

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, sealing, and immediate 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           (2.5) Commencing 180 days after July 29, 2016 (the  
7           effective date of Public Act 99-697), the law enforcement  
8           agency issuing the citation shall automatically expunge,  
9           on or before January 1 and July 1 of each year, the law  
10          enforcement records of a person found to have committed a  
11          civil law violation of subsection (a) of Section 4 of the  
12          Cannabis Control Act or subsection (c) of Section 3.5 of  
13          the Drug Paraphernalia Control Act in the law enforcement  
14          agency's possession or control and which contains the final  
15          satisfactory disposition which pertain to the person  
16          issued a citation for that offense. The law enforcement  
17          agency shall provide by rule the process for access,  
18          review, and to confirm the automatic expungement by the law  
19          enforcement agency issuing the citation. Commencing 180  
20          days after July 29, 2016 (the effective date of Public Act  
21          99-697), the clerk of the circuit court shall expunge, upon  
22          order of the court, or in the absence of a court order on  
23          or before January 1 and July 1 of each year, the court  
24          records of a person found in the circuit court to have  
25          committed a civil law violation of subsection (a) of  
26          Section 4 of the Cannabis Control Act or subsection (c) of

1 Section 3.5 of the Drug Paraphernalia Control Act in the  
2 clerk's possession or control and which contains the final  
3 satisfactory disposition which pertain to the person  
4 issued a citation for any of those offenses.

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

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

23 (B) the sealing or expungement of records of minor  
24 traffic offenses (as defined in subsection (a) (1) (G)),  
25 unless the petitioner was arrested and released  
26 without charging.

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

5 (i) offenses included in Article 11 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012  
7 or a similar provision of a local ordinance, except  
8 Section 11-14 and a misdemeanor violation of  
9 Section 11-30 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) Class A misdemeanors or felony offenses  
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) (blank).



1 (b) Expungement.

2 (1) A petitioner may petition the circuit court to  
3 expunge the records of his or her arrests and charges not  
4 initiated by arrest when each arrest or charge not  
5 initiated by arrest sought to be expunged resulted in: (i)  
6 acquittal, dismissal, or the petitioner's release without  
7 charging, unless excluded by subsection (a)(3)(B); (ii) a  
8 conviction which was vacated or reversed, unless excluded  
9 by subsection (a)(3)(B); (iii) an order of supervision and  
10 such supervision was successfully completed by the  
11 petitioner, unless excluded by subsection (a)(3)(A) or  
12 (a)(3)(B); or (iv) an order of qualified probation (as  
13 defined in subsection (a)(1)(J)) and such probation was  
14 successfully completed by the petitioner.

15 (1.5) When a petitioner seeks to have a record of  
16 arrest expunged under this Section, and the offender has  
17 been convicted of a criminal offense, the State's Attorney  
18 may object to the expungement on the grounds that the  
19 records contain specific relevant information aside from  
20 the mere fact of the arrest.

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

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

1           such records.

2           (B) When the arrest or charge not initiated by  
3 arrest sought to be expunged resulted in an order of  
4 supervision, successfully completed by the petitioner,  
5 the following time frames will apply:

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

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

1           (ii) Those arrests or charges that resulted in  
2 orders of supervision for any other offenses shall  
3 not be eligible for expungement until 2 years have  
4 passed following the satisfactory termination of  
5 the supervision.

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

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

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

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

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

1 with the proceedings of the trial court concerning that  
2 offense. However, the records of the arresting authority  
3 and the Department of State Police concerning the offense  
4 shall not be sealed. The court, upon good cause shown,  
5 shall make the records of the circuit court clerk in  
6 connection with the proceedings of the trial court  
7 concerning the offense available for public inspection.

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

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

1 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
2 the Alcoholism and Other Drug Abuse and Dependency Act, or  
3 Section 10 of the Steroid Control Act.

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

11 (c) Sealing.

12 (1) Applicability. Notwithstanding any other provision  
13 of this Act to the contrary, and cumulative with any rights  
14 to expungement of criminal records, this subsection  
15 authorizes the sealing of criminal records of adults and of  
16 minors prosecuted as adults. Subsection (g) of this Section  
17 provides for immediate sealing of certain records.

18 (2) Eligible Records. The following records may be  
19 sealed:

20 (A) All arrests resulting in release without  
21 charging;

22 (B) Arrests or charges not initiated by arrest  
23 resulting in acquittal, dismissal, or conviction when  
24 the conviction was reversed or vacated, except as  
25 excluded by subsection (a) (3) (B);

26 (C) Arrests or charges not initiated by arrest

1 resulting in orders of supervision, including orders  
2 of supervision for municipal ordinance violations,  
3 successfully completed by the petitioner, unless  
4 excluded by subsection (a) (3);

5 (D) Arrests or charges not initiated by arrest  
6 resulting in convictions, including convictions on  
7 municipal ordinance violations, unless excluded by  
8 subsection (a) (3);

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

16 (F) Arrests or charges not initiated by arrest  
17 resulting in felony convictions unless otherwise  
18 excluded by subsection (a) paragraph (3) of this  
19 Section.

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

23 (A) Records identified as eligible under  
24 subsection (c) (2) (A) and (c) (2) (B) may be sealed at any  
25 time.

26 (B) Except as otherwise provided in subparagraph

1 (E) of this paragraph (3), records identified as  
2 eligible under subsection (c)(2)(C) may be sealed 2  
3 years after the termination of petitioner's last  
4 sentence (as defined in subsection (a)(1)(F)).

5 (C) Except as otherwise provided in subparagraph  
6 (E) of this paragraph (3), records identified as  
7 eligible under subsections (c)(2)(D), (c)(2)(E), and  
8 (c)(2)(F) may be sealed 3 years after the termination  
9 of the petitioner's last sentence (as defined in  
10 subsection (a)(1)(F)). Convictions requiring public  
11 registration under the Arsonist Registration Act, the  
12 Sex Offender Registration Act, or the Murderer and  
13 Violent Offender Against Youth Registration Act may  
14 not be sealed until the petitioner is no longer  
15 required to register under that relevant Act.

16 (D) Records identified in subsection  
17 (a)(3)(A)(iii) may be sealed after the petitioner has  
18 reached the age of 25 years.

19 (E) Records identified as eligible under  
20 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or  
21 (c)(2)(F) may be sealed upon termination of the  
22 petitioner's last sentence if the petitioner earned a  
23 high school diploma, associate's degree, career  
24 certificate, vocational technical certification, or  
25 bachelor's degree, or passed the high school level Test  
26 of General Educational Development, during the period



1 of his or her sentence, aftercare release, or mandatory  
2 supervised release. This subparagraph shall apply only  
3 to a petitioner who has not completed the same  
4 educational goal prior to the period of his or her  
5 sentence, aftercare release, or mandatory supervised  
6 release. If a petition for sealing eligible records  
7 filed under this subparagraph is denied by the court,  
8 the time periods under subparagraph (B) or (C) shall  
9 apply to any subsequent petition for sealing filed by  
10 the petitioner.

11 (4) Subsequent felony convictions. A person may not  
12 have subsequent felony conviction records sealed as  
13 provided in this subsection (c) if he or she is convicted  
14 of any felony offense after the date of the sealing of  
15 prior felony convictions as provided in this subsection  
16 (c). The court may, upon conviction for a subsequent felony  
17 offense, order the unsealing of prior felony conviction  
18 records previously ordered sealed by the court.

19 (5) Notice of eligibility for sealing. Upon entry of a  
20 disposition for an eligible record under this subsection  
21 (c), the petitioner shall be informed by the court of the  
22 right to have the records sealed and the procedures for the  
23 sealing of the records.

24 (d) Procedure. The following procedures apply to  
25 expungement under subsections (b), (e), and (e-6) and sealing  
26 under subsections (c) and (e-5):

1           (1) Filing the petition. Upon becoming eligible to  
2 petition for the expungement or sealing of records under  
3 this Section, the petitioner shall file a petition  
4 requesting the expungement or sealing of records with the  
5 clerk of the court where the arrests occurred or the  
6 charges were brought, or both. If arrests occurred or  
7 charges were brought in multiple jurisdictions, a petition  
8 must be filed in each such jurisdiction. The petitioner  
9 shall pay the applicable fee, except no fee shall be  
10 required if the petitioner has obtained a court order  
11 waiving fees under Supreme Court Rule 298 or it is  
12 otherwise waived.

13           (1.5) County fee waiver pilot program. In a county of  
14 3,000,000 or more inhabitants, no fee shall be required to  
15 be paid by a petitioner if the records sought to be  
16 expunged or sealed were arrests resulting in release  
17 without charging or arrests or charges not initiated by  
18 arrest resulting in acquittal, dismissal, or conviction  
19 when the conviction was reversed or vacated, unless  
20 excluded by subsection (a) (3) (B). The provisions of this  
21 paragraph (1.5), other than this sentence, are inoperative  
22 on and after January 1, 2019 ~~or one year after January 1,~~  
23 ~~2017 (the effective date of Public Act 99-881), whichever~~  
24 ~~is later.~~

25           (2) Contents of petition. The petition shall be  
26 verified and shall contain the petitioner's name, date of

1 birth, current address and, for each arrest or charge not  
2 initiated by arrest sought to be sealed or expunged, the  
3 case number, the date of arrest (if any), the identity of  
4 the arresting authority, and such other information as the  
5 court may require. During the pendency of the proceeding,  
6 the petitioner shall promptly notify the circuit court  
7 clerk of any change of his or her address. If the  
8 petitioner has received a certificate of eligibility for  
9 sealing from the Prisoner Review Board under paragraph (10)  
10 of subsection (a) of Section 3-3-2 of the Unified Code of  
11 Corrections, the certificate shall be attached to the  
12 petition.

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

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

22 (B) seal felony records for a violation of the  
23 Illinois Controlled Substances Act, the  
24 Methamphetamine Control and Community Protection Act,  
25 or the Cannabis Control Act under clause (c) (2) (F);

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

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

3 (4) Service of petition. The circuit court clerk shall  
4 promptly serve a copy of the petition and documentation to  
5 support the petition under subsection (e-5) or (e-6) on the  
6 State's Attorney or prosecutor charged with the duty of  
7 prosecuting the offense, the Department of State Police,  
8 the arresting agency and the chief legal officer of the  
9 unit of local government effecting the arrest.

10 (5) Objections.

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

19 (B) Objections to a petition to expunge or seal  
20 must be filed within 60 days of the date of service of  
21 the petition.

22 (6) Entry of order.

23 (A) The Chief Judge of the circuit wherein the  
24 charge was brought, any judge of that circuit  
25 designated by the Chief Judge, or in counties of less  
26 than 3,000,000 inhabitants, the presiding trial judge

1 at the petitioner's trial, if any, shall rule on the  
2 petition to expunge or seal as set forth in this  
3 subsection (d) (6).

4 (B) Unless the State's Attorney or prosecutor, the  
5 Department of State Police, the arresting agency, or  
6 the chief legal officer files an objection to the  
7 petition to expunge or seal within 60 days from the  
8 date of service of the petition, the court shall enter  
9 an order granting or denying the petition.

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

22 (A) the strength of the evidence supporting the  
23 defendant's conviction;

24 (B) the reasons for retention of the conviction  
25 records by the State;

26 (C) the petitioner's age, criminal record history,

1 and employment history;

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

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

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

16 (9) Implementation of order.

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

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

26 (ii) the records of the circuit court clerk

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

9 (iii) in response to an inquiry for expunged  
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  
13 existed.

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

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

23 (ii) the records of the circuit court clerk  
24 shall be impounded until further order of the court  
25 upon good cause shown and the name of the  
26 petitioner obliterated on the official index

1 required to be kept by the circuit court clerk  
2 under Section 16 of the Clerks of Courts Act, but  
3 the order shall not affect any index issued by the  
4 circuit court clerk before the entry of the order;

5 (iii) the records shall be impounded by the  
6 Department within 60 days of the date of service of  
7 the order as ordered by the court, unless a motion  
8 to vacate, modify, or reconsider the order is filed  
9 pursuant to paragraph (12) of subsection (d) of  
10 this Section;

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

19 (v) in response to an inquiry for such records  
20 from anyone not authorized by law to access such  
21 records, the court, the Department, or the agency  
22 receiving such inquiry shall reply as it does in  
23 response to inquiries when no records ever  
24 existed.

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



1           (i) the records shall be expunged (as defined  
2           in subsection (a)(1)(E)) by the arresting agency  
3           and any other agency as ordered by the court,  
4           within 60 days of the date of service of the order,  
5           unless a motion to vacate, modify, or reconsider  
6           the order is filed under paragraph (12) of  
7           subsection (d) of this Section;

8           (ii) the records of the circuit court clerk  
9           shall be impounded until further order of the court  
10          upon good cause shown and the name of the  
11          petitioner obliterated on the official index  
12          required to be kept by the circuit court clerk  
13          under Section 16 of the Clerks of Courts Act, but  
14          the order shall not affect any index issued by the  
15          circuit court clerk before the entry of the order;

16          (iii) the records shall be impounded by the  
17          Department within 60 days of the date of service of  
18          the order as ordered by the court, unless a motion  
19          to vacate, modify, or reconsider the order is filed  
20          under paragraph (12) of subsection (d) of this  
21          Section;

22          (iv) records impounded by the Department may  
23          be disseminated by the Department only as required  
24          by law or to the arresting authority, the State's  
25          Attorney, and the court upon a later arrest for the  
26          same or a similar offense or for the purpose of

1           sentencing for any subsequent felony, and to the  
2           Department of Corrections upon conviction for any  
3           offense; and

4                   (v) in response to an inquiry for these records  
5           from anyone not authorized by law to access the  
6           records, the court, the Department, or the agency  
7           receiving the inquiry shall reply as it does in  
8           response to inquiries when no records ever  
9           existed.

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

19                   (D) The Department shall send written notice to the  
20           petitioner of its compliance with each order to expunge  
21           or seal records within 60 days of the date of service  
22           of that order or, if a motion to vacate, modify, or  
23           reconsider is filed, within 60 days of service of the  
24           order resolving the motion, if that order requires the  
25           Department to expunge or seal records. In the event of  
26           an appeal from the circuit court order, the Department

1 shall send written notice to the petitioner of its  
2 compliance with an Appellate Court or Supreme Court  
3 judgment to expunge or seal records within 60 days of  
4 the issuance of the court's mandate. The notice is not  
5 required while any motion to vacate, modify, or  
6 reconsider, or any appeal or petition for  
7 discretionary appellate review, is pending.

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

24 (11) Final Order. No court order issued under the  
25 expungement or sealing provisions of this Section shall  
26 become final for purposes of appeal until 30 days after

1 service of the order on the petitioner and all parties  
2 entitled to notice of the petition.

3 (12) Motion to Vacate, Modify, or Reconsider. Under  
4 Section 2-1203 of the Code of Civil Procedure, the  
5 petitioner or any party entitled to notice may file a  
6 motion to vacate, modify, or reconsider the order granting  
7 or denying the petition to expunge or seal within 60 days  
8 of service of the order. If filed more than 60 days after  
9 service of the order, a petition to vacate, modify, or  
10 reconsider shall comply with subsection (c) of Section  
11 2-1401 of the Code of Civil Procedure. Upon filing of a  
12 motion to vacate, modify, or reconsider, notice of the  
13 motion shall be served upon the petitioner and all parties  
14 entitled to notice of the petition.

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

24 (14) Compliance with Order Granting Petition to Seal  
25 Records. Unless a court has entered a stay of an order  
26 granting a petition to seal, all parties entitled to notice

1 of the petition must fully comply with the terms of the  
2 order within 60 days of service of the order even if a  
3 party is seeking relief from the order through a motion  
4 filed under paragraph (12) of this subsection (d) or is  
5 appealing the order.

6 (15) Compliance with Order Granting Petition to  
7 Expunge Records. While a party is seeking relief from the  
8 order granting the petition to expunge through a motion  
9 filed under paragraph (12) of this subsection (d) or is  
10 appealing the order, and unless a court has entered a stay  
11 of that order, the parties entitled to notice of the  
12 petition must seal, but need not expunge, the records until  
13 there is a final order on the motion for relief or, in the  
14 case of an appeal, the issuance of that court's mandate.

15 (16) The changes to this subsection (d) made by Public  
16 Act 98-163 apply to all petitions pending on August 5, 2013  
17 (the effective date of Public Act 98-163) and to all orders  
18 ruling on a petition to expunge or seal on or after August  
19 5, 2013 (the effective date of Public Act 98-163).

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

1 order 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 defendant  
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 pardoned but the order  
10 shall not affect any index issued by the circuit court clerk  
11 before the entry of the order. All records sealed by the  
12 Department may be disseminated by the Department only to the  
13 arresting authority, the State's Attorney, and the court upon a  
14 later arrest for the same or similar offense or for the purpose  
15 of sentencing for any subsequent felony. Upon conviction for  
16 any subsequent offense, the Department of Corrections shall  
17 have access to all sealed records of the Department pertaining  
18 to that individual. Upon entry of the order of expungement, the  
19 circuit court clerk shall promptly mail a copy of the order to  
20 the person who was pardoned.

21 (e-5) Whenever a person who has been convicted of an  
22 offense is granted a certificate of eligibility for sealing by  
23 the Prisoner Review Board which specifically authorizes  
24 sealing, he or she may, upon verified petition to the Chief  
25 Judge of the circuit where the person had been convicted, any  
26 judge of the circuit designated by the Chief Judge, or in

1 counties of less than 3,000,000 inhabitants, the presiding  
2 trial judge at the petitioner's trial, have a court order  
3 entered sealing the record of arrest from the official records  
4 of the arresting authority and order that the records of the  
5 circuit court clerk and the Department be sealed until further  
6 order of the court upon good cause shown or as otherwise  
7 provided herein, and the name of the petitioner obliterated  
8 from the official index requested to be kept by the circuit  
9 court clerk under Section 16 of the Clerks of Courts Act in  
10 connection with the arrest and conviction for the offense for  
11 which he or she had been granted the certificate but the order  
12 shall not affect any index issued by the circuit court clerk  
13 before the entry of the order. All records sealed by the  
14 Department may be disseminated by the Department only as  
15 required by this Act or to the arresting authority, a law  
16 enforcement agency, the State's Attorney, and the court upon a  
17 later arrest for the same or similar offense or for the purpose  
18 of sentencing for any subsequent felony. Upon conviction for  
19 any subsequent offense, the Department of Corrections shall  
20 have access to all sealed records of the Department pertaining  
21 to that individual. Upon entry of the order of sealing, the  
22 circuit court clerk shall promptly mail a copy of the order to  
23 the person who was granted the certificate of eligibility for  
24 sealing.

25 (e-6) Whenever a person who has been convicted of an  
26 offense is granted a certificate of eligibility for expungement

1 by the Prisoner Review Board which specifically authorizes  
2 expungement, he or she may, upon verified petition to the Chief  
3 Judge of the circuit where the person had been convicted, any  
4 judge of the circuit designated by the Chief Judge, or in  
5 counties of less than 3,000,000 inhabitants, the presiding  
6 trial judge at the petitioner's trial, have a court order  
7 entered expunging the record of arrest from the official  
8 records of the arresting authority and order that the records  
9 of the circuit court clerk and the Department be sealed until  
10 further order of the court upon good cause shown or as  
11 otherwise provided herein, and the name of the petitioner  
12 obliterated from the official index requested to be kept by the  
13 circuit court clerk under Section 16 of the Clerks of Courts  
14 Act in connection with the arrest and conviction for the  
15 offense for which he or she had been granted the certificate  
16 but the order shall not affect any index issued by the circuit  
17 court clerk before the entry of the order. All records sealed  
18 by the Department may be disseminated by the Department only as  
19 required by this Act or to the arresting authority, a law  
20 enforcement agency, the State's Attorney, and the court upon a  
21 later arrest for the same or similar offense or for the purpose  
22 of sentencing for any subsequent felony. Upon conviction for  
23 any subsequent offense, the Department of Corrections shall  
24 have access to all expunged records of the Department  
25 pertaining to that individual. Upon entry of the order of  
26 expungement, the circuit court clerk shall promptly mail a copy



1 of the order to the person who was granted the certificate of  
2 eligibility for expungement.

3 (f) Subject to available funding, the Illinois Department  
4 of Corrections shall conduct a study of the impact of sealing,  
5 especially on employment and recidivism rates, utilizing a  
6 random sample of those who apply for the sealing of their  
7 criminal records under Public Act 93-211. At the request of the  
8 Illinois Department of Corrections, records of the Illinois  
9 Department of Employment Security shall be utilized as  
10 appropriate to assist in the study. The study shall not  
11 disclose any data in a manner that would allow the  
12 identification of any particular individual or employing unit.  
13 The study shall be made available to the General Assembly no  
14 later than September 1, 2010.

15 (g) Immediate Sealing.

16 (1) Applicability. Notwithstanding any other provision  
17 of this Act to the contrary, and cumulative with any rights  
18 to expungement or sealing of criminal records, this  
19 subsection authorizes the immediate sealing of criminal  
20 records of adults and of minors prosecuted as adults.

21 (2) Eligible Records. Arrests or charges not initiated  
22 by arrest resulting in acquittal or dismissal with  
23 prejudice, except as excluded by subsection (a)(3)(B),  
24 that occur on or after January 1, 2018 (the effective date  
25 of Public Act 100-282) ~~this amendatory Act of the 100th~~  
26 ~~General Assembly~~, may be sealed immediately if the petition

1 is filed with the circuit court clerk on the same day and  
2 during the same hearing in which the case is disposed.

3 (3) When Records are Eligible to be Immediately Sealed.  
4 Eligible records under paragraph (2) of this subsection (g)  
5 may be sealed immediately after entry of the final  
6 disposition of a case, notwithstanding the disposition of  
7 other charges in the same case.

8 (4) Notice of Eligibility for Immediate Sealing. Upon  
9 entry of a disposition for an eligible record under this  
10 subsection (g), the defendant shall be informed by the  
11 court of his or her right to have eligible records  
12 immediately sealed and the procedure for the immediate  
13 sealing of these records.

14 (5) Procedure. The following procedures apply to  
15 immediate sealing under this subsection (g).

16 (A) Filing the Petition. Upon entry of the final  
17 disposition of the case, the defendant's attorney may  
18 immediately petition the court, on behalf of the  
19 defendant, for immediate sealing of eligible records  
20 under paragraph (2) of this subsection (g) that are  
21 entered on or after January 1, 2018 (the effective date  
22 of Public Act 100-282) ~~this amendatory Act of the 100th~~  
23 ~~General Assembly~~. The immediate sealing petition may  
24 be filed with the circuit court clerk during the  
25 hearing in which the final disposition of the case is  
26 entered. If the defendant's attorney does not file the

1 petition for immediate sealing during the hearing, the  
2 defendant may file a petition for sealing at any time  
3 as authorized under subsection (c) (3) (A).

4 (B) Contents of Petition. The immediate sealing  
5 petition shall be verified and shall contain the  
6 petitioner's name, date of birth, current address, and  
7 for each eligible record, the case number, the date of  
8 arrest if applicable, the identity of the arresting  
9 authority if applicable, and other information as the  
10 court may require.

11 (C) Drug Test. The petitioner shall not be required  
12 to attach proof that he or she has passed a drug test.

13 (D) Service of Petition. A copy of the petition  
14 shall be served on the State's Attorney in open court.  
15 The petitioner shall not be required to serve a copy of  
16 the petition on any other agency.

17 (E) Entry of Order. The presiding trial judge shall  
18 enter an order granting or denying the petition for  
19 immediate sealing during the hearing in which it is  
20 filed. Petitions for immediate sealing shall be ruled  
21 on in the same hearing in which the final disposition  
22 of the case is entered.

23 (F) Hearings. The court shall hear the petition for  
24 immediate sealing on the same day and during the same  
25 hearing in which the disposition is rendered.

26 (G) Service of Order. An order to immediately seal

1 eligible records shall be served in conformance with  
2 subsection (d) (8).

3 (H) Implementation of Order. An order to  
4 immediately seal records shall be implemented in  
5 conformance with subsections (d) (9) (C) and (d) (9) (D).

6 (I) Fees. The fee imposed by the circuit court  
7 clerk and the Department of State Police shall comply  
8 with paragraph (1) of subsection (d) of this Section.

9 (J) Final Order. No court order issued under this  
10 subsection (g) shall become final for purposes of  
11 appeal until 30 days after service of the order on the  
12 petitioner and all parties entitled to service of the  
13 order in conformance with subsection (d) (8).

14 (K) Motion to Vacate, Modify, or Reconsider. Under  
15 Section 2-1203 of the Code of Civil Procedure, the  
16 petitioner, State's Attorney, or the Department of  
17 State Police may file a motion to vacate, modify, or  
18 reconsider the order denying the petition to  
19 immediately seal within 60 days of service of the  
20 order. If filed more than 60 days after service of the  
21 order, a petition to vacate, modify, or reconsider  
22 shall comply with subsection (c) of Section 2-1401 of  
23 the Code of Civil Procedure.

24 (L) Effect of Order. An order granting an immediate  
25 sealing petition shall not be considered void because  
26 it fails to comply with the provisions of this Section

1 or because of an error asserted in a motion to vacate,  
2 modify, or reconsider. The circuit court retains  
3 jurisdiction to determine whether the order is  
4 voidable, and to vacate, modify, or reconsider its  
5 terms based on a motion filed under subparagraph (L) of  
6 this subsection (g).

7 (M) Compliance with Order Granting Petition to  
8 Seal Records. Unless a court has entered a stay of an  
9 order granting a petition to immediately seal, all  
10 parties entitled to service of the order must fully  
11 comply with the terms of the order within 60 days of  
12 service of the order.

13 (h) Sealing; trafficking victims.

14 (1) A trafficking victim as defined by paragraph (10)  
15 of subsection (a) of Section 10-9 of the Criminal Code of  
16 2012 shall be eligible to petition for immediate sealing of  
17 his or her criminal record upon the completion of his or  
18 her last sentence if his or her participation in the  
19 underlying offense was a direct result of human trafficking  
20 under Section 10-9 of the Criminal Code of 2012 or a severe  
21 form of trafficking under the federal Trafficking Victims  
22 Protection Act.

23 (2) A petitioner under this subsection (h), in addition  
24 to the requirements provided under paragraph (4) of  
25 subsection (d) of this Section, shall include in his or her  
26 petition a clear and concise statement that: (A) he or she

1       was a victim of human trafficking at the time of the  
2       offense; and (B) that his or her participation in the  
3       offense was a direct result of human trafficking under  
4       Section 10-9 of the Criminal Code of 2012 or a severe form  
5       of trafficking under the federal Trafficking Victims  
6       Protection Act.

7       (3) If an objection is filed alleging that the  
8       petitioner is not entitled to immediate sealing under this  
9       subsection (h), the court shall conduct a hearing under  
10      paragraph (7) of subsection (d) of this Section and the  
11      court shall determine whether the petitioner is entitled to  
12      immediate sealing under this subsection (h). A petitioner  
13      is eligible for immediate relief under this subsection (h)  
14      if he or she shows, by a preponderance of the evidence,  
15      that: (A) he or she was a victim of human trafficking at  
16      the time of the offense; and (B) that his or her  
17      participation in the offense was a direct result of human  
18      trafficking under Section 10-9 of the Criminal Code of 2012  
19      or a severe form of trafficking under the federal  
20      Trafficking Victims Protection Act.

21      (Source: P.A. 99-78, eff. 7-20-15; 99-378, eff. 1-1-16; 99-385,  
22      eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff. 7-29-16;  
23      99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-282, eff.  
24      1-1-18; 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; revised  
25      10-13-17.)

26      Section 99. Effective date. This Act takes effect upon

1 becoming law.