



Rep. Justin Slaughter

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10000SB1993ham001

LRB100 10121 SLF 43586 a

1 AMENDMENT TO SENATE BILL 1993

2 AMENDMENT NO. _____. Amend Senate Bill 1993 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-3, 1-7, 1-8, 1-9, and 5-915 and by adding
6 Sections 5-920, 5-923, and 5-925 as follows:

7 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

8 (Text of Section before amendment by P.A. 100-689)

9 Sec. 1-3. Definitions. Terms used in this Act, unless the
10 context otherwise requires, have the following meanings
11 ascribed to them:

12 (1) "Adjudicatory hearing" means a hearing to determine
13 whether the allegations of a petition under Section 2-13, 3-15
14 or 4-12 that a minor under 18 years of age is abused, neglected
15 or dependent, or requires authoritative intervention, or
16 addicted, respectively, are supported by a preponderance of the

1 evidence or whether the allegations of a petition under Section
2 5-520 that a minor is delinquent are proved beyond a reasonable
3 doubt.

4 (2) "Adult" means a person 21 years of age or older.

5 (3) "Agency" means a public or private child care facility
6 legally authorized or licensed by this State for placement or
7 institutional care or for both placement and institutional
8 care.

9 (4) "Association" means any organization, public or
10 private, engaged in welfare functions which include services to
11 or on behalf of children but does not include "agency" as
12 herein defined.

13 (4.05) Whenever a "best interest" determination is
14 required, the following factors shall be considered in the
15 context of the child's age and developmental needs:

16 (a) the physical safety and welfare of the child,
17 including food, shelter, health, and clothing;

18 (b) the development of the child's identity;

19 (c) the child's background and ties, including
20 familial, cultural, and religious;

21 (d) the child's sense of attachments, including:

22 (i) where the child actually feels love,
23 attachment, and a sense of being valued (as opposed to
24 where adults believe the child should feel such love,
25 attachment, and a sense of being valued);

26 (ii) the child's sense of security;

- 1 (iii) the child's sense of familiarity;
- 2 (iv) continuity of affection for the child;
- 3 (v) the least disruptive placement alternative for
- 4 the child;
- 5 (e) the child's wishes and long-term goals;
- 6 (f) the child's community ties, including church,
- 7 school, and friends;
- 8 (g) the child's need for permanence which includes the
- 9 child's need for stability and continuity of relationships
- 10 with parent figures and with siblings and other relatives;
- 11 (h) the uniqueness of every family and child;
- 12 (i) the risks attendant to entering and being in
- 13 substitute care; and
- 14 (j) the preferences of the persons available to care
- 15 for the child.

16 (4.1) "Chronic truant" shall have the definition ascribed

17 to it in Section 26-2a of the School Code.

18 (5) "Court" means the circuit court in a session or

19 division assigned to hear proceedings under this Act.

20 (6) "Dispositional hearing" means a hearing to determine

21 whether a minor should be adjudged to be a ward of the court,

22 and to determine what order of disposition should be made in

23 respect to a minor adjudged to be a ward of the court.

24 (6.5) "Dissemination" or "disseminate" means to publish,

25 produce, print, manufacture, distribute, sell, lease, exhibit,

26 broadcast, display, transmit, or otherwise share information

1 in any format so as to make the information accessible to
2 others.

3 (7) "Emancipated minor" means any minor 16 years of age or
4 over who has been completely or partially emancipated under the
5 Emancipation of Minors Act or under this Act.

6 (7.03) "Expunge" means to physically destroy the records
7 and to obliterate the minor's name from any official index,
8 public record, or electronic database.

9 (7.05) "Foster parent" includes a relative caregiver
10 selected by the Department of Children and Family Services to
11 provide care for the minor.

12 (8) "Guardianship of the person" of a minor means the duty
13 and authority to act in the best interests of the minor,
14 subject to residual parental rights and responsibilities, to
15 make important decisions in matters having a permanent effect
16 on the life and development of the minor and to be concerned
17 with his or her general welfare. It includes but is not
18 necessarily limited to:

19 (a) the authority to consent to marriage, to enlistment
20 in the armed forces of the United States, or to a major
21 medical, psychiatric, and surgical treatment; to represent
22 the minor in legal actions; and to make other decisions of
23 substantial legal significance concerning the minor;

24 (b) the authority and duty of reasonable visitation,
25 except to the extent that these have been limited in the
26 best interests of the minor by court order;

1 (c) the rights and responsibilities of legal custody
2 except where legal custody has been vested in another
3 person or agency; and

4 (d) the power to consent to the adoption of the minor,
5 but only if expressly conferred on the guardian in
6 accordance with Section 2-29, 3-30, or 4-27.

7 (8.1) "Juvenile court record" includes, but is not limited
8 to:

9 (a) all documents filed in or maintained by the
10 juvenile court pertaining to a specific incident,
11 proceeding, or individual;

12 (b) all documents relating to a specific incident,
13 proceeding, or individual made available to or maintained
14 by probation officers;

15 (c) all documents, video or audio tapes, photographs,
16 and exhibits admitted into evidence at juvenile court
17 hearings; or

18 (d) all documents, transcripts, records, reports, or
19 other evidence prepared by, maintained by, or released by
20 any municipal, county, or State agency or department, in
21 any format, if indicating involvement with the juvenile
22 court relating to a specific incident, proceeding, or
23 individual.

24 (8.2) "Juvenile law enforcement record" includes, but is
25 not limited to, records of arrest, station adjustments,
26 fingerprints, probation adjustments, the issuance of a notice

1 to appear, or any other records or documents maintained by any
2 law enforcement agency relating to a minor suspected of
3 committing an offense, and records maintained by a law
4 enforcement agency that identifies a juvenile as a suspect in
5 committing an offense, but does not include records identifying
6 a juvenile as a victim, witness, or missing juvenile but does
7 not include any records created, maintained, or used for
8 purposes of referral to programs relating to diversion as
9 defined subsection (6) of Section 5-105.

10 (9) "Legal custody" means the relationship created by an
11 order of court in the best interests of the minor which imposes
12 on the custodian the responsibility of physical possession of a
13 minor and the duty to protect, train and discipline him and to
14 provide him with food, shelter, education and ordinary medical
15 care, except as these are limited by residual parental rights
16 and responsibilities and the rights and responsibilities of the
17 guardian of the person, if any.

18 (9.1) "Mentally capable adult relative" means a person 21
19 years of age or older who is not suffering from a mental
20 illness that prevents him or her from providing the care
21 necessary to safeguard the physical safety and welfare of a
22 minor who is left in that person's care by the parent or
23 parents or other person responsible for the minor's welfare.

24 (10) "Minor" means a person under the age of 21 years
25 subject to this Act.

26 (11) "Parent" means a father or mother of a child and

1 includes any adoptive parent. It also includes a person (i)
2 whose parentage is presumed or has been established under the
3 law of this or another jurisdiction or (ii) who has registered
4 with the Putative Father Registry in accordance with Section
5 12.1 of the Adoption Act and whose paternity has not been ruled
6 out under the law of this or another jurisdiction. It does not
7 include a parent whose rights in respect to the minor have been
8 terminated in any manner provided by law. It does not include a
9 person who has been or could be determined to be a parent under
10 the Illinois Parentage Act of 1984 or the Illinois Parentage
11 Act of 2015, or similar parentage law in any other state, if
12 that person has been convicted of or pled nolo contendere to a
13 crime that resulted in the conception of the child under
14 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
15 12-14.1, subsection (a) or (b) (but not subsection (c)) of
16 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
17 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, or similar
19 statute in another jurisdiction unless upon motion of any
20 party, other than the offender, to the juvenile court
21 proceedings the court finds it is in the child's best interest
22 to deem the offender a parent for purposes of the juvenile
23 court proceedings.

24 (11.1) "Permanency goal" means a goal set by the court as
25 defined in subdivision (2) of Section 2-28.

26 (11.2) "Permanency hearing" means a hearing to set the

1 permanency goal and to review and determine (i) the
2 appropriateness of the services contained in the plan and
3 whether those services have been provided, (ii) whether
4 reasonable efforts have been made by all the parties to the
5 service plan to achieve the goal, and (iii) whether the plan
6 and goal have been achieved.

7 (12) "Petition" means the petition provided for in Section
8 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
9 thereunder in Section 3-15, 4-12 or 5-520.

10 (12.1) "Physically capable adult relative" means a person
11 21 years of age or older who does not have a severe physical
12 disability or medical condition, or is not suffering from
13 alcoholism or drug addiction, that prevents him or her from
14 providing the care necessary to safeguard the physical safety
15 and welfare of a minor who is left in that person's care by the
16 parent or parents or other person responsible for the minor's
17 welfare.

18 (12.2) "Post Permanency Sibling Contact Agreement" has the
19 meaning ascribed to the term in Section 7.4 of the Children and
20 Family Services Act.

21 (12.3) "Residential treatment center" means a licensed
22 setting that provides 24-hour care to children in a group home
23 or institution, including a facility licensed as a child care
24 institution under Section 2.06 of the Child Care Act of 1969, a
25 licensed group home under Section 2.16 of the Child Care Act of
26 1969, a secure child care facility as defined in paragraph (18)

1 of this Section, or any similar facility in another state.
2 "Residential treatment center" does not include a relative
3 foster home or a licensed foster family home.

4 (13) "Residual parental rights and responsibilities" means
5 those rights and responsibilities remaining with the parent
6 after the transfer of legal custody or guardianship of the
7 person, including, but not necessarily limited to, the right to
8 reasonable visitation (which may be limited by the court in the
9 best interests of the minor as provided in subsection (8) (b) of
10 this Section), the right to consent to adoption, the right to
11 determine the minor's religious affiliation, and the
12 responsibility for his support.

13 (14) "Shelter" means the temporary care of a minor in
14 physically unrestricting facilities pending court disposition
15 or execution of court order for placement.

16 (14.05) "Shelter placement" means a temporary or emergency
17 placement for a minor, including an emergency foster home
18 placement.

19 (14.1) "Sibling Contact Support Plan" has the meaning
20 ascribed to the term in Section 7.4 of the Children and Family
21 Services Act.

22 (15) "Station adjustment" means the informal handling of an
23 alleged offender by a juvenile police officer.

24 (16) "Ward of the court" means a minor who is so adjudged
25 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
26 requisite jurisdictional facts, and thus is subject to the

1 dispositional powers of the court under this Act.

2 (17) "Juvenile police officer" means a sworn police officer
3 who has completed a Basic Recruit Training Course, has been
4 assigned to the position of juvenile police officer by his or
5 her chief law enforcement officer and has completed the
6 necessary juvenile officers training as prescribed by the
7 Illinois Law Enforcement Training Standards Board, or in the
8 case of a State police officer, juvenile officer training
9 approved by the Director of the Department of State Police.

10 (18) "Secure child care facility" means any child care
11 facility licensed by the Department of Children and Family
12 Services to provide secure living arrangements for children
13 under 18 years of age who are subject to placement in
14 facilities under the Children and Family Services Act and who
15 are not subject to placement in facilities for whom standards
16 are established by the Department of Corrections under Section
17 3-15-2 of the Unified Code of Corrections. "Secure child care
18 facility" also means a facility that is designed and operated
19 to ensure that all entrances and exits from the facility, a
20 building, or a distinct part of the building are under the
21 exclusive control of the staff of the facility, whether or not
22 the child has the freedom of movement within the perimeter of
23 the facility, building, or distinct part of the building.

24 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
25 100-229, eff. 1-1-18; 100-863, eff. 8-14-18.)

1 (Text of Section after amendment by P.A. 100-689)

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7 or 4-12 that a minor under 18 years of age is abused, neglected
8 or dependent, or requires authoritative intervention, or
9 addicted, respectively, are supported by a preponderance of the
10 evidence or whether the allegations of a petition under Section
11 5-520 that a minor is delinquent are proved beyond a reasonable
12 doubt.

13 (2) "Adult" means a person 21 years of age or older.

14 (3) "Agency" means a public or private child care facility
15 legally authorized or licensed by this State for placement or
16 institutional care or for both placement and institutional
17 care.

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19 private, engaged in welfare functions which include services to
20 or on behalf of children but does not include "agency" as
21 herein defined.

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23 required, the following factors shall be considered in the
24 context of the child's age and developmental needs:

25 (a) the physical safety and welfare of the child,
26 including food, shelter, health, and clothing;

- 1 (b) the development of the child's identity;
- 2 (c) the child's background and ties, including
3 familial, cultural, and religious;
- 4 (d) the child's sense of attachments, including:
- 5 (i) where the child actually feels love,
6 attachment, and a sense of being valued (as opposed to
7 where adults believe the child should feel such love,
8 attachment, and a sense of being valued);
- 9 (ii) the child's sense of security;
- 10 (iii) the child's sense of familiarity;
- 11 (iv) continuity of affection for the child;
- 12 (v) the least disruptive placement alternative for
13 the child;
- 14 (e) the child's wishes and long-term goals;
- 15 (f) the child's community ties, including church,
16 school, and friends;
- 17 (g) the child's need for permanence which includes the
18 child's need for stability and continuity of relationships
19 with parent figures and with siblings and other relatives;
- 20 (h) the uniqueness of every family and child;
- 21 (i) the risks attendant to entering and being in
22 substitute care; and
- 23 (j) the preferences of the persons available to care
24 for the child.
- 25 (4.1) "Chronic truant" shall have the definition ascribed
26 to it in Section 26-2a of the School Code.

1 (5) "Court" means the circuit court in a session or
2 division assigned to hear proceedings under this Act.

3 (6) "Dispositional hearing" means a hearing to determine
4 whether a minor should be adjudged to be a ward of the court,
5 and to determine what order of disposition should be made in
6 respect to a minor adjudged to be a ward of the court.

7 (6.5) "Dissemination" or "disseminate" means to publish,
8 produce, print, manufacture, distribute, sell, lease, exhibit,
9 broadcast, display, transmit, or otherwise share information
10 in any format so as to make the information accessible to
11 others.

12 (7) "Emancipated minor" means any minor 16 years of age or
13 over who has been completely or partially emancipated under the
14 Emancipation of Minors Act or under this Act.

15 (7.03) "Expunge" means to physically destroy the records
16 and to obliterate the minor's name from any official index,
17 public record, or electronic database.

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19 selected by the Department of Children and Family Services to
20 provide care for the minor.

21 (8) "Guardianship of the person" of a minor means the duty
22 and authority to act in the best interests of the minor,
23 subject to residual parental rights and responsibilities, to
24 make important decisions in matters having a permanent effect
25 on the life and development of the minor and to be concerned
26 with his or her general welfare. It includes but is not

1 necessarily limited to:

2 (a) the authority to consent to marriage, to enlistment
3 in the armed forces of the United States, or to a major
4 medical, psychiatric, and surgical treatment; to represent
5 the minor in legal actions; and to make other decisions of
6 substantial legal significance concerning the minor;

7 (b) the authority and duty of reasonable visitation,
8 except to the extent that these have been limited in the
9 best interests of the minor by court order;

10 (c) the rights and responsibilities of legal custody
11 except where legal custody has been vested in another
12 person or agency; and

13 (d) the power to consent to the adoption of the minor,
14 but only if expressly conferred on the guardian in
15 accordance with Section 2-29, 3-30, or 4-27.

16 (8.1) "Juvenile court record" includes, but is not limited
17 to:

18 (a) all documents filed in or maintained by the
19 juvenile court pertaining to a specific incident,
20 proceeding, or individual;

21 (b) all documents relating to a specific incident,
22 proceeding, or individual made available to or maintained
23 by probation officers;

24 (c) all documents, video or audio tapes, photographs,
25 and exhibits admitted into evidence at juvenile court
26 hearings; or

1 (d) all documents, transcripts, records, reports, or
2 other evidence prepared by, maintained by, or released by
3 any municipal, county, or State agency or department, in
4 any format, if indicating involvement with the juvenile
5 court relating to a specific incident, proceeding, or
6 individual.

7 (8.2) "Juvenile law enforcement record" includes, but is
8 not limited to, records of arrest, station adjustments,
9 fingerprints, probation adjustments, the issuance of a notice
10 to appear, or any other records or documents maintained by any
11 law enforcement agency relating to a minor suspected of
12 committing an offense, and records maintained by a law
13 enforcement agency that identifies a juvenile as a suspect in
14 committing an offense, but does not include records identifying
15 a juvenile as a victim, witness, or missing juvenile but does
16 not include any records created, maintained, or used for
17 purposes of referral to programs relating to diversion as
18 defined subsection (6) of Section 5-105.

19 (9) "Legal custody" means the relationship created by an
20 order of court in the best interests of the minor which imposes
21 on the custodian the responsibility of physical possession of a
22 minor and the duty to protect, train and discipline him and to
23 provide him with food, shelter, education and ordinary medical
24 care, except as these are limited by residual parental rights
25 and responsibilities and the rights and responsibilities of the
26 guardian of the person, if any.

1 (9.1) "Mentally capable adult relative" means a person 21
2 years of age or older who is not suffering from a mental
3 illness that prevents him or her from providing the care
4 necessary to safeguard the physical safety and welfare of a
5 minor who is left in that person's care by the parent or
6 parents or other person responsible for the minor's welfare.

7 (10) "Minor" means a person under the age of 21 years
8 subject to this Act.

9 (11) "Parent" means a father or mother of a child and
10 includes any adoptive parent. It also includes a person (i)
11 whose parentage is presumed or has been established under the
12 law of this or another jurisdiction or (ii) who has registered
13 with the Putative Father Registry in accordance with Section
14 12.1 of the Adoption Act and whose paternity has not been ruled
15 out under the law of this or another jurisdiction. It does not
16 include a parent whose rights in respect to the minor have been
17 terminated in any manner provided by law. It does not include a
18 person who has been or could be determined to be a parent under
19 the Illinois Parentage Act of 1984 or the Illinois Parentage
20 Act of 2015, or similar parentage law in any other state, if
21 that person has been convicted of or pled nolo contendere to a
22 crime that resulted in the conception of the child under
23 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
24 12-14.1, subsection (a) or (b) (but not subsection (c)) of
25 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
26 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, or similar
2 statute in another jurisdiction unless upon motion of any
3 party, other than the offender, to the juvenile court
4 proceedings the court finds it is in the child's best interest
5 to deem the offender a parent for purposes of the juvenile
6 court proceedings.

7 (11.1) "Permanency goal" means a goal set by the court as
8 defined in subdivision (2) of Section 2-28.

9 (11.2) "Permanency hearing" means a hearing to set the
10 permanency goal and to review and determine (i) the
11 appropriateness of the services contained in the plan and
12 whether those services have been provided, (ii) whether
13 reasonable efforts have been made by all the parties to the
14 service plan to achieve the goal, and (iii) whether the plan
15 and goal have been achieved.

16 (12) "Petition" means the petition provided for in Section
17 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
18 thereunder in Section 3-15, 4-12 or 5-520.

19 (12.1) "Physically capable adult relative" means a person
20 21 years of age or older who does not have a severe physical
21 disability or medical condition, or is not suffering from
22 alcoholism or drug addiction, that prevents him or her from
23 providing the care necessary to safeguard the physical safety
24 and welfare of a minor who is left in that person's care by the
25 parent or parents or other person responsible for the minor's
26 welfare.

1 (12.2) "Post Permanency Sibling Contact Agreement" has the
2 meaning ascribed to the term in Section 7.4 of the Children and
3 Family Services Act.

4 (12.3) "Residential treatment center" means a licensed
5 setting that provides 24-hour care to children in a group home
6 or institution, including a facility licensed as a child care
7 institution under Section 2.06 of the Child Care Act of 1969, a
8 licensed group home under Section 2.16 of the Child Care Act of
9 1969, a secure child care facility as defined in paragraph (18)
10 of this Section, or any similar facility in another state.
11 "Residential treatment center" does not include a relative
12 foster home or a licensed foster family home.

13 (13) "Residual parental rights and responsibilities" means
14 those rights and responsibilities remaining with the parent
15 after the transfer of legal custody or guardianship of the
16 person, including, but not necessarily limited to, the right to
17 reasonable visitation (which may be limited by the court in the
18 best interests of the minor as provided in subsection (8)(b) of
19 this Section), the right to consent to adoption, the right to
20 determine the minor's religious affiliation, and the
21 responsibility for his support.

22 (14) "Shelter" means the temporary care of a minor in
23 physically unrestricting facilities pending court disposition
24 or execution of court order for placement.

25 (14.05) "Shelter placement" means a temporary or emergency
26 placement for a minor, including an emergency foster home

1 placement.

2 (14.1) "Sibling Contact Support Plan" has the meaning
3 ascribed to the term in Section 7.4 of the Children and Family
4 Services Act.

5 (14.2) "Significant event report" means a written document
6 describing an occurrence or event beyond the customary
7 operations, routines, or relationships in the Department of
8 Children of Family Services, a child care facility, or other
9 entity that is licensed or regulated by the Department of
10 Children of Family Services or that provides services for the
11 Department of Children of Family Services under a grant,
12 contract, or purchase of service agreement; involving children
13 or youth, employees, foster parents, or relative caregivers;
14 allegations of abuse or neglect or any other incident raising a
15 concern about the well-being of a minor under the jurisdiction
16 of the court under Article II of the Juvenile Court Act;
17 incidents involving damage to property, allegations of
18 criminal activity, misconduct, or other occurrences affecting
19 the operations of the Department of Children of Family Services
20 or a child care facility; any incident that could have media
21 impact; and unusual incidents as defined by Department of
22 Children and Family Services rule.

23 (15) "Station adjustment" means the informal handling of an
24 alleged offender by a juvenile police officer.

25 (16) "Ward of the court" means a minor who is so adjudged
26 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the

1 requisite jurisdictional facts, and thus is subject to the
2 dispositional powers of the court under this Act.

3 (17) "Juvenile police officer" means a sworn police officer
4 who has completed a Basic Recruit Training Course, has been
5 assigned to the position of juvenile police officer by his or
6 her chief law enforcement officer and has completed the
7 necessary juvenile officers training as prescribed by the
8 Illinois Law Enforcement Training Standards Board, or in the
9 case of a State police officer, juvenile officer training
10 approved by the Director of the Department of State Police.

11 (18) "Secure child care facility" means any child care
12 facility licensed by the Department of Children and Family
13 Services to provide secure living arrangements for children
14 under 18 years of age who are subject to placement in
15 facilities under the Children and Family Services Act and who
16 are not subject to placement in facilities for whom standards
17 are established by the Department of Corrections under Section
18 3-15-2 of the Unified Code of Corrections. "Secure child care
19 facility" also means a facility that is designed and operated
20 to ensure that all entrances and exits from the facility, a
21 building, or a distinct part of the building are under the
22 exclusive control of the staff of the facility, whether or not
23 the child has the freedom of movement within the perimeter of
24 the facility, building, or distinct part of the building.

25 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
26 100-229, eff. 1-1-18; 100-689, eff. 1-1-19; 100-863, eff.

1 8-14-18.)

2 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

3 Sec. 1-7. Confidentiality of juvenile law enforcement and
4 municipal ordinance violation records.

5 (A) All juvenile law enforcement records which have not
6 been expunged are confidential ~~sealed~~ and may never be
7 disclosed to the general public or otherwise made widely
8 available. Juvenile law enforcement ~~sealed~~ records may be
9 obtained only under this Section and Section ~~Sections~~ 1-8 and
10 Part 9 of Article V 5-915 of this Act, when their use is needed
11 for good cause and with an order from the juvenile court, ~~as~~
12 ~~required by those not authorized to retain them.~~ Inspection,
13 ~~and copying,~~ and disclosure of juvenile law enforcement records
14 maintained by law enforcement agencies or records of municipal
15 ordinance violations maintained by any State, local, or
16 municipal agency that relate to a minor who has been
17 investigated, arrested, or taken into custody before his or her
18 18th birthday shall be restricted to the following:

19 (0.05) The minor who is the subject of the juvenile law
20 enforcement record, his or her parents, guardian, and
21 counsel.

22 (0.10) Judges of the circuit court and members of the
23 staff of the court designated by the judge.

24 (0.15) An administrative adjudication hearing officer
25 or members of the staff designated to assist in the

1 administrative adjudication process.

2 (1) Any local, State, or federal law enforcement
3 officers or designated law enforcement staff of any
4 jurisdiction or agency when necessary for the discharge of
5 their official duties during the investigation or
6 prosecution of a crime or relating to a minor who has been
7 adjudicated delinquent and there has been a previous
8 finding that the act which constitutes the previous offense
9 was committed in furtherance of criminal activities by a
10 criminal street gang, or, when necessary for the discharge
11 of its official duties in connection with a particular
12 investigation of the conduct of a law enforcement officer,
13 an independent agency or its staff created by ordinance and
14 charged by a unit of local government with the duty of
15 investigating the conduct of law enforcement officers. For
16 purposes of this Section, "criminal street gang" has the
17 meaning ascribed to it in Section 10 of the Illinois
18 Streetgang Terrorism Omnibus Prevention Act.

19 (2) Prosecutors, public defenders, probation officers,
20 social workers, or other individuals assigned by the court
21 to conduct a pre-adjudication or pre-disposition
22 investigation, and individuals responsible for supervising
23 or providing temporary or permanent care and custody for
24 minors under ~~pursuant to~~ the order of the juvenile court,
25 when essential to performing their responsibilities.

26 (3) Federal, State, or local prosecutors ~~Prosecutors,~~

1 public defenders, ~~and~~ probation officers, and designated
2 staff:

3 (a) in the course of a trial when institution of
4 criminal proceedings has been permitted or required
5 under Section 5-805; ~~or~~

6 (b) when institution of criminal proceedings has
7 been permitted or required under Section 5-805 and the
8 ~~such~~ minor is the subject of a proceeding to determine
9 the amount of bail; ~~or~~

10 (c) when criminal proceedings have been permitted
11 or required under Section 5-805 and the ~~such~~ minor is
12 the subject of a pre-trial investigation, pre-sentence
13 investigation, fitness hearing, or proceedings on an
14 application for probation; or ~~or~~

15 (d) in the course of prosecution or administrative
16 adjudication of a violation of a traffic, boating, or
17 fish and game law, or a county or municipal ordinance.

18 (4) Adult and Juvenile Prisoner Review Board.

19 (5) Authorized military personnel.

20 (5.5) Employees of the federal government authorized
21 by law.

22 (6) Persons engaged in bona fide research, with the
23 permission of the Presiding Judge ~~of the Juvenile Court~~ and
24 the chief executive of the respective law enforcement
25 agency; provided that publication of such research results
26 in no disclosure of a minor's identity and protects the

1 confidentiality of the minor's record.

2 (7) Department of Children and Family Services child
3 protection investigators acting in their official
4 capacity.

5 (8) The appropriate school official only if the agency
6 or officer believes that there is an imminent threat of
7 physical harm to students, school personnel, or others who
8 are present in the school or on school grounds.

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

20 (i) any violation of Article 24 of the Criminal
21 Code of 1961 or the Criminal Code of 2012;

22 (ii) a violation of the Illinois Controlled
23 Substances Act;

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

25 (iv) a forcible felony as defined in Section
26 2-8 of the Criminal Code of 1961 or the Criminal

1 Code of 2012;

2 (v) a violation of the Methamphetamine Control
3 and Community Protection Act;

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

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

7 (viii) a violation of Section 12-1, 12-2,
8 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
9 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
10 Criminal Code of 1961 or the Criminal Code of 2012.

11 The information derived from the juvenile law
12 enforcement records shall be kept separate from and
13 shall not become a part of the official school record
14 of that child and shall not be a public record. The
15 information shall be used solely by the appropriate
16 school official or officials whom the school has
17 determined to have a legitimate educational or safety
18 interest to aid in the proper rehabilitation of the
19 child and to protect the safety of students and
20 employees in the school. If the designated law
21 enforcement and school officials deem it to be in the
22 best interest of the minor, the student may be referred
23 to in-school or community-based ~~community-based~~ social
24 services if those services are available.
25 "Rehabilitation services" may include interventions by
26 school support personnel, evaluation for eligibility

1 for special education, referrals to community-based
2 agencies such as youth services, behavioral healthcare
3 service providers, drug and alcohol prevention or
4 treatment programs, and other interventions as deemed
5 appropriate for the student.

6 (B) Any information provided to appropriate school
7 officials whom the school has determined to have a
8 legitimate educational or safety interest by local law
9 enforcement officials about a minor who is the subject
10 of a current police investigation that is directly
11 related to school safety shall consist of oral
12 information only, and not written juvenile law
13 enforcement records, and shall be used solely by the
14 appropriate school official or officials to protect
15 the safety of students and employees in the school and
16 aid in the proper rehabilitation of the child. The
17 information derived orally from the local law
18 enforcement officials shall be kept separate from and
19 shall not become a part of the official school record
20 of the child and shall not be a public record. This
21 limitation on the use of information about a minor who
22 is the subject of a current police investigation shall
23 in no way limit the use of this information by
24 prosecutors in pursuing criminal charges arising out
25 of the information disclosed during a police
26 investigation of the minor. For purposes of this

1 paragraph, "investigation" means an official
2 systematic inquiry by a law enforcement agency into
3 actual or suspected criminal activity.

4 (9) Mental health professionals on behalf of the
5 ~~Illinois~~ Department of Corrections or the Department of
6 Human Services or prosecutors who are evaluating,
7 prosecuting, or investigating a potential or actual
8 petition brought under the Sexually Violent Persons
9 Commitment Act relating to a person who is the subject of
10 juvenile law enforcement records or the respondent to a
11 petition brought under the Sexually Violent Persons
12 Commitment Act who is the subject of the juvenile law
13 enforcement records sought. Any juvenile law enforcement
14 records and any information obtained from those juvenile
15 law enforcement records under this paragraph (9) may be
16 used only in sexually violent persons commitment
17 proceedings.

18 (10) The president of a park district. Inspection and
19 copying shall be limited to juvenile law enforcement
20 records transmitted to the president of the park district
21 by the Department of Illinois State Police under Section
22 8-23 of the Park District Code or Section 16a-5 of the
23 Chicago Park District Act concerning a person who is
24 seeking employment with that park district and who has been
25 adjudicated a juvenile delinquent for any of the offenses
26 listed in subsection (c) of Section 8-23 of the Park

1 District Code or subsection (c) of Section 16a-5 of the
2 Chicago Park District Act.

3 (11) Persons managing and designated to participate in
4 a court diversion program as designated in subsection (6)
5 of Section 5-105.

6 (12) The Public Access Counselor of the Office of the
7 Attorney General, when reviewing juvenile law enforcement
8 records under its powers and duties under the Freedom of
9 Information Act.

10 (13) Collection agencies, contracted or otherwise
11 engaged by a governmental entity, to collect any debts due
12 and owing to the governmental entity.

13 (B)(1) Except as provided in paragraph (2), no law
14 enforcement officer or other person or agency may knowingly
15 transmit to the Department of Corrections, ~~or the~~ Department of
16 State Police, ~~or~~ to the Federal Bureau of Investigation any
17 fingerprint or photograph relating to a minor who has been
18 arrested or taken into custody before his or her 18th birthday,
19 unless the court in proceedings under this Act authorizes the
20 transmission or enters an order under Section 5-805 permitting
21 or requiring the institution of criminal proceedings.

22 (2) Law enforcement officers or other persons or agencies
23 shall transmit to the Department of State Police copies of
24 fingerprints and descriptions of all minors who have been
25 arrested or taken into custody before their 18th birthday for
26 the offense of unlawful use of weapons under Article 24 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
2 or Class 1 felony, a forcible felony as defined in Section 2-8
3 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
4 Class 2 or greater felony under the Cannabis Control Act, the
5 Illinois Controlled Substances Act, the Methamphetamine
6 Control and Community Protection Act, or Chapter 4 of the
7 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
8 Identification Act. Information reported to the Department
9 pursuant to this Section may be maintained with records that
10 the Department files pursuant to Section 2.1 of the Criminal
11 Identification Act. Nothing in this Act prohibits a law
12 enforcement agency from fingerprinting a minor taken into
13 custody or arrested before his or her 18th birthday for an
14 offense other than those listed in this paragraph (2).

15 (C) The records of law enforcement officers, or of an
16 independent agency created by ordinance and charged by a unit
17 of local government with the duty of investigating the conduct
18 of law enforcement officers, concerning all minors under 18
19 years of age must be maintained separate from the records of
20 arrests and may not be open to public inspection or their
21 contents disclosed to the public. For purposes of obtaining
22 documents under this Section, a civil subpoena is not an order
23 of the court.

24 (1) In cases where the law enforcement, or independent
25 agency, records concern a pending juvenile court case, the
26 party seeking to inspect the records shall provide actual

1 notice to the attorney or guardian ad litem of the minor
2 whose records are sought.

3 (2) In cases where the records concern a juvenile court
4 case that is no longer pending, the party seeking to
5 inspect the records shall provide actual notice to the
6 minor or the minor's parent or legal guardian, and the
7 matter shall be referred to the chief judge presiding over
8 matters pursuant to this Act.

9 (3) In determining whether the records should be
10 available for inspection, the court shall consider the
11 minor's interest in confidentiality and rehabilitation
12 over the moving party's interest in obtaining the
13 information. Any records obtained in violation of this
14 subsection (C) shall not be admissible in any criminal or
15 civil proceeding, or operate to disqualify a minor from
16 subsequently holding public office or securing employment,
17 or operate as a forfeiture of any public benefit, right,
18 privilege, or right to receive any license granted by
19 public authority.

20 (D) Nothing contained in subsection (C) of this Section
21 shall prohibit the inspection or disclosure to victims and
22 witnesses of photographs contained in the records of law
23 enforcement agencies when the inspection and disclosure is
24 conducted in the presence of a law enforcement officer for the
25 purpose of the identification or apprehension of any person
26 subject to the provisions of this Act or for the investigation

1 or prosecution of any crime.

2 (E) Law enforcement officers, and personnel of an
3 independent agency created by ordinance and charged by a unit
4 of local government with the duty of investigating the conduct
5 of law enforcement officers, may not disclose the identity of
6 any minor in releasing information to the general public as to
7 the arrest, investigation or disposition of any case involving
8 a minor.

9 (F) Nothing contained in this Section shall prohibit law
10 enforcement agencies from communicating with each other by
11 letter, memorandum, teletype, or intelligence alert bulletin
12 or other means the identity or other relevant information
13 pertaining to a person under 18 years of age if there are
14 reasonable grounds to believe that the person poses a real and
15 present danger to the safety of the public or law enforcement
16 officers. The information provided under this subsection (F)
17 shall remain confidential and shall not be publicly disclosed,
18 except as otherwise allowed by law.

19 (G) Nothing in this Section shall prohibit the right of a
20 Civil Service Commission or appointing authority of any federal
21 government, state, county or municipality examining the
22 character and fitness of an applicant for employment with a law
23 enforcement agency, correctional institution, or fire
24 department from obtaining and examining the records of any law
25 enforcement agency relating to any record of the applicant
26 having been arrested or taken into custody before the

1 applicant's 18th birthday.

2 (G-5) Information identifying victims and alleged victims
3 of sex offenses shall not be disclosed to the public except as
4 authorized by law. Nothing in this Section shall prohibit the
5 victim or alleged victim of any sex offense from voluntarily
6 disclosing his or her own identity.

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

11 (H-5) Nothing in this Section shall require any court or
12 adjudicative proceeding for traffic, boating, fish and game
13 law, or municipal and county ordinance violations to be closed
14 to the public.

15 (I) Willful violation of this Section is a Class C
16 misdemeanor and each violation is subject to a fine of \$1,000.
17 This subsection (I) shall not apply to the person who is the
18 subject of the record.

19 (J) A person convicted of violating this Section is liable
20 for damages in the amount of \$1,000 or actual damages,
21 whichever is greater.

22 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;
23 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; revised 10-3-18.)

24 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

25 Sec. 1-8. Confidentiality and accessibility of juvenile

1 court records.

2 (A) A juvenile adjudication shall never be considered a
3 conviction nor shall an adjudicated individual be considered a
4 criminal. Unless expressly allowed by law, a juvenile
5 adjudication shall not operate to impose upon the individual
6 any of the civil disabilities ordinarily imposed by or
7 resulting from conviction. Unless expressly allowed by law,
8 adjudications shall not prejudice or disqualify the individual
9 in any civil service application or appointment, from holding
10 public office, or from receiving any license granted by public
11 authority. All juvenile court records which have not been
12 expunged are sealed and may never be disclosed to the general
13 public or otherwise made widely available. Sealed juvenile
14 court records may be obtained only under this Section and
15 Section 1-7 and Part 9 of Article V ~~Section 5-915~~ of this Act,
16 when their use is needed for good cause and with an order from
17 the juvenile court, ~~as required by those not authorized to~~
18 ~~retain them~~. Inspection and copying of juvenile court records
19 relating to a minor who is the subject of a proceeding under
20 this Act shall be restricted to the following:

21 (1) The minor who is the subject of record, his or her
22 parents, guardian, and counsel.

23 (2) Law enforcement officers and law enforcement
24 agencies when such information is essential to executing an
25 arrest or search warrant or other compulsory process, or to
26 conducting an ongoing investigation or relating to a minor

1 who has been adjudicated delinquent and there has been a
2 previous finding that the act which constitutes the
3 previous offense was committed in furtherance of criminal
4 activities by a criminal street gang.

5 Before July 1, 1994, for the purposes of this Section,
6 "criminal street gang" means any ongoing organization,
7 association, or group of 3 or more persons, whether formal
8 or informal, having as one of its primary activities the
9 commission of one or more criminal acts and that has a
10 common name or common identifying sign, symbol or specific
11 color apparel displayed, and whose members individually or
12 collectively engage in or have engaged in a pattern of
13 criminal activity.

14 Beginning July 1, 1994, for purposes of this Section,
15 "criminal street gang" has the meaning ascribed to it in
16 Section 10 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act.

18 (3) Judges, hearing officers, prosecutors, public
19 defenders, probation officers, social workers, or other
20 individuals assigned by the court to conduct a
21 pre-adjudication or pre-disposition ~~pre-disposition~~
22 investigation, and individuals responsible for supervising
23 or providing temporary or permanent care and custody for
24 minors under ~~pursuant to~~ the order of the juvenile court
25 when essential to performing their responsibilities.

26 (4) Judges, federal, State, and local prosecutors,

1 public defenders, ~~and~~ probation officers, and designated
2 staff:

3 (a) in the course of a trial when institution of
4 criminal proceedings has been permitted or required
5 under Section 5-805; ~~or~~

6 (b) when criminal proceedings have been permitted
7 or required under Section 5-805 and a minor is the
8 subject of a proceeding to determine the amount of
9 bail; ~~or~~

10 (c) when criminal proceedings have been permitted
11 or required under Section 5-805 and a minor is the
12 subject of a pre-trial investigation, pre-sentence
13 investigation or fitness hearing, or proceedings on an
14 application for probation; or

15 (d) when a minor becomes 18 years of age or older,
16 and is the subject of criminal proceedings, including a
17 hearing to determine the amount of bail, a pre-trial
18 investigation, a pre-sentence investigation, a fitness
19 hearing, or proceedings on an application for
20 probation.

21 (5) Adult and Juvenile Prisoner Review Boards.

22 (6) Authorized military personnel.

23 (6.5) Employees of the federal government authorized
24 by law.

25 (7) Victims, their subrogees and legal
26 representatives; however, such persons shall have access

1 only to the name and address of the minor and information
2 pertaining to the disposition or alternative adjustment
3 plan of the juvenile court.

4 (8) Persons engaged in bona fide research, with the
5 permission of the presiding judge of the juvenile court and
6 the chief executive of the agency that prepared the
7 particular records; provided that publication of such
8 research results in no disclosure of a minor's identity and
9 protects the confidentiality of the record.

10 (9) The Secretary of State to whom the Clerk of the
11 Court shall report the disposition of all cases, as
12 required in Section 6-204 of the Illinois Vehicle Code.
13 However, information reported relative to these offenses
14 shall be privileged and available only to the Secretary of
15 State, courts, and police officers.

16 (10) The administrator of a bonafide substance abuse
17 student assistance program with the permission of the
18 presiding judge of the juvenile court.

19 (11) Mental health professionals on behalf of the
20 ~~Illinois~~ Department of Corrections or the Department of
21 Human Services or prosecutors who are evaluating,
22 prosecuting, or investigating a potential or actual
23 petition brought under the Sexually Violent Persons
24 Commitment Act relating to a person who is the subject of
25 juvenile court records or the respondent to a petition
26 brought under the Sexually Violent Persons Commitment Act,

1 who is the subject of juvenile court records sought. Any
2 records and any information obtained from those records
3 under this paragraph (11) may be used only in sexually
4 violent persons commitment proceedings.

5 (12) Collection agencies, contracted or otherwise
6 engaged by a governmental entity, to collect any debts due
7 and owing to the governmental entity.

8 (A-1) Findings and exclusions of paternity entered in
9 proceedings occurring under Article II of this Act shall be
10 disclosed, in a manner and form approved by the Presiding Judge
11 of the Juvenile Court, to the Department of Healthcare and
12 Family Services when necessary to discharge the duties of the
13 Department of Healthcare and Family Services under Article X of
14 the Illinois Public Aid Code.

15 (B) A minor who is the victim in a juvenile proceeding
16 shall be provided the same confidentiality regarding
17 disclosure of identity as the minor who is the subject of
18 record.

19 ~~(C) Juvenile court records shall not be made available to~~
20 ~~the general public. For purposes of inspecting documents under~~
21 ~~this Section, a civil subpoena is not an order of the court.~~

22 (0.1) In cases where the records concern a pending
23 juvenile court case, the requesting party seeking to
24 inspect the juvenile court records shall provide actual
25 notice to the attorney or guardian ad litem of the minor
26 whose records are sought.

1 (0.2) In cases where the juvenile court records concern
2 a juvenile court case that is no longer pending, the
3 requesting party seeking to inspect the juvenile court
4 records shall provide actual notice to the minor or the
5 minor's parent or legal guardian, and the matter shall be
6 referred to the chief judge presiding over matters pursuant
7 to this Act.

8 (0.3) In determining whether juvenile court records
9 should be made available for inspection and whether
10 inspection should be limited to certain parts of the file,
11 the court shall consider the minor's interest in
12 confidentiality and rehabilitation over the requesting
13 party's interest in obtaining the information. The State's
14 Attorney, the minor, and the minor's parents, guardian, and
15 counsel shall at all times have the right to examine court
16 files and records.

17 (0.4) Any records obtained in violation of this Section
18 shall not be admissible in any criminal or civil
19 proceeding, or operate to disqualify a minor from
20 subsequently holding public office, or operate as a
21 forfeiture of any public benefit, right, privilege, or
22 right to receive any license granted by public authority.

23 (D) Pending or following any adjudication of delinquency
24 for any offense defined in Sections 11-1.20 through 11-1.60 or
25 12-13 through 12-16 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, the victim of any such offense shall

1 receive the rights set out in Sections 4 and 6 of the Bill of
2 Rights for Victims and Witnesses of Violent Crime Act; and the
3 juvenile who is the subject of the adjudication,
4 notwithstanding any other provision of this Act, shall be
5 treated as an adult for the purpose of affording such rights to
6 the victim.

7 (E) Nothing in this Section shall affect the right of a
8 Civil Service Commission or appointing authority of the federal
9 government, or any ~~any~~ state, county, or municipality examining
10 the character and fitness of an applicant for employment with a
11 law enforcement agency, correctional institution, or fire
12 department to ascertain whether that applicant was ever
13 adjudicated to be a delinquent minor and, if so, to examine the
14 records of disposition or evidence which were made in
15 proceedings under this Act.

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

1 (G) Nothing contained in this Act prevents the sharing or
2 disclosure of information or records relating or pertaining to
3 juveniles subject to the provisions of the Serious Habitual
4 Offender Comprehensive Action Program when that information is
5 used to assist in the early identification and treatment of
6 habitual juvenile offenders.

7 (H) When a court ~~Court~~ hearing a proceeding under Article
8 II of this Act becomes aware that an earlier proceeding under
9 Article II had been heard in a different county, that court
10 ~~Court~~ shall request, and the court ~~Court~~ in which the earlier
11 proceedings were initiated shall transmit, an authenticated
12 copy of the juvenile court ~~Court~~ record, including all
13 documents, petitions, and orders filed ~~therein~~ and the minute
14 orders, transcript of proceedings, and docket entries of the
15 court ~~Court~~.

16 (I) The Clerk of the Circuit Court shall report to the
17 Department of State Police, in the form and manner required by
18 the Department of State Police, the final disposition of each
19 minor who has been arrested or taken into custody before his or
20 her 18th birthday for those offenses required to be reported
21 under Section 5 of the Criminal Identification Act. Information
22 reported to the Department under this Section may be maintained
23 with records that the Department files under Section 2.1 of the
24 Criminal Identification Act.

25 (J) The changes made to this Section by Public Act 98-61
26 apply to juvenile law enforcement records of a minor who has

1 been arrested or taken into custody on or after January 1, 2014
2 (the effective date of Public Act 98-61).

3 (K) Willful violation of this Section is a Class C
4 misdemeanor and each violation is subject to a fine of \$1,000.
5 This subsection (K) shall not apply to the person who is the
6 subject of the record.

7 (L) A person convicted of violating this Section is liable
8 for damages in the amount of \$1,000 or actual damages,
9 whichever is greater.

10 (Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18;
11 revised 10-3-18.)

12 (705 ILCS 405/1-9) (from Ch. 37, par. 801-9)

13 Sec. 1-9. Expungement of law enforcement and juvenile court
14 records.

15 (1) Expungement of law enforcement and juvenile court
16 delinquency records shall be governed by Part 9 of Article V of
17 this Act Section 5-915.

18 (2) This subsection (2) applies to expungement of law
19 enforcement and juvenile court records other than delinquency
20 proceedings. Whenever any person has attained the age of 18 or
21 whenever all juvenile court proceedings relating to that person
22 have been terminated, whichever is later, the person may
23 petition the court to expunge law enforcement records relating
24 to incidents occurring before his 18th birthday or his juvenile
25 court records, or both, if the minor was placed under

1 supervision pursuant to Sections 2-20, 3-21, or 4-18, and such
2 order of supervision has since been successfully terminated.

3 (3) The chief judge of the circuit in which an arrest was
4 made or a charge was brought or any judge of that circuit
5 designated by the chief judge may, upon verified petition of a
6 person who is the subject of an arrest or a juvenile court
7 proceeding pursuant to subsection (2) of this Section, order
8 the law enforcement records or juvenile court records, or both,
9 to be expunged from the official records of the arresting
10 authority and the clerk of the circuit court. Notice of the
11 petition shall be served upon the State's Attorney and upon the
12 arresting authority which is the subject of the petition for
13 expungement.

14 (4) The changes made to this Section by this amendatory Act
15 of the 98th General Assembly apply to law enforcement and
16 juvenile court records of a minor who has been arrested or
17 taken into custody on or after the effective date of this
18 amendatory Act.

19 (Source: P.A. 98-61, eff. 1-1-14.)

20 (705 ILCS 405/5-915)

21 (Text of Section before amendment by P.A. 100-987)

22 Sec. 5-915. Expungement of juvenile law enforcement and
23 juvenile court records.

24 (0.05) (Blank). ~~For purposes of this Section:~~

25 ~~"Dissemination" or "disseminate" means to publish,~~

1 ~~produce, print, manufacture, distribute, sell, lease, exhibit,~~
2 ~~broadcast, display, transmit, or otherwise share information~~
3 ~~in any format so as to make the information accessible to~~
4 ~~others.~~

5 ~~"Expunge" means to physically destroy the records and to~~
6 ~~obliterate the minor's name and juvenile court records from any~~
7 ~~official index, public record, or electronic database. No~~
8 ~~evidence of the juvenile court records may be retained by any~~
9 ~~law enforcement agency, the juvenile court, or by any~~
10 ~~municipal, county, or State agency or department. Nothing in~~
11 ~~this Act shall require the physical destruction of the internal~~
12 ~~office records, files, or databases maintained by a State's~~
13 ~~Attorney's Office or other prosecutor, public defender,~~
14 ~~probation officer, or by the Office of the Secretary of State.~~

15 ~~"Juvenile court record" includes, but is not limited to:~~

16 ~~(a) all documents filed in or maintained by the~~
17 ~~juvenile court pertaining to a specific incident,~~
18 ~~proceeding, or individual;~~

19 ~~(b) all documents relating to a specific incident,~~
20 ~~proceeding, or individual made available to or maintained~~
21 ~~by probation officers;~~

22 ~~(c) all documents, video or audio tapes, photographs,~~
23 ~~and exhibits admitted into evidence at juvenile court~~
24 ~~hearings; or~~

25 ~~(d) all documents, transcripts, records, reports or~~
26 ~~other evidence prepared by, maintained by, or released by~~

1 ~~any municipal, county, or State agency or department, in~~
2 ~~any format, if indicating involvement with the juvenile~~
3 ~~court relating to a specific incident, proceeding, or~~
4 ~~individual.~~

5 ~~"Law enforcement record" includes, but is not limited to,~~
6 ~~records of arrest, station adjustments, fingerprints,~~
7 ~~probation adjustments, the issuance of a notice to appear, or~~
8 ~~any other records or documents maintained by any law~~
9 ~~enforcement agency relating to a minor suspected of committing~~
10 ~~an offense or evidence of interaction with law enforcement.~~

11 (0.1) (a) Except as otherwise provided in subsection (0.15)
12 of this Section, the ~~The~~ Department of State Police and all law
13 enforcement agencies within the State shall automatically
14 expunge, on or before January 1 of each year, all juvenile law
15 enforcement records relating to events occurring before an
16 individual's 18th birthday if:

17 (1) one year or more has elapsed since the date of the
18 arrest or law enforcement interaction documented in the
19 records;

20 (2) no petition for delinquency or criminal charges
21 were filed with the clerk of the circuit court relating to
22 the arrest or law enforcement interaction documented in the
23 records; and

24 (3) 6 months have elapsed since the date of the arrest
25 without an additional subsequent arrest or filing of a
26 petition for delinquency or criminal charges whether

1 related or not to the arrest or law enforcement interaction
2 documented in the records.

3 (b) If the law enforcement agency is unable to verify
4 satisfaction of conditions (2) and (3) of this subsection
5 (0.1), records that satisfy condition (1) of this subsection
6 (0.1) shall be automatically expunged if the records relate to
7 an offense that if committed by an adult would not be an
8 offense classified as Class 2 felony or higher, an offense
9 under Article 11 of the Criminal Code of 1961 or Criminal Code
10 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
11 12-15, or 12-16 of the Criminal Code of 1961.

12 (0.15) If a juvenile law enforcement record meets paragraph
13 (a) of subsection (0.1) of this Section, a juvenile law
14 enforcement record created:

15 (1) prior to January 1, 2018, but on or after January
16 1, 2013 shall be automatically expunged prior to January 1,
17 2020;

18 (2) prior to January 1, 2013, but on or after January
19 1, 2000, shall be automatically expunged prior to January
20 1, 2023; and

21 (3) prior to January 1, 2000 shall not be subject to
22 the automatic expungement provisions of this Act.

23 Nothing in this subsection (0.15) shall be construed to
24 restrict or modify an individual's right to have his or her
25 juvenile law enforcement records expunged except as otherwise
26 may be provided in this Act.

1 (0.2) (a) Upon dismissal of a petition alleging delinquency
2 or upon a finding of not delinquent, the successful termination
3 of an order of supervision, or the successful termination of an
4 adjudication for an offense which would be a Class B
5 misdemeanor, Class C misdemeanor, or a petty or business
6 offense if committed by an adult, the court shall automatically
7 order the expungement of the juvenile court records and
8 juvenile law enforcement records. The clerk shall deliver a
9 certified copy of the expungement order to the Department of
10 State Police and the arresting agency. Upon request, the
11 State's Attorney shall furnish the name of the arresting
12 agency. The expungement shall be completed within 60 business
13 days after the receipt of the expungement order.

14 (b) If the chief law enforcement officer of the agency, or
15 his or her designee, certifies in writing that certain
16 information is needed for a pending investigation involving the
17 commission of a felony, that information, and information
18 identifying the juvenile, may be retained ~~in an intelligence~~
19 ~~file~~ until the statute of limitations for the felony has
20 expired. If the chief law enforcement officer of the agency, or
21 his or her designee, certifies in writing that certain
22 information is needed with respect to an internal investigation
23 of any law enforcement office, that information and information
24 identifying the juvenile may be retained within an intelligence
25 file until the investigation is terminated or the disciplinary
26 action, including appeals, has been completed, whichever is

1 ~~later the investigation is terminated or for one additional~~
2 ~~year, whichever is sooner.~~ Retention of a portion of a
3 juvenile's law enforcement record does not disqualify the
4 remainder of his or her record from immediate automatic
5 expungement.

6 (0.3) (a) Upon an adjudication of delinquency based on any
7 offense except a disqualified offense, the juvenile court shall
8 automatically order the expungement of the juvenile court and
9 law enforcement records 2 years after the juvenile's case was
10 closed if no delinquency or criminal proceeding is pending and
11 the person has had no subsequent delinquency adjudication or
12 criminal conviction. The clerk shall deliver a certified copy
13 of the expungement order to the Department of State Police and
14 the arresting agency. Upon request, the State's Attorney shall
15 furnish the name of the arresting agency. The expungement shall
16 be completed within 60 business days after the receipt of the
17 expungement order. ~~In For the purposes of~~ this subsection
18 (0.3), "disqualified offense" means any of the following
19 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
20 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
21 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
22 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
23 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
24 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
25 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
26 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or

1 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
2 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
3 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
4 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
5 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
6 paragraph (1) of subsection (a) of Section 12-9, subparagraph
7 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
8 paragraph (1) of subsection (a) of Section 25-1, or subsection
9 (a-7) of Section 31-1 of the Criminal Code of 2012.

10 (b) If the chief law enforcement officer of the agency, or
11 his or her designee, certifies in writing that certain
12 information is needed for a pending investigation involving the
13 commission of a felony, that information, and information
14 identifying the juvenile, may be retained in an intelligence
15 file until the investigation is terminated or for one
16 additional year, whichever is sooner. Retention of a portion of
17 a juvenile's juvenile law enforcement record does not
18 disqualify the remainder of his or her record from immediate
19 automatic expungement.

20 (0.4) Automatic expungement for the purposes of this
21 Section shall not require law enforcement agencies to
22 obliterate or otherwise destroy juvenile law enforcement
23 records that would otherwise need to be automatically expunged
24 under this Act, except after 2 years following the subject
25 arrest for purposes of use in civil litigation against a
26 governmental entity or its law enforcement agency or personnel

1 which created, maintained, or used the records. However these
2 juvenile law enforcement records shall be considered expunged
3 for all other purposes during this period and the offense,
4 which the records or files concern, shall be treated as if it
5 never occurred as required under Section 5-923.

6 (0.5) Subsection (0.1) or (0.2) of this Section does not
7 apply to violations of traffic, boating, fish and game laws, or
8 county or municipal ordinances.

9 (0.6) Juvenile law enforcement records of a plaintiff who
10 has filed civil litigation against the governmental entity or
11 its law enforcement agency or personnel that created,
12 maintained, or used the records or juvenile law enforcement
13 records that contain information related to the allegations set
14 forth in the civil litigation may not be expunged until after 2
15 years have elapsed after the conclusion of the lawsuit,
16 including any appeal.

17 (0.7) Officer-worn body camera recordings shall not be
18 automatically expunged except as otherwise authorized by the
19 Law Enforcement Officer-Worn Body Camera Act.

20 ~~(1) Nothing in this subsection (1) precludes an eligible~~
21 ~~minor from obtaining expungement under subsection (0.1),~~
22 ~~(0.2), or (0.3).~~ Whenever a person has been arrested, charged,
23 or adjudicated delinquent for an incident occurring before his
24 or her 18th birthday that if committed by an adult would be an
25 offense, and that person's juvenile law enforcement and
26 juvenile court records are not eligible for automatic

1 expungement under subsection (0.1), (0.2), or (0.3), the person
2 may petition the court at any time for expungement of juvenile
3 law enforcement records and juvenile court records relating to
4 the incident and, upon termination of all juvenile court
5 proceedings relating to that incident, the court shall order
6 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, but only in
9 any of the following circumstances:

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

12 (a-5) the minor was charged with an offense and the
13 petition or petitions were dismissed without a finding of
14 delinquency;

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

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

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

23 (1.5) The Department of State Police shall allow a person
24 to use the Access and Review process, established in the
25 Department of State Police, for verifying that his or her
26 juvenile law enforcement records relating to incidents

1 occurring before his or her 18th birthday eligible under this
2 Act have been expunged.

3 (1.6) (Blank).

4 (1.7) (Blank).

5 (1.8) (Blank).

6 (2) Any person whose delinquency adjudications are not
7 eligible for automatic expungement under subsection (0.3) of
8 this Section may petition the court to expunge all juvenile law
9 enforcement records relating to any incidents occurring before
10 his or her 18th birthday which did not result in proceedings in
11 criminal court and all juvenile court records with respect to
12 any adjudications except those based upon first degree murder
13 or an offense under Article 11 of the Criminal Code of 2012 if
14 the person is required to register under the Sex Offender
15 Registration Act at the time he or she petitions the court for
16 expungement; provided that:

17 (a) (blank); or

18 (b) 2 years have elapsed since all juvenile court
19 proceedings relating to him or her have been terminated and
20 his or her commitment to the Department of Juvenile Justice
21 under this Act has been terminated.

22 (2.5) If a minor is arrested and no petition for
23 delinquency is filed with the clerk of the circuit court at the
24 time the minor is released from custody, the youth officer, if
25 applicable, or other designated person from the arresting
26 agency, shall notify verbally and in writing to the minor or

1 the minor's parents or guardians that the minor shall have an
2 arrest record and shall provide the minor and the minor's
3 parents or guardians with an expungement information packet,
4 information regarding this State's expungement laws including
5 a petition to expunge juvenile law enforcement and juvenile
6 court records obtained from the clerk of the circuit court.

7 (2.6) If a minor is referred to court then at the time of
8 sentencing or dismissal of the case, or successful completion
9 of supervision, the judge shall inform the delinquent minor of
10 his or her rights regarding expungement and the clerk of the
11 circuit court shall provide an expungement information packet
12 to the minor, written in plain language, including information
13 regarding this State's expungement laws and a petition for
14 expungement, a sample of a completed petition, expungement
15 instructions that shall include information informing the
16 minor that (i) once the case is expunged, it shall be treated
17 as if it never occurred, (ii) he or she may apply to have
18 petition fees waived, (iii) once he or she obtains an
19 expungement, he or she may not be required to disclose that he
20 or she had a juvenile law enforcement or juvenile court record,
21 and (iv) if petitioning he or she may file the petition on his
22 or her own or with the assistance of an attorney. The failure
23 of the judge to inform the delinquent minor of his or her right
24 to petition for expungement as provided by law does not create
25 a substantive right, nor is that failure grounds for: (i) a
26 reversal of an adjudication of delinquency, (ii) a new trial;

1 or (iii) an appeal.

2 (2.7) (Blank).

3 (2.8) (Blank). ~~The petition for expungement for subsection~~
4 ~~(1) and (2) may include multiple offenses on the same petition~~
5 ~~and shall be substantially in the following form:~~

6 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

7 ~~..... JUDICIAL CIRCUIT~~

8 ~~IN THE INTEREST OF) NO.~~

9 ~~→~~

10 ~~→~~

11 ~~.....)~~

12 ~~(Name of Petitioner)~~

13 ~~PETITION TO EXPUNGE JUVENILE RECORDS~~

14 ~~(705 ILCS 405/5-915 (SUBSECTION 1 AND 2))~~

15 ~~Now comes, petitioner, and respectfully requests~~
16 ~~that this Honorable Court enter an order expunging all juvenile~~
17 ~~law enforcement and court records of petitioner and in support~~
18 ~~thereof states that: Petitioner was arrested on by the~~
19 ~~..... Police Department for the offense or offenses of~~
20 ~~....., and:~~

21 ~~(Check All That Apply:)~~

22 ~~() a. no petition or petitions were filed with the Clerk of~~
23 ~~the Circuit Court.~~

24 ~~() b. was charged with and was found not delinquent of~~

1 ~~the offense or offenses.~~

2 ~~() e. a petition or petitions were filed and the petition or~~
3 ~~petitions were dismissed without a finding of delinquency on~~
4 ~~.....~~

5 ~~() d. on placed under supervision pursuant to Section~~
6 ~~5-615 of the Juvenile Court Act of 1987 and such order of~~
7 ~~supervision successfully terminated on~~

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

11 ~~() f. was adjudicated for a Class A misdemeanor or felony,~~
12 ~~except first degree murder or an offense under Article 11 of~~
13 ~~the Criminal Code of 2012 if the person is required to register~~
14 ~~under the Sex Offender Registration Act, and 2 years have~~
15 ~~passed since the case was closed.~~

16 ~~Petitioner has has not been arrested on charges in~~
17 ~~this or any county other than the charges listed above. If~~
18 ~~petitioner has been arrested on additional charges, please list~~
19 ~~the charges below:~~

20 ~~Charge(s):~~

21 ~~Arresting Agency or Agencies:~~

22 ~~Disposition/Result: (choose from a. through f., above):~~

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

1 ~~the petitioner regarding this incident or incidents.~~

2
3 ~~Petitioner (Signature)~~

4
5 ~~Petitioner's Street Address~~

6
7 ~~City, State, Zip Code~~

8
9 ~~Petitioner's Telephone Number~~

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

14
15 ~~Petitioner (Signature)~~

16 (3) (Blank). ~~The chief judge of the circuit in which an~~
17 ~~arrest was made or a charge was brought or any judge of that~~
18 ~~circuit designated by the chief judge may, upon verified~~
19 ~~petition of a person who is the subject of an arrest or a~~
20 ~~juvenile court proceeding under subsection (1) or (2) of this~~

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

23 (3.1) (Blank). ~~The Notice of Expungement shall be in~~
24 ~~substantially the following form:~~

25 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

26 ~~..... JUDICIAL CIRCUIT~~

1 ~~IN THE INTEREST OF) NO.~~

2 ~~)~~

3 ~~)~~

4 ~~.....)~~

5 ~~(Name of Petitioner)~~

6 NOTICE

7 ~~TO: State's Attorney~~

8 ~~TO: Arresting Agency~~

9 ~~.....~~

10 ~~.....~~

11 ~~.....~~

12 ~~.....~~

13 ~~.....~~

14 ~~.....~~

15 ~~TO: Illinois State Police~~

16 ~~.....~~

17 ~~.....~~

18 ~~.....~~

19 ~~.....~~

20 ~~ATTENTION: Expungement~~

21 ~~You are hereby notified that on, at, in courtroom~~

22 ~~..., located at ..., before the Honorable ..., Judge, or any~~

23 ~~judge sitting in his/her stead, I shall then and there present~~

24 ~~a Petition to Expunge Juvenile records in the above entitled~~

1 ~~matter, at which time and place you may appear.~~

2 ~~.....~~

3 ~~Petitioner's Signature~~

4 ~~.....~~

5 ~~Petitioner's Street Address~~

6 ~~.....~~

7 ~~City, State, Zip Code~~

8 ~~.....~~

9 ~~Petitioner's Telephone Number~~

10 ~~PROOF OF SERVICE~~

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

14 ~~(Check One:)~~

15 ~~delivering copies personally to each entity to whom they are~~
16 ~~directed;~~

17 ~~or~~

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

22 ~~.....~~

23
24 ~~Signature~~

25 ~~Clerk of the Circuit Court or Deputy Clerk~~

26 ~~Printed Name of Delinquent Minor/Petitioner:~~

1 ~~Address:~~

2 ~~Telephone Number:~~

3 ~~(3.2) (Blank). The Order of Expungement shall be in~~
4 ~~substantially the following form:~~

5 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

6 ~~..... JUDICIAL CIRCUIT~~

7 ~~IN THE INTEREST OF) NO.~~

8 ~~+)~~

9 ~~+)~~

10 ~~.....) (Name of Petitioner)~~

11 ~~DOB~~

12 ~~Arresting Agency/Agencies~~

13 ~~ORDER OF EXPUNGEMENT~~

14 ~~(705 ILCS 405/5-915 (SUBSECTION 3))~~

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

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

21 ~~() 2. The Illinois State Police Bureau of Identification~~
22 ~~and the following law enforcement agencies expunge all records~~
23 ~~of petitioner relating to an arrest dated for the~~
24 ~~offense of~~

1 ~~Law Enforcement Agencies:~~

2 ~~.....~~

3 ~~.....~~

4 ~~() 3. IT IS FURTHER ORDERED that the Clerk of the Circuit~~
5 ~~Court expunge all records regarding the above captioned case.~~

6 ENTER: ~~.....~~

7
8 ~~JUDGE~~

9 ~~DATED:~~

10 ~~Name:~~

11 ~~Attorney for:~~

12 ~~Address: City/State/Zip:~~

13 ~~Attorney Number:~~

14 ~~(3.3) (Blank). The Notice of Objection shall be in~~
15 ~~substantially the following form:~~

16 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

17 ~~..... JUDICIAL CIRCUIT~~

18 ~~IN THE INTEREST OF) NO.~~

19 ~~+~~

20 ~~+~~

21 ~~.....)~~

22 ~~(Name of Petitioner)~~

23 ~~NOTICE OF OBJECTION~~

24 ~~TO: (Attorney, Public Defender, Minor)~~

1
.....

2
.....

3 ~~TO: (Illinois State Police)~~

4
.....

5
.....

6 ~~TO: (Clerk of the Court)~~

7
.....

8
.....

9 ~~TO: (Judge)~~

10
.....

11
.....

12 ~~TO: (Arresting Agency/Agencies)~~

13
.....

14
.....

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

18 ~~() State's Attorney's Office;~~

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

21 ~~() Department of Illinois State Police; or~~

22 ~~() Arresting Agency or Agencies.~~

23 ~~The agency checked above respectfully requests that this case~~
24 ~~be continued and set for hearing on whether the expungement~~
25 ~~should or should not be granted.~~

26 ~~DATED:~~

1 ~~Name:~~
 2 ~~Attorney For:~~
 3 ~~Address:~~
 4 ~~City/State/Zip:~~
 5 ~~Telephone:~~
 6 ~~Attorney No.:~~

7 ~~FOR USE BY CLERK OF THE COURT PERSONNEL ONLY~~

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

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

- 19 ~~() Attorney, Public Defender or Minor;~~
- 20 ~~() State's Attorney's Office;~~
- 21 ~~() Prosecutor (other than State's Attorney's Office) charged~~
 22 ~~with the duty of prosecuting the offense sought to be expunged;~~
- 23 ~~() Department of Illinois State Police; and~~
- 24 ~~() Arresting agency or agencies.~~

25 ~~Date:~~

26 ~~Initials of Clerk completing this section:~~

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

7 ~~(a 5) Local law enforcement agencies shall send written~~
8 ~~notice to the minor of the expungement of any records within 60~~
9 ~~days of automatic expungement or the date of service of an~~
10 ~~expungement order, whichever applies. If a minor's court file~~
11 ~~has been expunged, the clerk of the circuit court shall send~~
12 ~~written notice to the minor of the expungement of any records~~
13 ~~within 60 days of automatic expungement or the date of service~~
14 ~~of an expungement order, whichever applies.~~

15 ~~(b) Except with respect to authorized military personnel,~~
16 ~~an expunged juvenile record may not be considered by any~~
17 ~~private or public entity in employment matters, certification,~~
18 ~~licensing, revocation of certification or licensure, or~~
19 ~~registration. Applications for employment within the State~~
20 ~~must contain specific language that states that the applicant~~
21 ~~is not obligated to disclose expunged juvenile records of~~
22 ~~adjudication or arrest. Employers may not ask, in any format or~~
23 ~~context, if an applicant has had a juvenile record expunged.~~
24 ~~Information about an expunged record obtained by a potential~~
25 ~~employer, even inadvertently, from an employment application~~
26 ~~that does not contain specific language that states that the~~

1 ~~applicant is not obligated to disclose expunged juvenile~~
2 ~~records of adjudication or arrest, shall be treated as~~
3 ~~dissemination of an expunged record by the employer.~~

4 ~~(c) A person whose juvenile records have been expunged is~~
5 ~~not entitled to remission of any fines, costs, or other money~~
6 ~~paid as a consequence of expungement.~~

7 (5) (Blank).

8 (5.5) Whether or not expunged, records eligible for
9 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
10 (0.3) (a) may be treated as expunged by the person who is the
11 individual subject of ~~to~~ the records.

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

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

26 (7) (Blank). ~~(a) The State Appellate Defender shall~~

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

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

9 ~~(i) An explanation of the State's juvenile expungement~~
10 ~~laws, including both automatic expungement and expungement~~
11 ~~by petition;~~

12 ~~(ii) The circumstances under which juvenile~~
13 ~~expungement may occur;~~

14 ~~(iii) The juvenile offenses that may be expunged;~~

15 ~~(iv) The steps necessary to initiate and complete the~~
16 ~~juvenile expungement process; and~~

17 ~~(v) Directions on how to contact the State Appellate~~
18 ~~Defender.~~

19 ~~(c) The State Appellate Defender shall establish and~~
20 ~~maintain a statewide toll-free telephone number that a person~~
21 ~~may use to receive information or assistance concerning the~~
22 ~~expungement of juvenile records. The State Appellate Defender~~
23 ~~shall advertise the toll-free telephone number statewide. The~~
24 ~~State Appellate Defender shall develop an expungement~~
25 ~~information packet that may be sent to eligible persons seeking~~
26 ~~expungement of their juvenile records, which may include, but~~

1 ~~is not limited to, a pre-printed expungement petition with~~
2 ~~instructions on how to complete the petition and a pamphlet~~
3 ~~containing information that would assist individuals through~~
4 ~~the juvenile expungement process.~~

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

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

13 (7.5) (Blank). ~~(a) Willful dissemination of any~~
14 ~~information contained in an expunged record shall be treated as~~
15 ~~a Class C misdemeanor and punishable by a fine of \$1,000 per~~
16 ~~violation.~~

17 ~~(b) Willful dissemination for financial gain of any~~
18 ~~information contained in an expunged record shall be treated as~~
19 ~~a Class 4 felony. Dissemination for financial gain by an~~
20 ~~employee of any municipal, county, or State agency, including~~
21 ~~law enforcement, shall result in immediate termination.~~

22 ~~(c) The person whose record was expunged has a right of~~
23 ~~action against any person who intentionally disseminates an~~
24 ~~expunged record. In the proceeding, punitive damages up to an~~
25 ~~amount of \$1,000 may be sought in addition to any actual~~
26 ~~damages. The prevailing party shall be entitled to costs and~~

1 ~~reasonable attorney fees.~~

2 ~~(d) The punishments for dissemination of an expunged record~~
3 ~~shall never apply to the person whose record was expunged.~~

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

19 (b) (Blank).

20 (c) The expungement of juvenile law enforcement or juvenile
21 court records under subsection (0.1), (0.2), or (0.3) ~~0.1, 0.2,~~
22 ~~or 0.3~~ of this Section shall be funded by the additional fine
23 imposed under Section 5-9-1.17 of the Unified Code of
24 Corrections.

25 (9) (Blank).

26 (10) (Blank).

1 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
2 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
3 8-3-18; 100-863, eff. 8-14-18.)

4 (Text of Section after amendment by P.A. 100-987)

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

7 (0.05) (Blank). ~~For purposes of this Section:~~

8 ~~"Dissemination" or "disseminate" means to publish,~~
9 ~~produce, print, manufacture, distribute, sell, lease, exhibit,~~
10 ~~broadcast, display, transmit, or otherwise share information~~
11 ~~in any format so as to make the information accessible to~~
12 ~~others.~~

13 ~~"Expunge" means to physically destroy the records and to~~
14 ~~obliterate the minor's name and juvenile court records from any~~
15 ~~official index, public record, or electronic database. No~~
16 ~~evidence of the juvenile court records may be retained by any~~
17 ~~law enforcement agency, the juvenile court, or by any~~
18 ~~municipal, county, or State agency or department. Nothing in~~
19 ~~this Act shall require the physical destruction of the internal~~
20 ~~office records, files, or databases maintained by a State's~~
21 ~~Attorney's Office or other prosecutor, public defender,~~
22 ~~probation officer, or by the Office of the Secretary of State.~~

23 ~~"Juvenile court record" includes, but is not limited to:~~

24 ~~(a) all documents filed in or maintained by the~~
25 ~~juvenile court pertaining to a specific incident,~~

1 ~~proceeding, or individual;~~

2 ~~(b) all documents relating to a specific incident,~~
3 ~~proceeding, or individual made available to or maintained~~
4 ~~by probation officers;~~

5 ~~(c) all documents, video or audio tapes, photographs,~~
6 ~~and exhibits admitted into evidence at juvenile court~~
7 ~~hearings; or~~

8 ~~(d) all documents, transcripts, records, reports or~~
9 ~~other evidence prepared by, maintained by, or released by~~
10 ~~any municipal, county, or State agency or department, in~~
11 ~~any format, if indicating involvement with the juvenile~~
12 ~~court relating to a specific incident, proceeding, or~~
13 ~~individual.~~

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

20 (0.1) (a) The Department of State Police and all law
21 enforcement agencies within the State shall automatically
22 expunge, on or before January 1 of each year, all juvenile law
23 enforcement records relating to events occurring before an
24 individual's 18th birthday if:

25 (1) one year or more has elapsed since the date of the
26 arrest or law enforcement interaction documented in the

1 records;

2 (2) no petition for delinquency or criminal charges
3 were filed with the clerk of the circuit court relating to
4 the arrest or law enforcement interaction documented in the
5 records; and

6 (3) 6 months have elapsed since the date of the arrest
7 without an additional subsequent arrest or filing of a
8 petition for delinquency or criminal charges whether
9 related or not to the arrest or law enforcement interaction
10 documented in the records.

11 (b) If the law enforcement agency is unable to verify
12 satisfaction of conditions (2) and (3) of this subsection
13 (0.1), records that satisfy condition (1) of this subsection
14 (0.1) shall be automatically expunged if the records relate to
15 an offense that if committed by an adult would not be an
16 offense classified as Class 2 felony or higher, an offense
17 under Article 11 of the Criminal Code of 1961 or Criminal Code
18 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
19 12-15, or 12-16 of the Criminal Code of 1961.

20 (0.15) If a juvenile law enforcement record meets paragraph
21 (a) of subsection (0.1) of this Section, a juvenile law
22 enforcement record created:

23 (1) prior to January 1, 2018, but on or after January
24 1, 2013 shall be automatically expunged prior to January 1,
25 2020;

26 (2) prior to January 1, 2013, but on or after January

1 1, 2000, shall be automatically expunged prior to January
2 1, 2023; and

3 (3) prior to January 1, 2000 shall not be subject to
4 the automatic expungement provisions of this Act.

5 Nothing in this subsection (0.15) shall be construed to
6 restrict or modify an individual's right to have his or her
7 juvenile law enforcement records expunged except as otherwise
8 may be provided in this Act.

9 (0.2) (a) Upon dismissal of a petition alleging delinquency
10 or upon a finding of not delinquent, the successful termination
11 of an order of supervision, or the successful termination of an
12 adjudication for an offense which would be a Class B
13 misdemeanor, Class C misdemeanor, or a petty or business
14 offense if committed by an adult, the court shall automatically
15 order the expungement of the juvenile court records and
16 juvenile law enforcement records. The clerk shall deliver a
17 certified copy of the expungement order to the Department of
18 State Police and the arresting agency. Upon request, the
19 State's Attorney shall furnish the name of the arresting
20 agency. The expungement shall be completed within 60 business
21 days after the receipt of the expungement order.

22 (b) If the chief law enforcement officer of the agency, or
23 his or her designee, certifies in writing that certain
24 information is needed for a pending investigation involving the
25 commission of a felony, that information, and information
26 identifying the juvenile, may be retained ~~in an intelligence~~

1 ~~file~~ until the statute of limitations for the felony has run.
2 If the chief law enforcement officer of the agency, or his or
3 her designee, certifies in writing that certain information is
4 needed with respect to an internal investigation of any law
5 enforcement office, that information and information
6 identifying the juvenile may be retained within an intelligence
7 file until the investigation is terminated or the disciplinary
8 action, including appeals has been completed, whichever is
9 later ~~the investigation is terminated or for one additional~~
10 ~~year, whichever is sooner.~~ Retention of a portion of a
11 juvenile's law enforcement record does not disqualify the
12 remainder of his or her record from immediate automatic
13 expungement.

14 (0.3) (a) Upon an adjudication of delinquency based on any
15 offense except a disqualified offense, the juvenile court shall
16 automatically order the expungement of the juvenile court and
17 law enforcement records 2 years after the juvenile's case was
18 closed if no delinquency or criminal proceeding is pending and
19 the person has had no subsequent delinquency adjudication or
20 criminal conviction. The clerk shall deliver a certified copy
21 of the expungement order to the Department of State Police and
22 the arresting agency. Upon request, the State's Attorney shall
23 furnish the name of the arresting agency. The expungement shall
24 be completed within 60 business days after the receipt of the
25 expungement order. In ~~For the purposes of~~ this subsection
26 (0.3), "disqualified offense" means any of the following

1 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
2 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
3 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
4 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
5 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
6 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
7 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
8 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
9 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
10 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
11 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
12 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
13 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
14 paragraph (1) of subsection (a) of Section 12-9, subparagraph
15 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
16 paragraph (1) of subsection (a) of Section 25-1, or subsection
17 (a-7) of Section 31-1 of the Criminal Code of 2012.

18 (b) If the chief law enforcement officer of the agency, or
19 his or her designee, certifies in writing that certain
20 information is needed for a pending investigation involving the
21 commission of a felony, that information, and information
22 identifying the juvenile, may be retained in an intelligence
23 file until the investigation is terminated or for one
24 additional year, whichever is sooner. Retention of a portion of
25 a juvenile's juvenile law enforcement record does not
26 disqualify the remainder of his or her record from immediate

1 automatic expungement.

2 (0.4) Automatic expungement for the purposes of this
3 Section shall not require law enforcement agencies to
4 obliterate or otherwise destroy juvenile law enforcement
5 records that would otherwise need to be automatically expunged
6 under this Act, except after 2 years following the subject
7 arrest for purposes of use in civil litigation against a
8 governmental entity or its law enforcement agency or personnel
9 which created, maintained, or used the records. However these
10 juvenile law enforcement records shall be considered expunged
11 for all other purposes during this period and the offense,
12 which the records or files concern, shall be treated as if it
13 never occurred as required under Section 5-923.

14 (0.5) Subsection (0.1) or (0.2) of this Section does not
15 apply to violations of traffic, boating, fish and game laws, or
16 county or municipal ordinances.

17 (0.6) Juvenile law enforcement records of a plaintiff who
18 has filed civil litigation against the governmental entity or
19 its law enforcement agency or personnel that created,
20 maintained, or used the records, or juvenile law enforcement
21 records that contain information related to the allegations set
22 forth in the civil litigation may not be expunged until after 2
23 years have elapsed after the conclusion of the lawsuit,
24 including any appeal.

25 (0.7) Officer-worn body camera recordings shall not be
26 automatically expunged except as otherwise authorized by the

1 Law Enforcement Officer-Worn Body Camera Act.

2 (1) ~~Nothing in this subsection (1) precludes an eligible~~
3 ~~minor from obtaining expungement under subsection (0.1),~~
4 ~~(0.2), or (0.3).~~ Whenever a person has been arrested, charged,
5 or adjudicated delinquent for an incident occurring before his
6 or her 18th birthday that if committed by an adult would be an
7 offense, and that person's juvenile law enforcement and
8 juvenile court records are not eligible for automatic
9 expungement under subsection (0.1), (0.2), or (0.3), the person
10 may petition the court at any time for expungement of juvenile
11 law enforcement records and juvenile court records relating to
12 the incident and, upon termination of all juvenile court
13 proceedings relating to that incident, the court shall order
14 the expungement of all records in the possession of the
15 Department of State Police, the clerk of the circuit court, and
16 law enforcement agencies relating to the incident, but only in
17 any of the following circumstances:

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

20 (a-5) the minor was charged with an offense and the
21 petition or petitions were dismissed without a finding of
22 delinquency;

23 (b) the minor was charged with an offense and was found
24 not delinquent of that offense;

25 (c) the minor was placed under supervision under
26 ~~pursuant to~~ Section 5-615, and the order of supervision has

1 since been successfully terminated; or

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

5 (1.5) The Department of State Police shall allow a person
6 to use the Access and Review process, established in the
7 Department of State Police, for verifying that his or her
8 juvenile law enforcement records relating to incidents
9 occurring before his or her 18th birthday eligible under this
10 Act have been expunged.

11 (1.6) (Blank).

12 (1.7) (Blank).

13 (1.8) (Blank).

14 (2) Any person whose delinquency adjudications are not
15 eligible for automatic expungement under subsection (0.3) of
16 this Section may petition the court to expunge all juvenile law
17 enforcement records relating to any incidents occurring before
18 his or her 18th birthday which did not result in proceedings in
19 criminal court and all juvenile court records with respect to
20 any adjudications except those based upon first degree murder
21 or an offense under Article 11 of the Criminal Code of 2012 if
22 the person is required to register under the Sex Offender
23 Registration Act at the time he or she petitions the court for
24 expungement; provided that:

25 (a) (blank); or

26 (b) 2 years have elapsed since all juvenile court

1 proceedings relating to him or her have been terminated and
2 his or her commitment to the Department of Juvenile Justice
3 under this Act has been terminated.

4 (2.5) If a minor is arrested and no petition for
5 delinquency is filed with the clerk of the circuit court at the
6 time the minor is released from custody, the youth officer, if
7 applicable, or other designated person from the arresting
8 agency, shall notify verbally and in writing to the minor or
9 the minor's parents or guardians that the minor shall have an
10 arrest record and shall provide the minor and the minor's
11 parents or guardians with an expungement information packet,
12 information regarding this State's expungement laws including
13 a petition to expunge juvenile law enforcement and juvenile
14 court records obtained from the clerk of the circuit court.

15 (2.6) If a minor is referred to court then at the time of
16 sentencing or dismissal of the case, or successful completion
17 of supervision, the judge shall inform the delinquent minor of
18 his or her rights regarding expungement and the clerk of the
19 circuit court shall provide an expungement information packet
20 to the minor, written in plain language, including information
21 regarding this State's expungement laws and a petition for
22 expungement, a sample of a completed petition, expungement
23 instructions that shall include information informing the
24 minor that (i) once the case is expunged, it shall be treated
25 as if it never occurred, (ii) he or she may apply to have
26 petition fees waived, (iii) once he or she obtains an

1 expungement, he or she may not be required to disclose that he
 2 or she had a juvenile law enforcement or juvenile court record,
 3 and (iv) if petitioning he or she may file the petition on his
 4 or her own or with the assistance of an attorney. The failure
 5 of the judge to inform the delinquent minor of his or her right
 6 to petition for expungement as provided by law does not create
 7 a substantive right, nor is that failure grounds for: (i) a
 8 reversal of an adjudication of delinquency, (ii) a new trial;
 9 or (iii) an appeal.

10 (2.7) (Blank).

11 (2.8) (Blank). ~~The petition for expungement for subsection~~
 12 ~~(1) and (2) may include multiple offenses on the same petition~~
 13 ~~and shall be 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 AND 2))~~

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 was arrested on by the~~
3 ~~..... Police Department for the offense or offenses of~~
4 ~~....., and:~~

5 ~~(Check All That Apply:)~~

6 ~~() a. no petition or petitions were filed with the Clerk of~~
7 ~~the Circuit Court.~~

8 ~~() b. was charged with and was found not delinquent of~~
9 ~~the offense or offenses.~~

10 ~~() c. a petition or petitions were filed and the petition or~~
11 ~~petitions were dismissed without a finding of delinquency on~~
12 ~~.....~~

13 ~~() d. on placed under supervision pursuant to Section~~
14 ~~5-615 of the Juvenile Court Act of 1987 and such order of~~
15 ~~supervision successfully terminated on~~

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

19 ~~() f. was adjudicated for a Class A misdemeanor or felony,~~
20 ~~except first degree murder or an offense under Article 11 of~~
21 ~~the Criminal Code of 2012 if the person is required to register~~
22 ~~under the Sex Offender Registration Act, and 2 years have~~
23 ~~passed since the case was closed.~~

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

1 ~~the charges below:~~

2 ~~Charge(s) :~~

3 ~~Arresting Agency or Agencies:~~

4 ~~Disposition/Result: (choose from a. through f., above):~~

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

10 ~~.....~~

11 ~~Petitioner (Signature)~~

12 ~~.....~~

13 ~~Petitioner's Street Address~~

14 ~~.....~~

15 ~~City, State, Zip Code~~

16 ~~.....~~

17 ~~Petitioner's Telephone Number~~

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

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.....
Petitioner (Signature)

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

1 ~~enter an order granting expungement. The clerk shall forward a~~
2 ~~certified copy of the order to the Department of State Police~~
3 ~~and deliver a certified copy of the order to the arresting~~
4 ~~agency.~~

5 (3.1) (Blank). ~~The Notice of Expungement shall be in~~
6 ~~substantially 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 NOTICE

15 ~~TO: State's Attorney~~

16 ~~TO: Arresting Agency~~

17
18 ~~.....~~

19 ~~.....~~

20
21 ~~.....~~

22 ~~.....~~

23 ~~TO: Illinois State Police~~

24

1 ~~.....~~

2

3 ~~.....~~

4 ~~ATTENTION: Expungement~~

5 ~~You are hereby notified that on, at, in courtroom~~
6 ~~..., located at ..., before the Honorable ..., Judge, or any~~
7 ~~judge sitting in his/her stead, I shall then and there present~~
8 ~~a Petition to Expunge Juvenile records in the above entitled~~
9 ~~matter, at which time and place you may appear.~~

10 ~~.....~~

11 ~~Petitioner's Signature~~

12 ~~.....~~

13 ~~Petitioner's Street Address~~

14 ~~.....~~

15 ~~City, State, Zip Code~~

16 ~~.....~~

17 ~~Petitioner's Telephone Number~~

18 ~~PROOF OF SERVICE~~

19 ~~On the day of, 20..., I on oath state that I~~
20 ~~served this notice and true and correct copies of the~~
21 ~~above checked documents by:~~

22 ~~(Check One:)~~

23 ~~delivering copies personally to each entity to whom they are~~
24 ~~directed;~~

25 ~~or~~

26 ~~by mailing copies to each entity to whom they are directed by~~

1 ~~depositing the same in the U.S. Mail, proper postage fully~~
2 ~~prepaid, before the hour of 5:00 p.m., at the United States~~
3 ~~Postal Depository located at~~

4
5

6 Signature

7 ~~Clerk of the Circuit Court or Deputy Clerk~~

8 ~~Printed Name of Delinquent Minor/Petitioner:....~~

9 ~~Address:~~

10 ~~Telephone Number:~~

11 (3.2) (Blank). ~~The Order of Expungement shall be in~~
12 ~~substantially the following form:~~

13 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

14 ~~..... JUDICIAL CIRCUIT~~

15 ~~IN THE INTEREST OF) NO.~~

16 +

17 +

18 ~~.....)~~

19 ~~(Name of Petitioner)~~

20 ~~DOB~~

21 ~~Arresting Agency/Agencies~~

22 ~~ORDER OF EXPUNGEMENT~~

23 ~~(705 ILCS 405/5-915 (SUBSECTION 3))~~

24 ~~This matter having been heard on the petitioner's motion and~~

1 ~~the court being fully advised in the premises does find that~~
2 ~~the petitioner is indigent or has presented reasonable cause to~~
3 ~~waive all costs in this matter, IT IS HEREBY ORDERED that:~~

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

6 ~~() 2. The Illinois State Police Bureau of Identification~~
7 ~~and the following law enforcement agencies expunge all records~~
8 ~~of petitioner relating to an arrest dated for the~~
9 ~~offense of~~

10 Law Enforcement Agencies:

11

12

13 ~~() 3. IT IS FURTHER ORDERED that the Clerk of the Circuit~~
14 ~~Court expunge all records regarding the above captioned case.~~

15 ENTER:

16
17 JUDGE

18 DATED:

19 Name:

20 Attorney for:

21 Address: City/State/Zip:

22 Attorney Number:

23 (3.3) (Blank). ~~The Notice of Objection shall be in~~
24 ~~substantially the following form:~~

25 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

26 ~~..... JUDICIAL CIRCUIT~~

1 ~~IN THE INTEREST OF) NO.~~

2 ~~↗~~

3 ~~↗~~

4 ~~.....)~~

5 ~~(Name of Petitioner)~~

6 ~~NOTICE OF OBJECTION~~

7 ~~TO: (Attorney, Public Defender, Minor)~~

8 ~~.....~~

9 ~~.....~~

10 ~~TO: (Illinois State Police)~~

11 ~~.....~~

12 ~~.....~~

13 ~~TO: (Clerk of the Court)~~

14 ~~.....~~

15 ~~.....~~

16 ~~TO: (Judge)~~

17 ~~.....~~

18 ~~.....~~

19 ~~TO: (Arresting Agency/Agencies)~~

20 ~~.....~~

21 ~~.....~~

22 ~~ATTENTION: You are hereby notified that an objection has been~~

23 ~~filed by the following entity regarding the above named minor's~~

24 ~~petition for expungement of juvenile records.~~

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

6 ~~The agency checked above respectfully requests that this case~~
 7 ~~be continued and set for hearing on whether the expungement~~
 8 ~~should or should not be granted.~~

9 ~~DATED:~~

10 ~~Name:~~

11 ~~Attorney For:~~

12 ~~Address:~~

13 ~~City/State/Zip:~~

14 ~~Telephone:~~

15 ~~Attorney No.:~~

16 ~~FOR USE BY CLERK OF THE COURT PERSONNEL ONLY~~

17 ~~This matter has been set for hearing on the foregoing~~
 18 ~~objection, on in room, located at, before the~~
 19 ~~Honorable, Judge, or any judge sitting in his/her stead.~~
 20 ~~(Only one hearing shall be set, regardless of the number of~~
 21 ~~Notices of Objection received on the same case).~~

22 ~~A copy of this completed Notice of Objection containing the~~
 23 ~~court date, time, and location, has been sent via regular U.S.~~
 24 ~~Mail to the following entities. (If more than one Notice of~~
 25 ~~Objection is received on the same case, each one must be~~
 26 ~~completed with the court date, time and location and mailed to~~

1 ~~the following entities):~~

2 ~~() Attorney, Public Defender or Minor;~~

3 ~~() State's Attorney's Office;~~

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

6 ~~() Department of Illinois State Police; and~~

7 ~~() Arresting agency or agencies.~~

8 ~~Date:~~

9 ~~Initials of Clerk completing this section:~~

10 (4) (Blank). ~~(a) Upon entry of an order expunging records~~
11 ~~or files, the offense, which the records or files concern shall~~
12 ~~be treated as if it never occurred. Law enforcement officers~~
13 ~~and other public offices and agencies shall properly reply on~~
14 ~~inquiry that no record or file exists with respect to the~~
15 ~~person.~~

16 ~~(a 5) Local law enforcement agencies shall send written~~
17 ~~notice to the minor of the expungement of any records within 60~~
18 ~~days of automatic expungement or the date of service of an~~
19 ~~expungement order, whichever applies. If a minor's court file~~
20 ~~has been expunged, the clerk of the circuit court shall send~~
21 ~~written notice to the minor of the expungement of any records~~
22 ~~within 60 days of automatic expungement or the date of service~~
23 ~~of an expungement order, whichever applies.~~

24 ~~(b) Except with respect to authorized military personnel,~~
25 ~~an expunged juvenile record may not be considered by any~~
26 ~~private or public entity in employment matters, certification,~~

1 ~~licensing, revocation of certification or licensure, or~~
2 ~~registration. Applications for employment within the State~~
3 ~~must contain specific language that states that the applicant~~
4 ~~is not obligated to disclose expunged juvenile records of~~
5 ~~adjudication or arrest. Employers may not ask, in any format or~~
6 ~~context, if an applicant has had a juvenile record expunged.~~
7 ~~Information about an expunged record obtained by a potential~~
8 ~~employer, even inadvertently, from an employment application~~
9 ~~that does not contain specific language that states that the~~
10 ~~applicant is not obligated to disclose expunged juvenile~~
11 ~~records of adjudication or arrest, shall be treated as~~
12 ~~dissemination of an expunged record by the employer.~~

13 ~~(c) A person whose juvenile records have been expunged is~~
14 ~~not entitled to remission of any fines, costs, or other money~~
15 ~~paid as a consequence of expungement.~~

16 (5) (Blank).

17 (5.5) Whether or not expunged, records eligible for
18 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
19 (0.3) (a) may be treated as expunged by the individual subject
20 to the records.

21 (6) (Blank). ~~Nothing in this Section shall be construed to~~
22 ~~prohibit the maintenance of information relating to an offense~~
23 ~~after records or files concerning the offense have been~~
24 ~~expunged if the information is kept in a manner that does not~~
25 ~~enable identification of the individual. This information may~~
26 ~~only be used for anonymous statistical and bona fide research~~

1 ~~purposes.~~

2 (6.5) The Department of State Police or any employee of the
3 Department shall be immune from civil or criminal liability for
4 failure to expunge any records of arrest that are subject to
5 expungement under this Section because of inability to verify a
6 record. Nothing in this Section shall create Department of
7 State Police liability or responsibility for the expungement of
8 juvenile law enforcement records it does not possess.

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

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

18 ~~(i) An explanation of the State's juvenile expungement~~
19 ~~laws, including both automatic expungement and expungement~~
20 ~~by petition;~~

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

23 ~~(iii) The juvenile offenses that may be expunged;~~

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

26 ~~(v) Directions on how to contact the State Appellate~~

1 ~~Defender.~~

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

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

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

22 (7.5) (Blank). ~~(a) Willful dissemination of any~~
23 ~~information contained in an expunged record shall be treated as~~
24 ~~a Class C misdemeanor and punishable by a fine of \$1,000 per~~
25 ~~violation.~~

26 ~~(b) Willful dissemination for financial gain of any~~

1 ~~information contained in an expunged record shall be treated as~~
2 ~~a Class 4 felony. Dissemination for financial gain by an~~
3 ~~employee of any municipal, county, or State agency, including~~
4 ~~law enforcement, shall result in immediate termination.~~

5 ~~(c) The person whose record was expunged has a right of~~
6 ~~action against any person who intentionally disseminates an~~
7 ~~expunged record. In the proceeding, punitive damages up to an~~
8 ~~amount of \$1,000 may be sought in addition to any actual~~
9 ~~damages. The prevailing party shall be entitled to costs and~~
10 ~~reasonable attorney fees.~~

11 ~~(d) The punishments for dissemination of an expunged record~~
12 ~~shall never apply to the person whose record was expunged.~~

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

1 ~~conviction.~~

2 (b) (Blank).

3 (c) The expungement of juvenile law enforcement or juvenile
4 court records under subsection (0.1), (0.2), or (0.3) ~~0.1, 0.2,~~
5 ~~or 0.3~~ of this Section shall be funded by appropriation by the
6 General Assembly for that purpose.

7 (9) (Blank).

8 (10) (Blank).

9 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
10 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
11 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; revised
12 10-3-18.)

13 (705 ILCS 405/5-920 new)

14 Sec. 5-920. Petitions for expungement.

15 (a) The petition for expungement for subsections (1) and
16 (2) of Section 5-915 may include multiple offenses on the same
17 petition and shall be substantially in the following form:

18 IN THE CIRCUIT COURT OF, ILLINOIS

19 JUDICIAL CIRCUIT

20 IN THE INTEREST OF) NO.

21)

22)

23)

24 (Name of Petitioner)

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PETITION TO EXPUNGE JUVENILE RECORDS

Section 5-915 of the Juvenile Court Act of 1987 (Subsections 1 and 2))

Now comes, petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner was arrested on by the Police Department for the offense or offenses of, and:

(Check All That Apply:)

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

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

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

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

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

() f. was adjudicated for a Class A misdemeanor or felony, except first degree murder or an offense under Article 11 of

1 the Criminal Code of 2012 if the person is required to register
2 under the Sex Offender Registration Act, and 2 years have
3 passed since the case was closed.

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

8 Charge(s) :

9 Arresting Agency or Agencies:

10 Disposition/Result: (choose from a. through f., above):

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

16
17 Petitioner (Signature)

18
19 Petitioner's Street Address

20
21 City, State, Zip Code

22

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Petitioner's Telephone Number

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

.....
Petitioner (Signature)

(b) The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of Section 5-915, order the juvenile law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose juvenile law enforcement record, juvenile court record, or both, are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice of the petition shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 45 days

1 of the notice of the petition, the clerk of the circuit court
 2 shall set a date for hearing after the 45-day objection period.
 3 At the hearing the court shall hear evidence on whether the
 4 expungement should or should not be granted. Unless the State's
 5 Attorney or prosecutor, the Department of State Police, or an
 6 arresting agency objects to the expungement within 45 days of
 7 the notice, the court may enter an order granting expungement.
 8 The clerk shall forward a certified copy of the order to the
 9 Department of State Police and deliver a certified copy of the
 10 order to the arresting agency.

11 (c) The Notice of Expungement shall be in substantially the
 12 following form:

13 IN THE CIRCUIT COURT OF, ILLINOIS
 14 JUDICIAL CIRCUIT

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

20 NOTICE

21 TO: State's Attorney

22 TO: Arresting Agency

23
 24

1

2

3

4

5 TO: Illinois State Police

6

7

8

9

10 ATTENTION: Expungement

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

16

17 Petitioner's Signature

18

19 Petitioner's Street Address

20

21 City, State, Zip Code

22

23 Petitioner's Telephone Number

24 PROOF OF SERVICE

25 On the day of, 20..., I on oath state that I
26 served this notice and true and correct copies of the

1 above-checked documents by:

2 (Check One:)

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

5 or

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

10

11
12 Signature

13 Clerk of the Circuit Court or Deputy Clerk

14 Printed Name of Delinquent Minor/Petitioner:

15 Address:

16 Telephone Number:

17 (d) The Order of Expungement 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)

1 DOB

2 Arresting Agency/Agencies

3 ORDER OF EXPUNGEMENT

4 Section 5-920 of the Juvenile Court Act of 1987 (Subsection c))

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

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

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

15 Law Enforcement Agencies:

16

17

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

20 ENTER:

21
22 JUDGE

23 DATED:

24 Name:

25 Attorney for:

1 Address: City/State/Zip:

2 Attorney Number:

3 (e) The Notice of Objection shall be in substantially the
4 following form:

5 IN THE CIRCUIT COURT OF, ILLINOIS
6 JUDICIAL CIRCUIT

7 IN THE INTEREST OF) NO.

8)

9)

10)

11 (Name of Petitioner)

12 NOTICE OF OBJECTION

13 TO: (Attorney, Public Defender, Minor)

14

15

16 TO: (Illinois State Police)

17

18

19 TO: (Clerk of the Court)

20

21

22 TO: (Judge)

23

24

1 TO: (Arresting Agency/Agencies)
 2
 3

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

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

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

15 DATED:

16 Name:

17 Attorney For:

18 Address:

19 City/State/Zip:

20 Telephone:

21 Attorney No.:

22 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

23 This matter has been set for hearing on the foregoing
 24 objection, on in room, located at, before the
 25 Honorable, Judge, or any judge sitting in his/her stead.

26 (Only one hearing shall be set, regardless of the number of

1 Notices of Objection received on the same case).

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

8 () Attorney, Public Defender or Minor;

9 () State's Attorney's Office;

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

12 () Department of Illinois State Police; and

13 () Arresting agency or agencies.

14 Date:

15 Initials of Clerk completing this section:

16 (705 ILCS 405/5-923 new)

17 Sec. 5-923. Dissemination and retention of expunged
18 records.

19 (a) Upon entry of an order expunging the juvenile law
20 enforcement record or juvenile court record, or both, the
21 records or files for that offense shall be treated as if it
22 never occurred. Law enforcement officers and other public
23 offices and agencies shall properly reply on inquiry that no
24 record or file exists with respect to the person. A person
25 whose juvenile records have been expunged is not entitled to

1 remission of any fines, costs, or other money paid as a
2 consequence of expungement.

3 (b) Local law enforcement agencies shall send written
4 notice to the minor of the expungement of any juvenile law
5 enforcement records within 60 days of automatic expungement or
6 the date of service of an expungement order, whichever applies.
7 If a minor's court file has been expunged, the clerk of the
8 circuit court shall send written notice to the minor of the
9 expungement of any juvenile court records records within 60
10 days of automatic expungement or the date of service of an
11 expungement order, whichever applies. Notice to minors of the
12 expungement of any juvenile law enforcement records created
13 prior to 2016 may be satisfied by public notice. The names of
14 persons whose records are being expunged shall not be published
15 in this public notice.

16 (c) Except with respect to authorized military personnel,
17 an expunged juvenile law enforcement or juvenile law
18 enforcement or juvenile court record may not be considered by
19 any private or public entity in employment matters,
20 certification, licensing, revocation of certification or
21 licensure, or registration. Applications for employment within
22 the State must contain specific language that states that the
23 applicant is not obligated to disclose expunged juvenile
24 records of adjudication or arrest. Employers may not ask, in
25 any format or context, if an applicant has had a juvenile
26 record expunged. Information about an expunged record obtained

1 by a potential employer, even inadvertently, from an employment
2 application that does not contain specific language that states
3 that the applicant is not obligated to disclose expunged
4 juvenile records of adjudication or arrest, shall be treated as
5 dissemination of an expunged record by the employer. The
6 Department of Labor shall develop a link on the Department's
7 website to inform employers that employers may not ask if an
8 applicant had a juvenile law enforcement or juvenile court
9 record expunged and that application for employment must
10 contain specific language that states that the applicant is not
11 obligated to disclose expunged juvenile records of
12 adjudication, arrest, or conviction.

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

19 (d-5) The expungement of juvenile law enforcement or
20 juvenile court records shall not be subject to the record
21 retention provisions of the Local Records Act.

22 (d-10) No evidence of the juvenile law enforcement or
23 juvenile court records may be retained by any law enforcement
24 agency, the juvenile court, or by any municipal, county, or
25 State agency or department unless specifically authorized by
26 this Act. However, non-personal identifying data of a

1 statistical, crime, or trend analysis nature such as the date,
2 time, location of incident, offense type, general demographic
3 information, including gender, race, and ethnicity information
4 and all other similar information that does not identify a
5 specific individual may be retained. Nothing in this Act shall
6 require the physical destruction of the internal office
7 records, files, or databases maintained by a State's Attorney's
8 Office or other prosecutor, a public defender, a probation
9 officer, or the Office of the Secretary of State.

10 (e) Willful dissemination of any information contained in
11 an expunged record shall be treated as a Class C misdemeanor
12 and punishable by a fine of \$1,000 per violation. Willful
13 dissemination for financial gain of any information contained
14 in an expunged record shall be treated as a Class 4 felony.
15 Dissemination for financial gain by an employee of any
16 municipal, county, or State agency, including law enforcement,
17 shall result in immediate termination. The person whose record
18 was expunged has a right of action against any person who
19 intentionally disseminates an expunged record. In the
20 proceeding, punitive damages up to an amount of \$1,000 may be
21 sought in addition to any actual damages. The prevailing party
22 shall be entitled to costs and reasonable attorney fees. The
23 punishments for dissemination of an expunged record shall never
24 apply to the person whose record was expunged.

1 Sec. 5-925. State Appellate Defender Program juvenile
2 expungement program.

3 (a) The State Appellate Defender shall establish,
4 maintain, and carry out a juvenile expungement program to
5 provide information and assistance to minors eligible to have
6 their juvenile law enforcement or juvenile court records
7 expunged.

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

12 (1) an explanation of the State's juvenile expungement
13 laws, including both automatic expungement and expungement
14 by petition;

15 (2) the circumstances under which juvenile expungement
16 may occur;

17 (3) the juvenile offenses that may be expunged;

18 (4) the steps necessary to initiate and complete the
19 juvenile expungement process; and

20 (5) directions on how to contact the State Appellate
21 Defender.

22 (c) The State Appellate Defender shall establish and
23 maintain a statewide toll-free telephone number that a person
24 may use to receive information or assistance concerning the
25 expungement of juvenile law enforcement or juvenile court
26 records. The State Appellate Defender shall advertise the

1 toll-free telephone number statewide. The State Appellate
2 Defender shall develop an expungement information packet that
3 may be sent to eligible persons seeking expungement of their
4 juvenile law enforcement or court records, which may include,
5 but is not limited to, a pre-printed expungement petition with
6 instructions on how to complete the petition and a pamphlet
7 containing information that would assist individuals through
8 the juvenile expungement process.

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

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

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.

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

1 becoming law.".