



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5017

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-915

Amends the Juvenile Court Act of 1987. Provides that whenever a person has been arrested, charged, or adjudicated delinquent for an incident occurring before his or her 18th birthday that if committed by an adult would be an offense, the person may petition the court at any time for expungement of law enforcement records and juvenile court records relating to the incident and upon termination of all juvenile court proceedings relating to that incident, the court shall order the expungement of all records in the possession of the Department of State Police, the clerk of the circuit court, and law enforcement agencies relating to the incident, but only in any of the following circumstances: (1) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court; (2) the minor was charged with an offense and the petition or petitions were dismissed without a finding of delinquency; (3) the minor was charged with an offense and was found not delinquent of that offense; (4) the minor was placed under supervision, and the order of supervision has since been successfully terminated; or (5) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult. Provides that no objection may be filed to a petition under this provision.

LRB099 15629 RLC 43319 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 5-915 as follows:

6 (705 ILCS 405/5-915)

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

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

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

16 "Law enforcement record" includes but is not limited to
17 records of arrest, station adjustments, fingerprints,
18 probation adjustments, the issuance of a notice to appear,
19 or any other records maintained by a law enforcement agency
20 relating to a minor suspected of committing an offense.

21 (1) Whenever a person has been arrested, charged, or
22 adjudicated delinquent for an incident occurring before his or
23 her 18th birthday that if committed by an adult would be an

1 offense, the person may petition the court at any time for
2 expungement of law enforcement records and juvenile court
3 records relating to the incident and upon termination of any
4 ~~person has attained the age of 18 or whenever~~ all juvenile
5 court proceedings relating to that incident, the court shall
6 order the expungement of all records in the possession of the
7 Department of State Police, the clerk of the circuit court, and
8 law enforcement agencies relating to the incident, that person
9 ~~have been terminated, whichever is later, the person may~~
10 ~~petition the court to expunge law enforcement records relating~~
11 ~~to incidents occurring before his or her 18th birthday or his~~
12 ~~or her juvenile court records, or both, but only in any of the~~
13 following circumstances:

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

16 ~~or~~

17 (a-5) the minor was charged with an offense and the
18 petition or petitions were dismissed without a finding of
19 delinquency;

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

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

25 (d) the minor was adjudicated for an offense which
26 would be a Class B misdemeanor, Class C misdemeanor, or a

1 petty or business offense if committed by an adult.

2 (1.5) Commencing 180 days after the effective date of this
3 amendatory Act of the 98th General Assembly, the Department of
4 State Police shall automatically expunge, on or before January
5 1 of each year, a person's law enforcement records which are
6 not subject to subsection (1) relating to incidents occurring
7 before his or her 18th birthday in the Department's possession
8 or control and which contains the final disposition which
9 pertain to the person when arrested as a minor if:

10 (a) the minor was arrested for an eligible offense and
11 no petition for delinquency was filed with the clerk of the
12 circuit court; and

13 (b) the person attained the age of 18 years during the
14 last calendar year; and

15 (c) since the date of the minor's most recent arrest,
16 at least 6 months have elapsed without an additional
17 arrest, filing of a petition for delinquency whether
18 related or not to a previous arrest, or filing of charges
19 not initiated by arrest.

20 The Department of State Police shall allow a person to use
21 the Access and Review process, established in the Department of
22 State Police, for verifying that his or her law enforcement
23 records relating to incidents occurring before his or her 18th
24 birthday eligible under this subsection have been expunged as
25 provided in this subsection.

26 The Department of State Police shall provide by rule the

1 process for access, review, and automatic expungement.

2 (1.6) Commencing on the effective date of this amendatory
3 Act of the 98th General Assembly, a person whose law
4 enforcement records are not subject to subsection (1) or (1.5)
5 of this Section and who has attained the age of 18 years may
6 use the Access and Review process, established in the
7 Department of State Police, for verifying his or her law
8 enforcement records relating to incidents occurring before his
9 or her 18th birthday in the Department's possession or control
10 which pertain to the person when arrested as a minor, if the
11 incident occurred no earlier than 30 years before the effective
12 date of this amendatory Act of the 98th General Assembly. If
13 the person identifies a law enforcement record of an eligible
14 offense that meets the requirements of this subsection,
15 paragraphs (a) and (c) of subsection (1.5) of this Section, and
16 all juvenile court proceedings related to the person have been
17 terminated, the person may file a Request for Expungement of
18 Juvenile Law Enforcement Records, in the form and manner
19 prescribed by the Department of State Police, with the
20 Department and the Department shall consider expungement of the
21 record as otherwise provided for automatic expungement under
22 subsection (1.5) of this Section. The person shall provide
23 notice and a copy of the Request for Expungement of Juvenile
24 Law Enforcement Records to the arresting agency, prosecutor
25 charged with the prosecution of the minor, or the State's
26 Attorney of the county that prosecuted the minor. The

1 Department of State Police shall provide by rule the process
2 for access, review, and Request for Expungement of Juvenile Law
3 Enforcement Records.

4 (1.7) Nothing in subsections (1.5) and (1.6) of this
5 Section precludes a person from filing a petition under
6 subsection (1) for expungement of records subject to automatic
7 expungement under that subsection (1) or subsection (1.5) or
8 (1.6) of this Section.

9 (1.8) For the purposes of subsections (1.5) and (1.6) of
10 this Section, "eligible offense" means records relating to an
11 arrest or incident occurring before the person's 18th birthday
12 that if committed by an adult is not an offense classified as a
13 Class 2 felony or higher offense, an offense under Article 11
14 of the Criminal Code of 1961 or the Criminal Code of 2012, or
15 an offense under Section 12-13, 12-14, 12-14.1, 12-15, or 12-16
16 of the Criminal Code of 1961.

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

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

26 (b) 5 years have elapsed since all juvenile court

1 proceedings relating to him or her have been terminated or
2 his or her commitment to the Department of Juvenile Justice
3 pursuant to this Act has been terminated;
4 whichever is later of (a) or (b). Nothing in this Section 5-915
5 precludes a minor from obtaining expungement under Section
6 5-622.

7 (2.5) If a minor is arrested and no petition for
8 delinquency is filed with the clerk of the circuit court as
9 provided in paragraph (a) of subsection (1) at the time the
10 minor is released from custody, the youth officer, if
11 applicable, or other designated person from the arresting
12 agency, shall notify verbally and in writing to the minor or
13 the minor's parents or guardians that ~~if the State's Attorney~~
14 ~~does not file a petition for delinquency,~~ the minor has a right
15 to petition to have his or her arrest record expunged ~~when the~~
16 ~~minor attains the age of 18 or~~ when all juvenile court
17 proceedings relating to that minor have been terminated and
18 that unless a petition to expunge is filed, the minor shall
19 have an arrest record and shall provide the minor and the
20 minor's parents or guardians with an expungement information
21 packet, including a petition to expunge juvenile records
22 obtained from the clerk of the circuit court.

23 (2.6) If a minor is charged with an offense and is found
24 not delinquent of that offense; or if a minor is placed under
25 supervision under Section 5-615, and the order of supervision
26 is successfully terminated; or if a minor is adjudicated for an

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

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

11 (2.8) The petition for expungement for subsection (1) may
 12 include multiple offenses on the same petition and shall be
 13 substantially in the following form:

14 IN THE CIRCUIT COURT OF, ILLINOIS
 15 JUDICIAL CIRCUIT

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

21 PETITION TO EXPUNGE JUVENILE RECORDS
 22 (705 ILCS 405/5-915 (SUBSECTION 1))

23 Now comes, petitioner, and respectfully requests
 24 that this Honorable Court enter an order expunging all juvenile

1 law enforcement and court records of petitioner and in support
 2 thereof states that: Petitioner has attained the age of
 3 ~~18~~, his/her birth date being, or all Juvenile Court
 4 proceedings terminated as of, whichever occurred later.
 5 Petitioner was arrested on by the Police
 6 Department for the offense or offenses of, and:

7 (Check All That Apply:)

8 () a. no petition or petitions were filed with the Clerk of
 9 the Circuit Court.

10 () b. was charged with and was found not delinquent of
 11 the offense or offenses.

12 () c. a petition or petitions were filed and the petition or
 13 petitions were dismissed without a finding of delinquency on
 14

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

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

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

25 Charge(s):

26 Arresting Agency or Agencies:

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

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

7

8 Petitioner (Signature)

9

10 Petitioner's Street Address

11

12 City, State, Zip Code

13

14 Petitioner's Telephone Number

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

19

20 Petitioner (Signature)

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

3 IN THE CIRCUIT COURT OF, ILLINOIS
4 JUDICIAL CIRCUIT

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

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

12 (Please prepare a separate petition for each offense)
13 Now comes, petitioner, and respectfully requests
14 that this Honorable Court enter an order expunging all Juvenile
15 Law Enforcement and Court records of petitioner and in support
16 thereof states that:

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

22 The incident for which the Petitioner seeks expungement
23 occurred before the Petitioner's 18th birthday and the

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

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

7 (Check whichever one occurred the latest:)

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

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

19 Charge(s):

20 Arresting Agency or Agencies:

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

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

1
.....

2 Petitioner (Signature)

3
.....

4 Petitioner's Street Address

5
.....

6 City, State, Zip Code

7
.....

8 Petitioner's Telephone Number

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

13
.....

14 Petitioner (Signature)

15 (3) The chief judge of the circuit in which an arrest was
16 made or a charge was brought or any judge of that circuit
17 designated by the chief judge may, upon verified petition of a
18 person who is the subject of an arrest or a juvenile court
19 proceeding under subsection (1) or (2) of this Section, order
20 the law enforcement records or official court file, or both, to
21 be expunged from the official records of the arresting
22 authority, the clerk of the circuit court and the Department of

1 State Police. The person whose records are to be expunged shall
2 petition the court using the appropriate form containing his or
3 her current address and shall promptly notify the clerk of the
4 circuit court of any change of address. Notice of the petition
5 shall be served upon the State's Attorney or prosecutor charged
6 with the duty of prosecuting the offense, the Department of
7 State Police, and the arresting agency or agencies by the clerk
8 of the circuit court. If an objection is filed within 45 days
9 of the notice of the petition, the clerk of the circuit court
10 shall set a date for hearing after the 45 day objection period.
11 At the hearing the court shall hear evidence on whether the
12 expungement should or should not be granted. Unless the State's
13 Attorney or prosecutor, the Department of State Police, or an
14 arresting agency objects to the expungement within 45 days of
15 the notice, the court may enter an order granting expungement.
16 No objection may be filed to a petition filed under subsection
17 (1) of this Section. The person whose records are to be
18 expunged shall pay the clerk of the circuit court a fee
19 equivalent to the cost associated with expungement of records
20 by the clerk and the Department of State Police. The clerk
21 shall forward a certified copy of the order to the Department
22 of State Police, the appropriate portion of the fee to the
23 Department of State Police for processing, and deliver a
24 certified copy of the order to the 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

20
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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TO: (Attorney, Public Defender, Minor)

.....
.....

TO: (Illinois State Police)

.....
.....

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 (6.5) The Department of State Police or any employee of the
19 Department shall be immune from civil or criminal liability for
20 failure to expunge any records of arrest that are subject to
21 expungement under subsection (1.5) or (1.6) of this Section
22 because of inability to verify a record. Nothing in subsection
23 (1.5) or (1.6) of this Section shall create Department of State
24 Police liability or responsibility for the expungement of law
25 enforcement records it does not possess.

26 (7) (a) The State Appellate Defender shall establish,

1 maintain, and carry out, by December 31, 2004, a juvenile
2 expungement program to provide information and assistance to
3 minors eligible to have their juvenile records expunged.

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

8 (i) An explanation of the State's juvenile expungement
9 process;

10 (ii) The circumstances under which juvenile
11 expungement may occur;

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

13 (iv) The steps necessary to initiate and complete the
14 juvenile expungement process; and

15 (v) Directions on how to contact the State Appellate
16 Defender.

17 (c) The State Appellate Defender shall establish and
18 maintain a statewide toll-free telephone number that a person
19 may use to receive information or assistance concerning the
20 expungement of juvenile records. The State Appellate Defender
21 shall advertise the toll-free telephone number statewide. The
22 State Appellate Defender shall develop an expungement
23 information packet that may be sent to eligible persons seeking
24 expungement of their juvenile records, which may include, but
25 is not limited to, a pre-printed expungement petition with
26 instructions on how to complete the petition and a pamphlet

1 containing information that would assist individuals through
2 the juvenile expungement process.

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

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

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

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

7 (c) The expungement of juvenile records under Section 5-622
8 shall be funded by the additional fine imposed under Section
9 5-9-1.17 of the Unified Code of Corrections and additional
10 appropriations made by the General Assembly for such purpose.

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

15 (10) The changes made in subsection (1.5) of this Section
16 by this amendatory Act of the 98th General Assembly apply to
17 law enforcement records of a minor who has been arrested or
18 taken into custody on or after January 1, 2015. The changes
19 made in subsection (1.6) of this Section by this amendatory Act
20 of the 98th General Assembly apply to law enforcement records
21 of a minor who has been arrested or taken into custody before
22 January 1, 2015.

23 (Source: P.A. 98-61, eff. 1-1-14; 98-637, eff. 1-1-15; 98-756,
24 eff. 7-16-14.)