencies expunge all records  
27 of petitioner relating to an arrest dated ..... for the  
28 offense of .....

29 Law Enforcement Agencies:

30 .....

31 .....

32 ( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit  
33 Court expunge all records regarding the above-captioned case.

34 ENTER: .....

35

36 JUDGE

1 DATED: .....

2 Name:

3 Attorney for:

4 Address: City/State/Zip:

5 Attorney Number:

6 (3.3) The Notice of Objection shall be in substantially the  
7 following form:

8 IN THE CIRCUIT COURT OF ....., ILLINOIS

9 ..... JUDICIAL CIRCUIT

10 IN THE INTEREST OF )

11 NO.

12

13 )

14

15 )

16 .....)

17 (Name of Petitioner)

18 NOTICE OF OBJECTION

19 TO: (Attorney, Public Defender, Minor)

20 .....

21 .....

22 TO: (Illinois State Police)

23 .....

24 .....

25 TO: (Clerk of the Court)

26 .....

27 .....

28 TO: (Judge)

29 .....

30 .....

31 TO: (Arresting Agency/Agencies)

32 .....

33 .....

34 ATTENTION: You are hereby notified that an objection has been  
35 filed by the following entity regarding the above-named minor's  
36 petition for expungement of juvenile records:

- 1 ( ) State's Attorney's Office;
- 2 ( ) Prosecutor (other than State's Attorney's Office) charged
- 3 with the duty of prosecuting the offense sought to be expunged;
- 4 ( ) Department of Illinois State Police; or
- 5 ( ) Arresting Agency or Agencies.

6 The agency checked above respectfully requests that this case  
 7 be continued and set for hearing on whether the expungement  
 8 should or should not be granted.

9 DATED: .....

10 Name:

11 Attorney For:

12 Address:

13 City/State/Zip:

14 Telephone:

15 Attorney No.:

16 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

17 This matter has been set for hearing on the foregoing  
 18 objection, on ..... in room ....., located at ....., before the  
 19 Honorable ....., Judge, or any judge sitting in his/her stead.  
 20 (Only one hearing shall be set, regardless of the number of  
 21 Notices of Objection received on the same case).

22 A copy of this completed Notice of Objection containing the  
 23 court date, time, and location, has been sent via regular U.S.  
 24 Mail to the following entities. (If more than one Notice of  
 25 Objection is received on the same case, each one must be  
 26 completed with the court date, time and location and mailed to  
 27 the following entities):

- 28 ( ) Attorney, Public Defender or Minor;
- 29 ( ) State's Attorney's Office;
- 30 ( ) Prosecutor (other than State's Attorney's Office) charged
- 31 with the duty of prosecuting the offense sought to be expunged;
- 32 ( ) Department of Illinois State Police; and
- 33 ( ) Arresting agency or agencies.

34 Date: .....

35 Initials of Clerk completing this section: .....

36 (4) Upon entry of an order expunging records or files, the

1 offense, which the records or files concern shall be treated as  
2 if it never occurred. Law enforcement officers and other public  
3 offices and agencies shall properly reply on inquiry that no  
4 record or file exists with respect to the person.

5 (5) Records which have not been expunged are sealed, and  
6 may be obtained only under the provisions of Sections 5-901,  
7 5-905 and 5-915.

8 (6) Nothing in this Section shall be construed to prohibit  
9 the maintenance of information relating to an offense after  
10 records or files concerning the offense have been expunged if  
11 the information is kept in a manner that does not enable  
12 identification of the offender. This information may only be  
13 used for statistical and bona fide research purposes.

14 (7) (a) The State Appellate Defender shall establish,  
15 maintain, and carry out, by December 31, 2004, a juvenile  
16 expungement program to provide information and assistance to  
17 minors eligible to have their juvenile records expunged.

18 (b) The State Appellate Defender shall develop brochures,  
19 pamphlets, and other materials in printed form and through the  
20 agency's World Wide Web site. The pamphlets and other materials  
21 shall include at a minimum the following information:

22 (i) An explanation of the State's juvenile expungement  
23 process;

24 (ii) The circumstances under which juvenile  
25 expungement may occur;

26 (iii) The juvenile offenses that may be expunged;

27 (iv) The steps necessary to initiate and complete the  
28 juvenile expungement process; and

29 (v) Directions on how to contact the State Appellate  
30 Defender.

31 (c) The State Appellate Defender shall establish and  
32 maintain a statewide toll-free telephone number that a person  
33 may use to receive information or assistance concerning the  
34 expungement of juvenile records. The State Appellate Defender  
35 shall advertise the toll-free telephone number statewide. The  
36 State Appellate Defender shall develop an expungement

1 information packet that may be sent to eligible persons seeking  
2 expungement of their juvenile records, which may include, but  
3 is not limited to, a pre-printed expungement petition with  
4 instructions on how to complete the petition and a pamphlet  
5 containing information that would assist individuals through  
6 the juvenile expungement process.

7 (d) The State Appellate Defender shall compile a statewide  
8 list of volunteer attorneys willing to assist eligible  
9 individuals through the juvenile expungement process.

10 (e) This Section shall be implemented from funds  
11 appropriated by the General Assembly to the State Appellate  
12 Defender for this purpose. The State Appellate Defender shall  
13 employ the necessary staff and adopt the necessary rules for  
14 implementation of this Section.

15 (8) (a) Except with respect to law enforcement agencies, the  
16 Department of Corrections, State's Attorneys, or other  
17 prosecutors, an expunged juvenile record may not be considered  
18 by any private or public entity in employment matters,  
19 certification, licensing, revocation of certification or  
20 licensure, or registration. Applications for employment must  
21 contain specific language that states that the applicant is not  
22 obligated to disclose expunged juvenile records of conviction  
23 or arrest. Employers may not ask if an applicant has had a  
24 juvenile record expunged. Effective January 1, 2005, the  
25 Department of Labor shall develop a link on the Department's  
26 website to inform employers that employers may not ask if an  
27 applicant had a juvenile record expunged and that application  
28 for employment must contain specific language that states that  
29 the applicant is not obligated to disclose expunged juvenile  
30 records of arrest or conviction.

31 (b) A person whose juvenile records have been expunged is  
32 not entitled to remission of any fines, costs, or other money  
33 paid as a consequence of expungement. This amendatory Act of  
34 the 93rd General Assembly does not affect the right of the  
35 victim of a crime to prosecute or defend a civil action for  
36 damages.

1 (Source: P.A. 90-590, eff. 1-1-99.)

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