

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Identification Act is amended by  
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement, sealing, and immediate sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have  
10 the meanings set forth in this subsection, except when a  
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings  
13 ascribed to them in the Unified Code of Corrections,  
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),  
2 (xi) Petty Offense (730 ILCS 5/5-1-17),  
3 (xii) Probation (730 ILCS 5/5-1-18),  
4 (xiii) Sentence (730 ILCS 5/5-1-19),  
5 (xiv) Supervision (730 ILCS 5/5-1-21), and  
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated  
8 by arrest" means a charge (as defined by 730 ILCS  
9 5/5-1-3) brought against a defendant where the  
10 defendant is not arrested prior to or as a direct  
11 result of the charge.

12 (C) "Conviction" means a judgment of conviction or  
13 sentence entered upon a plea of guilty or upon a  
14 verdict or finding of guilty of an offense, rendered by  
15 a legally constituted jury or by a court of competent  
16 jurisdiction authorized to try the case without a jury.  
17 An order of supervision successfully completed by the  
18 petitioner is not a conviction. An order of qualified  
19 probation (as defined in subsection (a)(1)(J))  
20 successfully completed by the petitioner is not a  
21 conviction. An order of supervision or an order of  
22 qualified probation that is terminated  
23 unsatisfactorily is a conviction, unless the  
24 unsatisfactory termination is reversed, vacated, or  
25 modified and the judgment of conviction, if any, is  
26 reversed or vacated.

1           (D) "Criminal offense" means a petty offense,  
2           business offense, misdemeanor, felony, or municipal  
3           ordinance violation (as defined in subsection  
4           (a) (1) (H)). As used in this Section, a minor traffic  
5           offense (as defined in subsection (a) (1) (G)) shall not  
6           be considered a criminal offense.

7           (E) "Expunge" means to physically destroy the  
8           records or return them to the petitioner and to  
9           obliterate the petitioner's name from any official  
10          index or public record, or both. Nothing in this Act  
11          shall require the physical destruction of the circuit  
12          court file, but such records relating to arrests or  
13          charges, or both, ordered expunged shall be impounded  
14          as required by subsections (d) (9) (A) (ii) and  
15          (d) (9) (B) (ii).

16          (F) As used in this Section, "last sentence" means  
17          the sentence, order of supervision, or order of  
18          qualified probation (as defined by subsection  
19          (a) (1) (J)), for a criminal offense (as defined by  
20          subsection (a) (1) (D)) that terminates last in time in  
21          any jurisdiction, regardless of whether the petitioner  
22          has included the criminal offense for which the  
23          sentence or order of supervision or qualified  
24          probation was imposed in his or her petition. If  
25          multiple sentences, orders of supervision, or orders  
26          of qualified probation terminate on the same day and

1           are last in time, they shall be collectively considered  
2           the "last sentence" regardless of whether they were  
3           ordered to run concurrently.

4           (G) "Minor traffic offense" means a petty offense,  
5           business offense, or Class C misdemeanor under the  
6           Illinois Vehicle Code or a similar provision of a  
7           municipal or local ordinance.

8           (H) "Municipal ordinance violation" means an  
9           offense defined by a municipal or local ordinance that  
10          is criminal in nature and with which the petitioner was  
11          charged or for which the petitioner was arrested and  
12          released without charging.

13          (I) "Petitioner" means an adult or a minor  
14          prosecuted as an adult who has applied for relief under  
15          this Section.

16          (J) "Qualified probation" means an order of  
17          probation under Section 10 of the Cannabis Control Act,  
18          Section 410 of the Illinois Controlled Substances Act,  
19          Section 70 of the Methamphetamine Control and  
20          Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
21          of the Unified Code of Corrections, Section  
22          12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as  
23          those provisions existed before their deletion by  
24          Public Act 89-313), Section 10-102 of the Illinois  
25          Alcoholism and Other Drug Dependency Act, Section  
26          40-10 of the Substance Use Disorder Act, or Section 10

1 of the Steroid Control Act. For the purpose of this  
2 Section, "successful completion" of an order of  
3 qualified probation under Section 10-102 of the  
4 Illinois Alcoholism and Other Drug Dependency Act and  
5 Section 40-10 of the Substance Use Disorder Act means  
6 that the probation was terminated satisfactorily and  
7 the judgment of conviction was vacated.

8 (K) "Seal" means to physically and electronically  
9 maintain the records, unless the records would  
10 otherwise be destroyed due to age, but to make the  
11 records unavailable without a court order, subject to  
12 the exceptions in Sections 12 and 13 of this Act. The  
13 petitioner's name shall also be obliterated from the  
14 official index required to be kept by the circuit court  
15 clerk under Section 16 of the Clerks of Courts Act, but  
16 any index issued by the circuit court clerk before the  
17 entry of the order to seal shall not be affected.

18 (L) "Sexual offense committed against a minor"  
19 includes but is not limited to the offenses of indecent  
20 solicitation of a child or criminal sexual abuse when  
21 the victim of such offense is under 18 years of age.

22 (M) "Terminate" as it relates to a sentence or  
23 order of supervision or qualified probation includes  
24 either satisfactory or unsatisfactory termination of  
25 the sentence, unless otherwise specified in this  
26 Section. A sentence is terminated notwithstanding any

1 outstanding financial legal obligation.

2 (2) Minor Traffic Offenses. Orders of supervision or  
3 convictions for minor traffic offenses shall not affect a  
4 petitioner's eligibility to expunge or seal records  
5 pursuant to this Section.

6 (2.5) Commencing 180 days after July 29, 2016 (the  
7 effective date of Public Act 99-697), the law enforcement  
8 agency issuing the citation shall automatically expunge,  
9 on or before January 1 and July 1 of each year, the law  
10 enforcement records of a person found to have committed a  
11 civil law violation of subsection (a) of Section 4 of the  
12 Cannabis Control Act or subsection (c) of Section 3.5 of  
13 the Drug Paraphernalia Control Act in the law enforcement  
14 agency's possession or control and which contains the final  
15 satisfactory disposition which pertain to the person  
16 issued a citation for that offense. The law enforcement  
17 agency shall provide by rule the process for access,  
18 review, and to confirm the automatic expungement by the law  
19 enforcement agency issuing the citation. Commencing 180  
20 days after July 29, 2016 (the effective date of Public Act  
21 99-697), the clerk of the circuit court shall expunge, upon  
22 order of the court, or in the absence of a court order on  
23 or before January 1 and July 1 of each year, the court  
24 records of a person found in the circuit court to have  
25 committed a civil law violation of subsection (a) of  
26 Section 4 of the Cannabis Control Act or subsection (c) of

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

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

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

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

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

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

12 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
13 26-5, or 48-1 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, or a similar provision of a  
15 local ordinance;

16 (iii) Sections 12-3.1 or 12-3.2 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012,  
18 or Section 125 of the Stalking No Contact Order  
19 Act, or Section 219 of the Civil No Contact Order  
20 Act, or a similar provision of a local ordinance;

21 (iv) Class A misdemeanors or felony offenses  
22 under the Humane Care for Animals Act; or

23 (v) any offense or attempted offense that  
24 would subject a person to registration under the  
25 Sex Offender Registration Act.

26 (D) (blank).



1           (E) the sealing or expungement of records of  
2           arrests or charges not initiated by arrest that result  
3           in an order of supervision for or conviction of Section  
4           11-501 of the Illinois Vehicle Code or a similar  
5           provision of a local ordinance; except that the court  
6           may order the sealing of one misdemeanor record of  
7           arrest or charge not initiated by arrest that results  
8           in an order of supervision for or conviction of Section  
9           11-501 of the Illinois Vehicle Code or a similar  
10           provision of a local ordinance per petitioner if each  
11           of the following conditions have been met: (i) the  
12           petitioner has not previously been convicted of or  
13           placed on supervision for a violation of Section 11-501  
14           of the Illinois Vehicle Code or a similar provision of  
15           a local ordinance; (ii) 10 or more years have passed  
16           since the termination of the petitioner's sentence;  
17           (iii) during the commission of the violation, the  
18           petitioner did not proximately cause death or personal  
19           injury to any other person or damage the property of  
20           any other person; (iv) the petitioner has no other  
21           misdemeanor or felony driving charge on his or her  
22           driving abstract; and (v) the judge examined the  
23           driving abstract of the petitioner petitioning to have  
24           his or her record sealed under this subparagraph (E)  
25           and made a finding entered on the record that the  
26           petitioner did not enter into a plea agreement on a

1           lesser charge other than a violation of Section 11-501  
2           of the Illinois Vehicle Code or a similar provision of  
3           a local ordinance, and the facts did not support that  
4           the petitioner had previously committed a violation of  
5           Section 11-501 of the Illinois Vehicle Code or a  
6           similar provision of a local ordinance. A felony  
7           conviction of Section 11-501 of the Illinois Vehicle  
8           Code or a similar provision of a local ordinance may  
9           not be sealed or expunged under this subparagraph (E).  
10          Notwithstanding any provision of this Act to the  
11          contrary, the Secretary of State shall maintain orders  
12          of court supervision and convictions of Section 11-501  
13          of the Illinois Vehicle Code or a similar provision of  
14          a local ordinance on court purposes driving abstracts.

15          (b) Expungement.

16                 (1) A petitioner may petition the circuit court to  
17 expunge the records of his or her arrests and charges not  
18 initiated by arrest when each arrest or charge not  
19 initiated by arrest sought to be expunged resulted in: (i)  
20 acquittal, dismissal, or the petitioner's release without  
21 charging, unless excluded by subsection (a)(3)(B); (ii) a  
22 conviction which was vacated or reversed, unless excluded  
23 by subsection (a)(3)(B); (iii) an order of supervision and  
24 such supervision was successfully completed by the  
25 petitioner, unless excluded by subsection (a)(3)(A) or  
26 (a)(3)(B); or (iv) an order of qualified probation (as

1 defined in subsection (a)(1)(J)) and such probation was  
2 successfully completed by the petitioner.

3 (1.5) When a petitioner seeks to have a record of  
4 arrest expunged under this Section, and the offender has  
5 been convicted of a criminal offense, the State's Attorney  
6 may object to the expungement on the grounds that the  
7 records contain specific relevant information aside from  
8 the mere fact of the arrest.

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

10 (A) When the arrest or charge not initiated by  
11 arrest sought to be expunged resulted in an acquittal,  
12 dismissal, the petitioner's release without charging,  
13 or the reversal or vacation of a conviction, there is  
14 no waiting period to petition for the expungement of  
15 such records.

16 (B) When the arrest or charge not initiated by  
17 arrest sought to be expunged resulted in an order of  
18 supervision, successfully completed by the petitioner,  
19 the following time frames will apply:

20 (i) Those arrests or charges that resulted in  
21 orders of supervision under Section 3-707, 3-708,  
22 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
23 similar provision of a local ordinance, or under  
24 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012, or a  
26 similar provision of a local ordinance, shall not

1           be eligible for expungement until 5 years have  
2           passed following the satisfactory termination of  
3           the supervision.

4           (i-5) Those arrests or charges that resulted  
5           in orders of supervision for a misdemeanor  
6           violation of subsection (a) of Section 11-503 of  
7           the Illinois Vehicle Code or a similar provision of  
8           a local ordinance, that occurred prior to the  
9           offender reaching the age of 25 years and the  
10          offender has no other conviction for violating  
11          Section 11-501 or 11-503 of the Illinois Vehicle  
12          Code or a similar provision of a local ordinance  
13          shall not be eligible for expungement until the  
14          petitioner has reached the age of 25 years.

15          (ii) Those arrests or charges that resulted in  
16          orders of supervision for any other offenses shall  
17          not be eligible for expungement until 2 years have  
18          passed following the satisfactory termination of  
19          the supervision.

20          (C) When the arrest or charge not initiated by  
21          arrest sought to be expunged resulted in an order of  
22          qualified probation, successfully completed by the  
23          petitioner, such records shall not be eligible for  
24          expungement until 5 years have passed following the  
25          satisfactory termination of the probation.

26          (3) Those records maintained by the Department for

1 persons arrested prior to their 17th birthday shall be  
2 expunged as provided in Section 5-915 of the Juvenile Court  
3 Act of 1987.

4 (4) Whenever a person has been arrested for or  
5 convicted of any offense, in the name of a person whose  
6 identity he or she has stolen or otherwise come into  
7 possession of, the aggrieved person from whom the identity  
8 was stolen or otherwise obtained without authorization,  
9 upon learning of the person having been arrested using his  
10 or her identity, may, upon verified petition to the chief  
11 judge of the circuit wherein the arrest was made, have a  
12 court order entered nunc pro tunc by the Chief Judge to  
13 correct the arrest record, conviction record, if any, and  
14 all official records of the arresting authority, the  
15 Department, other criminal justice agencies, the  
16 prosecutor, and the trial court concerning such arrest, if  
17 any, by removing his or her name from all such records in  
18 connection with the arrest and conviction, if any, and by  
19 inserting in the records the name of the offender, if known  
20 or ascertainable, in lieu of the aggrieved's name. The  
21 records of the circuit court clerk shall be sealed until  
22 further order of the court upon good cause shown and the  
23 name of the aggrieved person obliterated on the official  
24 index required to be kept by the circuit court clerk under  
25 Section 16 of the Clerks of Courts Act, but the order shall  
26 not affect any index issued by the circuit court clerk

1 before the entry of the order. Nothing in this Section  
2 shall limit the Department of State Police or other  
3 criminal justice agencies or prosecutors from listing  
4 under an offender's name the false names he or she has  
5 used.

6 (5) Whenever a person has been convicted of criminal  
7 sexual assault, aggravated criminal sexual assault,  
8 predatory criminal sexual assault of a child, criminal  
9 sexual abuse, or aggravated criminal sexual abuse, the  
10 victim of that offense may request that the State's  
11 Attorney of the county in which the conviction occurred  
12 file a verified petition with the presiding trial judge at  
13 the petitioner's trial to have a court order entered to  
14 seal the records of the circuit court clerk in connection  
15 with the proceedings of the trial court concerning that  
16 offense. However, the records of the arresting authority  
17 and the Department of State Police concerning the offense  
18 shall not be sealed. The court, upon good cause shown,  
19 shall make the records of the circuit court clerk in  
20 connection with the proceedings of the trial court  
21 concerning the offense available for public inspection.

22 (6) If a conviction has been set aside on direct review  
23 or on collateral attack and the court determines by clear  
24 and convincing evidence that the petitioner was factually  
25 innocent of the charge, the court that finds the petitioner  
26 factually innocent of the charge shall enter an expungement

1 order for the conviction for which the petitioner has been  
2 determined to be innocent as provided in subsection (b) of  
3 Section 5-5-4 of the Unified Code of Corrections.

4 (7) Nothing in this Section shall prevent the  
5 Department of State Police from maintaining all records of  
6 any person who is admitted to probation upon terms and  
7 conditions and who fulfills those terms and conditions  
8 pursuant to Section 10 of the Cannabis Control Act, Section  
9 410 of the Illinois Controlled Substances Act, Section 70  
10 of the Methamphetamine Control and Community Protection  
11 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
12 Corrections, Section 12-4.3 or subdivision (b)(1) of  
13 Section 12-3.05 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, Section 10-102 of the Illinois  
15 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
16 the Substance Use Disorder Act, or Section 10 of the  
17 Steroid Control Act.

18 (8) If the petitioner has been granted a certificate of  
19 innocence under Section 2-702 of the Code of Civil  
20 Procedure, the court that grants the certificate of  
21 innocence shall also enter an order expunging the  
22 conviction for which the petitioner has been determined to  
23 be innocent as provided in subsection (h) of Section 2-702  
24 of the Code of Civil Procedure.

25 (c) Sealing.

26 (1) Applicability. Notwithstanding any other provision

1 of this Act to the contrary, and cumulative with any rights  
2 to expungement of criminal records, this subsection  
3 authorizes the sealing of criminal records of adults and of  
4 minors prosecuted as adults. Subsection (g) of this Section  
5 provides for immediate sealing of certain records.

6 (2) Eligible Records. The following records may be  
7 sealed:

8 (A) All arrests resulting in release without  
9 charging;

10 (B) Arrests or charges not initiated by arrest  
11 resulting in acquittal, dismissal, or conviction when  
12 the conviction was reversed or vacated, except as  
13 excluded by subsection (a) (3) (B);

14 (C) Arrests or charges not initiated by arrest  
15 resulting in orders of supervision, including orders  
16 of supervision for municipal ordinance violations,  
17 successfully completed by the petitioner, unless  
18 excluded by subsection (a) (3);

19 (D) Arrests or charges not initiated by arrest  
20 resulting in convictions, including convictions on  
21 municipal ordinance violations, unless excluded by  
22 subsection (a) (3);

23 (E) Arrests or charges not initiated by arrest  
24 resulting in orders of first offender probation under  
25 Section 10 of the Cannabis Control Act, Section 410 of  
26 the Illinois Controlled Substances Act, Section 70 of



1 the Methamphetamine Control and Community Protection  
2 Act, or Section 5-6-3.3 of the Unified Code of  
3 Corrections; and

4 (F) Arrests or charges not initiated by arrest  
5 resulting in felony convictions unless otherwise  
6 excluded by subsection (a) paragraph (3) of this  
7 Section.

8 (3) When Records Are Eligible to Be Sealed. Records  
9 identified as eligible under subsection (c)(2) may be  
10 sealed as follows:

11 (A) Records identified as eligible under  
12 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
13 time.

14 (B) Except as otherwise provided in subparagraph  
15 (E) of this paragraph (3), records identified as  
16 eligible under subsection (c)(2)(C) may be sealed 2  
17 years after the termination of petitioner's last  
18 sentence (as defined in subsection (a)(1)(F)).

19 (C) Except as otherwise provided in subparagraph  
20 (E) of this paragraph (3), records identified as  
21 eligible under subsections (c)(2)(D), (c)(2)(E), and  
22 (c)(2)(F) may be sealed 3 years after the termination  
23 of the petitioner's last sentence (as defined in  
24 subsection (a)(1)(F)). Convictions requiring public  
25 registration under the Arsonist Registration Act, the  
26 Sex Offender Registration Act, or the Murderer and

1 Violent Offender Against Youth Registration Act may  
2 not be sealed until the petitioner is no longer  
3 required to register under that relevant Act.

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

7 (E) Records identified as eligible under  
8 subsections (c) (2) (C), (c) (2) (D), (c) (2) (E), or  
9 (c) (2) (F) may be sealed upon termination of the  
10 petitioner's last sentence if the petitioner earned a  
11 high school diploma, associate's degree, career  
12 certificate, vocational technical certification, or  
13 bachelor's degree, or passed the high school level Test  
14 of General Educational Development, during the period  
15 of his or her sentence, aftercare release, or mandatory  
16 supervised release. This subparagraph shall apply only  
17 to a petitioner who has not completed the same  
18 educational goal prior to the period of his or her  
19 sentence, aftercare release, or mandatory supervised  
20 release. If a petition for sealing eligible records  
21 filed under this subparagraph is denied by the court,  
22 the time periods under subparagraph (B) or (C) shall  
23 apply to any subsequent petition for sealing filed by  
24 the petitioner.

25 (4) Subsequent felony convictions. A person may not  
26 have subsequent felony conviction records sealed as

1 provided in this subsection (c) if he or she is convicted  
2 of any felony offense after the date of the sealing of  
3 prior felony convictions as provided in this subsection  
4 (c). The court may, upon conviction for a subsequent felony  
5 offense, order the unsealing of prior felony conviction  
6 records previously ordered sealed by the court.

7 (5) Notice of eligibility for sealing. Upon entry of a  
8 disposition for an eligible record under this subsection  
9 (c), the petitioner shall be informed by the court of the  
10 right to have the records sealed and the procedures for the  
11 sealing of the records.

12 (d) Procedure. The following procedures apply to  
13 expungement under subsections (b), (e), and (e-6) and sealing  
14 under subsections (c) and (e-5):

15 (1) Filing the petition. Upon becoming eligible to  
16 petition for the expungement or sealing of records under  
17 this Section, the petitioner shall file a petition  
18 requesting the expungement or sealing of records with the  
19 clerk of the court where the arrests occurred or the  
20 charges were brought, or both. If arrests occurred or  
21 charges were brought in multiple jurisdictions, a petition  
22 must be filed in each such jurisdiction. The petitioner  
23 shall pay the applicable fee, except no fee shall be  
24 required if the petitioner has obtained a court order  
25 waiving fees under Supreme Court Rule 298 or it is  
26 otherwise waived.

1           (1.5) County fee waiver pilot program. In a county of  
2           3,000,000 or more inhabitants, no fee shall be required to  
3           be paid by a petitioner if the records sought to be  
4           expunged or sealed were arrests resulting in release  
5           without charging or arrests or charges not initiated by  
6           arrest resulting in acquittal, dismissal, or conviction  
7           when the conviction was reversed or vacated, unless  
8           excluded by subsection (a) (3) (B). The provisions of this  
9           paragraph (1.5), other than this sentence, are inoperative  
10          on and after January 1, 2019.

11          (2) Contents of petition. The petition shall be  
12          verified and shall contain the petitioner's name, date of  
13          birth, current address and, for each arrest or charge not  
14          initiated by arrest sought to be sealed or expunged, the  
15          case number, the date of arrest (if any), the identity of  
16          the arresting authority, and such other information as the  
17          court may require. During the pendency of the proceeding,  
18          the petitioner shall promptly notify the circuit court  
19          clerk of any change of his or her address. If the  
20          petitioner has received a certificate of eligibility for  
21          sealing from the Prisoner Review Board under paragraph (10)  
22          of subsection (a) of Section 3-3-2 of the Unified Code of  
23          Corrections, the certificate shall be attached to the  
24          petition.

25          (3) Drug test. The petitioner must attach to the  
26          petition proof that the petitioner has passed a test taken

1 within 30 days before the filing of the petition showing  
2 the absence within his or her body of all illegal  
3 substances as defined by the Illinois Controlled  
4 Substances Act, the Methamphetamine Control and Community  
5 Protection Act, and the Cannabis Control Act if he or she  
6 is petitioning to:

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

8 (B) seal felony records for a violation of the  
9 Illinois Controlled Substances Act, the  
10 Methamphetamine Control and Community Protection Act,  
11 or the Cannabis Control Act under clause (c) (2) (F);

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

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

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

22 (5) Objections.

23 (A) Any party entitled to notice of the petition  
24 may file an objection to the petition. All objections  
25 shall be in writing, shall be filed with the circuit  
26 court clerk, and shall state with specificity the basis

1 of the objection. Whenever a person who has been  
2 convicted of an offense is granted a pardon by the  
3 Governor which specifically authorizes expungement, an  
4 objection to the petition may not be filed.

5 (B) Objections to a petition to expunge or seal  
6 must be filed within 60 days of the date of service of  
7 the petition.

8 (6) Entry of order.

9 (A) The Chief Judge of the circuit wherein the  
10 charge was brought, any judge of that circuit  
11 designated by the Chief Judge, or in counties of less  
12 than 3,000,000 inhabitants, the presiding trial judge  
13 at the petitioner's trial, if any, shall rule on the  
14 petition to expunge or seal as set forth in this  
15 subsection (d) (6).

16 (B) Unless the State's Attorney or prosecutor, the  
17 Department of State Police, the arresting agency, or  
18 the chief legal officer files an objection to the  
19 petition to expunge or seal within 60 days from the  
20 date of service of the petition, the court shall enter  
21 an order granting or denying the petition.

22 (C) Notwithstanding any other provision of law,  
23 the court shall not deny a petition for sealing under  
24 this Section because the petitioner has not satisfied  
25 an outstanding legal financial obligation established,  
26 imposed, or originated by a court, law enforcement

1 agency, or a municipal, State, county, or other unit of  
2 local government, including, but not limited to, any  
3 cost, assessment, fine, or fee. An outstanding legal  
4 financial obligation does not include any court  
5 ordered restitution to a victim under Section 5-5-6 of  
6 the Unified Code of Corrections, unless the  
7 restitution has been converted to a civil judgment.  
8 Nothing in this subparagraph (C) waives, rescinds, or  
9 abrogates a legal financial obligation or otherwise  
10 eliminates or affects the right of the holder of any  
11 financial obligation to pursue collection under  
12 applicable federal, State, or local law.

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

25 (A) the strength of the evidence supporting the  
26 defendant's conviction;

1 (B) the reasons for retention of the conviction  
2 records by the State;

3 (C) the petitioner's age, criminal record history,  
4 and employment history;

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

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

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

19 (9) Implementation of order.

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

22 (i) the records shall be expunged (as defined  
23 in subsection (a) (1) (E)) by the arresting agency,  
24 the Department, and any other agency as ordered by  
25 the court, within 60 days of the date of service of  
26 the order, unless a motion to vacate, modify, or



1 reconsider the order is filed pursuant to  
2 paragraph (12) of subsection (d) of this Section;

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

12 (iii) in response to an inquiry for expunged  
13 records, the court, the Department, or the agency  
14 receiving such inquiry, shall reply as it does in  
15 response to inquiries when no records ever  
16 existed.

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

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

26 (ii) the records of the circuit court clerk

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

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

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

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

1           existed.

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

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

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

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

25           (iv) records impounded by the Department may  
26 be disseminated by the Department only as required

1 by law or to the arresting authority, the State's  
2 Attorney, and the court upon a later arrest for the  
3 same or a similar offense or for the purpose of  
4 sentencing for any subsequent felony, and to the  
5 Department of Corrections upon conviction for any  
6 offense; and

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

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

22 (D) The Department shall send written notice to the  
23 petitioner of its compliance with each order to expunge  
24 or seal records within 60 days of the date of service  
25 of that order or, if a motion to vacate, modify, or  
26 reconsider is filed, within 60 days of service of the

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

11 (E) Upon motion, the court may order that a sealed  
12 judgment or other court record necessary to  
13 demonstrate the amount of any legal financial  
14 obligation due and owing be made available for the  
15 limited purpose of collecting any legal financial  
16 obligations owed by the petitioner that were  
17 established, imposed, or originated in the criminal  
18 proceeding for which those records have been sealed.  
19 The records made available under this subparagraph (E)  
20 shall not be entered into the official index required  
21 to be kept by the circuit court clerk under Section 16  
22 of the Clerks of Courts Act and shall be immediately  
23 re-impounded upon the collection of the outstanding  
24 financial obligations.

25 (F) Notwithstanding any other provision of this  
26 Section, a circuit court clerk may access a sealed

1 record for the limited purpose of collecting payment  
2 for any legal financial obligations that were  
3 established, imposed, or originated in the criminal  
4 proceedings for which those records have been sealed.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

15 (g) Immediate Sealing.

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

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

1 day and during the same hearing in which the case is  
2 disposed.

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

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

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

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

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

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

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

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

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

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

25 (G) Service of Order. An order to immediately seal  
26 eligible records shall be served in conformance with

1 subsection (d) (8).

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

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

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

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

23 (L) Effect of Order. An order granting an immediate  
24 sealing petition shall not be considered void because  
25 it fails to comply with the provisions of this Section  
26 or because of an error asserted in a motion to vacate,

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

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

12 (h) Sealing; trafficking victims.

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

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



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

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

20 (Source: P.A. 99-78, eff. 7-20-15; 99-378, eff. 1-1-16; 99-385,  
21 eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff. 7-29-16;  
22 99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-282, eff.  
23 1-1-18; 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692,  
24 eff. 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18;  
25 100-863, eff. 8-14-18; revised 8-30-18.)