



Rep. Justin Slaughter

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10000SB1993ham002

LRB100 10121 SLF 43621 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 records
25 of arrest, station adjustments, fingerprints, probation
26 adjustments, the issuance of a notice to appear, or any other

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

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

17 (9.1) "Mentally capable adult relative" means a person 21
18 years of age or older who is not suffering from a mental
19 illness that prevents him or her from providing the care
20 necessary to safeguard the physical safety and welfare of a
21 minor who is left in that person's care by the parent or
22 parents or other person responsible for the minor's welfare.

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

25 (11) "Parent" means a father or mother of a child and
26 includes any adoptive parent. It also includes a person (i)

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

23 (11.1) "Permanency goal" means a goal set by the court as
24 defined in subdivision (2) of Section 2-28.

25 (11.2) "Permanency hearing" means a hearing to set the
26 permanency goal and to review and determine (i) the

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

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

9 (12.1) "Physically capable adult relative" means a person
10 21 years of age or older who does not have a severe physical
11 disability or medical condition, or is not suffering from
12 alcoholism or drug addiction, that prevents him or her from
13 providing the care necessary to safeguard the physical safety
14 and welfare of a minor who is left in that person's care by the
15 parent or parents or other person responsible for the minor's
16 welfare.

17 (12.2) "Post Permanency Sibling Contact Agreement" has the
18 meaning ascribed to the term in Section 7.4 of the Children and
19 Family Services Act.

20 (12.3) "Residential treatment center" means a licensed
21 setting that provides 24-hour care to children in a group home
22 or institution, including a facility licensed as a child care
23 institution under Section 2.06 of the Child Care Act of 1969, a
24 licensed group home under Section 2.16 of the Child Care Act of
25 1969, a secure child care facility as defined in paragraph (18)
26 of this Section, or any similar facility in another state.

1 "Residential treatment center" does not include a relative
2 foster home or a licensed foster family home.

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

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

15 (14.05) "Shelter placement" means a temporary or emergency
16 placement for a minor, including an emergency foster home
17 placement.

18 (14.1) "Sibling Contact Support Plan" has the meaning
19 ascribed to the term in Section 7.4 of the Children and Family
20 Services Act.

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

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

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

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

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

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

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8 addicted, respectively, are supported by a preponderance of the
9 evidence or whether the allegations of a petition under Section
10 5-520 that a minor is delinquent are proved beyond a reasonable
11 doubt.

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

13 (3) "Agency" means a public or private child care facility
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15 institutional care or for both placement and institutional
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18 private, engaged in welfare functions which include services to
19 or on behalf of children but does not include "agency" as
20 herein defined.

21 (4.05) Whenever a "best interest" determination is
22 required, the following factors shall be considered in the
23 context of the child's age and developmental needs:

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25 including food, shelter, health, and clothing;

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

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

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

4 (i) where the child actually feels love,
5 attachment, and a sense of being valued (as opposed to
6 where adults believe the child should feel such love,
7 attachment, and a sense of being valued);

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

9 (iii) the child's sense of familiarity;

10 (iv) continuity of affection for the child;

11 (v) the least disruptive placement alternative for
12 the child;

13 (e) the child's wishes and long-term goals;

14 (f) the child's community ties, including church,
15 school, and friends;

16 (g) the child's need for permanence which includes the
17 child's need for stability and continuity of relationships
18 with parent figures and with siblings and other relatives;

19 (h) the uniqueness of every family and child;

20 (i) the risks attendant to entering and being in
21 substitute care; and

22 (j) the preferences of the persons available to care
23 for the child.

24 (4.1) "Chronic truant" shall have the definition ascribed
25 to it in Section 26-2a of the School Code.

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

1 division assigned to hear proceedings under this Act.

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

6 (6.5) "Dissemination" or "disseminate" means to publish,
7 produce, print, manufacture, distribute, sell, lease, exhibit,
8 broadcast, display, transmit, or otherwise share information
9 in any format so as to make the information accessible to
10 others.

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

14 (7.03) "Expunge" means to physically destroy the records
15 and to obliterate the minor's name from any official index,
16 public record, or electronic database.

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

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

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

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

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

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

15 (8.1) "Juvenile court record" includes, but is not limited
16 to:

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

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

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

26 (d) all documents, transcripts, records, reports, or

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

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

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

25 (9.1) "Mentally capable adult relative" means a person 21
26 years of age or older who is not suffering from a mental

1 illness that prevents him or her from providing the care
2 necessary to safeguard the physical safety and welfare of a
3 minor who is left in that person's care by the parent or
4 parents or other person responsible for the minor's welfare.

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

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

1 party, other than the offender, to the juvenile court
2 proceedings the court finds it is in the child's best interest
3 to deem the offender a parent for purposes of the juvenile
4 court proceedings.

5 (11.1) "Permanency goal" means a goal set by the court as
6 defined in subdivision (2) of Section 2-28.

7 (11.2) "Permanency hearing" means a hearing to set the
8 permanency goal and to review and determine (i) the
9 appropriateness of the services contained in the plan and
10 whether those services have been provided, (ii) whether
11 reasonable efforts have been made by all the parties to the
12 service plan to achieve the goal, and (iii) whether the plan
13 and goal have been achieved.

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

17 (12.1) "Physically capable adult relative" means a person
18 21 years of age or older who does not have a severe physical
19 disability or medical condition, or is not suffering from
20 alcoholism or drug addiction, that prevents him or her from
21 providing the care necessary to safeguard the physical safety
22 and welfare of a minor who is left in that person's care by the
23 parent or parents or other person responsible for the minor's
24 welfare.

25 (12.2) "Post Permanency Sibling Contact Agreement" has the
26 meaning ascribed to the term in Section 7.4 of the Children and

1 Family Services Act.

2 (12.3) "Residential treatment center" means a licensed
3 setting that provides 24-hour care to children in a group home
4 or institution, including a facility licensed as a child care
5 institution under Section 2.06 of the Child Care Act of 1969, a
6 licensed group home under Section 2.16 of the Child Care Act of
7 1969, a secure child care facility as defined in paragraph (18)
8 of this Section, or any similar facility in another state.
9 "Residential treatment center" does not include a relative
10 foster home or a licensed foster family home.

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

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

23 (14.05) "Shelter placement" means a temporary or emergency
24 placement for a minor, including an emergency foster home
25 placement.

26 (14.1) "Sibling Contact Support Plan" has the meaning

1 ascribed to the term in Section 7.4 of the Children and Family
2 Services Act.

3 (14.2) "Significant event report" means a written document
4 describing an occurrence or event beyond the customary
5 operations, routines, or relationships in the Department of
6 Children of Family Services, a child care facility, or other
7 entity that is licensed or regulated by the Department of
8 Children of Family Services or that provides services for the
9 Department of Children of Family Services under a grant,
10 contract, or purchase of service agreement; involving children
11 or youth, employees, foster parents, or relative caregivers;
12 allegations of abuse or neglect or any other incident raising a
13 concern about the well-being of a minor under the jurisdiction
14 of the court under Article II of the Juvenile Court Act;
15 incidents involving damage to property, allegations of
16 criminal activity, misconduct, or other occurrences affecting
17 the operations of the Department of Children of Family Services
18 or a child care facility; any incident that could have media
19 impact; and unusual incidents as defined by Department of
20 Children and Family Services rule.

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

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

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

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

23 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
24 100-229, eff. 1-1-18; 100-689, eff. 1-1-19; 100-863, eff.
25 8-14-18.)

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

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

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

18 (0.05) The minor who is the subject of the juvenile law
19 enforcement record, his or her parents, guardian, and
20 counsel.

21 (0.10) Judges of the circuit court and members of the
22 staff of the court designated by the judge.

23 (0.15) An administrative adjudication hearing officer
24 or members of the staff designated to assist in the
25 administrative adjudication process.

26 (1) Any local, State, or federal law enforcement

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

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

24 (3) Federal, State, or local prosecutors ~~Prosecutors~~,
25 public defenders, ~~and~~ probation officers, and designated
26 staff:

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

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

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

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

16 (4) Adult and Juvenile Prisoner Review Board.

17 (5) Authorized military personnel.

18 (5.5) Employees of the federal government authorized
19 by law.

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

26 (7) Department of Children and Family Services child

1 protection investigators acting in their official
2 capacity.

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

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

18 (i) any violation of Article 24 of the Criminal
19 Code of 1961 or the Criminal Code of 2012;

20 (ii) a violation of the Illinois Controlled
21 Substances Act;

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

23 (iv) a forcible felony as defined in Section
24 2-8 of the Criminal Code of 1961 or the Criminal
25 Code of 2012;

26 (v) a violation of the Methamphetamine Control

1 and Community Protection Act;

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

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

5 (viii) a violation of Section 12-1, 12-2,
6 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
7 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
8 Criminal Code of 1961 or the Criminal Code of 2012.

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

1 service providers, drug and alcohol prevention or
2 treatment programs, and other interventions as deemed
3 appropriate for the student.

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

1 actual or suspected criminal activity.

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

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

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

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

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

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

20 (2) Law enforcement officers or other persons or agencies
21 shall transmit to the Department of State Police copies of
22 fingerprints and descriptions of all minors who have been
23 arrested or taken into custody before their 18th birthday for
24 the offense of unlawful use of weapons under Article 24 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
26 or Class 1 felony, a forcible felony as defined in Section 2-8

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

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

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

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

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

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

26 (E) Law enforcement officers, and personnel of an

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

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

17 (G) Nothing in this Section shall prohibit the right of a
18 Civil Service Commission or appointing authority of any federal
19 government, state, county or municipality examining the
20 character and fitness of an applicant for employment with a law
21 enforcement agency, correctional institution, or fire
22 department from obtaining and examining the records of any law
23 enforcement agency relating to any record of the applicant
24 having been arrested or taken into custody before the
25 applicant's 18th birthday.

26 (G-5) Information identifying victims and alleged victims

1 of sex offenses shall not be disclosed or open to the public
2 under any circumstances. Nothing in this Section shall prohibit
3 the victim or alleged victim of any sex offense from
4 voluntarily disclosing his or her own identity.

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

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

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

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

20 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;
21 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; revised 10-3-18.)

22 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

23 Sec. 1-8. Confidentiality and accessibility of juvenile
24 court records.

25 (A) A juvenile adjudication shall never be considered a

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

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

21 (2) Law enforcement officers and law enforcement
22 agencies when such information is essential to executing an
23 arrest or search warrant or other compulsory process, or to
24 conducting an ongoing investigation or relating to a minor
25 who has been adjudicated delinquent and there has been a
26 previous finding that the act which constitutes the

1 previous offense was committed in furtherance of criminal
2 activities by a criminal street gang.

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

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

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

24 (4) Judges, federal, State, and local prosecutors,
25 public defenders, ~~and~~ probation officers, and designated
26 staff:

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

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

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

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

19 (5) Adult and Juvenile Prisoner Review Boards.

20 (6) Authorized military personnel.

21 (6.5) Employees of the federal government authorized
22 by law.

23 (7) Victims, their subrogees and legal
24 representatives; however, such persons shall have access
25 only to the name and address of the minor and information
26 pertaining to the disposition or alternative adjustment

1 plan of the juvenile court.

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

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

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

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

1 under this paragraph (11) may be used only in sexually
2 violent persons commitment proceedings.

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

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

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

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

20 (0.1) In cases where the records concern a pending
21 juvenile court case, the requesting party seeking to
22 inspect the juvenile court records shall provide actual
23 notice to the attorney or guardian ad litem of the minor
24 whose records are sought.

25 (0.2) In cases where the juvenile court records concern
26 a juvenile court case that is no longer pending, the

1 requesting party seeking to inspect the juvenile court
2 records shall provide actual notice to the minor or the
3 minor's parent or legal guardian, and the matter shall be
4 referred to the chief judge presiding over matters pursuant
5 to this Act.

6 (0.3) In determining whether juvenile court records
7 should be made available for inspection and whether
8 inspection should be limited to certain parts of the file,
9 the court shall consider the minor's interest in
10 confidentiality and rehabilitation over the requesting
11 party's interest in obtaining the information. The State's
12 Attorney, the minor, and the minor's parents, guardian, and
13 counsel shall at all times have the right to examine court
14 files and records.

15 (0.4) Any records obtained in violation of this Section
16 shall not be admissible in any criminal or civil
17 proceeding, or operate to disqualify a minor from
18 subsequently holding public office, or operate as a
19 forfeiture of any public benefit, right, privilege, or
20 right to receive any license granted by public authority.

21 (D) Pending or following any adjudication of delinquency
22 for any offense defined in Sections 11-1.20 through 11-1.60 or
23 12-13 through 12-16 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, the victim of any such offense shall
25 receive the rights set out in Sections 4 and 6 of the Bill of
26 Rights for Victims and Witnesses of Violent Crime Act; and the

1 juvenile who is the subject of the adjudication,
2 notwithstanding any other provision of this Act, shall be
3 treated as an adult for the purpose of affording such rights to
4 the victim.

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

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

25 (G) Nothing contained in this Act prevents the sharing or
26 disclosure of information or records relating or pertaining to

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

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

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

23 (J) The changes made to this Section by Public Act 98-61
24 apply to juvenile law enforcement records of a minor who has
25 been arrested or taken into custody on or after January 1, 2014
26 (the effective date of Public Act 98-61).

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

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

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

10 (705 ILCS 405/1-9) (from Ch. 37, par. 801-9)

11 Sec. 1-9. Expungement of law enforcement and juvenile court
12 records.

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

16 (2) This subsection (2) applies to expungement of law
17 enforcement and juvenile court records other than delinquency
18 proceedings. Whenever any person has attained the age of 18 or
19 whenever all juvenile court proceedings relating to that person
20 have been terminated, whichever is later, the person may
21 petition the court to expunge law enforcement records relating
22 to incidents occurring before his 18th birthday or his juvenile
23 court records, or both, if the minor was placed under
24 supervision pursuant to Sections 2-20, 3-21, or 4-18, and such
25 order of supervision has since been successfully terminated.

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

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

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

18 (705 ILCS 405/5-915)

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

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

22 (0.05) (Blank). ~~For purposes of this Section:~~

23 ~~"Dissemination" or "disseminate" means to publish,~~
24 ~~produce, print, manufacture, distribute, sell, lease, exhibit,~~
25 ~~broadcast, display, transmit, or otherwise share information~~

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

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

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

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

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

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

23 ~~(d) all documents, transcripts, records, reports or~~
24 ~~other evidence prepared by, maintained by, or released by~~
25 ~~any municipal, county, or State agency or department, in~~
26 ~~any format, if indicating involvement with the juvenile~~

1 ~~court relating to a specific incident, proceeding, or~~
2 ~~individual.~~

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

9 (0.1) (a) Except as otherwise provided in subsection (0.15)
10 of this Section, the ~~The~~ Department of State Police and all law
11 enforcement agencies within the State shall automatically
12 expunge, on or before January 1 of each year, all juvenile law
13 enforcement records relating to events occurring before an
14 individual's 18th birthday if:

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

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

22 (3) 6 months have elapsed since the date of the arrest
23 without an additional subsequent arrest or filing of a
24 petition for delinquency or criminal charges whether
25 related or not to the arrest or law enforcement interaction
26 documented in the records.

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

10 (0.15) If a juvenile law enforcement record meets paragraph
11 (a) of subsection (0.1) of this Section, a juvenile law
12 enforcement record created:

13 (1) prior to January 1, 2018, but on or after January
14 1, 2013 shall be automatically expunged prior to January 1,
15 2020;

16 (2) prior to January 1, 2013, but on or after January
17 1, 2000, shall be automatically expunged prior to January
18 1, 2023; and

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

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

25 (0.2) (a) Upon dismissal of a petition alleging delinquency
26 or upon a finding of not delinquent, the successful termination

1 of an order of supervision, or the successful termination of an
2 adjudication for an offense which would be a Class B
3 misdemeanor, Class C misdemeanor, or a petty or business
4 offense if committed by an adult, the court shall automatically
5 order the expungement of the juvenile court records and
6 juvenile law enforcement records. The clerk shall deliver a
7 certified copy of the expungement order to the Department of
8 State Police and the arresting agency. Upon request, the
9 State's Attorney shall furnish the name of the arresting
10 agency. The expungement shall be completed within 60 business
11 days after the receipt of the expungement order.

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

1 juvenile's law enforcement record does not disqualify the
2 remainder of his or her record from immediate automatic
3 expungement.

4 (0.3) (a) Upon an adjudication of delinquency based on any
5 offense except a disqualified offense, the juvenile court shall
6 automatically order the expungement of the juvenile court and
7 law enforcement records 2 years after the juvenile's case was
8 closed if no delinquency or criminal proceeding is pending and
9 the person has had no subsequent delinquency adjudication or
10 criminal conviction. The clerk shall deliver a certified copy
11 of the expungement order to the Department of State Police and
12 the arresting agency. Upon request, the State's Attorney shall
13 furnish the name of the arresting agency. The expungement shall
14 be completed within 60 business days after the receipt of the
15 expungement order. In ~~For the purposes of~~ this subsection
16 (0.3), "disqualified offense" means any of the following
17 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
18 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
19 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
20 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
21 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
22 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
23 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
24 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
25 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
26 of Section 11-14.4, subsection (a-5) of Section 12-3.1,

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

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

18 (0.4) Automatic expungement for the purposes of this
19 Section shall not require law enforcement agencies to
20 obliterate or otherwise destroy juvenile law enforcement
21 records that would otherwise need to be automatically expunged
22 under this Act, except after 2 years following the subject
23 arrest for purposes of use in civil litigation against a
24 governmental entity or its law enforcement agency or personnel
25 which created, maintained, or used the records. However these
26 juvenile law enforcement records shall be considered expunged

1 for all other purposes during this period and the offense,
2 which the records or files concern, shall be treated as if it
3 never occurred as required under Section 5-923.

4 (0.5) Subsection (0.1) or (0.2) of this Section does not
5 apply to violations of traffic, boating, fish and game laws, or
6 county or municipal ordinances.

7 (0.6) Juvenile law enforcement records of a plaintiff who
8 has filed civil litigation against the governmental entity or
9 its law enforcement agency or personnel that created,
10 maintained, or used the records or juvenile law enforcement
11 records that contain information related to the allegations set
12 forth in the civil litigation may not be expunged until after 2
13 years have elapsed after the conclusion of the lawsuit,
14 including any appeal.

15 (0.7) Officer-worn body camera recordings shall not be
16 automatically expunged except as otherwise authorized by the
17 Law Enforcement Officer-Worn Body Camera Act.

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

1 law enforcement records and juvenile court records relating to
2 the incident and, upon termination of all juvenile court
3 proceedings relating to that incident, the court shall order
4 the expungement of all records in the possession of the
5 Department of State Police, the clerk of the circuit court, and
6 law enforcement agencies relating to the incident, but only in
7 any of the following circumstances:

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

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

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

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

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

21 (1.5) The Department of State Police shall allow a person
22 to use the Access and Review process, established in the
23 Department of State Police, for verifying that his or her
24 juvenile law enforcement records relating to incidents
25 occurring before his or her 18th birthday eligible under this
26 Act have been expunged.

1 (1.6) (Blank).

2 (1.7) (Blank).

3 (1.8) (Blank).

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

15 (a) (blank); or

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

20 (2.5) If a minor is arrested and no petition for
21 delinquency is filed with the clerk of the circuit court at the
22 time the minor is released from custody, the youth officer, if
23 applicable, or other designated person from the arresting
24 agency, shall notify verbally and in writing to the minor or
25 the minor's parents or guardians that the minor shall have an
26 arrest record and shall provide the minor and the minor's

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

5 (2.6) If a minor is referred to court then at the time of
6 sentencing or dismissal of the case, or successful completion
7 of supervision, the judge shall inform the delinquent minor of
8 his or her rights regarding expungement and the clerk of the
9 circuit court shall provide an expungement information packet
10 to the minor, written in plain language, including information
11 regarding this State's expungement laws and a petition for
12 expungement, a sample of a completed petition, expungement
13 instructions that shall include information informing the
14 minor that (i) once the case is expunged, it shall be treated
15 as if it never occurred, (ii) he or she may apply to have
16 petition fees waived, (iii) once he or she obtains an
17 expungement, he or she may not be required to disclose that he
18 or she had a juvenile law enforcement or juvenile court record,
19 and (iv) if petitioning he or she may file the petition on his
20 or her own or with the assistance of an attorney. The failure
21 of the judge to inform the delinquent minor of his or her right
22 to petition for expungement as provided by law does not create
23 a substantive right, nor is that failure grounds for: (i) a
24 reversal of an adjudication of delinquency, (ii) a new trial;
25 or (iii) an appeal.

26 (2.7) (Blank).

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

4 IN THE CIRCUIT COURT OF, ILLINOIS
5 JUDICIAL CIRCUIT

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

11 PETITION TO EXPUNCE JUVENILE RECORDS
12 (705 ILCS 405/5 915 (SUBSECTION 1 AND 2))

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

19 (Check All That Apply:)

- 20 () a. no petition or petitions were filed with the Clerk of
- 21 the Circuit Court.
- 22 () b. was charged with and was found not delinquent of
- 23 the offense or offenses.
- 24 () c. a petition or petitions were filed and the petition or

1 ~~petitions were dismissed without a finding of delinquency on~~
2 ~~.....~~

3 ~~() d. on placed under supervision pursuant to Section~~
4 ~~5-615 of the Juvenile Court Act of 1987 and such order of~~
5 ~~supervision successfully terminated on~~

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

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

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

18 ~~Charge(s) :~~

19 ~~Arresting Agency or Agencies:~~

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

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

1

.....

2

~~Petitioner (Signature)~~

3

.....

4

~~Petitioner's Street Address~~

5

.....

6

~~City, State, Zip Code~~

7

.....

8

~~Petitioner's Telephone Number~~

9

~~Pursuant to the penalties of perjury under the Code of Civil~~

10

~~Procedure, 735 ILCS 5/1-109, I hereby certify that the~~

11

~~statements in this petition are true and correct, or on~~

12

~~information and belief I believe the same to be true.~~

13

.....

14

~~Petitioner (Signature)~~

15

~~(3) (Blank). The chief judge of the circuit in which an~~

16

~~arrest was made or a charge was brought or any judge of that~~

17

~~circuit designated by the chief judge may, upon verified~~

18

~~petition of a person who is the subject of an arrest or a~~

19

~~juvenile court proceeding under subsection (1) or (2) of this~~

20

~~Section, order the law enforcement records or official court~~

21

~~file, or both, to be expunged from the official records of the~~

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

21 (3.1) (Blank). ~~The Notice of Expungement shall be in~~
22 ~~substantially the following form:~~

23 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~
24 ~~..... JUDICIAL CIRCUIT~~

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

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~~Petitioner's Signature~~

.....

~~Petitioner's Street Address~~

.....

~~City, State, Zip Code~~

.....

~~Petitioner's Telephone Number~~

~~PROOF OF SERVICE~~

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

~~(Check One:)~~

~~delivering copies personally to each entity to whom they are directed,~~

~~or~~

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

.....

Signature

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

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

~~Address:~~

~~Telephone Number:~~

1 (3.2) (Blank). ~~The Order of Expungement shall be in~~
2 ~~substantially the following form:~~

3 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~
4 ~~..... JUDICIAL CIRCUIT~~

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

6 ~~+~~

7 ~~+~~

8 ~~.....) (Name of Petitioner)~~

9 ~~DOB~~

10 ~~Arresting Agency/Agencies~~

11 ~~ORDER OF EXPUNGEMENT~~

12 ~~(705 ILCS 405/5 915 (SUBSECTION 3))~~

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

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

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

23 ~~Law Enforcement Agencies:~~

24 ~~.....~~

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.....

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

ENTER:

~~JUDGE~~

~~DATED:~~

~~Name:~~

~~Attorney for:~~

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

~~Attorney Number:~~

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

~~IN THE CIRCUIT COURT OF, ILLINOIS~~

~~..... JUDICIAL CIRCUIT~~

~~IN THE INTEREST OF) NO.~~

~~+~~

~~+~~

~~.....)~~

~~(Name of Petitioner)~~

~~NOTICE OF OBJECTION~~

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

~~.....~~

~~.....~~

1 ~~TO: (Illinois State Police)~~
2
3

4 ~~TO: (Clerk of the Court)~~
5
6

7 ~~TO: (Judge)~~
8
9

10 ~~TO: (Arresting Agency/Agencies)~~
11
12

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

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

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

24 ~~DATED:~~

25 ~~Name:~~

26 ~~Attorney For:~~

1 ~~Address:~~

2 ~~City/State/Zip:~~

3 ~~Telephone:~~

4 ~~Attorney No.:~~

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

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

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

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

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; and~~

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

23 ~~Date:~~

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

25 (4) (Blank). ~~(a) Upon entry of an order expunging records~~
26 ~~or files, the offense, which the records or files concern shall~~

1 ~~be treated as if it never occurred. Law enforcement officers~~
2 ~~and other public offices and agencies shall properly reply on~~
3 ~~inquiry that no record or file exists with respect to the~~
4 ~~person.~~

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

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

1 ~~dissemination of an expunged record by the employer.~~

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

5 (5) (Blank).

6 (5.5) Whether or not expunged, records eligible for
7 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
8 (0.3) (a) may be treated as expunged by the person who is the
9 ~~individual~~ subject of ~~to~~ the records.

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

17 (6.5) The Department of State Police or any employee of the
18 Department shall be immune from civil or criminal liability for
19 failure to expunge any records of arrest that are subject to
20 expungement under this Section because of inability to verify a
21 record. Nothing in this Section shall create Department of
22 State Police liability or responsibility for the expungement of
23 juvenile law enforcement records it does not possess.

24 (7) (Blank). ~~(a) The State Appellate Defender shall~~
25 ~~establish, maintain, and carry out, by December 31, 2004, a~~
26 ~~juvenile expungement program to provide information and~~

1 ~~assistance to minors eligible to have their juvenile records~~
2 ~~expunged.~~

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

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

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

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

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

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

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

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

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

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

11 (7.5) (Blank). ~~(a) Willful dissemination of any~~
12 ~~information contained in an expunged record shall be treated as~~
13 ~~a Class C misdemeanor and punishable by a fine of \$1,000 per~~
14 ~~violation.~~

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

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

26 ~~(d) The punishments for dissemination of an expunged record~~

1 ~~shall never apply to the person whose record was expunged.~~

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

17 (b) (Blank).

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

23 (9) (Blank).

24 (10) (Blank).

25 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
26 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.

1 8-3-18; 100-863, eff. 8-14-18.)

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

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

5 (0.05) (Blank). ~~For purposes of this Section:~~

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

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

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

22 ~~(a) all documents filed in or maintained by the~~
23 ~~juvenile court pertaining to a specific incident,~~
24 ~~proceeding, or individual;~~

25 ~~(b) all documents relating to a specific incident,~~

1 ~~proceeding, or individual made available to or maintained~~
2 ~~by probation officers;~~

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

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

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

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

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

26 (2) no petition for delinquency or criminal charges

1 were filed with the clerk of the circuit court relating to
2 the arrest or law enforcement interaction documented in the
3 records; and

4 (3) 6 months have elapsed since the date of the arrest
5 without an additional subsequent arrest or filing of a
6 petition for delinquency or criminal charges whether
7 related or not to the arrest or law enforcement interaction
8 documented in the records.

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

18 (0.15) If a juvenile law enforcement record meets paragraph
19 (a) of subsection (0.1) of this Section, a juvenile law
20 enforcement record created:

21 (1) prior to January 1, 2018, but on or after January
22 1, 2013 shall be automatically expunged prior to January 1,
23 2020;

24 (2) prior to January 1, 2013, but on or after January
25 1, 2000, shall be automatically expunged prior to January
26 1, 2023; and

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

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

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

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

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

12 (0.3) (a) Upon an adjudication of delinquency based on any
13 offense except a disqualified offense, the juvenile court shall
14 automatically order the expungement of the juvenile court and
15 law enforcement records 2 years after the juvenile's case was
16 closed if no delinquency or criminal proceeding is pending and
17 the person has had no subsequent delinquency adjudication or
18 criminal conviction. The clerk shall deliver a certified copy
19 of the expungement order to the Department of State Police and
20 the arresting agency. Upon request, the State's Attorney shall
21 furnish the name of the arresting agency. The expungement shall
22 be completed within 60 business days after the receipt of the
23 expungement order. In ~~For the purposes of~~ this subsection
24 (0.3), "disqualified offense" means any of the following
25 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
26 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,

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

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

26 (0.4) Automatic expungement for the purposes of this

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

12 (0.5) Subsection (0.1) or (0.2) of this Section does not
13 apply to violations of traffic, boating, fish and game laws, or
14 county or municipal ordinances.

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

23 (0.7) Officer-worn body camera recordings shall not be
24 automatically expunged except as otherwise authorized by the
25 Law Enforcement Officer-Worn Body Camera Act.

26 ~~(1) Nothing in this subsection (1) precludes an eligible~~

1 ~~minor from obtaining expungement under subsection (0.1),~~
2 ~~(0.2), or (0.3).~~ Whenever a person has been arrested, charged,
3 or adjudicated delinquent for an incident occurring before his
4 or her 18th birthday that if committed by an adult would be an
5 offense, and that person's juvenile law enforcement and
6 juvenile court records are not eligible for automatic
7 expungement under subsection (0.1), (0.2), or (0.3), the person
8 may petition the court at any time for expungement of juvenile
9 law enforcement records and juvenile court records relating to
10 the incident and, upon termination of all juvenile court
11 proceedings relating to that incident, the court shall order
12 the expungement of all records in the possession of the
13 Department of State Police, the clerk of the circuit court, and
14 law enforcement agencies relating to the incident, but only in
15 any of the following circumstances:

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

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

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

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

26 (d) the minor was adjudicated for an offense which

1 would be a Class B misdemeanor, Class C misdemeanor, or a
2 petty or business offense if committed by an adult.

3 (1.5) The Department of State Police shall allow a person
4 to use the Access and Review process, established in the
5 Department of State Police, for verifying that his or her
6 juvenile law enforcement records relating to incidents
7 occurring before his or her 18th birthday eligible under this
8 Act have been expunged.

9 (1.6) (Blank).

10 (1.7) (Blank).

11 (1.8) (Blank).

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

23 (a) (blank); or

24 (b) 2 years have elapsed since all juvenile court
25 proceedings relating to him or her have been terminated and
26 his or her commitment to the Department of Juvenile Justice

1 under this Act has been terminated.

2 (2.5) If a minor is arrested and no petition for
3 delinquency is filed with the clerk of the circuit court at the
4 time the minor is released from custody, the youth officer, if
5 applicable, or other designated person from the arresting
6 agency, shall notify verbally and in writing to the minor or
7 the minor's parents or guardians that the minor shall have an
8 arrest record and shall provide the minor and the minor's
9 parents or guardians with an expungement information packet,
10 information regarding this State's expungement laws including
11 a petition to expunge juvenile law enforcement and juvenile
12 court records obtained from the clerk of the circuit court.

13 (2.6) If a minor is referred to court then at the time of
14 sentencing or dismissal of the case, or successful completion
15 of supervision, the judge shall inform the delinquent minor of
16 his or her rights regarding expungement and the clerk of the
17 circuit court shall provide an expungement information packet
18 to the minor, written in plain language, including information
19 regarding this State's expungement laws and a petition for
20 expungement, a sample of a completed petition, expungement
21 instructions that shall include information informing the
22 minor that (i) once the case is expunged, it shall be treated
23 as if it never occurred, (ii) he or she may apply to have
24 petition fees waived, (iii) once he or she obtains an
25 expungement, he or she may not be required to disclose that he
26 or she had a juvenile law enforcement or juvenile court record,

1 ~~..... Police Department for the offense or offenses of~~
2 ~~....., and:~~

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

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

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

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

11 ~~() d. on placed under supervision pursuant to Section~~
12 ~~5-615 of the Juvenile Court Act of 1987 and such order of~~
13 ~~supervision successfully terminated on~~

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

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

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

26 ~~Charge(s) :~~

1 ~~Arresting Agency or Agencies:~~

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

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

8 ~~.....~~
9 ~~Petitioner (Signature)~~

10 ~~.....~~
11 ~~Petitioner's Street Address~~

12 ~~.....~~
13 ~~City, State, Zip Code~~

14 ~~.....~~
15 ~~Petitioner's Telephone Number~~

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

20 ~~.....~~

1 ~~Petitioner (Signature)~~

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

1 ~~and deliver a certified copy of the order to the arresting~~
2 ~~agency.~~

3 (3.1) (Blank). ~~The Notice 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 ~~.....)~~

11 ~~(Name of Petitioner)~~

12 NOTICE

13 ~~TO: State's Attorney~~

14 ~~TO: Arresting Agency~~

15
16 ~~.....~~

17 ~~.....~~

18
19 ~~.....~~

20 ~~.....~~

21 ~~TO: Illinois State Police~~

22
23 ~~.....~~

24

1 ~~.....~~

2 ~~ATTENTION: Expungement~~

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

8 ~~.....~~

9 ~~Petitioner's Signature~~

10 ~~.....~~

11 ~~Petitioner's Street Address~~

12 ~~.....~~

13 ~~City, State, Zip Code~~

14 ~~.....~~

15 ~~Petitioner's Telephone Number~~

16 ~~PROOF OF SERVICE~~

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

20 ~~(Check One:)~~

21 ~~delivering copies personally to each entity to whom they are~~
22 ~~directed;~~

23 ~~or~~

24 ~~by mailing copies to each entity to whom they are directed by~~
25 ~~depositing the same in the U.S. Mail, proper postage fully~~
26 ~~prepaid, before the hour of 5:00 p.m., at the United States~~

1 ~~Postal Depository located at~~

2 ~~.....~~

3

4 ~~Signature~~

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

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

7 ~~Address:~~

8 ~~Telephone Number:~~

9 (3.2) (Blank). ~~The Order of Expungement shall be in~~
10 ~~substantially the following form:~~

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

12 ~~..... JUDICIAL CIRCUIT~~

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

14 ~~↗~~

15 ~~↗~~

16 ~~.....)~~

17 ~~(Name of Petitioner)~~

18 ~~DOB~~

19 ~~Arresting Agency/Agencies~~

20 ~~ORDER OF EXPUNGEMENT~~

21 ~~(705 ILCS 405/5-915 (SUBSECTION 3))~~

22 ~~This matter having been heard on the petitioner's motion and~~
23 ~~the court being fully advised in the premises does find that~~
24 ~~the petitioner is indigent or has presented reasonable cause to~~

1 ~~waive all costs in this matter, IT IS HEREBY ORDERED that:~~

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

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

8 ~~Law Enforcement Agencies:~~

9 ~~.....~~

10 ~~.....~~

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

13 ~~ENTER:~~

14
15 JUDGE

16 DATED:

17 Name:

18 Attorney for:

19 Address: City/State/Zip:

20 Attorney Number:

21 (3.3) (Blank). ~~The Notice of Objection shall be in~~
22 ~~substantially the following form:~~

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

24 ~~..... JUDICIAL CIRCUIT~~

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

1 ~~with the duty of prosecuting the offense sought to be expunged;~~
 2 ~~() Department of Illinois State Police; or~~
 3 ~~() Arresting Agency or Agencies.~~

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

7 ~~DATED:~~

8 ~~Name:~~

9 ~~Attorney For:~~

10 ~~Address:~~

11 ~~City/State/Zip:~~

12 ~~Telephone:~~

13 ~~Attorney No.:~~

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

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

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

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

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; and~~

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

6 Date:

7 Initials of Clerk completing this section:

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

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

22 ~~(b) Except with respect to authorized military personnel,~~
23 ~~an expunged juvenile record may not be considered by any~~
24 ~~private or public entity in employment matters, certification,~~
25 ~~licensing, revocation of certification or licensure, or~~
26 ~~registration. Applications for employment within the State~~

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

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

14 (5) (Blank).

15 (5.5) Whether or not expunged, records eligible for
16 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
17 (0.3) (a) may be treated as expunged by the individual subject
18 to the records.

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

26 (6.5) The Department of State Police or any employee of the

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

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

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

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

19 ~~(ii) The circumstances under which juvenile~~
20 ~~expungement may occur;~~

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

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

24 ~~(v) Directions on how to contact the State Appellate~~
25 ~~Defender.~~

26 ~~(c) The State Appellate Defender shall establish and~~

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

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

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

20 (7.5) (Blank). ~~(a) Willful dissemination of any~~
21 ~~information contained in an expunged record shall be treated as~~
22 ~~a Class C misdemeanor and punishable by a fine of \$1,000 per~~
23 ~~violation.~~

24 ~~(b) Willful dissemination for financial gain of any~~
25 ~~information contained in an expunged record shall be treated as~~
26 ~~a Class 4 felony. Dissemination for financial gain by an~~

1 ~~employee of any municipal, county, or State agency, including~~
2 ~~law enforcement, shall result in immediate termination.~~

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

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

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

26 (b) (Blank).

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

5 (9) (Blank).

6 (10) (Blank).

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

11 (705 ILCS 405/5-920 new)

12 Sec. 5-920. Petitions for expungement.

13 (a) The petition for expungement for subsections (1) and
 14 (2) of Section 5-915 may include multiple offenses on the same
 15 petition and shall be substantially in 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 PETITION TO EXPUNGE JUVENILE RECORDS

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

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

9 (Check All That Apply:)

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

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

14 () c. a petition or petitions were filed and the petition or
15 petitions were dismissed without a finding of delinquency on
16

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

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

23 () f. was adjudicated for a Class A misdemeanor or felony,
24 except first degree murder or an offense under Article 11 of
25 the Criminal Code of 2012 if the person is required to register
26 under the Sex Offender Registration Act, and 2 years have

1 passed since the case was closed.

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

6 Charge(s) :

7 Arresting Agency or Agencies:

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

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

14
15 Petitioner (Signature)

16
17 Petitioner's Street Address

18
19 City, State, Zip Code

20
21 Petitioner's Telephone Number

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

5
 6 Petitioner (Signature)

7 (b) The chief judge of the circuit in which an arrest was
 8 made or a charge was brought or any judge of that circuit
 9 designated by the chief judge may, upon verified petition of a
 10 person who is the subject of an arrest or a juvenile court
 11 proceeding under subsection (1) or (2) of Section 5-915, order
 12 the juvenile law enforcement records or official court file, or
 13 both, to be expunged from the official records of the arresting
 14 authority, the clerk of the circuit court and the Department of
 15 State Police. The person whose juvenile law enforcement record,
 16 juvenile court record, or both, are to be expunged shall
 17 petition the court using the appropriate form containing his or
 18 her current address and shall promptly notify the clerk of the
 19 circuit court of any change of address. Notice of the petition
 20 shall be served upon the State's Attorney or prosecutor charged
 21 with the duty of prosecuting the offense, the Department of
 22 State Police, and the arresting agency or agencies by the clerk
 23 of the circuit court. If an objection is filed within 45 days
 24 of the notice of the petition, the clerk of the circuit court
 25 shall set a date for hearing after the 45-day objection period.

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

9 (c) The Notice of Expungement shall be in substantially the
 10 following form:

11 IN THE CIRCUIT COURT OF, ILLINOIS
 12 JUDICIAL CIRCUIT

13 IN THE INTEREST OF) NO.
 14)
 15)
 16)
 17 (Name of Petitioner)

18 NOTICE

19 TO: State's Attorney

20 TO: Arresting Agency

21

22

1

2

3 TO: Illinois State Police

4

5

6

7

8 ATTENTION: Expungement

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

14

15 Petitioner's Signature

16

17 Petitioner's Street Address

18

19 City, State, Zip Code

20

21 Petitioner's Telephone Number

22 PROOF OF SERVICE

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

26 (Check One:)

1 delivering copies personally to each entity to whom they are
2 directed;

3 or

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

8

9

10 Signature

11 Clerk of the Circuit Court or Deputy Clerk

12 Printed Name of Delinquent Minor/Petitioner:

13 Address:

14 Telephone Number:

15 (d) The Order of Expungement shall be in substantially the
16 following form:

17 IN THE CIRCUIT COURT OF, ILLINOIS

18 JUDICIAL CIRCUIT

19 IN THE INTEREST OF) NO.

20)

21)

22)

23 (Name of Petitioner)

24 DOB

1 Arresting Agency/Agencies

2 ORDER OF EXPUNGEMENT

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

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

5 the court being fully advised in the premises does find that

6 the petitioner is indigent or has presented reasonable cause to

7 waive all costs in this matter, IT IS HEREBY ORDERED that:

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

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

14 Law Enforcement Agencies:

15

16

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

19 ENTER:

20

21 JUDGE

22 DATED:

23 Name:

24 Attorney for:

25 Address: City/State/Zip:

26 Attorney Number:

1 (e) The Notice of Objection shall be in substantially the
2 following form:

3 IN THE CIRCUIT COURT OF, ILLINOIS
4 JUDICIAL CIRCUIT

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

10 NOTICE OF OBJECTION

11 TO: (Attorney, Public Defender, Minor)

12
13

14 TO: (Illinois State Police)

15
16

17 TO: (Clerk of the Court)

18
19

20 TO: (Judge)

21
22

23 TO: (Arresting Agency/Agencies)

24

1

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

5 () State's Attorney's Office;

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

8 () Department of Illinois State Police; or

9 () Arresting Agency or Agencies.

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

13 DATED:

14 Name:

15 Attorney For:

16 Address:

17 City/State/Zip:

18 Telephone:

19 Attorney No.:

20 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

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

24 (Only one hearing shall be set, regardless of the number of
25 Notices of Objection received on the same case).

26 A copy of this completed Notice of Objection containing the

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

6 () Attorney, Public Defender or Minor;

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; and

11 () Arresting agency or agencies.

12 Date:

13 Initials of Clerk completing this section:

14 (705 ILCS 405/5-923 new)

15 Sec. 5-923. Dissemination and retention of expunged
16 records.

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

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

14 (c) Except with respect to authorized military personnel,
15 an expunged juvenile law enforcement record or expunged
16 juvenile court record may not be considered by any private or
17 public entity in employment matters, certification, licensing,
18 revocation of certification or licensure, or registration.
19 Applications for employment within the State must contain
20 specific language that states that the applicant is not
21 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. The
4 Department of Labor shall develop a link on the Department's
5 website to inform employers that employers may not ask if an
6 applicant had a juvenile law enforcement or juvenile court
7 record expunged and that application for employment must
8 contain specific language that states that the applicant is not
9 obligated to disclose expunged juvenile records of
10 adjudication, arrest, or conviction.

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

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

20 (d-10) No evidence of the juvenile law enforcement or
21 juvenile court records may be retained by any law enforcement
22 agency, the juvenile court, or by any municipal, county, or
23 State agency or department unless specifically authorized by
24 this Act. However, non-personal identifying data of a
25 statistical, crime, or trend analysis nature such as the date,
26 time, location of incident, offense type, general demographic

1 information, including gender, race, and ethnicity information
2 and all other similar information that does not identify a
3 specific individual may be retained. Nothing in this Act shall
4 require the physical destruction of the internal office
5 records, files, or databases maintained by a State's Attorney's
6 Office or other prosecutor, a public defender, a probation
7 officer, or the Office of the Secretary of State.

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

23 (705 ILCS 405/5-925 new)

24 Sec. 5-925. State Appellate Defender Program juvenile
25 expungement program.

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

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

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

13 (2) the circumstances under which juvenile expungement
14 may occur;

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

16 (4) the steps necessary to initiate and complete the
17 juvenile expungement process; and

18 (5) directions on how to contact the State Appellate
19 Defender.

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

1 may be sent to eligible persons seeking expungement of their
2 juvenile law enforcement or court records, which may include,
3 but is not limited to, a pre-printed expungement petition with
4 instructions on how to complete the petition and a pamphlet
5 containing information that would assist individuals through
6 the juvenile expungement process.

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

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

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."