



Sen. Chapin Rose

**Filed: 4/19/2018**

10000SB2789sam001

LRB100 17530 RLC 38408 a

1 AMENDMENT TO SENATE BILL 2789

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2789 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 Section 5-915 as follows:

6 (705 ILCS 405/5-915)

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

9 (0.05) For purposes of this Section:

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

15 "Expunge" means to physically destroy the records and  
16 to obliterate the minor's name and juvenile court records

1 from any official index, public record, or electronic  
2 database. No evidence of the juvenile court records may be  
3 retained by any law enforcement agency, the juvenile court,  
4 or by any municipal, county, or State agency or department.  
5 Nothing in this Act shall require the physical destruction  
6 of the internal office records, files, or databases  
7 maintained by a State's Attorney's Office or other  
8 prosecutor or by the Office of the Secretary of State.

9 "Juvenile court record" includes, but is not limited  
10 to:

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

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

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

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

26 "Law enforcement record" includes, but is not limited

1 to, records of arrest, station adjustments, fingerprints,  
2 probation adjustments, the issuance of a notice to appear,  
3 or any other records or documents maintained by any law  
4 enforcement agency relating to a minor suspected of  
5 committing an offense ~~or evidence of interaction with law~~  
6 ~~enforcement.~~

7 (0.1) (a) The Department of State Police and all law  
8 enforcement agencies within the State shall automatically  
9 expunge, on or before January 1 of each year, all law  
10 enforcement records relating to events occurring before an  
11 individual's 18th birthday if:

12 (1) one year or more has elapsed since the date of the  
13 arrest or law enforcement interaction documented in the  
14 records;

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

19 (3) 6 months have elapsed without an additional  
20 subsequent arrest or filing of a petition for delinquency  
21 or criminal charges whether related or not to the arrest or  
22 law enforcement interaction documented in the records.

23 (b) If the law enforcement agency is unable to verify  
24 satisfaction of conditions (2) and (3) of this subsection  
25 (0.1), records that satisfy condition (1) of this subsection  
26 (0.1) shall be automatically expunged if the records relate to

1 an offense that if committed by an adult would not be an  
2 offense classified as Class 2 felony or higher, an offense  
3 under Article 11 of the Criminal Code of 1961 or Criminal Code  
4 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,  
5 12-15, or 12-16 of the Criminal Code of 1961.

6 (0.2) (a) Upon dismissal of a petition alleging delinquency  
7 or upon a finding of not delinquent, the successful termination  
8 of an order of supervision, or an adjudication for an offense  
9 which would be a Class B misdemeanor, Class C misdemeanor, or a  
10 petty or business offense if committed by an adult, the court  
11 shall automatically order the expungement of the juvenile court  
12 and law enforcement records within 60 business days.

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

23 (0.3) (a) Upon an adjudication of delinquency based on any  
24 offense except a disqualified offense, the juvenile court shall  
25 automatically order the expungement of the juvenile records 2  
26 years after the juvenile's case was closed if no delinquency or

1 criminal proceeding is pending and the person has had no  
2 subsequent delinquency adjudication or criminal conviction.  
3 The court shall automatically order the expungement of the  
4 juvenile court and law enforcement records within 60 business  
5 days. For the purposes of this subsection (0.3), "disqualified  
6 offense" means any of the following offenses: Section 8-1.2,  
7 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1,  
8 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
9 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2,  
10 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5,  
11 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,  
12 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,  
13 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal  
14 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)  
15 of subsection (a) of Section 11-14.4, subsection (a-5) of  
16 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of  
17 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,  
18 paragraph (1) or (2) of subsection (a) of Section 12-7.4,  
19 subparagraph (i) of paragraph (1) of subsection (a) of Section  
20 12-9, subparagraph (H) of paragraph (3) of subsection (a) of  
21 Section 24-1.6, paragraph (1) of subsection (a) of Section  
22 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code  
23 of 2012.

24 (b) If the chief law enforcement officer of the agency, or  
25 his or her designee, certifies in writing that certain  
26 information is needed for a pending investigation involving the

1 commission of a felony, that information, and information  
2 identifying the juvenile, may be retained in an intelligence  
3 file until the investigation is terminated or for one  
4 additional year, whichever is sooner. Retention of a portion of  
5 a juvenile's law enforcement record does not disqualify the  
6 remainder of his or her record from immediate automatic  
7 expungement.

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

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

25 (a-5) the minor was charged with an offense and the  
26 petition or petitions were dismissed without a finding of

1 delinquency;

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

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

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

10 (1.5) ~~January 1, 2015 (Public Act 98-637)~~ The Department of  
11 State Police shall allow a person to use the Access and Review  
12 process, established in the Department of State Police, for  
13 verifying that his or her law enforcement records relating to  
14 incidents occurring before his or her 18th birthday eligible  
15 under this Act have been expunged.

16 (1.6) (Blank). ~~January 1, 2015 (Public Act 98-637) January~~  
17 ~~1, 2015 (Public Act 98-637)~~

18 (1.7) (Blank).

19 (1.8) (Blank).

20 (2) Any person whose delinquency adjudications are not  
21 eligible for automatic expungement under subsection (0.3) of  
22 this Section may petition the court to expunge all law  
23 enforcement records relating to any incidents occurring before  
24 his or her 18th birthday which did not result in proceedings in  
25 criminal court and all juvenile court records with respect to  
26 any adjudications except those based upon first degree murder

1 or an offense under Article 11 of the Criminal Code of 2012 if  
2 the person is required to register under the Sex Offender  
3 Registration Act; provided that:

4 (a) (blank); or

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

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

20 (2.6) If a minor is referred to court then at the time of  
21 sentencing or dismissal of the case, or successful completion  
22 of supervision, the judge shall inform the delinquent minor of  
23 his or her rights regarding expungement and the clerk of the  
24 circuit court shall provide an expungement information packet  
25 to the minor, written in plain language, including information  
26 regarding this State's expungement laws and a petition for



1 expungement, a sample of a completed petition, expungement  
 2 instructions that shall include information informing the  
 3 minor that (i) once the case is expunged, it shall be treated  
 4 as if it never occurred, (ii) he or she may apply to have  
 5 petition fees waived, (iii) once he or she obtains an  
 6 expungement, he or she may not be required to disclose that he  
 7 or she had a juvenile record, and (iv) if petitioning he or she  
 8 may file the petition on his or her own or with the assistance  
 9 of an attorney. The failure of the judge to inform the  
 10 delinquent minor of his or her right to petition for  
 11 expungement as provided by law does not create a substantive  
 12 right, nor is that failure grounds for: (i) a reversal of an  
 13 adjudication of delinquency, (ii) a new trial; or (iii) an  
 14 appeal.

15 (2.7) (Blank).

16 (2.8) The petition for expungement for subsection (1) and  
 17 (2) may include multiple offenses on the same petition and  
 18 shall be substantially in the following form:

19 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 20 ..... JUDICIAL CIRCUIT

21 IN THE INTEREST OF ) NO.  
 22 )  
 23 )  
 24 .....)  
 25 (Name of Petitioner)

1                   PETITION TO EXPUNGE JUVENILE RECORDS

2                   (705 ILCS 405/5-915 (SUBSECTION 1 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

1 under the Sex Offender Registration Act, and 2 years have  
2 passed since the case was closed.

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

7 Charge(s): .....

8 Arresting Agency or Agencies: .....

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

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

15 .....  
16 Petitioner (Signature)

17 .....  
18 Petitioner's Street Address

19 .....  
20 City, State, Zip Code

21 .....  
22 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 ~~first degree~~

8 (3) The chief judge of the circuit in which an arrest was  
 9 made or a charge was brought or any judge of that circuit  
 10 designated by the chief judge may, upon verified petition of a  
 11 person who is the subject of an arrest or a juvenile court  
 12 proceeding under subsection (1) or (2) of this Section, order  
 13 the law enforcement records or official court file, or both, to  
 14 be expunged from the official records of the arresting  
 15 authority, the clerk of the circuit court and the Department of  
 16 State Police. The person whose records 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

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

10 (3.1) The Notice of Expungement shall be in substantially  
 11 the following form:

12 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 13 ..... JUDICIAL CIRCUIT

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

19 NOTICE

20 TO: State's Attorney  
 21 TO: Arresting Agency  
 22  
 23 .....  
 24 .....

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TO: Illinois State Police

.....

.....

ATTENTION: Expungement

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

.....

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:

1 (Check One:)

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

4 or

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

9 .....

10

11 Signature

12 Clerk of the Circuit Court or Deputy Clerk

13 Printed Name of Delinquent Minor/Petitioner: ....

14 Address: .....

15 Telephone Number: .....

16 (3.2) The Order of Expungement shall be in substantially  
17 the following form:

18 IN THE CIRCUIT COURT OF ....., ILLINOIS

19 ..... JUDICIAL CIRCUIT

20 IN THE INTEREST OF ) NO.

21 )

22 )

23 .....)

24 (Name of Petitioner)

1     DOB .....

2     Arresting Agency/Agencies .....

3                             ORDER OF EXPUNGEMENT

4                             (705 ILCS 405/5-915 (SUBSECTION 3))

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

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

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

15                             Law Enforcement Agencies:

16                             .....

17                             .....

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

20                             ENTER: .....

21  
22     JUDGE

23     DATED: .....

24     Name:

25     Attorney for:

26     Address: City/State/Zip:



1 Attorney Number:

2 (3.3) The Notice of Objection shall be in substantially the  
3 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 NOTICE OF OBJECTION

12 TO: (Attorney, Public Defender, Minor)

13 .....  
14 .....

15 TO: (Illinois State Police)

16 .....  
17 .....

18 TO: (Clerk of the Court)

19 .....  
20 .....

21 TO: (Judge)

22 .....  
23 .....

24 TO: (Arresting Agency/Agencies)

1 .....

2 .....

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

6 ( ) State's Attorney's Office;

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

9 ( ) Department of Illinois State Police; or

10 ( ) Arresting Agency or Agencies.

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

14 DATED: .....

15 Name:

16 Attorney For:

17 Address:

18 City/State/Zip:

19 Telephone:

20 Attorney No.:

21 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

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

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

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

7 ( ) Attorney, Public Defender or Minor;

8 ( ) State's Attorney's Office;

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

11 ( ) Department of Illinois State Police; and

12 ( ) Arresting agency or agencies.

13 Date: .....

14 Initials of Clerk completing this section: .....

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

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

1 within 60 days of automatic expungement or the date of service  
2 of an expungement order, whichever applies.

3 (b) Except with respect to authorized military personnel,  
4 an expunged juvenile record may not be considered by any  
5 private or public entity in employment matters, certification,  
6 licensing, revocation of certification or licensure, or  
7 registration. Applications for employment within the State  
8 must contain specific language that states that the applicant  
9 is not obligated to disclose expunged juvenile records of  
10 adjudication or arrest. Employers may not ask, in any format or  
11 context, if an applicant has had a juvenile record expunged.  
12 Information about an expunged record obtained by a potential  
13 employer, even inadvertently, from an employment application  
14 that does not contain specific language that states that the  
15 applicant is not obligated to disclose expunged juvenile  
16 records of adjudication or arrest, shall be treated as  
17 dissemination of an expunged record by the employer.

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

21 (5) (Blank).▸

22 (5.5) Whether or not expunged, records eligible for  
23 automatic expungement under subdivision (0.1) (a), (0.2) (a), or  
24 (0.3) (a) may be treated as expunged by the individual subject  
25 to the records.

26 (6) Nothing in this Section shall be construed to prohibit

1 the maintenance of information relating to an offense after  
2 records or files concerning the offense have been expunged if  
3 the information is kept in a manner that does not enable  
4 identification of the individual. This information may only be  
5 used for anonymous statistical and bona fide research purposes.

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

13 (7) (a) The State Appellate Defender shall establish,  
14 maintain, and carry out, by December 31, 2004, a juvenile  
15 expungement program to provide information and assistance to  
16 minors eligible to have their juvenile records expunged.

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

21 (i) An explanation of the State's juvenile expungement  
22 laws, including both automatic expungement and expungement  
23 by petition;

24 (ii) The circumstances under which juvenile  
25 expungement may occur;

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

1           (iv) The steps necessary to initiate and complete the  
2 juvenile expungement process; and

3           (v) Directions on how to contact the State Appellate  
4 Defender.

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

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

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

25           (7.5) (a) Willful dissemination of any information  
26 contained in an expunged record shall be treated as a Class C

1 misdemeanor and punishable by a fine of \$1,000 per violation.

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

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

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

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

1 that states that the applicant is not obligated to disclose  
2 expunged juvenile records of adjudication, arrest, or  
3 conviction.

4 (b) (Blank). ~~Public Act 93-912~~

5 (c) The expungement of juvenile records under subsection  
6 ~~subsections~~ 0.1, 0.2, or 0.3 of this Section shall be funded by  
7 the additional fine imposed under Section 5-9-1.17 of the  
8 Unified Code of Corrections.

9 (9) (Blank).

10 (10) (Blank). ~~Public Act 98-637 Public Act 98-637~~

11 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;  
12 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; revised  
13 10-10-17.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.".