

1 AN ACT concerning State government.

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

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

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have  
10 the meanings set forth in this subsection, except when a  
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings  
13 ascribed to them in the Unified Code of Corrections,  
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),  
2 (xi) Petty Offense (730 ILCS 5/5-1-17),  
3 (xii) Probation (730 ILCS 5/5-1-18),  
4 (xiii) Sentence (730 ILCS 5/5-1-19),  
5 (xiv) Supervision (730 ILCS 5/5-1-21), and  
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated  
8 by arrest" means a charge (as defined by 730 ILCS  
9 5/5-1-3) brought against a defendant where the  
10 defendant is not arrested prior to or as a direct  
11 result of the charge.

12 (C) "Conviction" means a judgment of conviction or  
13 sentence entered upon a plea of guilty or upon a  
14 verdict or finding of guilty of an offense, rendered by  
15 a legally constituted jury or by a court of competent  
16 jurisdiction authorized to try the case without a jury.  
17 An order of supervision successfully completed by the  
18 petitioner is not a conviction. An order of qualified  
19 probation (as defined in subsection (a)(1)(J))  
20 successfully completed by the petitioner is not a  
21 conviction. An order of supervision or an order of  
22 qualified probation that is terminated  
23 unsatisfactorily is a conviction, unless the  
24 unsatisfactory termination is reversed, vacated, or  
25 modified and the judgment of conviction, if any, is  
26 reversed or vacated.

1 (D) "Criminal offense" means a petty offense,  
2 business offense, misdemeanor, felony, or municipal  
3 ordinance violation (as defined in subsection  
4 (a)(1)(H)). As used in this Section, a minor traffic  
5 offense (as defined in subsection (a)(1)(G)) shall not  
6 be considered a criminal offense.

7 (E) "Expunge" means to physically destroy the  
8 records or return them to the petitioner and to  
9 obliterate the petitioner's name from any official  
10 index or public record, or both. Nothing in this Act  
11 shall require the physical destruction of the circuit  
12 court file, but such records relating to arrests or  
13 charges, or both, ordered expunged shall be impounded  
14 as required by subsections (d)(9)(A)(ii) and  
15 (d)(9)(B)(ii).

16 (F) As used in this Section, "last sentence" means  
17 the sentence, order of supervision, or order of  
18 qualified probation (as defined by subsection  
19 (a)(1)(J)), for a criminal offense (as defined by  
20 subsection (a)(1)(D)) that terminates last in time in  
21 any jurisdiction, regardless of whether the petitioner  
22 has included the criminal offense for which the  
23 sentence or order of supervision or qualified  
24 probation was imposed in his or her petition. If  
25 multiple sentences, orders of supervision, or orders  
26 of qualified probation terminate on the same day and

1           are last in time, they shall be collectively considered  
2           the "last sentence" regardless of whether they were  
3           ordered to run concurrently.

4           (G) "Minor traffic offense" means a petty offense,  
5           business offense, or Class C misdemeanor under the  
6           Illinois Vehicle Code or a similar provision of a  
7           municipal or local ordinance.

8           (H) "Municipal ordinance violation" means an  
9           offense defined by a municipal or local ordinance that  
10          is criminal in nature and with which the petitioner was  
11          charged or for which the petitioner was arrested and  
12          released without charging.

13          (I) "Petitioner" means an adult or a minor  
14          prosecuted as an adult who has applied for relief under  
15          this Section.

16          (J) "Qualified probation" means an order of  
17          probation under Section 10 of the Cannabis Control Act,  
18          Section 410 of the Illinois Controlled Substances Act,  
19          Section 70 of the Methamphetamine Control and  
20          Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
21          of the Unified Code of Corrections, Section  
22          12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as  
23          those provisions existed before their deletion by  
24          Public Act 89-313), Section 10-102 of the Illinois  
25          Alcoholism and Other Drug Dependency Act, Section  
26          40-10 of the Alcoholism and Other Drug Abuse and

1           Dependency Act, or Section 10 of the Steroid Control  
2           Act. For the purpose of this Section, "successful  
3           completion" of an order of qualified probation under  
4           Section 10-102 of the Illinois Alcoholism and Other  
5           Drug Dependency Act and Section 40-10 of the Alcoholism  
6           and Other Drug Abuse and Dependency Act means that the  
7           probation was terminated satisfactorily and the  
8           judgment of conviction was vacated.

9           (K) "Seal" means to physically and electronically  
10          maintain the records, unless the records would  
11          otherwise be destroyed due to age, but to make the  
12          records unavailable without a court order, subject to  
13          the exceptions in Sections 12 and 13 of this Act. The  
14          petitioner's name shall also be obliterated from the  
15          official index required to be kept by the circuit court  
16          clerk under Section 16 of the Clerks of Courts Act, but  
17          any index issued by the circuit court clerk before the  
18          entry of the order to seal shall not be affected.

19          (L) "Sexual offense committed against a minor"  
20          includes but is not limited to the offenses of indecent  
21          solicitation of a child or criminal sexual abuse when  
22          the victim of such offense is under 18 years of age.

23          (M) "Terminate" as it relates to a sentence or  
24          order of supervision or qualified probation includes  
25          either satisfactory or unsatisfactory termination of  
26          the sentence, unless otherwise specified in this

1 Section.

2 (2) Minor Traffic Offenses. Orders of supervision or  
3 convictions for minor traffic offenses shall not affect a  
4 petitioner's eligibility to expunge or seal records  
5 pursuant to this Section.

6 (3) Exclusions. Except as otherwise provided in  
7 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
8 of this Section, the court shall not order:

9 (A) the sealing or expungement of the records of  
10 arrests or charges not initiated by arrest that result  
11 in an order of supervision for or conviction of: (i)  
12 any sexual offense committed against a minor; (ii)  
13 Section 11-501 of the Illinois Vehicle Code or a  
14 similar provision of a local ordinance; or (iii)  
15 Section 11-503 of the Illinois Vehicle Code or a  
16 similar provision of a local ordinance, unless the  
17 arrest or charge is for a misdemeanor violation of  
18 subsection (a) of Section 11-503 or a similar provision  
19 of a local ordinance, that occurred prior to the  
20 offender reaching the age of 25 years and the offender  
21 has no other conviction for violating Section 11-501 or  
22 11-503 of the Illinois Vehicle Code or a similar  
23 provision of a local ordinance.

24 (B) the sealing or expungement of records of minor  
25 traffic offenses (as defined in subsection (a) (1) (G)),  
26 unless the petitioner was arrested and released

1 without charging.

2 (C) the sealing of the records of arrests or  
3 charges not initiated by arrest which result in an  
4 order of supervision or a conviction for the following  
5 offenses:

6 (i) offenses included in Article 11 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012  
8 or a similar provision of a local ordinance, except  
9 Section 11-14 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, or a similar provision of a  
11 local ordinance;

12 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
13 26-5, or 48-1 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, or a similar provision of a  
15 local ordinance;

16 (iii) Sections 12-3.1 or 12-3.2 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012,  
18 or Section 125 of the Stalking No Contact Order  
19 Act, or Section 219 of the Civil No Contact Order  
20 Act, or a similar provision of a local ordinance;

21 (iv) offenses which are Class A misdemeanors  
22 under the Humane Care for Animals Act; or

23 (v) any offense or attempted offense that  
24 would subject a person to registration under the  
25 Sex Offender Registration Act.

26 (D) the sealing of the records of an arrest which

1 results in the petitioner being charged with a felony  
2 offense or records of a charge not initiated by arrest  
3 for a felony offense unless:

4 (i) the charge is amended to a misdemeanor and  
5 is otherwise eligible to be sealed pursuant to  
6 subsection (c);

7 (ii) the charge is brought along with another  
8 charge as a part of one case and the charge results  
9 in acquittal, dismissal, or conviction when the  
10 conviction was reversed or vacated, and another  
11 charge brought in the same case results in a  
12 disposition for a misdemeanor offense that is  
13 eligible to be sealed pursuant to subsection (c) or  
14 a disposition listed in paragraph (i), (iii), or  
15 (iv) of this subsection;

16 (iii) the charge results in first offender  
17 probation as set forth in subsection (c) (2) (E);

18 (iv) the charge is for a felony offense listed  
19 in subsection (c) (2) (F) or the charge is amended to  
20 a felony offense listed in subsection (c) (2) (F);

21 (v) the charge results in acquittal,  
22 dismissal, or the petitioner's release without  
23 conviction; or

24 (vi) the charge results in a conviction, but  
25 the conviction was reversed or vacated.

26 (b) Expungement.



1           (1) A petitioner may petition the circuit court to  
2 expunge the records of his or her arrests and charges not  
3 initiated by arrest when:

4           (A) He or she has never been convicted of a  
5 criminal offense; and

6           (B) Each arrest or charge not initiated by arrest  
7 sought to be expunged resulted in: (i) acquittal,  
8 dismissal, or the petitioner's release without  
9 charging, unless excluded by subsection (a)(3)(B);  
10 (ii) a conviction which was vacated or reversed, unless  
11 excluded by subsection (a)(3)(B); (iii) an order of  
12 supervision and such supervision was successfully  
13 completed by the petitioner, unless excluded by  
14 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of  
15 qualified probation (as defined in subsection  
16 (a)(1)(J)) and such probation was successfully  
17 completed by the petitioner.

18           (2) Time frame for filing a petition to expunge.

19           (A) When the arrest or charge not initiated by  
20 arrest sought to be expunged resulted in an acquittal,  
21 dismissal, the petitioner's release without charging,  
22 or the reversal or vacation of a conviction, there is  
23 no waiting period to petition for the expungement of  
24 such records.

25           (B) When the arrest or charge not initiated by  
26 arrest sought to be expunged resulted in an order of

1 supervision, successfully completed by the petitioner,  
2 the following time frames will apply:

3 (i) Those arrests or charges that resulted in  
4 orders of supervision under Section 3-707, 3-708,  
5 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
6 similar provision of a local ordinance, or under  
7 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
8 Code of 1961 or the Criminal Code of 2012, or a  
9 similar provision of a local ordinance, shall not  
10 be eligible for expungement until 5 years have  
11 passed following the satisfactory termination of  
12 the supervision.

13 (i-5) Those arrests or charges that resulted  
14 in orders of supervision for a misdemeanor  
15 violation of subsection (a) of Section 11-503 of  
16 the Illinois Vehicle Code or a similar provision of  
17 a local ordinance, that occurred prior to the  
18 offender reaching the age of 25 years and the  
19 offender has no other conviction for violating  
20 Section 11-501 or 11-503 of the Illinois Vehicle  
21 Code or a similar provision of a local ordinance  
22 shall not be eligible for expungement until the  
23 petitioner has reached the age of 25 years.

24 (ii) Those arrests or charges that resulted in  
25 orders of supervision for any other offenses shall  
26 not be eligible for expungement until 2 years have

1           passed following the satisfactory termination of  
2           the supervision.

3           (C) When the arrest or charge not initiated by  
4           arrest sought to be expunged resulted in an order of  
5           qualified probation, successfully completed by the  
6           petitioner, such records shall not be eligible for  
7           expungement until 5 years have passed following the  
8           satisfactory termination of the probation.

9           (3) Those records maintained by the Department for  
10          persons arrested prior to their 17th birthday shall be  
11          expunged as provided in Section 5-915 of the Juvenile Court  
12          Act of 1987.

13          (4) Whenever a person has been arrested for or  
14          convicted of any offense, in the name of a person whose  
15          identity he or she has stolen or otherwise come into  
16          possession of, the aggrieved person from whom the identity  
17          was stolen or otherwise obtained without authorization,  
18          upon learning of the person having been arrested using his  
19          or her identity, may, upon verified petition to the chief  
20          judge of the circuit wherein the arrest was made, have a  
21          court order entered nunc pro tunc by the Chief Judge to  
22          correct the arrest record, conviction record, if any, and  
23          all official records of the arresting authority, the  
24          Department, other criminal justice agencies, the  
25          prosecutor, and the trial court concerning such arrest, if  
26          any, by removing his or her name from all such records in

1 connection with the arrest and conviction, if any, and by  
2 inserting in the records the name of the offender, if known  
3 or ascertainable, in lieu of the aggrieved's name. The  
4 records of the circuit court clerk shall be sealed until  
5 further order of the court upon good cause shown and the  
6 name of the aggrieved person obliterated on the official  
7 index required to be kept by the circuit court clerk under  
8 Section 16 of the Clerks of Courts Act, but the order shall  
9 not affect any index issued by the circuit court clerk  
10 before the entry of the order. Nothing in this Section  
11 shall limit the Department of State Police or other  
12 criminal justice agencies or prosecutors from listing  
13 under an offender's name the false names he or she has  
14 used.

15 (5) Whenever a person has been convicted of criminal  
16 sexual assault, aggravated criminal sexual assault,  
17 predatory criminal sexual assault of a child, criminal  
18 sexual abuse, or aggravated criminal sexual abuse, the  
19 victim of that offense may request that the State's  
20 Attorney of the county in which the conviction occurred  
21 file a verified petition with the presiding trial judge at  
22 the petitioner's trial to have a court order entered to  
23 seal the records of the circuit court clerk in connection  
24 with the proceedings of the trial court concerning that  
25 offense. However, the records of the arresting authority  
26 and the Department of State Police concerning the offense

1 shall not be sealed. The court, upon good cause shown,  
2 shall make the records of the circuit court clerk in  
3 connection with the proceedings of the trial court  
4 concerning the offense available for public inspection.

5 (6) If a conviction has been set aside on direct review  
6 or on collateral attack and the court determines by clear  
7 and convincing evidence that the petitioner was factually  
8 innocent of the charge, the court that finds the petitioner  
9 factually innocent of the charge shall enter an expungement  
10 order for the conviction for which the petitioner has been  
11 determined to be innocent as provided in subsection (b) of  
12 Section 5-5-4 of the Unified Code of Corrections.

13 (7) Nothing in this Section shall prevent the  
14 Department of State Police from maintaining all records of  
15 any person who is admitted to probation upon terms and  
16 conditions and who fulfills those terms and conditions  
17 pursuant to Section 10 of the Cannabis Control Act, Section  
18 410 of the Illinois Controlled Substances Act, Section 70  
19 of the Methamphetamine Control and Community Protection  
20 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
21 Corrections, Section 12-4.3 or subdivision (b)(1) of  
22 Section 12-3.05 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012, Section 10-102 of the Illinois  
24 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
25 the Alcoholism and Other Drug Abuse and Dependency Act, or  
26 Section 10 of the Steroid Control Act.

1           (8) If the petitioner has been granted a certificate of  
2           innocence under Section 2-702 of the Code of Civil  
3           Procedure, the court that grants the certificate of  
4           innocence shall also enter an order expunging the  
5           conviction for which the petitioner has been determined to  
6           be innocent as provided in subsection (h) of Section 2-702  
7           of the Code of Civil Procedure.

8           (c) Sealing.

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

14          (2) Eligible Records. The following records may be  
15          sealed:

16                (A) All arrests resulting in release without  
17                charging;

18                (B) Arrests or charges not initiated by arrest  
19                resulting in acquittal, dismissal, or conviction when  
20                the conviction was reversed or vacated, except as  
21                excluded by subsection (a) (3) (B);

22                (C) Arrests or charges not initiated by arrest  
23                resulting in orders of supervision, including orders  
24                of supervision for municipal ordinance violations,  
25                successfully completed by the petitioner, unless  
26                excluded by subsection (a) (3);

1 (D) Arrests or charges not initiated by arrest  
2 resulting in convictions, including convictions on  
3 municipal ordinance violations, unless excluded by  
4 subsection (a) (3);

5 (E) Arrests or charges not initiated by arrest  
6 resulting in orders of first offender probation under  
7 Section 10 of the Cannabis Control Act, Section 410 of  
8 the Illinois Controlled Substances Act, Section 70 of  
9 the Methamphetamine Control and Community Protection  
10 Act, or Section 5-6-3.3 of the Unified Code of  
11 Corrections; and

12 (F) Arrests or charges not initiated by arrest  
13 resulting in felony convictions for the following  
14 offenses:

15 (i) Class 4 felony convictions for:

16 Prostitution under Section 11-14 of the  
17 Criminal Code of 1961 or the Criminal Code of  
18 2012.

19 Possession of cannabis under Section 4 of  
20 the Cannabis Control Act.

21 Possession of a controlled substance under  
22 Section 402 of the Illinois Controlled  
23 Substances Act.

24 Offenses under the Methamphetamine  
25 Precursor Control Act.

26 Offenses under the Steroid Control Act.

1 Theft under Section 16-1 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012.

3 Retail theft under Section 16A-3 or  
4 paragraph (a) of 16-25 of the Criminal Code of  
5 1961 or the Criminal Code of 2012.

6 Deceptive practices under Section 17-1 of  
7 the Criminal Code of 1961 or the Criminal Code  
8 of 2012.

9 Forgery under Section 17-3 of the Criminal  
10 Code of 1961 or the Criminal Code of 2012.

11 Possession of burglary tools under Section  
12 19-2 of the Criminal Code of 1961 or the  
13 Criminal Code of 2012.

14 (ii) Class 3 felony convictions for:

15 Theft under Section 16-1 of the Criminal  
16 Code of 1961 or the Criminal Code of 2012.

17 Retail theft under Section 16A-3 or  
18 paragraph (a) of 16-25 of the Criminal Code of  
19 1961 or the Criminal Code of 2012.

20 Deceptive practices under Section 17-1 of  
21 the Criminal Code of 1961 or the Criminal Code  
22 of 2012.

23 Forgery under Section 17-3 of the Criminal  
24 Code of 1961 or the Criminal Code of 2012.

25 Possession with intent to manufacture or  
26 deliver a controlled substance under Section



1                   401 of the Illinois Controlled Substances Act.

2           (3) When Records Are Eligible to Be Sealed. Records  
3 identified as eligible under subsection (c)(2) may be  
4 sealed as follows:

5           (A) Records identified as eligible under  
6 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
7 time.

8           (B) Except as otherwise provided in subparagraph  
9 (E) of this paragraph (3), records ~~Records~~ identified  
10 as eligible under subsection (c)(2)(C) may be sealed  
11 (i) 3 years after the termination of petitioner's last  
12 sentence (as defined in subsection (a)(1)(F)) if the  
13 petitioner has never been convicted of a criminal  
14 offense (as defined in subsection (a)(1)(D)); or (ii) 4  
15 years after the termination of the petitioner's last  
16 sentence (as defined in subsection (a)(1)(F)) if the  
17 petitioner has ever been convicted of a criminal  
18 offense (as defined in subsection (a)(1)(D)).

19           (C) Except as otherwise provided in subparagraph  
20 (E) of this paragraph (3), records ~~Records~~ identified  
21 as eligible under subsections (c)(2)(D), (c)(2)(E),  
22 and (c)(2)(F) may be sealed 4 years after the  
23 termination of the petitioner's last sentence (as  
24 defined in subsection (a)(1)(F)).

25           (D) Records identified in subsection  
26 (a)(3)(A)(iii) may be sealed after the petitioner has

1 reached the age of 25 years.

2 (E) Records identified as eligible under  
3 subsections (c) (2) (C), (c) (2) (D), (c) (2) (E), or  
4 (c) (2) (F) may be sealed upon termination of the  
5 petitioner's last sentence if the petitioner earned a  
6 high school diploma, associate's degree, career  
7 certificate, vocational technical certification, or  
8 bachelor's degree, or passed the high school level Test  
9 of General Educational Development, during the period  
10 of his or her sentence, aftercare release, or mandatory  
11 supervised release. This subparagraph shall apply only  
12 to a petitioner who has not completed the same  
13 educational goal prior to the period of his or her  
14 sentence, aftercare release, or mandatory supervised  
15 release. If a petition for sealing eligible records  
16 filed under this subparagraph is denied by the court,  
17 the time periods under subparagraph (B) or (C) shall  
18 apply to any subsequent petition for sealing filed by  
19 the petitioner.

20 (4) Subsequent felony convictions. A person may not  
21 have subsequent felony conviction records sealed as  
22 provided in this subsection (c) if he or she is convicted  
23 of any felony offense after the date of the sealing of  
24 prior felony convictions as provided in this subsection  
25 (c). The court may, upon conviction for a subsequent felony  
26 offense, order the unsealing of prior felony conviction

1 records previously ordered sealed by the court.

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

7 (d) Procedure. The following procedures apply to  
8 expungement under subsections (b), (e), and (e-6) and sealing  
9 under subsections (c) and (e-5):

10 (1) Filing the petition. Upon becoming eligible to  
11 petition for the expungement or sealing of records under  
12 this Section, the petitioner shall file a petition  
13 requesting the expungement or sealing of records with the  
14 clerk of the court where the arrests occurred or the  
15 charges were brought, or both. If arrests occurred or  
16 charges were brought in multiple jurisdictions, a petition  
17 must be filed in each such jurisdiction. The petitioner  
18 shall pay the applicable fee, if not waived.

19 (2) Contents of petition. The petition shall be  
20 verified and shall contain the petitioner's name, date of  
21 birth, current address and, for each arrest or charge not  
22 initiated by arrest sought to be sealed or expunged, the  
23 case number, the date of arrest (if any), the identity of  
24 the arresting authority, and such other information as the  
25 court may require. During the pendency of the proceeding,  
26 the petitioner shall promptly notify the circuit court

1 clerk of any change of his or her address. If the  
2 petitioner has received a certificate of eligibility for  
3 sealing from the Prisoner Review Board under paragraph (10)  
4 of subsection (a) of Section 3-3-2 of the Unified Code of  
5 Corrections, the certificate shall be attached to the  
6 petition.

7 (3) Drug test. The petitioner must attach to the  
8 petition proof that the petitioner has passed a test taken  
9 within 30 days before the filing of the petition showing  
10 the absence within his or her body of all illegal  
11 substances as defined by the Illinois Controlled  
12 Substances Act, the Methamphetamine Control and Community  
13 Protection Act, and the Cannabis Control Act if he or she  
14 is petitioning to:

15 (A) seal felony records under clause (c) (2) (E);

16 (B) seal felony records for a violation of the  
17 Illinois Controlled Substances Act, the  
18 Methamphetamine Control and Community Protection Act,  
19 or the Cannabis Control Act under clause (c) (2) (F);

20 (C) seal felony records under subsection (e-5); or

21 (D) expunge felony records of a qualified  
22 probation under clause (b) (1) (B) (iv).

23 (4) Service of petition. The circuit court clerk shall  
24 promptly serve a copy of the petition and documentation to  
25 support the petition under subsection (e-5) or (e-6) on the  
26 State's Attorney or prosecutor charged with the duty of

1 prosecuting the offense, the Department of State Police,  
2 the arresting agency and the chief legal officer of the  
3 unit of local government effecting the arrest.

4 (5) Objections.

5 (A) Any party entitled to notice of the petition  
6 may file an objection to the petition. All objections  
7 shall be in writing, shall be filed with the circuit  
8 court clerk, and shall state with specificity the basis  
9 of the objection. Whenever a person who has been  
10 convicted of an offense is granted a pardon by the  
11 Governor which specifically authorizes expungement, an  
12 objection to the petition may not be filed.

13 (B) Objections to a petition to expunge or seal  
14 must be filed within 60 days of the date of service of  
15 the petition.

16 (6) Entry of order.

17 (A) The Chief Judge of the circuit wherein the  
18 charge was brought, any judge of that circuit  
19 designated by the Chief Judge, or in counties of less  
20 than 3,000,000 inhabitants, the presiding trial judge  
21 at the petitioner's trial, if any, shall rule on the  
22 petition to expunge or seal as set forth in this  
23 subsection (d) (6).

24 (B) Unless the State's Attorney or prosecutor, the  
25 Department of State Police, the arresting agency, or  
26 the chief legal officer files an objection to the

1           petition to expunge or seal within 60 days from the  
2           date of service of the petition, the court shall enter  
3           an order granting or denying the petition.

4           (7) Hearings. If an objection is filed, the court shall  
5           set a date for a hearing and notify the petitioner and all  
6           parties entitled to notice of the petition of the hearing  
7           date at least 30 days prior to the hearing. Prior to the  
8           hearing, the State's Attorney shall consult with the  
9           Department as to the appropriateness of the relief sought  
10          in the petition to expunge or seal. At the hearing, the  
11          court shall hear evidence on whether the petition should or  
12          should not be granted, and shall grant or deny the petition  
13          to expunge or seal the records based on the evidence  
14          presented at the hearing. The court may consider the  
15          following:

16                 (A) the strength of the evidence supporting the  
17                 defendant's conviction;

18                 (B) the reasons for retention of the conviction  
19                 records by the State;

20                 (C) the petitioner's age, criminal record history,  
21                 and employment history;

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

25                 (E) the specific adverse consequences the  
26                 petitioner may be subject to if the petition is denied.

1           (8) Service of order. After entering an order to  
2 expunge or seal records, the court must provide copies of  
3 the order to the Department, in a form and manner  
4 prescribed by the Department, to the petitioner, to the  
5 State's Attorney or prosecutor charged with the duty of  
6 prosecuting the offense, to the arresting agency, to the  
7 chief legal officer of the unit of local government  
8 effecting the arrest, and to such other criminal justice  
9 agencies as may be ordered by the court.

10           (9) Implementation of order.

11           (A) Upon entry of an order to expunge records  
12 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

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

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

1 circuit court clerk before the entry of the order;  
2 and

3 (iii) in response to an inquiry for expunged  
4 records, the court, the Department, or the agency  
5 receiving such inquiry, shall reply as it does in  
6 response to inquiries when no records ever  
7 existed.

8 (B) Upon entry of an order to expunge records  
9 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

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

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

25 (iii) the records shall be impounded by the  
26 Department within 60 days of the date of service of



1           the order as ordered by the court, unless a motion  
2           to vacate, modify, or reconsider the order is filed  
3           pursuant to paragraph (12) of subsection (d) of  
4           this Section;

5           (iv) records impounded by the Department may  
6           be disseminated by the Department only as required  
7           by law or to the arresting authority, the State's  
8           Attorney, and the court upon a later arrest for the  
9           same or a similar offense or for the purpose of  
10          sentencing for any subsequent felony, and to the  
11          Department of Corrections upon conviction for any  
12          offense; and

13          (v) in response to an inquiry for such records  
14          from anyone not authorized by law to access such  
15          records, the court, the Department, or the agency  
16          receiving such inquiry shall reply as it does in  
17          response to inquiries when no records ever  
18          existed.

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

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

1 subsection (d) of this Section;

2 (ii) the records of the circuit court clerk  
3 shall be impounded until further order of the court  
4 upon good cause shown and the name of the  
5 petitioner obliterated on the official index  
6 required to be kept by the circuit court clerk  
7 under Section 16 of the Clerks of Courts Act, but  
8 the order shall not affect any index issued by the  
9 circuit court clerk before the entry of the order;

10 (iii) the records shall be impounded by the  
11 Department within 60 days of the date of service of  
12 the order as ordered by the court, unless a motion  
13 to vacate, modify, or reconsider the order is filed  
14 under paragraph (12) of subsection (d) of this  
15 Section;

16 (iv) records impounded by the Department may  
17 be disseminated by the Department only as required  
18 by law or to the arresting authority, the State's  
19 Attorney, and the court upon a later arrest for the  
20 same or a similar offense or for the purpose of  
21 sentencing for any subsequent felony, and to the  
22 Department of Corrections upon conviction for any  
23 offense; and

24 (v) in response to an inquiry for these records  
25 from anyone not authorized by law to access the  
26 records, the court, the Department, or the agency

1           receiving the inquiry shall reply as it does in  
2           response to inquiries when no records ever  
3           existed.

4           (C) Upon entry of an order to seal records under  
5           subsection (c), the arresting agency, any other agency  
6           as ordered by the court, the Department, and the court  
7           shall seal the records (as defined in subsection  
8           (a) (1) (K)). In response to an inquiry for such records,  
9           from anyone not authorized by law to access such  
10          records, the court, the Department, or the agency  
11          receiving such inquiry shall reply as it does in  
12          response to inquiries when no records ever existed.

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

1 discretionary appellate review, is pending.

2 (10) Fees. The Department may charge the petitioner a  
3 fee equivalent to the cost of processing any order to  
4 expunge or seal records. Notwithstanding any provision of  
5 the Clerks of Courts Act to the contrary, the circuit court  
6 clerk may charge a fee equivalent to the cost associated  
7 with the sealing or expungement of records by the circuit  
8 court clerk. From the total filing fee collected for the  
9 petition to seal or expunge, the circuit court clerk shall  
10 deposit \$10 into the Circuit Court Clerk Operation and  
11 Administrative Fund, to be used to offset the costs  
12 incurred by the circuit court clerk in performing the  
13 additional duties required to serve the petition to seal or  
14 expunge on all parties. The circuit court clerk shall  
15 collect and forward the Department of State Police portion  
16 of the fee to the Department and it shall be deposited in  
17 the State Police Services Fund.

18 (11) Final Order. No court order issued under the  
19 expungement or sealing provisions of this Section shall  
20 become final for purposes of appeal until 30 days after  
21 service of the order on the petitioner and all parties  
22 entitled to notice of the petition.

23 (12) Motion to Vacate, Modify, or Reconsider. Under  
24 Section 2-1203 of the Code of Civil Procedure, the  
25 petitioner or any party entitled to notice may file a  
26 motion to vacate, modify, or reconsider the order granting

1 or denying the petition to expunge or seal within 60 days  
2 of service of the order. If filed more than 60 days after  
3 service of the order, a petition to vacate, modify, or  
4 reconsider shall comply with subsection (c) of Section  
5 2-1401 of the Code of Civil Procedure. Upon filing of a  
6 motion to vacate, modify, or reconsider, notice of the  
7 motion shall be served upon the petitioner and all parties  
8 entitled to notice of the petition.

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

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

26 (15) Compliance with Order Granting Petition to

1 Expunge Records. While a party is seeking relief from the  
2 order granting the petition to expunge through a motion  
3 filed under paragraph (12) of this subsection (d) or is  
4 appealing the order, and unless a court has entered a stay  
5 of that order, the parties entitled to notice of the  
6 petition must seal, but need not expunge, the records until  
7 there is a final order on the motion for relief or, in the  
8 case of an appeal, the issuance of that court's mandate.

9 (16) The changes to this subsection (d) made by Public  
10 Act 98-163 apply to all petitions pending on August 5, 2013  
11 (the effective date of Public Act 98-163) and to all orders  
12 ruling on a petition to expunge or seal on or after August  
13 5, 2013 (the effective date of Public Act 98-163).

14 (e) Whenever a person who has been convicted of an offense  
15 is granted a pardon by the Governor which specifically  
16 authorizes expungement, he or she may, upon verified petition  
17 to the Chief Judge of the circuit where the person had been  
18 convicted, any judge of the circuit designated by the Chief  
19 Judge, or in counties of less than 3,000,000 inhabitants, the  
20 presiding trial judge at the defendant's trial, have a court  
21 order entered expunging the record of arrest from the official  
22 records of the arresting authority and order that the records  
23 of the circuit court clerk and the Department be sealed until  
24 further order of the court upon good cause shown or as  
25 otherwise provided herein, and the name of the defendant  
26 obliterated from the official index requested to be kept by the

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

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

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

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



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

23 (f) Subject to available funding, the Illinois Department  
24 of Corrections shall conduct a study of the impact of sealing,  
25 especially on employment and recidivism rates, utilizing a  
26 random sample of those who apply for the sealing of their

1 criminal records under Public Act 93-211. At the request of the  
2 Illinois Department of Corrections, records of the Illinois  
3 Department of Employment Security shall be utilized as  
4 appropriate to assist in the study. The study shall not  
5 disclose any data in a manner that would allow the  
6 identification of any particular individual or employing unit.  
7 The study shall be made available to the General Assembly no  
8 later than September 1, 2010.

9 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;  
10 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
11 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,  
12 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,  
13 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,  
14 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;  
15 98-1009, eff. 1-1-15; revised 9-30-14.)