



Sen. Kwame Raoul

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09700SB3636sam001

LRB097 19975 RLC 66124 a

1 AMENDMENT TO SENATE BILL 3636

2 AMENDMENT NO. _____. Amend Senate Bill 3636 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 court records.

9 (0.05) For purposes of this Section ~~and Section 5-622~~:

10 "Expunge" means to physically destroy the records and
11 to obliterate the minor's name from any official index or
12 public record, or both. Nothing in this Act shall require
13 the physical destruction of the internal office records,
14 files, or databases maintained by a State's Attorney's
15 Office or other prosecutor.

16 "Law enforcement record" includes but is not limited to

1 records of arrest, station adjustments, fingerprints,
2 probation adjustments, the issuance of a notice to appear,
3 or any other records maintained by a law enforcement agency
4 relating to a minor suspected of committing an offense.

5 (0.06) Expungement proceedings shall be initiated by the
6 filing of a petition requesting an order of expungement, in
7 juvenile court. No filing fee shall be required.

8 (0.07) There shall be no waiting period to petition for the
9 expungement of law enforcement or juvenile court records
10 relating to incidents occurring before a person's 18th birthday
11 in the following circumstances:

12 (a) the minor was arrested and no petition for
13 delinquency was filed with the clerk of the circuit court;
14 or

15 (b) the minor was charged with an offense and was found
16 not delinquent of that offense.

17 (1) If a person does not petition to expunge his or her law
18 enforcement or court records, or both, under subsection (0.07),
19 whenever ~~whenever~~ any person has attained the age of 18 ~~17~~ or
20 whenever all juvenile court proceedings relating to that person
21 have been terminated, whichever is later, the person may
22 petition the court to expunge law enforcement records relating
23 to incidents occurring before his or her 18th ~~17th~~ birthday or
24 his or her juvenile court records, or both, ~~but only~~ in the
25 following circumstances:

26 (a) the minor was arrested and no petition for

1 delinquency was filed with the clerk of the circuit court;

2 or

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

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

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

11 (2) Any person may petition the court to expunge all law
12 enforcement records relating to any incidents occurring before
13 his or her 18th ~~17th~~ birthday which did not result in
14 proceedings in criminal court and all juvenile court records
15 with respect to any adjudications except those based upon first
16 degree murder and sex offenses which would be felonies if
17 committed by an adult, if the person for whom expungement is
18 sought has had no convictions for any crime since his or her
19 18th ~~17th~~ birthday and:

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

21 (b) 5 years have elapsed since all juvenile court
22 proceedings relating to him or her have been terminated or
23 his or her commitment to the Department of Juvenile Justice
24 pursuant to this Act has been terminated;

25 whichever is later of (a) or (b). ~~Nothing in this Section 5-915~~
26 ~~precludes a minor from obtaining expungement under Section~~

1 ~~5-622.~~

2 (2.4) The Department of State Police shall expunge, on an
3 annual basis, any law enforcement records pertaining to a minor
4 if:

5 (a) the minor has been arrested but no petition for
6 delinquency was filed with the clerk of the circuit court;

7 (b) the minor has attained the age of 18; and

8 (c) since the date of the minor's most recent arrest,
9 at least 2 years have elapsed without an additional arrest.

10 (2.5) If a minor is arrested and no petition for
11 delinquency is filed with the clerk of the circuit court ~~as~~
12 ~~provided in paragraph (a) of subsection (1)~~ at the time the
13 minor is released from custody, the youth officer, if
14 applicable, or other designated person from the arresting
15 agency, shall notify verbally and in writing to the minor or
16 the minor's parents or guardians that if the State's Attorney
17 does not file a petition for delinquency (i) ~~τ~~ the minor has a
18 right under subsection (0.07) to petition at any time to have
19 his or her law enforcement ~~arrest~~ record expunged, (ii) if the
20 minor does not petition to have his or her law enforcement
21 record expunged under subsection (0.07), the minor has a right,
22 when the minor attains the age of 18 ~~17~~ or when all juvenile
23 court proceedings relating to that minor have been terminated,
24 to petition to have his or her record expunged under subsection
25 (1), and (iii) that unless a petition to expunge is filed, the
26 minor will ~~shall~~ have a law enforcement ~~an arrest~~ record. The

1 youth officer, if applicable, or other designated person from
2 the arresting agency ~~and~~ shall provide the minor and the
3 minor's parents or guardians with an expungement information
4 packet, written in plain language, including a petition to
5 expunge juvenile records obtained from the clerk of the circuit
6 court, a sample completed petition, information about the
7 adverse consequences of having a law enforcement record, and
8 expungement instructions. These instructions shall include
9 information informing the minor that (i) the minor may file a
10 petition on his or her own or with the assistance of an
11 attorney, (ii) once the arrest is expunged under either
12 subsection (0.07) or subsection (1), it shall be treated as if
13 it never occurred, and (iii) once the minor obtains an
14 expungement under either subsection (0.07) or subsection (1),
15 the minor shall not be required to disclose that he or she had
16 a law enforcement record.

17 (2.6) If a minor is charged with an offense and is found
18 not delinquent of that offense; or if a minor is placed under
19 supervision under Section 5-615, and the order of supervision
20 is successfully terminated; or if a minor is adjudicated for an
21 offense that would be a Class B misdemeanor, a Class C
22 misdemeanor, or a business or petty offense if committed by an
23 adult; or if a minor has incidents occurring before his or her
24 18th ~~17th~~ birthday that have not resulted in proceedings in
25 criminal court, or resulted in proceedings in juvenile court,
26 and the adjudications were not based upon first degree murder

1 or sex offenses that would be felonies if committed by an
2 adult; then at the time of sentencing or dismissal of the case,
3 the judge shall inform the ~~delinquent~~ minor of his or her right
4 to petition for expungement as provided by law, and the clerk
5 of the circuit court shall provide an expungement information
6 packet to the delinquent minor, written in plain language,
7 including a petition for expungement, a sample of a completed
8 petition, information about the adverse consequences of having
9 a law enforcement and juvenile court record, and expungement
10 instructions. These instructions ~~that~~ shall include
11 information informing the minor that (i) the minor may file a
12 petition on his or her own or with the assistance of an
13 attorney, (ii) once the case is expunged, it shall be treated
14 as if it never occurred, and (iii) once the minor obtains an
15 expungement, the court shall provide a certified copy of the
16 expungement order, and the minor shall not be required to
17 disclose that he or she had a juvenile court or law enforcement
18 record ~~(ii) he or she may apply to have petition fees waived,~~
19 ~~(iii) once he or she obtains an expungement, he or she may not~~
20 ~~be required to disclose that he or she had a juvenile record,~~
21 ~~and (iv) he or she may file the petition on his or her own or~~
22 ~~with the assistance of an attorney.~~ The failure of the judge to
23 inform the ~~delinquent~~ minor of his or her right to petition for
24 expungement as provided by law does not create a substantive
25 right, nor is that failure grounds for: (i) a reversal of an
26 adjudication of delinquency, (ii) a new trial; or (iii) an

1 appeal.

2 (2.7) For counties with a population over 3,000,000, the
 3 clerk of the circuit court shall send a "Notification of a
 4 Possible Right to Expungement" post card to the minor at the
 5 address last received by the clerk of the circuit court on the
 6 date that the minor attains the age of 18 ~~17~~ based on the
 7 birthdate provided to the court by the minor or his or her
 8 guardian in cases under paragraphs (b), (c), and (d) of
 9 subsection (1); and when the minor attains the age of 21 based
 10 on the birthdate provided to the court by the minor or his or
 11 her guardian in cases under subsection (2).

12 (2.8) The petition for expungement for subsection (0.07)
 13 and (1) may include multiple offenses on the same petition and
 14 shall be substantially in the following form:

15 IN THE CIRCUIT COURT OF, ILLINOIS
 16 JUDICIAL CIRCUIT

17 IN THE INTEREST OF) NO.
 18)
 19)
 20)
 21 (Name of Petitioner)

22 PETITION TO EXPUNGE JUVENILE RECORDS
 23 (705 ILCS 405/5-915 (SUBSECTIONS (0.07) and ~~SUBSECTION~~ 1))
 24 (If this is a petition for multiple offenses, please attach an

1 Appendix listing each offense ~~Please prepare a separate~~
2 ~~petition for each offense)~~

3 Now comes , Petitioner ~~petitioner~~, and
4 respectfully requests that this Honorable Court enter an order
5 expunging all juvenile law enforcement and court records of
6 Petitioner ~~petitioner~~ and in support thereof states that:

7 () 1. This petition is being filed under subsection (0.07)
8 and:

9 (Check One:)

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

12 () b. was charged with and was found not delinquent of
13 the offense; or

14 () 2. This petition is being filed under subsection (1),
15 Petitioner has attained the age of 18 ~~17~~, his/her birth date
16 being, or all Juvenile Court proceedings terminated as
17 of, whichever occurred later. Petitioner was arrested on
18 by the Police Department for the offense of
19 , and:

20 (Check One:)

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

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

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

1 () d. on placed under supervision pursuant to Section
2 5-615 of the Juvenile Court Act of 1987 and such order of
3 supervision successfully terminated on

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

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

11 Charge(s):

12 Arresting Agency or Agencies:

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

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

19
20 Petitioner (Signature)

21
22 Petitioner's Street Address

23

1 City, State, Zip Code

2

3 Petitioner's Telephone Number

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

8

9 Petitioner (Signature)

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

12 IN THE CIRCUIT COURT OF, ILLINOIS

13 JUDICIAL CIRCUIT

14 IN THE INTEREST OF) NO.

15)

16)

17)

18 (Name of Petitioner)

19 PETITION TO EXPUNGE JUVENILE RECORDS

20 (705 ILCS 405/5-915 (SUBSECTION 2))

1 (If this is a petition for multiple offenses, please attach an
 2 Appendix listing each offense ~~Please prepare a separate~~
 3 ~~petition for each offense)~~

4 Now comes, Petitioner ~~petitioner~~, and
 5 respectfully requests that this Honorable Court enter an order
 6 expunging all Juvenile Law Enforcement and Court records of
 7 Petitioner ~~petitioner~~ and in support thereof states that:

8 The incident for which the Petitioner seeks expungement
 9 occurred before the Petitioner's 18th ~~17th~~ birthday and did not
 10 result in proceedings in criminal court and the Petitioner has
 11 not had any convictions for any crime since his/her 18th ~~17th~~
 12 birthday; and

13 The incident for which the Petitioner seeks expungement
 14 occurred before the Petitioner's 18th ~~17th~~ birthday and the
 15 adjudication was not based upon first-degree murder or sex
 16 offenses which would be felonies if committed by an adult, and
 17 the Petitioner has not had any convictions for any crime since
 18 his/her 18th ~~17th~~ birthday.

19 Petitioner was arrested on by the Police
 20 Department for the offense of, and:

- 21 (Check whichever one occurred the latest:)
- 22 () a. The Petitioner has attained the age of 21 years, his/her
 23 birthday being; or
- 24 () b. 5 years have elapsed since all juvenile court
 25 proceedings relating to the Petitioner have been terminated; or
 26 the Petitioner's commitment to the Department of Juvenile

1 Justice pursuant to the expungement of juvenile law enforcement
 2 and court records provisions of the Juvenile Court Act of 1987
 3 has been terminated. Petitioner ...has ...has not been arrested
 4 on charges in this or any other county other than the charge
 5 listed above. If Petitioner ~~petitioner~~ has been arrested on
 6 additional charges, please list the charges below:

7 Charge(s):

8 Arresting Agency or Agencies:

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

10 WHEREFORE, the Petitioner ~~petitioner~~ respectfully requests
 11 this Honorable Court to (1) order all law enforcement agencies
 12 to expunge all records of petitioner related to this incident,
 13 and (2) to order the Clerk of the Court to expunge all records
 14 concerning the Petitioner ~~petitioner~~ regarding this incident.

15
 16 Petitioner (Signature)

17
 18 Petitioner's Street Address

19
 20 City, State, Zip Code

21
 22 Petitioner's Telephone Number

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

5
 6 Petitioner (Signature)

7 (3) The chief judge of the circuit in which an arrest was
 8 made or a charge was brought or any judge of that circuit
 9 designated by the chief judge may, upon verified petition of a
 10 person who is the subject of an arrest or a juvenile court
 11 proceeding under subsection (0.07), (1), or (2) of this
 12 Section, order the law enforcement records or official court
 13 file, or both, to be expunged from the official records of the
 14 arresting authority, the clerk of the circuit court and the
 15 Department of State Police. The person whose records are to be
 16 expunged shall petition the court using the appropriate form
 17 containing his or her current address and shall promptly notify
 18 the clerk of the circuit court of any change of address. Notice
 19 of the petition shall be served upon the State's Attorney or
 20 prosecutor charged with the duty of prosecuting the offense,
 21 the Department of State Police, and the arresting agency or
 22 agencies by the clerk of the circuit court. If an objection is
 23 filed within 45 days of the notice of the petition, the clerk
 24 of the circuit court shall set a date for hearing after the 45
 25 day objection period. At the hearing the court shall hear
 26 evidence on whether the expungement should or should not be

1 granted. Unless the State's Attorney or prosecutor, the
 2 Department of State Police, or an arresting agency objects to
 3 the expungement within 45 days of the notice, the court may
 4 enter an order granting expungement. ~~The person whose records~~
 5 ~~are to be expunged shall pay the clerk of the circuit court a~~
 6 ~~fee equivalent to the cost associated with expungement of~~
 7 ~~records by the clerk and the Department of State Police.~~ The
 8 clerk shall forward a certified copy of the order to the
 9 Department of State Police, ~~the appropriate portion of the fee~~
 10 ~~to the Department of State Police for processing,~~ and deliver a
 11 certified copy of the order to the arresting agency.

12 (3.1) The Notice of Expungement shall be in substantially
 13 the following form:

14 IN THE CIRCUIT COURT OF, ILLINOIS
 15 JUDICIAL CIRCUIT

16 IN THE INTEREST OF) NO.
 17)
 18)
 19)
 20 (Name of Petitioner)

21 NOTICE

22 TO: State's Attorney

23 TO: Arresting Agency

24

1

2

3

4

5

6 TO: Illinois State Police

7

8

9

10

11 ATTENTION: Expungement

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

17

18 Petitioner's Signature

19

20 Petitioner's Street Address

21

22 City, State, Zip Code

23

24 Petitioner's Telephone Number

25 PROOF OF SERVICE

26 On the day of, 20..., I on oath state that I

1 served this notice and true and correct copies of the
2 above-checked documents by:

3 (Check One:)

4 delivering copies personally to each entity to whom they are
5 directed;

6 or

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

11

12

13 Signature

14 Clerk of the Circuit Court or Deputy Clerk

15 Printed Name of Delinquent Minor/Petitioner:

16 Address:

17 Telephone Number:

18 (3.2) The Order of Expungement shall be in substantially
19 the following form:

20 IN THE CIRCUIT COURT OF, ILLINOIS

21 JUDICIAL CIRCUIT

22 IN THE INTEREST OF) NO.

23)

24)

25)

1 (Name of Petitioner)

2 DOB

3 Arresting Agency/Agencies

4 ORDER OF EXPUNGEMENT

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

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

10 ~~() 1. Clerk of Court and Department of State Police costs~~
11 ~~are hereby waived in this matter.~~

12 () 1. ~~2.~~ The Illinois State Police Bureau of
13 Identification and the following law enforcement agencies
14 expunge all records of petitioner relating to an arrest dated
15 for the offense of

16 Law Enforcement Agencies:

17

18

19 () 2. ~~3.~~ IT IS FURTHER ORDERED that the Clerk of the
20 Circuit Court expunge all records regarding the
21 above-captioned case.

22 ENTER:

24 JUDGE

25 DATED:

1 Name:
 2 Attorney for:
 3 Address: City/State/Zip:
 4 Attorney Number:

5 (3.3) The Notice of Objection shall be in substantially the
 6 following form:

7 IN THE CIRCUIT COURT OF, ILLINOIS
 8 JUDICIAL CIRCUIT

9 IN THE INTEREST OF) NO.
 10)
 11)
 12)
 13 (Name of Petitioner)

14 NOTICE OF OBJECTION

15 TO:(Attorney, Public Defender, Minor)

16

17

18 TO:(Illinois State Police)

19

20

21 TO:(Clerk of the Court)

22

23

24 TO:(Judge)

1

2

3 TO: (Arresting Agency/Agencies)

4

5

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

9 () State's Attorney's Office;

10 () Prosecutor (other than State's Attorney's Office) charged
11 with the duty of prosecuting the offense sought to be expunged;

12 () Department of Illinois State Police; or

13 () Arresting Agency or Agencies.

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

17 DATED:

18 Name:

19 Attorney For:

20 Address:

21 City/State/Zip:

22 Telephone:

23 Attorney No.:

24 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

25 This matter has been set for hearing on the foregoing
26 objection, on in room, located at, before the

1 Honorable, Judge, or any judge sitting in his/her stead.
2 (Only one hearing shall be set, regardless of the number of
3 Notices of Objection received on the same case).

4 A copy of this completed Notice of Objection containing the
5 court date, time, and location, has been sent via regular U.S.
6 Mail to the following entities. (If more than one Notice of
7 Objection is received on the same case, each one must be
8 completed with the court date, time and location and mailed to
9 the following entities):

- 10 () Attorney, Public Defender or Minor;
11 () State's Attorney's Office;
12 () Prosecutor (other than State's Attorney's Office) charged
13 with the duty of prosecuting the offense sought to be expunged;
14 () Department of Illinois State Police; and
15 () Arresting agency or agencies.

16 Date:

17 Initials of Clerk completing this section:

18 (4) Upon entry of an order expunging records or files, the
19 offense, which the records or files concern shall be treated as
20 if it never occurred. Law enforcement officers and other public
21 offices and agencies shall properly reply on inquiry that no
22 record or file exists with respect to the person. The person
23 whose records are expunged shall not have to disclose the fact
24 of the records or any matter relating to the record on an
25 application for employment, credit, or other type of
26 application.

1 (5) Records which have not been expunged remain ~~are~~ sealed,
2 and may be obtained only under the provisions of Sections
3 5-901, 5-905 and 5-915.

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

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

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

18 (i) An explanation of the State's juvenile expungement
19 process;

20 (ii) The circumstances under which juvenile
21 expungement may occur;

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

23 (iv) The steps necessary to initiate and complete the
24 juvenile expungement process; and

25 (v) Directions on how to contact the State Appellate
26 Defender.

1 (c) The State Appellate Defender shall establish and
2 maintain a statewide toll-free telephone number that a person
3 may use to receive information or assistance concerning the
4 expungement of juvenile records. The State Appellate Defender
5 shall advertise the toll-free telephone number statewide. The
6 State Appellate Defender shall develop an expungement
7 information packet that may be sent to eligible persons seeking
8 expungement of their juvenile records, which may include, but
9 is not limited to, a pre-printed expungement petition with
10 instructions on how to complete the petition and a pamphlet
11 containing information that would assist individuals through
12 the juvenile expungement process.

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

16 (e) This Section shall be implemented from funds
17 appropriated by the General Assembly to the State Appellate
18 Defender for this purpose. The State Appellate Defender shall
19 employ the necessary staff and adopt the necessary rules for
20 implementation of this Section.

21 (8) (a) Except with respect to law enforcement agencies, the
22 Department of Corrections, State's Attorneys, or other
23 prosecutors, an expunged juvenile record may not be considered
24 by any private or public entity in employment matters,
25 certification, licensing, revocation of certification or
26 licensure, or registration. Applications for employment must

1 contain specific language that states that the applicant is not
2 obligated to disclose expunged juvenile records of conviction
3 or arrest. Employers may not ask if an applicant has had a
4 juvenile record expunged. Effective January 1, 2005, the
5 Department of Labor shall develop a link on the Department's
6 website to inform employers that employers may not ask if an
7 applicant had a juvenile record expunged and that application
8 for employment must contain specific language that states that
9 the applicant is not obligated to disclose expunged juvenile
10 records of arrest or conviction.

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

17 (c) The expungement of juvenile records under this Section
18 ~~5-622~~ shall be funded by the additional fine imposed under
19 Section 5-9-1.17 of the Unified Code of Corrections and
20 additional appropriations made by the General Assembly for such
21 purpose.

22 (Source: P.A. 95-861, eff. 1-1-09; 96-707, eff. 1-1-10.)

23 (705 ILCS 405/5-622 rep.)

24 Section 10. The Juvenile Court Act of 1987 is amended by
25 repealing Section 5-622.

1 Section 15. The Unified Code of Corrections is amended by
2 changing Section 5-9-1.17 as follows:

3 (730 ILCS 5/5-9-1.17)

4 Sec. 5-9-1.17. Additional fine to fund expungement of
5 juvenile records.

6 (a) There shall be added to every penalty imposed in
7 sentencing for a criminal offense an additional fine of \$30 to
8 be imposed upon a plea of guilty or finding of guilty resulting
9 in a judgment of conviction.

10 (b) Ten dollars of each such additional fine shall be
11 remitted to the State Treasurer for deposit into the State
12 Police Services Fund to be used to implement the expungement of
13 juvenile records as provided in Section 5-915 ~~5-622~~ of the
14 Juvenile Court Act of 1987, \$10 shall be paid to the State's
15 Attorney's Office that prosecuted the criminal offense, and \$10
16 shall be retained by the Circuit Clerk for administrative costs
17 associated with the expungement of juvenile records and shall
18 be deposited into the Circuit Court Clerk Operation and
19 Administrative Fund.

20 (Source: P.A. 96-707, eff. 1-1-10; 96-1000, eff. 7-2-10.)

21 Section 20. The Illinois Human Rights Act is amended by
22 changing Section 2-103 as follows:

1 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

2 Sec. 2-103. Arrest Record.

3 (A) Unless otherwise authorized by law, it is a civil
4 rights violation for any employer, employment agency or labor
5 organization to inquire into or to use the fact of an arrest or
6 criminal history record information ordered expunged, sealed
7 or impounded under Section 5.2 of the Criminal Identification
8 Act or expunged under Section 5-915 of the Juvenile Court Act
9 of 1987 as a basis to refuse to hire, to segregate, or to act
10 with respect to recruitment, hiring, promotion, renewal of
11 employment, selection for training or apprenticeship,
12 discharge, discipline, tenure or terms, privileges or
13 conditions of employment. This Section does not prohibit a
14 State agency, unit of local government or school district, or
15 private organization from requesting or utilizing sealed
16 felony conviction information obtained from the Department of
17 State Police under the provisions of Section 3 of the Criminal
18 Identification Act or under other State or federal laws or
19 regulations that require criminal background checks in
20 evaluating the qualifications and character of an employee or a
21 prospective employee.

22 (B) The prohibition against the use of the fact of an
23 arrest contained in this Section shall not be construed to
24 prohibit an employer, employment agency, or labor organization
25 from obtaining or using other information which indicates that
26 a person actually engaged in the conduct for which he or she

1 was arrested.

2 (Source: P.A. 96-409, eff. 1-1-10.)".