



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5862

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-125
705 ILCS 405/5-901
705 ILCS 405/5-905
705 ILCS 405/5-910
705 ILCS 405/5-915

Amends the Juvenile Court Act of 1987. Provides that law enforcement, social investigation, psychological and medical records, and court records of a minor charged with a municipal or county ordinance violation are confidential and subject to the same disclosure requirements as juvenile court, social investigation, psychological, and medical records of a minor, and juvenile law enforcement records. Provides that these records are subject to juvenile expungement provisions. Excludes from the confidentiality provisions, records of a minor charged with an ordinance violation regulating the parking, standing, operation, or use of a motor vehicle, that is punished as a petty offense, business offense, or Class C misdemeanor.

LRB098 19312 RLC 54464 b

1 AN ACT concerning courts.

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 Sections 5-125, 5-901, 5-905, 5-910, and 5-915 as
6 follows:

7 (705 ILCS 405/5-125)

8 Sec. 5-125. Concurrent jurisdiction. Any minor alleged to
9 have violated a traffic, boating, or fish and game law, or a
10 municipal or county ordinance, may be prosecuted for the
11 violation and if found guilty punished under any statute or
12 ordinance relating to the violation, without reference to the
13 procedures set out in this Article, except that any detention,
14 must be in compliance with this Article and except that any law
15 enforcement, social investigation, psychological and medical
16 records, and court records concerning a municipal or county
17 ordinance violation by a minor shall be confidential. As used
18 in this Section and Sections 5-901, 5-905, 5-910, and 5-915,
19 "municipal or county ordinance violation" does not include a
20 petty offense, business offense, or Class C misdemeanor under a
21 municipal or county ordinance regulating the parking,
22 standing, operation, or use of a motor vehicle.

23 For the purpose of this Section, "traffic violation" shall

1 include a violation of Section 9-3 of the Criminal Code of 1961
2 or the Criminal Code of 2012 relating to the offense of
3 reckless homicide, Section 11-501 of the Illinois Vehicle Code,
4 or any similar county or municipal ordinance.

5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 (705 ILCS 405/5-901)

7 Sec. 5-901. Court file.

8 (1) The Court file with respect to proceedings under this
9 Article and under the criminal laws of this State concerning a
10 minor charged with a municipal or county ordinance violation
11 shall consist of the petitions, pleadings, victim impact
12 statements, process, service of process, orders, writs and
13 docket entries reflecting hearings held and judgments and
14 decrees entered by the court. The court file shall be kept
15 separate from other records of the court.

16 (a) The file, including information identifying the
17 victim or alleged victim of any sex offense, shall be
18 disclosed only to the following parties when necessary for
19 discharge of their official duties:

20 (i) A judge of the circuit court and members of the
21 staff of the court designated by the judge;

22 (ii) Parties to the proceedings and their
23 attorneys;

24 (iii) Victims and their attorneys, except in cases
25 of multiple victims of sex offenses in which case the

1 information identifying the nonrequesting victims
2 shall be redacted;

3 (iv) Probation officers, law enforcement officers
4 or prosecutors or their staff;

5 (v) Adult and juvenile Prisoner Review Boards.

6 (b) The Court file redacted to remove any information
7 identifying the victim or alleged victim of any sex offense
8 shall be disclosed only to the following parties when
9 necessary for discharge of their official duties:

10 (i) Authorized military personnel;

11 (ii) Persons engaged in bona fide research, with
12 the permission of the judge of the juvenile court and
13 the chief executive of the agency that prepared the
14 particular recording: provided that publication of
15 such research results in no disclosure of a minor's
16 identity and protects the confidentiality of the
17 record;

18 (iii) The Secretary of State to whom the Clerk of
19 the Court shall report the disposition of all cases, as
20 required in Section 6-204 or Section 6-205.1 of the
21 Illinois Vehicle Code. However, information reported
22 relative to these offenses shall be privileged and
23 available only to the Secretary of State, courts, and
24 police officers;

25 (iv) The administrator of a bonafide substance
26 abuse student assistance program with the permission

1 of the presiding judge of the juvenile court;

2 (v) Any individual, or any public or private agency
3 or institution, having custody of the juvenile under
4 court order or providing educational, medical or
5 mental health services to the juvenile or a
6 court-approved advocate for the juvenile or any
7 placement provider or potential placement provider as
8 determined by the court.

9 (3) A minor who is the victim or alleged victim in a
10 juvenile proceeding shall be provided the same confidentiality
11 regarding disclosure of identity as the minor who is the
12 subject of record. Information identifying victims and alleged
13 victims of sex offenses, shall not be disclosed or open to
14 public inspection under any circumstances. Nothing in this
15 Section shall prohibit the victim or alleged victim of any sex
16 offense from voluntarily disclosing his or her identity.

17 (4) Relevant information, reports and records shall be made
18 available to the Department of Juvenile Justice when a juvenile
19 offender has been placed in the custody of the Department of
20 Juvenile Justice.

21 (5) Except as otherwise provided in this subsection (5),
22 juvenile court records shall not be made available to the
23 general public but may be inspected by representatives of
24 agencies, associations and news media or other properly
25 interested persons by general or special order of the court.
26 The State's Attorney, the minor, his or her parents, guardian

1 and counsel shall at all times have the right to examine court
2 files and records.

3 (a) The court shall allow the general public to have
4 access to the name, address, and offense of a minor who is
5 adjudicated a delinquent minor under this Act under either
6 of the following circumstances:

7 (i) The adjudication of delinquency was based upon
8 the minor's commission of first degree murder, attempt
9 to commit first degree murder, aggravated criminal
10 sexual assault, or criminal sexual assault; or

11 (ii) The court has made a finding that the minor
12 was at least 13 years of age at the time the act was
13 committed and the adjudication of delinquency was
14 based upon the minor's commission of: (A) an act in
15 furtherance of the commission of a felony as a member
16 of or on behalf of a criminal street gang, (B) an act
17 involving the use of a firearm in the commission of a
18 felony, (C) an act that would be a Class X felony
19 offense under or the minor's second or subsequent Class
20 2 or greater felony offense under the Cannabis Control
21 Act if committed by an adult, (D) an act that would be
22 a second or subsequent offense under Section 402 of the
23 Illinois Controlled Substances Act if committed by an
24 adult, (E) an act that would be an offense under
25 Section 401 of the Illinois Controlled Substances Act
26 if committed by an adult, or (F) an act that would be

1 an offense under the Methamphetamine Control and
2 Community Protection Act if committed by an adult.

3 (b) The court shall allow the general public to have
4 access to the name, address, and offense of a minor who is
5 at least 13 years of age at the time the offense is
6 committed and who is convicted, in criminal proceedings
7 permitted or required under Section 5-805, under either of
8 the following circumstances:

9 (i) The minor has been convicted of first degree
10 murder, attempt to commit first degree murder,
11 aggravated criminal sexual assault, or criminal sexual
12 assault,

13 (ii) The court has made a finding that the minor
14 was at least 13 years of age at the time the offense
15 was committed and the conviction was based upon the
16 minor's commission of: (A) an offense in furtherance of
17 the commission of a felony as a member of or on behalf
18 of a criminal street gang, (B) an offense involving the
19 use of a firearm in the commission of a felony, (C) a
20 Class X felony offense under the Cannabis Control Act
21 or a second or subsequent Class 2 or greater felony
22 offense under the Cannabis Control Act, (D) a second or
23 subsequent offense under Section 402 of the Illinois
24 Controlled Substances Act, (E) an offense under
25 Section 401 of the Illinois Controlled Substances Act,
26 or (F) an offense under the Methamphetamine Control and

1 Community Protection Act.

2 (6) Nothing in this Section shall be construed to limit the
3 use of a adjudication of delinquency as evidence in any
4 juvenile or criminal proceeding, where it would otherwise be
5 admissible under the rules of evidence, including but not
6 limited to, use as impeachment evidence against any witness,
7 including the minor if he or she testifies.

8 (7) Nothing in this Section shall affect the right of a
9 Civil Service Commission or appointing authority examining the
10 character and fitness of an applicant for a position as a law
11 enforcement officer to ascertain whether that applicant was
12 ever adjudicated to be a delinquent minor and, if so, to
13 examine the records or evidence which were made in proceedings
14 under this Act.

15 (8) Following any adjudication of delinquency for a crime
16 which would be a felony if committed by an adult, or following
17 any adjudication of delinquency for a violation of Section
18 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, the State's Attorney shall ascertain
20 whether the minor respondent is enrolled in school and, if so,
21 shall provide a copy of the sentencing order to the principal
22 or chief administrative officer of the school. Access to such
23 juvenile records shall be limited to the principal or chief
24 administrative officer of the school and any guidance counselor
25 designated by him or her.

26 (9) Nothing contained in this Act prevents the sharing or

1 disclosure of information or records relating or pertaining to
2 juveniles subject to the provisions of the Serious Habitual
3 Offender Comprehensive Action Program when that information is
4 used to assist in the early identification and treatment of
5 habitual juvenile offenders.

6 (11) The Clerk of the Circuit Court shall report to the
7 Department of State Police, in the form and manner required by
8 the Department of State Police, the final disposition of each
9 minor who has been arrested or taken into custody before his or
10 her 18th birthday for those offenses required to be reported
11 under Section 5 of the Criminal Identification Act. Information
12 reported to the Department under this Section may be maintained
13 with records that the Department files under Section 2.1 of the
14 Criminal Identification Act.

15 (12) Information or records may be disclosed to the general
16 public when the court is conducting hearings under Section
17 5-805 or 5-810.

18 (13) The changes made to this Section by Public Act 98-61
19 ~~this amendatory Act of the 98th General Assembly~~ apply to
20 juvenile court records of a minor who has been arrested or
21 taken into custody on or after January 1, 2014 (the effective
22 date of Public Act 98-61) ~~this amendatory Act~~.

23 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;
24 revised 11-22-13.)

25 (705 ILCS 405/5-905)

1 Sec. 5-905. Law enforcement records.

2 (1) Law Enforcement Records. Inspection and copying of law
3 enforcement records maintained by law enforcement agencies
4 that relate to a minor who has been arrested or taken into
5 custody before his or her 18th birthday, including law
6 enforcement records of a minor charged with a municipal or
7 county ordinance violation, shall be restricted to the
8 following and when necessary for the discharge of their
9 official duties:

10 (a) A judge of the circuit court and members of the
11 staff of the court designated by the judge;

12 (b) Law enforcement officers, probation officers or
13 prosecutors or their staff, or, when necessary for the
14 discharge of its official duties in connection with a
15 particular investigation of the conduct of a law
16 enforcement officer, an independent agency or its staff
17 created by ordinance and charged by a unit of local
18 government with the duty of investigating the conduct of
19 law enforcement officers;

20 (c) The minor, the minor's parents or legal guardian
21 and their attorneys, but only when the juvenile has been
22 charged with an offense;

23 (d) Adult and Juvenile Prisoner Review Boards;

24 (e) Authorized military personnel;

25 (f) Persons engaged in bona fide research, with the
26 permission of the judge of juvenile court and the chief

1 executive of the agency that prepared the particular
2 recording: provided that publication of such research
3 results in no disclosure of a minor's identity and protects
4 the confidentiality of the record;

5 (g) Individuals responsible for supervising or
6 providing temporary or permanent care and custody of minors
7 pursuant to orders of the juvenile court or directives from
8 officials of the Department of Children and Family Services
9 or the Department of Human Services who certify in writing
10 that the information will not be disclosed to any other
11 party except as provided under law or order of court;

12 (h) The appropriate school official only if the agency
13 or officer believes that there is an imminent threat of
14 physical harm to students, school personnel, or others who
15 are present in the school or on school grounds.

16 (A) Inspection and copying shall be limited to law
17 enforcement records transmitted to the appropriate
18 school official or officials whom the school has
19 determined to have a legitimate educational or safety
20 interest by a local law enforcement agency under a
21 reciprocal reporting system established and maintained
22 between the school district and the local law
23 enforcement agency under Section 10-20.14 of the
24 School Code concerning a minor enrolled in a school
25 within the school district who has been arrested or
26 taken into custody for any of the following offenses:

1 (i) any violation of Article 24 of the Criminal
2 Code of 1961 or the Criminal Code of 2012;

3 (ii) a violation of the Illinois Controlled
4 Substances Act;

5 (iii) a violation of the Cannabis Control Act;

6 (iv) a forcible felony as defined in Section
7 2-8 of the Criminal Code of 1961 or the Criminal
8 Code of 2012;

9 (v) a violation of the Methamphetamine Control
10 and Community Protection Act;

11 (vi) a violation of Section 1-2 of the
12 Harassing and Obscene Communications Act;

13 (vii) a violation of the Hazing Act; or

14 (viii) a violation of Section 12-1, 12-2,
15 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
16 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
17 Criminal Code of 1961 or the Criminal Code of 2012.

18 The information derived from the law enforcement
19 records shall be kept separate from and shall not
20 become a part of the official school record of that
21 child and shall not be a public record. The information
22 shall be used solely by the appropriate school official
23 or officials whom the school has determined to have a
24 legitimate educational or safety interest to aid in the
25 proper rehabilitation of the child and to protect the
26 safety of students and employees in the school. If the

1 designated law enforcement and school officials deem
2 it to be in the best interest of the minor, the student
3 may be referred to in-school or community based social
4 services if those services are available.
5 "Rehabilitation services" may include interventions by
6 school support personnel, evaluation for eligibility
7 for special education, referrals to community-based
8 agencies such as youth services, behavioral healthcare
9 service providers, drug and alcohol prevention or
10 treatment programs, and other interventions as deemed
11 appropriate for the student.

12 (B) Any information provided to appropriate school
13 officials whom the school has determined to have a
14 legitimate educational or safety interest by local law
15 enforcement officials about a minor who is the subject
16 of a current police investigation that is directly
17 related to school safety shall consist of oral
18 information only, and not written law enforcement
19 records, and shall be used solely by the appropriate
20 school official or officials to protect the safety of
21 students and employees in the school and aid in the
22 proper rehabilitation of the child. The information
23 derived orally from the local law enforcement
24 officials shall be kept separate from and shall not
25 become a part of the official school record of the
26 child and shall not be a public record. This limitation

1 on the use of information about a minor who is the
2 subject of a current police investigation shall in no
3 way limit the use of this information by prosecutors in
4 pursuing criminal charges arising out of the
5 information disclosed during a police investigation of
6 the minor. For purposes of this paragraph,
7 "investigation" means an official systematic inquiry
8 by a law enforcement agency into actual or suspected
9 criminal activity;

10 (i) The president of a park district. Inspection and
11 copying shall be limited to law enforcement records
12 transmitted to the president of the park district by the
13 Illinois State Police under Section 8-23 of the Park
14 District Code or Section 16a-5 of the Chicago Park District
15 Act concerning a person who is seeking employment with that
16 park district and who has been adjudicated a juvenile
17 delinquent for any of the offenses listed in subsection (c)
18 of Section 8-23 of the Park District Code or subsection (c)
19 of Section 16a-5 of the Chicago Park District Act.

20 (2) Information identifying victims and alleged victims of
21 sex offenses, shall not be disclosed or open to public
22 inspection under any circumstances. Nothing in this Section
23 shall prohibit the victim or alleged victim of any sex offense
24 from voluntarily disclosing his or her identity.

25 (2.5) If the minor is a victim of aggravated battery,
26 battery, attempted first degree murder, or other non-sexual

1 violent offense, the identity of the victim may be disclosed to
2 appropriate school officials, for the purpose of preventing
3 foreseeable future violence involving minors, by a local law
4 enforcement agency pursuant to an agreement established
5 between the school district and a local law enforcement agency
6 subject to the approval by the presiding judge of the juvenile
7 court.

8 (3) Relevant information, reports and records shall be made
9 available to the Department of Juvenile Justice when a juvenile
10 offender has been placed in the custody of the Department of
11 Juvenile Justice.

12 (4) Nothing in this Section shall prohibit the inspection
13 or disclosure to victims and witnesses of photographs contained
14 in the records of law enforcement agencies when the inspection
15 or disclosure is conducted in the presence of a law enforcement
16 officer for purposes of identification or apprehension of any
17 person in the course of any criminal investigation or
18 prosecution.

19 (5) The records of law enforcement officers, or of an
20 independent agency created by ordinance and charged by a unit
21 of local government with the duty of investigating the conduct
22 of law enforcement officers, concerning all minors under 18
23 years of age must be maintained separate from the records of
24 adults and may not be open to public inspection or their
25 contents disclosed to the public except by order of the court
26 or when the institution of criminal proceedings has been

1 permitted under Section 5-130 or 5-805 or required under
2 Section 5-130 or 5-805 or such a person has been convicted of a
3 crime and is the subject of pre-sentence investigation or when
4 provided by law.

5 (6) Except as otherwise provided in this subsection (6),
6 law enforcement officers, and personnel of an independent
7 agency created by ordinance and charged by a unit of local
8 government with the duty of investigating the conduct of law
9 enforcement officers, may not disclose the identity of any
10 minor in releasing information to the general public as to the
11 arrest, investigation or disposition of any case involving a
12 minor. Any victim or parent or legal guardian of a victim may
13 petition the court to disclose the name and address of the
14 minor and the minor's parents or legal guardian, or both. Upon
15 a finding by clear and convincing evidence that the disclosure
16 is either necessary for the victim to pursue a civil remedy
17 against the minor or the minor's parents or legal guardian, or
18 both, or to protect the victim's person or property from the
19 minor, then the court may order the disclosure of the
20 information to the victim or to the parent or legal guardian of
21 the victim only for the purpose of the victim pursuing a civil
22 remedy against the minor or the minor's parents or legal
23 guardian, or both, or to protect the victim's person or
24 property from the minor.

25 (7) Nothing contained in this Section shall prohibit law
26 enforcement agencies when acting in their official capacity

1 from communicating with each other by letter, memorandum,
2 teletype or intelligence alert bulletin or other means the
3 identity or other relevant information pertaining to a person
4 under 18 years of age. The information provided under this
5 subsection (7) shall remain confidential and shall not be
6 publicly disclosed, except as otherwise allowed by law.

7 (8) No person shall disclose information under this Section
8 except when acting in his or her official capacity and as
9 provided by law or order of court.

10 (9) The changes made to this Section by Public Act 98-61
11 ~~this amendatory Act of the 98th General Assembly~~ apply to law
12 enforcement records of a minor who has been arrested or taken
13 into custody on or after January 1, 2014 (the effective date of
14 Public Act 98-61) ~~this amendatory Act~~.

15 (Source: P.A. 97-700, eff. 6-22-12; 97-1104, eff. 1-1-13;
16 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14; revised 11-22-13.)

17 (705 ILCS 405/5-910)

18 Sec. 5-910. Social, psychological and medical records.

19 (1) The social investigation, psychological and medical
20 records of any juvenile offender and of a minor charged with a
21 municipal or county ordinance violation shall be privileged and
22 shall not be disclosed except:

23 (a) upon the written consent of the former juvenile or,
24 if the juvenile offender is under 18 years of age, by the
25 parent of the juvenile; or

1 (b) upon a determination by the head of the treatment
2 facility, who has the records, that disclosure to another
3 individual or facility providing treatment to the minor is
4 necessary for the further treatment of the juvenile
5 offender; or

6 (c) when any court having jurisdiction of the juvenile
7 offender orders disclosure; or

8 (d) when requested by any attorney representing the
9 juvenile offender, but the records shall not be further
10 disclosed by the attorney unless approved by the court or
11 presented as admissible evidence; or

12 (e) upon a written request of a juvenile probation
13 officer in regard to an alleged juvenile offender when the
14 information is needed for screening and assessment
15 purposes, for preparation of a social investigation or
16 presentence investigation, or placement decisions; but the
17 records shall not be further disclosed by the probation
18 officer unless approved by the court; or

19 (f) when the State's Attorney requests a copy of the
20 social investigation for use at a sentencing hearing or
21 upon written request of the State's Attorney for
22 psychological or medical records when the minor contests
23 his fitness for trial or relies on an affirmative defense
24 of intoxication or insanity.

25 (2) Willful violation of this Section is a Class C
26 misdemeanor.

1 (3) Nothing in this Section shall operate to extinguish any
2 rights of a juvenile offender established by attorney-client,
3 physician-patient, psychologist-client or social worker-client
4 privileges except as otherwise provided by law.

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

6 (705 ILCS 405/5-915)

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

9 For purposes of this Section and Section 5-622, the
10 expungement of law enforcement and court records of a minor
11 charged with a municipal or county ordinance violation shall be
12 governed by this Section and not Section 5.2 of the Criminal
13 Identification Act.

14 (0.05) For purposes of this Section and Section 5-622:

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

21 "Law enforcement record" includes but is not limited to
22 records of arrest, station adjustments, fingerprints,
23 probation adjustments, the issuance of a notice to appear,
24 or any other records maintained by a law enforcement agency
25 relating to a minor suspected of committing an offense.

1 (1) Whenever any person has attained the age of 18 or
2 whenever all juvenile court proceedings relating to that person
3 have been terminated, whichever is later, the person may
4 petition the court to expunge law enforcement records relating
5 to incidents occurring before his or her 18th birthday or his
6 or her juvenile court records, or both, but only in the
7 following circumstances:

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

10 or

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

13 (c) the minor was placed under supervision pursuant to
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 (2) Any person may petition the court to expunge all law
20 enforcement records relating to any incidents occurring before
21 his or her 18th birthday which did not result in proceedings in
22 criminal court and all juvenile court records with respect to
23 any adjudications except those based upon first degree murder
24 and sex offenses which would be felonies if committed by an
25 adult, if the person for whom expungement is sought has had no
26 convictions for any crime since his or her 18th birthday and:

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

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

6 whichever is later of (a) or (b). Nothing in this Section 5-915
7 precludes a minor from obtaining expungement under Section
8 5-622.

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 18 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

1 supervision under Section 5-615, and the order of supervision
2 is successfully terminated; or if a minor is adjudicated for an
3 offense that would be a Class B misdemeanor, a Class C
4 misdemeanor, or a business or petty offense if committed by an
5 adult; or if a minor has incidents occurring before his or her
6 18th birthday that have not resulted in proceedings in criminal
7 court, or resulted in proceedings in juvenile court, and the
8 adjudications were not based upon first degree murder or sex
9 offenses that would be felonies if committed by an adult; then
10 at the time of sentencing or dismissal of the case, the judge
11 shall inform the delinquent minor of his or her right to
12 petition for expungement as provided by law, and the clerk of
13 the circuit court shall provide an expungement information
14 packet to the delinquent minor, written in plain language,
15 including a petition for expungement, a sample of a completed
16 petition, expungement instructions that shall include
17 information informing the minor that (i) once the case is
18 expunged, it shall be treated as if it never occurred, (ii) he
19 or she may apply to have petition fees waived, (iii) once he or
20 she obtains an expungement, he or she may not be required to
21 disclose that he or she had a juvenile record, and (iv) he or
22 she may file the petition on his or her own or with the
23 assistance of an attorney. The failure of the judge to inform
24 the delinquent minor of his or her right to petition for
25 expungement as provided by law does not create a substantive
26 right, nor is that failure grounds for: (i) a reversal of an

1 adjudication of delinquency, (ii) a new trial; or (iii) an
2 appeal.

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

13 (2.8) The petition for expungement for subsection (1) shall
14 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 (SUBSECTION 1))

24 (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: Petitioner has attained the age of 18,
 5 his/her birth date being, or all Juvenile Court
 6 proceedings terminated as of, whichever occurred later.
 7 Petitioner was arrested on by the Police
 8 Department for the offense of, 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.

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

16 () d. on placed under supervision pursuant to Section
 17 5-615 of the Juvenile Court Act of 1987 and such order of
 18 supervision successfully terminated on

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

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

26 Charge(s):

1 Arresting Agency or Agencies:

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

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

8

9 Petitioner (Signature)

10

11 Petitioner's Street Address

12

13 City, State, Zip Code

14

15 Petitioner's Telephone Number

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

20

1 Petitioner (Signature)

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

4 IN THE CIRCUIT COURT OF, ILLINOIS
5 JUDICIAL CIRCUIT

6 IN THE INTEREST OF) NO.
7)
8)
9)
10 (Name of Petitioner)

11 PETITION TO EXPUNGE JUVENILE RECORDS
12 (705 ILCS 405/5-915 (SUBSECTION 2))

13 (Please prepare a separate petition for each offense)

14 Now comes, petitioner, and respectfully requests
15 that this Honorable Court enter an order expunging all Juvenile
16 Law Enforcement and Court records of petitioner and in support
17 thereof states that:

18 The incident for which the Petitioner seeks expungement
19 occurred before the Petitioner's 18th birthday and did not
20 result in proceedings in criminal court and the Petitioner has
21 not had any convictions for any crime since his/her 18th
22 birthday; and

23 The incident for which the Petitioner seeks expungement

1 occurred before the Petitioner's 18th birthday and the
2 adjudication was not based upon first-degree murder or sex
3 offenses which would be felonies if committed by an adult, and
4 the Petitioner has not had any convictions for any crime since
5 his/her 18th birthday.

6 Petitioner was arrested on by the Police
7 Department for the offense of, and:

8 (Check whichever one occurred the latest:)

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

11 () b. 5 years have elapsed since all juvenile court
12 proceedings relating to the Petitioner have been terminated; or
13 the Petitioner's commitment to the Department of Juvenile
14 Justice pursuant to the expungement of juvenile law enforcement
15 and court records provisions of the Juvenile Court Act of 1987
16 has been terminated. Petitioner ...has ...has not been arrested
17 on charges in this or any other county other than the charge
18 listed above. If petitioner has been arrested on additional
19 charges, please list the charges below:

20 Charge(s):

21 Arresting Agency or Agencies:

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

23 WHEREFORE, the petitioner respectfully requests this Honorable
24 Court to (1) order all law enforcement agencies to expunge all
25 records of petitioner related to this incident, and (2) to
26 order the Clerk of the Court to expunge all records concerning

1 the petitioner regarding this incident.

2
3

3 Petitioner (Signature)

4
5

5 Petitioner's Street Address

6
7

7 City, State, Zip Code

8
9

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

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

1 authority, the clerk of the circuit court and the Department of
2 State Police. The person whose records are to be expunged shall
3 petition the court using the appropriate form containing his or
4 her current address and shall promptly notify the clerk of the
5 circuit court of any change of address. Notice of the petition
6 shall be served upon the State's Attorney or prosecutor charged
7 with the duty of prosecuting the offense, the Department of
8 State Police, and the arresting agency or agencies by the clerk
9 of the circuit court. If an objection is filed within 45 days
10 of the notice of the petition, the clerk of the circuit court
11 shall set a date for hearing after the 45 day objection period.
12 At the hearing the court shall hear evidence on whether the
13 expungement should or should not be granted. Unless the State's
14 Attorney or prosecutor, the Department of State Police, or an
15 arresting agency objects to the expungement within 45 days of
16 the notice, the court may enter an order granting expungement.
17 The person whose records are to be expunged shall pay the clerk
18 of the circuit court a fee equivalent to the cost associated
19 with expungement of records by the clerk and the Department of
20 State Police. The clerk shall forward a certified copy of the
21 order to the Department of State Police, the appropriate
22 portion of the fee to the Department of State Police for
23 processing, and deliver a certified copy of the order to the
24 arresting agency.

25 (3.1) The Notice of Expungement shall be in substantially
26 the following form:

1 IN THE CIRCUIT COURT OF, ILLINOIS

2 JUDICIAL CIRCUIT

3 IN THE INTEREST OF) NO.

4)

5)

6)

7 (Name of Petitioner)

8 NOTICE

9 TO: State's Attorney

10 TO: Arresting Agency

11
12

13

14
15

16

17 TO: Illinois State Police

18
19

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21

22 ATTENTION: Expungement

23 You are hereby notified that on, at, in courtroom

24 ..., located at ..., before the Honorable ..., Judge, or any

1 judge sitting in his/her stead, I shall then and there present
2 a Petition to Expunge Juvenile records in the above-entitled
3 matter, at which time and place you may appear.

4

5 Petitioner's Signature

6

7 Petitioner's Street Address

8

9 City, State, Zip Code

10

11 Petitioner's Telephone Number

12 PROOF OF SERVICE

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

16 (Check One:)

17 delivering copies personally to each entity to whom they are
18 directed;

19 or

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

24

25

26 Signature

1 Clerk of the Circuit Court or Deputy Clerk

2 Printed Name of Delinquent Minor/Petitioner:

3 Address:

4 Telephone Number:

5 (3.2) The Order of Expungement shall be in substantially
6 the 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 DOB

15 Arresting Agency/Agencies

16 ORDER OF EXPUNGEMENT

17 (705 ILCS 405/5-915 (SUBSECTION 3))

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

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

24 () 2. The Illinois State Police Bureau of Identification

1 and the following law enforcement agencies expunge all records
2 of petitioner relating to an arrest dated for the
3 offense of

4 Law Enforcement Agencies:
5
6

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

9 ENTER:

10

11 JUDGE

12 DATED:

13 Name:

14 Attorney for:

15 Address: City/State/Zip:

16 Attorney Number:

17 (3.3) The Notice of Objection shall be in substantially the
18 following form:

19 IN THE CIRCUIT COURT OF, ILLINOIS
20 JUDICIAL CIRCUIT

21 IN THE INTEREST OF) NO.

22)

23)

24)

25 (Name of Petitioner)

NOTICE OF OBJECTION

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TO:(Attorney, Public Defender, Minor)

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TO:(Illinois State Police)

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.....

TO:(Clerk of the Court)

.....
.....

TO:(Judge)

.....
.....

TO:(Arresting Agency/Agencies)

.....
.....

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

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

The agency checked above respectfully requests that this case

1 be continued and set for hearing on whether the expungement
2 should or should not be granted.

3 DATED:

4 Name:

5 Attorney For:

6 Address:

7 City/State/Zip:

8 Telephone:

9 Attorney No.:

10 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

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

16 A copy of this completed Notice of Objection containing the
17 court date, time, and location, has been sent via regular U.S.
18 Mail to the following entities. (If more than one Notice of
19 Objection is received on the same case, each one must be
20 completed with the court date, time and location and mailed to
21 the following entities):

22 () Attorney, Public Defender or Minor;

23 () State's Attorney's Office;

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

26 () Department of Illinois State Police; and

1 () Arresting agency or agencies.

2 Date:

3 Initials of Clerk completing this section:

4 (4) Upon entry of an order expunging records or files, the
5 offense, which the records or files concern shall be treated as
6 if it never occurred. Law enforcement officers and other public
7 offices and agencies shall properly reply on inquiry that no
8 record or file exists with respect to the person.

9 (5) Records which have not been expunged are sealed, and
10 may be obtained only under the provisions of Sections 5-901,
11 5-905 and 5-915.

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

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

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

26 (i) An explanation of the State's juvenile expungement

1 process;

2 (ii) The circumstances under which juvenile
3 expungement may occur;

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

5 (iv) The steps necessary to initiate and complete the
6 juvenile expungement process; and

7 (v) Directions on how to contact the State Appellate
8 Defender.

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

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

24 (e) This Section shall be implemented from funds
25 appropriated by the General Assembly to the State Appellate
26 Defender for this purpose. The State Appellate Defender shall

1 employ the necessary staff and adopt the necessary rules for
2 implementation of this Section.

3 (8) (a) Except with respect to law enforcement agencies, the
4 Department of Corrections, State's Attorneys, or other
5 prosecutors, an expunged juvenile record may not be considered
6 by any private or public entity in employment matters,
7 certification, licensing, revocation of certification or
8 licensure, or registration. Applications for employment must
9 contain specific language that states that the applicant is not
10 obligated to disclose expunged juvenile records of conviction
11 or arrest. Employers may not ask if an applicant has had a
12 juvenile record expunged. Effective January 1, 2005, the
13 Department of Labor shall develop a link on the Department's
14 website to inform employers that employers may not ask if an
15 applicant had a juvenile record expunged and that application
16 for employment must contain specific language that states that
17 the applicant is not obligated to disclose expunged juvenile
18 records of arrest or conviction.

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

25 (c) The expungement of juvenile records under Section 5-622
26 shall be funded by the additional fine imposed under Section

1 5-9-1.17 of the Unified Code of Corrections and additional
2 appropriations made by the General Assembly for such purpose.

3 (9) The changes made to Public Act 98-61 ~~this Section by~~
4 ~~this amendatory Act of the 98th General Assembly~~ apply to law
5 enforcement records of a minor who has been arrested or taken
6 into custody on or after January 1, 2014 (the effective date of
7 Public Act 98-61) ~~this amendatory Act~~.

8 (Source: P.A. 98-61, eff. 1-1-14; revised 11-22-13.)