

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
15 by a legally constituted jury or by a court of
16 competent jurisdiction authorized to try the case
17 without a jury. An order of supervision successfully
18 completed by the petitioner is not a conviction. An
19 order of qualified probation (as defined in subsection
20 (a) (1) (J)) successfully completed by the petitioner is
21 not a conviction. An order of supervision or an order
22 of 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
2 considered the "last sentence" regardless of whether
3 they were 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 (G-5) "Minor Cannabis Offense" means a violation
9 of Section 4 or 5 of the Cannabis Control Act
10 concerning not more than 30 grams of any substance
11 containing cannabis, provided the violation did not
12 include a penalty enhancement under Section 7 of the
13 Cannabis Control Act and is not associated with an
14 arrest, conviction or other disposition for a violent
15 crime as defined in subsection (c) of Section 3 of the
16 Rights of Crime Victims and Witnesses Act.

17 (H) "Municipal ordinance violation" means an
18 offense defined by a municipal or local ordinance that
19 is criminal in nature and with which the petitioner
20 was charged or for which the petitioner was arrested
21 and released without charging.

22 (I) "Petitioner" means an adult or a minor
23 prosecuted as an adult who has applied for relief
24 under this Section.

25 (J) "Qualified probation" means an order of
26 probation under Section 10 of the Cannabis Control

1 Act, Section 410 of the Illinois Controlled Substances
2 Act, Section 70 of the Methamphetamine Control and
3 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
4 of the Unified Code of Corrections, Section
5 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
6 those provisions existed before their deletion by
7 Public Act 89-313), Section 10-102 of the Illinois
8 Alcoholism and Other Drug Dependency Act, Section
9 40-10 of the Substance Use Disorder Act, or Section 10
10 of the Steroid Control Act. For the purpose of this
11 Section, "successful completion" of an order of
12 qualified probation under Section 10-102 of the
13 Illinois Alcoholism and Other Drug Dependency Act and
14 Section 40-10 of the Substance Use Disorder Act means
15 that the probation was terminated satisfactorily and
16 the judgment of conviction was vacated.

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

1 affected.

2 (L) "Sexual offense committed against a minor"
3 includes, but is not limited to, the offenses of
4 indecent solicitation of a child or criminal sexual
5 abuse when the victim of such offense is under 18 years
6 of age.

7 (M) "Terminate" as it relates to a sentence or
8 order of supervision or qualified probation includes
9 either satisfactory or unsatisfactory termination of
10 the sentence, unless otherwise specified in this
11 Section. A sentence is terminated notwithstanding any
12 outstanding financial legal obligation.

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

17 (2.5) Commencing 180 days after July 29, 2016 (the
18 effective date of Public Act 99-697), the law enforcement
19 agency issuing the citation shall automatically expunge,
20 on or before January 1 and July 1 of each year, the law
21 enforcement records of a person found to have committed a
22 civil law violation of subsection (a) of Section 4 of the
23 Cannabis Control Act or subsection (c) of Section 3.5 of
24 the Drug Paraphernalia Control Act in the law enforcement
25 agency's possession or control and which contains the
26 final satisfactory disposition which pertain to the person

1 issued a citation for that offense. The law enforcement
2 agency shall provide by rule the process for access,
3 review, and to confirm the automatic expungement by the
4 law enforcement agency issuing the citation. Commencing
5 180 days after July 29, 2016 (the effective date of Public
6 Act 99-697), the clerk of the circuit court shall expunge,
7 upon order of the court, or in the absence of a court order
8 on or before January 1 and July 1 of each year, the court
9 records of a person found in the circuit court to have
10 committed a civil law violation of subsection (a) of
11 Section 4 of the Cannabis Control Act or subsection (c) of
12 Section 3.5 of the Drug Paraphernalia Control Act in the
13 clerk's possession or control and which contains the final
14 satisfactory disposition which pertain to the person
15 issued a citation for any of those offenses.

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

19 (A) the sealing or expungement of the records of
20 arrests or charges not initiated by arrest that result
21 in an order of supervision for or conviction of: (i)
22 any sexual offense committed against a minor; (ii)
23 Section 11-501 of the Illinois Vehicle Code or a
24 similar provision of a local ordinance; or (iii)
25 Section 11-503 of the Illinois Vehicle Code or a
26 similar provision of a local ordinance, unless the

1 arrest or charge is for a misdemeanor violation of
2 subsection (a) of Section 11-503 or a similar
3 provision of a local ordinance, that occurred prior to
4 the offender reaching the age of 25 years and the
5 offender has no other conviction for violating Section
6 11-501 or 11-503 of the Illinois Vehicle Code or a
7 similar provision of a local ordinance.

8 (B) the sealing or expungement of records of minor
9 traffic offenses (as defined in subsection (a)(1)(G)),
10 unless the petitioner was arrested and released
11 without charging.

12 (C) the sealing of the records of arrests or
13 charges not initiated by arrest which result in an
14 order of supervision or a conviction for the following
15 offenses:

16 (i) offenses included in Article 11 of the
17 Criminal Code of 1961 or the Criminal Code of 2012
18 or a similar provision of a local ordinance,
19 except Section 11-14 and a misdemeanor violation
20 of Section 11-30 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, or a similar provision
22 of a local ordinance;

23 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
24 26-5, or 48-1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, or a similar provision of a
26 local ordinance;

1 (iii) Sections 12-3.1 or 12-3.2 of the
2 Criminal Code of 1961 or the Criminal Code of
3 2012, or Section 125 of the Stalking No Contact
4 Order Act, or Section 219 of the Civil No Contact
5 Order Act, or a similar provision of a local
6 ordinance;

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

9 (v) any offense or attempted offense that
10 would subject a person to registration under the
11 Sex Offender Registration Act.

12 (D) (blank).

13 (b) Expungement.

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

1 (1.1) Notwithstanding the eligibility requirements of
2 this subsection (b), upon the issuance of a certificate of
3 expungement by the Prisoner Review Board under paragraph
4 (11) of subsection (a) of Section 3-3-2 of the Unified
5 Code of Corrections, the circuit court shall automatically
6 expunge all records of arrests or charges not initiated by
7 arrest and all court records that resulted in the
8 conviction for the Class 3 or Class 4 felony listed in the
9 certificate of expungement.

10 (1.5) When a petitioner seeks to have a record of
11 arrest expunged under this Section, and the offender has
12 been convicted of a criminal offense, the State's Attorney
13 may object to the expungement on the grounds that the
14 records contain specific relevant information aside from
15 the mere fact of the arrest.

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

17 (A) When the arrest or charge not initiated by
18 arrest sought to be expunged resulted in an acquittal,
19 dismissal, the petitioner's release without charging,
20 or the reversal or vacation of a conviction, there is
21 no waiting period to petition for the expungement of
22 such records.

23 (B) When the arrest or charge not initiated by
24 arrest sought to be expunged resulted in an order of
25 supervision, successfully completed by the petitioner,
26 the following time frames will apply:

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

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

22 (ii) Those arrests or charges that resulted in
23 orders of supervision for any other offenses shall
24 not be eligible for expungement until 2 years have
25 passed following the satisfactory termination of
26 the supervision.

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

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

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

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

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

1 connection with the proceedings of the trial court
2 concerning the offense available for public inspection.

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

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

26 (8) If the petitioner has been granted a certificate

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

7 (c) Sealing.

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

14 (2) Eligible Records. The following records may be
15 sealed:

16 (A) All arrests resulting in release without
17 charging;

18 (B) Arrests or charges not initiated by arrest
19 resulting in acquittal, dismissal, or conviction when
20 the conviction was reversed or vacated, except as
21 excluded by subsection (a) (3) (B);

22 (C) Arrests or charges not initiated by arrest
23 resulting in orders of supervision, including orders
24 of supervision for municipal ordinance violations,
25 successfully completed by the petitioner, unless
26 excluded by subsection (a) (3);

1 (D) Arrests or charges not initiated by arrest
2 resulting in convictions, including convictions on
3 municipal ordinance violations, unless excluded by
4 subsection (a) (3);

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

12 (F) Arrests or charges not initiated by arrest
13 resulting in felony convictions unless otherwise
14 excluded by subsection (a) paragraph (3) of this
15 Section.

16 (3) When Records Are Eligible to Be Sealed. Records
17 identified as eligible under subsection (c) (2) may be
18 sealed as follows:

19 (A) Records identified as eligible under
20 subsection (c) (2) (A) and (c) (2) (B) may be sealed at
21 any time.

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

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

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

15 (E) Records identified as eligible under
16 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or
17 (c)(2)(F) may be sealed upon termination of the
18 petitioner's last sentence if the petitioner earned a
19 high school diploma, associate's degree, career
20 certificate, vocational technical certification, or
21 bachelor's degree, or passed the high school level
22 Test of General Educational Development, during the
23 period of his or her sentence or mandatory supervised
24 release. This subparagraph shall apply only to a
25 petitioner who has not completed the same educational
26 goal prior to the period of his or her sentence or

1 mandatory supervised release. If a petition for
2 sealing eligible records filed under this subparagraph
3 is denied by the court, the time periods under
4 subparagraph (B) or (C) shall apply to any subsequent
5 petition for sealing filed by the petitioner.

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

14 (5) Notice of eligibility for sealing. Upon entry of a
15 disposition for an eligible record under this subsection
16 (c), the petitioner shall be informed by the court of the
17 right to have the records sealed and the procedures for
18 the sealing of the records.

19 (d) Procedure. The following procedures apply to
20 expungement under subsections (b), (e), and (e-6) and sealing
21 under subsections (c) and (e-5):

22 (1) Filing the petition. Upon becoming eligible to
23 petition for the expungement or sealing of records under
24 this Section, the petitioner shall file a petition
25 requesting the expungement or sealing of records with the
26 clerk of the court where the arrests occurred or the

1 charges were brought, or both. If arrests occurred or
2 charges were brought in multiple jurisdictions, a petition
3 must be filed in each such jurisdiction. The petitioner
4 shall pay the applicable fee, except no fee shall be
5 required if the petitioner has obtained a court order
6 waiving fees under Supreme Court Rule 298 or it is
7 otherwise waived.

8 (1.5) County fee waiver pilot program. From August 9,
9 2019 (the effective date of Public Act 101-306) through
10 December 31, 2020, in a county of 3,000,000 or more
11 inhabitants, no fee shall be required to be paid by a
12 petitioner if the records sought to be expunged or sealed
13 were arrests resulting in release without charging or
14 arrests or charges not initiated by arrest resulting in
15 acquittal, dismissal, or conviction when the conviction
16 was reversed or vacated, unless excluded by subsection
17 (a)(3)(B). The provisions of this paragraph (1.5), other
18 than this sentence, are inoperative on and after January
19 1, 2022.

20 (2) Contents of petition. The petition shall be
21 verified and shall contain the petitioner's name, date of
22 birth, current address and, for each arrest or charge not
23 initiated by arrest sought to be sealed or expunged, the
24 case number, the date of arrest (if any), the identity of
25 the arresting authority, and such other information as the
26 court may require. During the pendency of the proceeding,

1 the petitioner shall promptly notify the circuit court
2 clerk of any change of his or her address. If the
3 petitioner has received a certificate of eligibility for
4 sealing from the Prisoner Review Board under paragraph
5 (10) of subsection (a) of Section 3-3-2 of the Unified
6 Code of Corrections, the certificate shall be attached to
7 the petition.

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

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

17 (B) seal felony records for a violation of the
18 Illinois Controlled Substances Act, the
19 Methamphetamine Control and Community Protection Act,
20 or the Cannabis Control Act under clause (c) (2) (F);

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

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

24 (4) Service of petition. The circuit court clerk shall
25 promptly serve a copy of the petition and documentation to
26 support the petition under subsection (e-5) or (e-6) on

1 the State's Attorney or prosecutor charged with the duty
2 of prosecuting the offense, the Department of State
3 Police, the arresting agency and the chief legal officer
4 of the unit of local government effecting the arrest.

5 (5) Objections.

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

14 (B) Objections to a petition to expunge or seal
15 must be filed within 60 days of the date of service of
16 the petition.

17 (6) Entry of order.

18 (A) The Chief Judge of the circuit wherein the
19 charge was brought, any judge of that circuit
20 designated by the Chief Judge, or in counties of less
21 than 3,000,000 inhabitants, the presiding trial judge
22 at the petitioner's trial, if any, shall rule on the
23 petition to expunge or seal as set forth in this
24 subsection (d) (6).

25 (B) Unless the State's Attorney or prosecutor, the
26 Department of State Police, the arresting agency, or

1 the chief legal officer files an objection to the
2 petition to expunge or seal within 60 days from the
3 date of service of the petition, the court shall enter
4 an order granting or denying the petition.

5 (C) Notwithstanding any other provision of law,
6 the court shall not deny a petition for sealing under
7 this Section because the petitioner has not satisfied
8 an outstanding legal financial obligation established,
9 imposed, or originated by a court, law enforcement
10 agency, or a municipal, State, county, or other unit
11 of local government, including, but not limited to,
12 any cost, assessment, fine, or fee. An outstanding
13 legal financial obligation does not include any court
14 ordered restitution to a victim under Section 5-5-6 of
15 the Unified Code of Corrections, unless the
16 restitution has been converted to a civil judgment.
17 Nothing in this subparagraph (C) waives, rescinds, or
18 abrogates a legal financial obligation or otherwise
19 eliminates or affects the right of the holder of any
20 financial obligation to pursue collection under
21 applicable federal, State, or local law.

22 (7) Hearings. If an objection is filed, the court
23 shall set a date for a hearing and notify the petitioner
24 and all parties entitled to notice of the petition of the
25 hearing date at least 30 days prior to the hearing. Prior
26 to the hearing, the State's Attorney shall consult with

1 the Department as to the appropriateness of the relief
2 sought in the petition to expunge or seal. At the hearing,
3 the court shall hear evidence on whether the petition
4 should or should not be granted, and shall grant or deny
5 the petition to expunge or seal the records based on the
6 evidence presented at the hearing. The court may consider
7 the following:

8 (A) the strength of the evidence supporting the
9 defendant's conviction;

10 (B) the reasons for retention of the conviction
11 records by the State;

12 (C) the petitioner's age, criminal record history,
13 and employment history;

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

17 (E) the specific adverse consequences the
18 petitioner may be subject to if the petition is
19 denied.

20 (8) Service of order. After entering an order to
21 expunge or seal records, the court must provide copies of
22 the order to the Department, in a form and manner
23 prescribed by the Department, to the petitioner, to the
24 State's Attorney or prosecutor charged with the duty of
25 prosecuting the offense, to the arresting agency, to the
26 chief legal officer of the unit of local government

1 effecting the arrest, and to such other criminal justice
2 agencies as may be ordered by the court.

3 (9) Implementation of order.

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

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

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

22 (iii) in response to an inquiry for expunged
23 records, the court, the Department, or the agency
24 receiving such inquiry, shall reply as it does in
25 response to inquiries when no records ever
26 existed.

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

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

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

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

24 (iv) records impounded by the Department may
25 be disseminated by the Department only as required
26 by law or to the arresting authority, the State's

1 Attorney, and the court upon a later arrest for
2 the same or a similar offense or for the purpose of
3 sentencing for any subsequent felony, and to the
4 Department of Corrections upon conviction for any
5 offense; and

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

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

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

21 (ii) the records of the circuit court clerk
22 shall be impounded until further order of the
23 court upon good cause shown and the name of the
24 petitioner obliterated on the official index
25 required to be kept by the circuit court clerk
26 under Section 16 of the Clerks of Courts Act, but

1 the order shall not affect any index issued by the
2 circuit court clerk before the entry of the order;

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

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

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

23 (C) Upon entry of an order to seal records under
24 subsection (c), the arresting agency, any other agency
25 as ordered by the court, the Department, and the court
26 shall seal the records (as defined in subsection

1 (a)(1)(K)). In response to an inquiry for such
2 records, from anyone not authorized by law to access
3 such records, the court, the Department, or the agency
4 receiving such inquiry shall reply as it does in
5 response to inquiries when no records ever existed.

6 (D) The Department shall send written notice to
7 the petitioner of its compliance with each order to
8 expunge or seal records within 60 days of the date of
9 service of that order or, if a motion to vacate,
10 modify, or reconsider is filed, within 60 days of
11 service of the order resolving the motion, if that
12 order requires the Department to expunge or seal
13 records. In the event of an appeal from the circuit
14 court order, the Department shall send written notice
15 to the petitioner of its compliance with an Appellate
16 Court or Supreme Court judgment to expunge or seal
17 records within 60 days of the issuance of the court's
18 mandate. The notice is not required while any motion
19 to vacate, modify, or reconsider, or any appeal or
20 petition for discretionary appellate review, is
21 pending.

22 (E) Upon motion, the court may order that a sealed
23 judgment or other court record necessary to
24 demonstrate the amount of any legal financial
25 obligation due and owing be made available for the
26 limited purpose of collecting any legal financial

1 obligations owed by the petitioner that were
2 established, imposed, or originated in the criminal
3 proceeding for which those records have been sealed.
4 The records made available under this subparagraph (E)
5 shall not be entered into the official index required
6 to be kept by the circuit court clerk under Section 16
7 of the Clerks of Courts Act and shall be immediately
8 re-impounded upon the collection of the outstanding
9 financial obligations.

10 (F) Notwithstanding any other provision of this
11 Section, a circuit court clerk may access a sealed
12 record for the limited purpose of collecting payment
13 for any legal financial obligations that were
14 established, imposed, or originated in the criminal
15 proceedings for which those records have been sealed.

16 (10) Fees. The Department may charge the petitioner a
17 fee equivalent to the cost of processing any order to
18 expunge or seal records. Notwithstanding any provision of
19 the Clerks of Courts Act to the contrary, the circuit
20 court clerk may charge a fee equivalent to the cost
21 associated with the sealing or expungement of records by
22 the circuit court clerk. From the total filing fee
23 collected for the petition to seal or expunge, the circuit
24 court clerk shall deposit \$10 into the Circuit Court Clerk
25 Operation and Administrative Fund, to be used to offset
26 the costs incurred by the circuit court clerk in

1 performing the additional duties required to serve the
2 petition to seal or expunge on all parties. The circuit
3 court clerk shall collect and forward the Department of
4 State Police portion of the fee to the Department and it
5 shall be deposited in the State Police Services Fund. If
6 the record brought under an expungement petition was
7 previously sealed under this Section, the fee for the
8 expungement petition for that same record shall be waived.

9 (11) Final Order. No court order issued under the
10 expungement or sealing provisions of this Section shall
11 become final for purposes of appeal until 30 days after
12 service of the order on the petitioner and all parties
13 entitled to notice of the petition.

14 (12) Motion to Vacate, Modify, or Reconsider. Under
15 Section 2-1203 of the Code of Civil Procedure, the
16 petitioner or any party entitled to notice may file a
17 motion to vacate, modify, or reconsider the order granting
18 or denying the petition to expunge or seal within 60 days
19 of service of the order. If filed more than 60 days after
20 service of the order, a petition to vacate, modify, or
21 reconsider shall comply with subsection (c) of Section
22 2-1401 of the Code of Civil Procedure. Upon filing of a
23 motion to vacate, modify, or reconsider, notice of the
24 motion shall be served upon the petitioner and all parties
25 entitled to notice of the petition.

26 (13) Effect of Order. An order granting a petition

1 under the expungement or sealing provisions of this
2 Section shall not be considered void because it fails to
3 comply with the provisions of this Section or because of
4 any error asserted in a motion to vacate, modify, or
5 reconsider. The circuit court retains jurisdiction to
6 determine whether the order is voidable and to vacate,
7 modify, or reconsider its terms based on a motion filed
8 under paragraph (12) of this subsection (d).

9 (14) Compliance with Order Granting Petition to Seal
10 Records. Unless a court has entered a stay of an order
11 granting a petition to seal, all parties entitled to
12 notice of the petition must fully comply with the terms of
13 the order within 60 days of service of the order even if a
14 party is seeking relief from the order through a motion
15 filed under paragraph (12) of this subsection (d) or is
16 appealing the order.

17 (15) Compliance with Order Granting Petition to
18 Expunge Records. While a party is seeking relief from the
19 order granting the petition to expunge through a motion
20 filed under paragraph (12) of this subsection (d) or is
21 appealing the order, and unless a court has entered a stay
22 of that order, the parties entitled to notice of the
23 petition must seal, but need not expunge, the records
24 until there is a final order on the motion for relief or,
25 in the case of an appeal, the issuance of that court's
26 mandate.

1 (16) The changes to this subsection (d) made by Public
2 Act 98-163 apply to all petitions pending on August 5,
3 2013 (the effective date of Public Act 98-163) and to all
4 orders ruling on a petition to expunge or seal on or after
5 August 5, 2013 (the effective date of Public Act 98-163).

6 (e) Whenever a person who has been convicted of an offense
7 is granted a pardon by the Governor which specifically
8 authorizes expungement, he or she may, upon verified petition
9 to the Chief Judge of the circuit where the person had been
10 convicted, any judge of the circuit designated by the Chief
11 Judge, or in counties of less than 3,000,000 inhabitants, the
12 presiding trial judge at the defendant's trial, have a court
13 order entered expunging the record of arrest from the official
14 records of the arresting authority and order that the records
15 of the circuit court clerk and the Department be sealed until
16 further order of the court upon good cause shown or as
17 otherwise provided herein, and the name of the defendant
18 obliterated from the official index requested to be kept by
19 the circuit court clerk under Section 16 of the Clerks of
20 Courts Act in connection with the arrest and conviction for
21 the offense for which he or she had been pardoned but the order
22 shall not affect any index issued by the circuit court clerk
23 before the entry of the order. All records sealed by the
24 Department may be disseminated by the Department only to the
25 arresting authority, the State's Attorney, and the court upon
26 a later arrest for the same or similar offense or for the

1 purpose of sentencing for any subsequent felony. Upon
2 conviction for any subsequent offense, the Department of
3 Corrections shall have access to all sealed records of the
4 Department pertaining to that individual. Upon entry of the
5 order of expungement, the circuit court clerk shall promptly
6 mail a copy of the order to the person who was pardoned.

7 (e-5) Whenever a person who has been convicted of an
8 offense is granted a certificate of eligibility for sealing by
9 the Prisoner Review Board which specifically authorizes
10 sealing, he or she may, upon verified petition to the Chief
11 Judge of the circuit where the person had been convicted, any
12 judge of the circuit designated by the Chief Judge, or in
13 counties of less than 3,000,000 inhabitants, the presiding
14 trial judge at the petitioner's trial, have a court order
15 entered sealing the record of arrest from the official records
16 of the arresting authority and order that the records of the
17 circuit court clerk and the Department be sealed until further
18 order of the court upon good cause shown or as otherwise
19 provided herein, and the name of the petitioner obliterated
20 from the official index requested to be kept by the circuit
21 court clerk under Section 16 of the Clerks of Courts Act in
22 connection with the arrest and conviction for the offense for
23 which he or she had been granted the certificate but the order
24 shall not affect any index issued by the circuit court clerk
25 before the entry of the order. All records sealed by the
26 Department may be disseminated by the Department only as

1 required by this Act or to the arresting authority, a law
2 enforcement agency, the State's Attorney, and the court upon a
3 later arrest for the same or similar offense or for the purpose
4 of sentencing for any subsequent felony. Upon conviction for
5 any subsequent offense, the Department of Corrections shall
6 have access to all sealed records of the Department pertaining
7 to that individual. Upon entry of the order of sealing, the
8 circuit court clerk shall promptly mail a copy of the order to
9 the person who was granted the certificate of eligibility for
10 sealing.

11 (e-6) Whenever a person who has been convicted of an
12 offense is granted a certificate of eligibility for
13 expungement by the Prisoner Review Board which specifically
14 authorizes expungement, he or she may, upon verified petition
15 to the Chief Judge of the circuit where the person had been
16 convicted, any judge of the circuit designated by the Chief
17 Judge, or in counties of less than 3,000,000 inhabitants, the
18 presiding trial judge at the petitioner's trial, have a court
19 order entered expunging the record of arrest from the official
20 records of the arresting authority and order that the records
21 of the circuit court clerk and the Department be sealed until
22 further order of the court upon good cause shown or as
23 otherwise provided herein, and the name of the petitioner
24 obliterated from the official index requested to be kept by
25 the circuit court clerk under Section 16 of the Clerks of
26 Courts Act in connection with the arrest and conviction for

1 the offense for which he or she had been granted the
2 certificate but the order shall not affect any index issued by
3 the circuit court clerk before the entry of the order. All
4 records sealed by the Department may be disseminated by the
5 Department only as required by this Act or to the arresting
6 authority, a law enforcement agency, the State's Attorney, and
7 the court upon a later arrest for the same or similar offense
8 or for the purpose of sentencing for any subsequent felony.
9 Upon conviction for any subsequent offense, the Department of
10 Corrections shall have access to all expunged records of the
11 Department pertaining to that individual. Upon entry of the
12 order of expungement, the circuit court clerk shall promptly
13 mail a copy of the order to the person who was granted the
14 certificate of eligibility for expungement.

15 (f) Subject to available funding, the Illinois Department
16 of Corrections shall conduct a study of the impact of sealing,
17 especially on employment and recidivism rates, utilizing a
18 random sample of those who apply for the sealing of their
19 criminal records under Public Act 93-211. At the request of
20 the Illinois Department of Corrections, records of the
21 Illinois Department of Employment Security shall be utilized
22 as appropriate to assist in the study. The study shall not
23 disclose any data in a manner that would allow the
24 identification of any particular individual or employing unit.
25 The study shall be made available to the General Assembly no
26 later than September 1, 2010.

1 (g) Immediate Sealing.

2 (1) Applicability. Notwithstanding any other provision
3 of this Act to the contrary, and cumulative with any
4 rights to expungement or sealing of criminal records, this
5 subsection authorizes the immediate sealing of criminal
6 records of adults and of minors prosecuted as adults.

7 (2) Eligible Records. Arrests or charges not initiated
8 by arrest resulting in acquittal or dismissal with
9 prejudice, except as excluded by subsection (a)(3)(B),
10 that occur on or after January 1, 2018 (the effective date
11 of Public Act 100-282), may be sealed immediately if the
12 petition is filed with the circuit court clerk on the same
13 day and during the same hearing in which the case is
14 disposed.

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

20 (4) Notice of Eligibility for Immediate Sealing. Upon
21 entry of a disposition for an eligible record under this
22 subsection (g), the defendant shall be informed by the
23 court of his or her right to have eligible records
24 immediately sealed and the procedure for the immediate
25 sealing of these records.

26 (5) Procedure. The following procedures apply to

1 immediate sealing under this subsection (g).

2 (A) Filing the Petition. Upon entry of the final
3 disposition of the case, the defendant's attorney may
4 immediately petition the court, on behalf of the
5 defendant, for immediate sealing of eligible records
6 under paragraph (2) of this subsection (g) that are
7 entered on or after January 1, 2018 (the effective
8 date of Public Act 100-282). The immediate sealing
9 petition may be filed with the circuit court clerk
10 during the hearing in which the final disposition of
11 the case is entered. If the defendant's attorney does
12 not file the petition for immediate sealing during the
13 hearing, the defendant may file a petition for sealing
14 at any time as authorized under subsection (c) (3) (A).

15 (B) Contents of Petition. The immediate sealing
16 petition shall be verified and shall contain the
17 petitioner's name, date of birth, current address, and
18 for each eligible record, the case number, the date of
19 arrest if applicable, the identity of the arresting
20 authority if applicable, and other information as the
21 court may require.

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

25 (D) Service of Petition. A copy of the petition
26 shall be served on the State's Attorney in open court.

1 The petitioner shall not be required to serve a copy of
2 the petition on any other agency.

3 (E) Entry of Order. The presiding trial judge
4 shall enter an order granting or denying the petition
5 for immediate sealing during the hearing in which it
6 is filed. Petitions for immediate sealing shall be
7 ruled on in the same hearing in which the final
8 disposition of the case is entered.

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

12 (G) Service of Order. An order to immediately seal
13 eligible records shall be served in conformance with
14 subsection (d) (8).

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

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

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

26 (K) Motion to Vacate, Modify, or Reconsider. Under

1 Section 2-1203 of the Code of Civil Procedure, the
2 petitioner, State's Attorney, or the Department of
3 State Police may file a motion to vacate, modify, or
4 reconsider the order denying the petition to
5 immediately seal within 60 days of service of the
6 order. If filed more than 60 days after service of the
7 order, a petition to vacate, modify, or reconsider
8 shall comply with subsection (c) of Section 2-1401 of
9 the Code of Civil Procedure.

10 (L) Effect of Order. An order granting an
11 immediate sealing petition shall not be considered
12 void because it fails to comply with the provisions of
13 this Section or because of an error asserted in a
14 motion to vacate, modify, or reconsider. The circuit
15 court retains jurisdiction to determine whether the
16 order is voidable, and to vacate, modify, or
17 reconsider its terms based on a motion filed under
18 subparagraph (L) of this subsection (g).

19 (M) Compliance with Order Granting Petition to
20 Seal Records. Unless a court has entered a stay of an
21 order granting a petition to immediately seal, all
22 parties entitled to service of the order must fully
23 comply with the terms of the order within 60 days of
24 service of the order.

25 (h) Sealing; trafficking victims.

26 (1) A trafficking victim as defined by paragraph (10)

1 of subsection (a) of Section 10-9 of the Criminal Code of
2 2012 shall be eligible to petition for immediate sealing
3 of his or her criminal record upon the completion of his or
4 her last sentence if his or her participation in the
5 underlying offense was a direct result of human
6 trafficking under Section 10-9 of the Criminal Code of
7 2012 or a severe form of trafficking under the federal
8 Trafficking Victims Protection Act.

9 (2) A petitioner under this subsection (h), in
10 addition to the requirements provided under paragraph (4)
11 of subsection (d) of this Section, shall include in his or
12 her petition a clear and concise statement that: (A) he or
13 she was a victim of human trafficking at the time of the
14 offense; and (B) that his or her participation in the
15 offense was a direct result of human trafficking under
16 Section 10-9 of the Criminal Code of 2012 or a severe form
17 of trafficking under the federal Trafficking Victims
18 Protection Act.

19 (3) If an objection is filed alleging that the
20 petitioner is not entitled to immediate sealing under this
21 subsection (h), the court shall conduct a hearing under
22 paragraph (7) of subsection (d) of this Section and the
23 court shall determine whether the petitioner is entitled
24 to immediate sealing under this subsection (h). A
25 petitioner is eligible for immediate relief under this
26 subsection (h) if he or she shows, by a preponderance of

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

7 (i) Minor Cannabis Offenses under the Cannabis Control
8 Act.

9 (1) Expungement of Arrest Records of Minor Cannabis
10 Offenses.

11 (A) The Department of State Police and all law
12 enforcement agencies within the State shall
13 automatically expunge all criminal history records of
14 an arrest, charge not initiated by arrest, order of
15 supervision, or order of qualified probation for a
16 Minor Cannabis Offense committed prior to June 25,
17 2019 (the effective date of Public Act 101-27) if:

18 (i) One year or more has elapsed since the
19 date of the arrest or law enforcement interaction
20 documented in the records; and

21 (ii) No criminal charges were filed relating
22 to the arrest or law enforcement interaction or
23 criminal charges were filed and subsequently
24 dismissed or vacated or the arrestee was
25 acquitted.

26 (B) If the law enforcement agency is unable to

1 verify satisfaction of condition (ii) in paragraph
2 (A), records that satisfy condition (i) in paragraph
3 (A) shall be automatically expunged.

4 (C) Records shall be expunged by the law
5 enforcement agency under the following timelines:

6 (i) Records created prior to June 25, 2019
7 (the effective date of Public Act 101-27), but on
8 or after January 1, 2013, shall be automatically
9 expunged prior to January 1, 2021;

10 (ii) Records created prior to January 1, 2013,
11 but on or after January 1, 2000, shall be
12 automatically expunged prior to January 1, 2023;

13 (iii) Records created prior to January 1, 2000
14 shall be automatically expunged prior to January
15 1, 2025.

16 In response to an inquiry for expunged records,
17 the law enforcement agency receiving such inquiry
18 shall reply as it does in response to inquiries when no
19 records ever existed; however, it shall provide a
20 certificate of disposition or confirmation that the
21 record was expunged to the individual whose record was
22 expunged if such a record exists.

23 (D) Nothing in this Section shall be construed to
24 restrict or modify an individual's right to have that
25 individual's records expunged except as otherwise may
26 be provided in this Act, or diminish or abrogate any

1 rights or remedies otherwise available to the
2 individual.

3 (2) Pardons Authorizing Expungement of Minor Cannabis
4 Offenses.

5 (A) Upon June 25, 2019 (the effective date of
6 Public Act 101-27), the Department of State Police
7 shall review all criminal history record information
8 and identify all records that meet all of the
9 following criteria:

10 (i) one or more convictions for a Minor
11 Cannabis Offense;

12 (ii) the conviction identified in paragraph
13 (2)(A)(i) did not include a penalty enhancement
14 under Section 7 of the Cannabis Control Act; and

15 (iii) the conviction identified in paragraph
16 (2)(A)(i) is not associated with a conviction for
17 a violent crime as defined in subsection (c) of
18 Section 3 of the Rights of Crime Victims and
19 Witnesses Act.

20 (B) Within 180 days after June 25, 2019 (the
21 effective date of Public Act 101-27), the Department
22 of State Police shall notify the Prisoner Review Board
23 of all such records that meet the criteria established
24 in paragraph (2)(A).

25 (i) The Prisoner Review Board shall notify the
26 State's Attorney of the county of conviction of

1 each record identified by State Police in
2 paragraph (2) (A) that is classified as a Class 4
3 felony. The State's Attorney may provide a written
4 objection to the Prisoner Review Board on the sole
5 basis that the record identified does not meet the
6 criteria established in paragraph (2) (A). Such an
7 objection must be filed within 60 days or by such
8 later date set by the Prisoner Review Board in the
9 notice after the State's Attorney received notice
10 from the Prisoner Review Board.

11 (ii) In response to a written objection from a
12 State's Attorney, the Prisoner Review Board is
13 authorized to conduct a non-public hearing to
14 evaluate the information provided in the
15 objection.

16 (iii) The Prisoner Review Board shall make a
17 confidential and privileged recommendation to the
18 Governor as to whether to grant a pardon
19 authorizing expungement for each of the records
20 identified by the Department of State Police as
21 described in paragraph (2) (A).

22 (C) If an individual has been granted a pardon
23 authorizing expungement as described in this Section,
24 the Prisoner Review Board, through the Attorney
25 General, shall file a petition for expungement with
26 the Chief Judge of the circuit or any judge of the

1 circuit designated by the Chief Judge where the
2 individual had been convicted. Such petition may
3 include more than one individual. Whenever an
4 individual who has been convicted of an offense is
5 granted a pardon by the Governor that specifically
6 authorizes expungement, an objection to the petition
7 may not be filed. Petitions to expunge under this
8 subsection (i) may include more than one individual.
9 Within 90 days of the filing of such a petition, the
10 court shall enter an order expunging the records of
11 arrest from the official records of the arresting
12 authority and order that the records of the circuit
13 court clerk and the Department of State Police be
14 expunged and the name of the defendant obliterated
15 from the official index requested to be kept by the
16 circuit court clerk under Section 16 of the Clerks of
17 Courts Act in connection with the arrest and
18 conviction for the offense for which the individual
19 had received a pardon but the order shall not affect
20 any index issued by the circuit court clerk before the
21 entry of the order. Upon entry of the order of
22 expungement, the circuit court clerk shall promptly
23 provide a copy of the order and a certificate of
24 disposition to the individual who was pardoned to the
25 individual's last known address or by electronic means
26 (if available) or otherwise make it available to the

1 individual upon request.

2 (D) Nothing in this Section is intended to
3 diminish or abrogate any rights or remedies otherwise
4 available to the individual.

5 (3) Any individual may file a motion to vacate and
6 expunge a conviction for a misdemeanor or Class 4 felony
7 violation of Section 4 or Section 5 of the Cannabis
8 Control Act. Motions to vacate and expunge under this
9 subsection (i) may be filed with the circuit court, Chief
10 Judge of a judicial circuit or any judge of the circuit
11 designated by the Chief Judge. The circuit court clerk
12 shall promptly serve a copy of the motion to vacate and
13 expunge, and any supporting documentation, on the State's
14 Attorney or prosecutor charged with the duty of
15 prosecuting the offense. When considering such a motion to
16 vacate and expunge, a court shall consider the following:
17 the reasons to retain the records provided by law
18 enforcement, the petitioner's age, the petitioner's age at
19 the time of offense, the time since the conviction, and
20 the specific adverse consequences if denied. An individual
21 may file such a petition after the completion of any
22 non-financial sentence or non-financial condition imposed
23 by the conviction. Within 60 days of the filing of such
24 motion, a State's Attorney may file an objection to such a
25 petition along with supporting evidence. If a motion to
26 vacate and expunge is granted, the records shall be

1 expunged in accordance with subparagraphs (d)(8) and
2 (d)(9)(A) of this Section. An agency providing civil legal
3 aid, as defined by Section 15 of the Public Interest
4 Attorney Assistance Act, assisting individuals seeking to
5 file a motion to vacate and expunge under this subsection
6 may file motions to vacate and expunge with the Chief
7 Judge of a judicial circuit or any judge of the circuit
8 designated by the Chief Judge, and the motion may include
9 more than one individual. Motions filed by an agency
10 providing civil legal aid concerning more than one
11 individual may be prepared, presented, and signed
12 electronically.

13 (4) Any State's Attorney may file a motion to vacate
14 and expunge a conviction for a misdemeanor or Class 4
15 felony violation of Section 4 or Section 5 of the Cannabis
16 Control Act. Motions to vacate and expunge under this
17 subsection (i) may be filed with the circuit court, Chief
18 Judge of a judicial circuit or any judge of the circuit
19 designated by the Chief Judge, and may include more than
20 one individual. Motions filed by a State's Attorney
21 concerning more than one individual may be prepared,
22 presented, and signed electronically. When considering
23 such a motion to vacate and expunge, a court shall
24 consider the following: the reasons to retain the records
25 provided by law enforcement, the individual's age, the
26 individual's age at the time of offense, the time since

1 the conviction, and the specific adverse consequences if
2 denied. Upon entry of an order granting a motion to vacate
3 and expunge records pursuant to this Section, the State's
4 Attorney shall notify the Prisoner Review Board within 30
5 days. Upon entry of the order of expungement, the circuit
6 court clerk shall promptly provide a copy of the order and
7 a certificate of disposition to the individual whose
8 records will be expunged to the individual's last known
9 address or by electronic means (if available) or otherwise
10 make available to the individual upon request. If a motion
11 to vacate and expunge is granted, the records shall be
12 expunged in accordance with subparagraphs (d)(8) and
13 (d)(9)(A) of this Section.

14 (5) In the public interest, the State's Attorney of a
15 county has standing to file motions to vacate and expunge
16 pursuant to this Section in the circuit court with
17 jurisdiction over the underlying conviction.

18 (6) If a person is arrested for a Minor Cannabis
19 Offense as defined in this Section before June 25, 2019
20 (the effective date of Public Act 101-27) and the person's
21 case is still pending but a sentence has not been imposed,
22 the person may petition the court in which the charges are
23 pending for an order to summarily dismiss those charges
24 against him or her, and expunge all official records of
25 his or her arrest, plea, trial, conviction, incarceration,
26 supervision, or expungement. If the court determines, upon

1 review, that: (A) the person was arrested before June 25,
2 2019 (the effective date of Public Act 101-27) for an
3 offense that has been made eligible for expungement; (B)
4 the case is pending at the time; and (C) the person has not
5 been sentenced of the minor cannabis violation eligible
6 for expungement under this subsection, the court shall
7 consider the following: the reasons to retain the records
8 provided by law enforcement, the petitioner's age, the
9 petitioner's age at the time of offense, the time since
10 the conviction, and the specific adverse consequences if
11 denied. If a motion to dismiss and expunge is granted, the
12 records shall be expunged in accordance with subparagraph
13 (d) (9) (A) of this Section.

14 (7) A person imprisoned solely as a result of one or
15 more convictions for Minor Cannabis Offenses under this
16 subsection (i) shall be released from incarceration upon
17 the issuance of an order under this subsection.

18 (8) The Department of State Police shall allow a
19 person to use the access and review process, established
20 in the Department of State Police, for verifying that his
21 or her records relating to Minor Cannabis Offenses of the
22 Cannabis Control Act eligible under this Section have been
23 expunged.

24 (9) No conviction vacated pursuant to this Section
25 shall serve as the basis for damages for time unjustly
26 served as provided in the Court of Claims Act.

1 (10) Effect of Expungement. A person's right to
2 expunge an expungeable offense shall not be limited under
3 this Section. The effect of an order of expungement shall
4 be to restore the person to the status he or she occupied
5 before the arrest, charge, or conviction.

6 (11) Information. The Department of State Police shall
7 post general information on its website about the
8 expungement process described in this subsection (i).

9 (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;
10 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.
11 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,
12 eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
13 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
14 12-4-19; 101-645, eff. 6-26-20; revised 8-18-20.)

15 Section 10. The Unified Code of Corrections is amended by
16 changing Section 3-3-2 as follows:

17 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

18 Sec. 3-3-2. Powers and duties.

19 (a) The Parole and Pardon Board is abolished and the term
20 "Parole and Pardon Board" as used in any law of Illinois, shall
21 read "Prisoner Review Board." After February 1, 1978 (the
22 effective date of Public Act 81-1099) ~~this amendatory Act of~~
23 ~~1977~~, the Prisoner Review Board shall provide by rule for the
24 orderly transition of all files, records, and documents of the

1 Parole and Pardon Board and for such other steps as may be
2 necessary to effect an orderly transition and shall:

3 (1) hear by at least one member and through a panel of
4 at least 3 members decide, cases of prisoners who were
5 sentenced under the law in effect prior to February 1,
6 1978 (the effective date of Public Act 81-1099) ~~this~~
7 ~~amendatory Act of 1977~~, and who are eligible for parole;

8 (2) hear by at least one member and through a panel of
9 at least 3 members decide, the conditions of parole and
10 the time of discharge from parole, impose sanctions for
11 violations of parole, and revoke parole for those
12 sentenced under the law in effect prior to February 1,
13 1978 (the effective date of Public Act 81-1099) ~~this~~
14 ~~amendatory Act of 1977~~; provided that the decision to
15 parole and the conditions of parole for all prisoners who
16 were sentenced for first degree murder or who received a
17 minimum sentence of 20 years or more under the law in
18 effect prior to February 1, 1978 shall be determined by a
19 majority vote of the Prisoner Review Board. One
20 representative supporting parole and one representative
21 opposing parole will be allowed to speak. Their comments
22 shall be limited to making corrections and filling in
23 omissions to the Board's presentation and discussion;

24 (3) hear by at least one member and through a panel of
25 at least 3 members decide, the conditions of mandatory
26 supervised release and the time of discharge from

1 mandatory supervised release, impose sanctions for
2 violations of mandatory supervised release, and revoke
3 mandatory supervised release for those sentenced under the
4 law in effect after February 1, 1978 (the effective date
5 of Public Act 81-1099) ~~this amendatory Act of 1977;~~

6 (3.5) hear by at least one member and through a panel
7 of at least 3 members decide, the conditions of mandatory
8 supervised release and the time of discharge from
9 mandatory supervised release, to impose sanctions for
10 violations of mandatory supervised release and revoke
11 mandatory supervised release for those serving extended
12 supervised release terms pursuant to paragraph (4) of
13 subsection (d) of Section 5-8-1;

14 (3.6) hear by at least one member and through a panel
15 of at least 3 members decide whether to revoke aftercare
16 release for those committed to the Department of Juvenile
17 Justice under the Juvenile Court Act of 1987;

18 (4) hear by at least one member and through a panel of
19 at least 3 members, decide cases brought by the Department
20 of Corrections against a prisoner in the custody of the
21 Department for alleged violation of Department rules with
22 respect to sentence credits under Section 3-6-3 of this
23 Code in which the Department seeks to revoke sentence
24 credits, if the amount of time at issue exceeds 30 days or
25 when, during any 12-month ~~12-month~~ period, the cumulative
26 amount of credit revoked exceeds 30 days except where the

1 infraction is committed or discovered within 60 days of
2 scheduled release. In such cases, the Department of
3 Corrections may revoke up to 30 days of sentence credit.
4 The Board may subsequently approve the revocation of
5 additional sentence credit, if the Department seeks to
6 revoke sentence credit in excess of 30 ~~thirty~~ days.
7 However, the Board shall not be empowered to review the
8 Department's decision with respect to the loss of 30 days
9 of sentence credit for any prisoner or to increase any
10 penalty beyond the length requested by the Department;

11 (5) hear by at least one member and through a panel of
12 at least 3 members decide, the release dates for certain
13 prisoners sentenced under the law in existence prior to
14 February 1, 1978 (the effective date of Public Act
15 81-1099) ~~this amendatory Act of 1977~~, in accordance with
16 Section 3-3-2.1 of this Code;

17 (6) hear by at least one member and through a panel of
18 at least 3 members decide, all requests for pardon,
19 reprieve or commutation, and make confidential
20 recommendations to the Governor;

21 (6.5) hear by at least one member who is qualified in
22 the field of juvenile matters and through a panel of at
23 least 3 members, 2 of whom are qualified in the field of
24 juvenile matters, decide parole review cases in accordance
25 with Section 5-4.5-115 of this Code and make release
26 determinations of persons under the age of 21 at the time

1 of the commission of an offense or offenses, other than
2 those persons serving sentences for first degree murder or
3 aggravated criminal sexual assault;

4 (6.6) hear by at least a quorum of the Prisoner Review
5 Board and decide by a majority of members present at the
6 hearing, in accordance with Section 5-4.5-115 of this
7 Code, release determinations of persons under the age of
8 21 at the time of the commission of an offense or offenses
9 of those persons serving sentences for first degree murder
10 or aggravated criminal sexual assault;

11 (7) comply with the requirements of the Open Parole
12 Hearings Act;

13 (8) hear by at least one member and, through a panel of
14 at least 3 members, decide cases brought by the Department
15 of Corrections against a prisoner in the custody of the
16 Department for court dismissal of a frivolous lawsuit
17 pursuant to Section 3-6-3(d) of this Code in which the
18 Department seeks to revoke up to 180 days of sentence
19 credit, and if the prisoner has not accumulated 180 days
20 of sentence credit at the time of the dismissal, then all
21 sentence credit accumulated by the prisoner shall be
22 revoked;

23 (9) hear by at least 3 members, and, through a panel of
24 at least 3 members, decide whether to grant certificates
25 of relief from disabilities or certificates of good
26 conduct as provided in Article 5.5 of Chapter V;

1 (10) upon a petition by a person who has been
2 convicted of a Class 3 or Class 4 felony and who meets the
3 requirements of this paragraph, hear by at least 3 members
4 and, with the unanimous vote of a panel of 3 members, issue
5 a certificate of eligibility for sealing recommending that
6 the court order the sealing of all official records of the
7 arresting authority, the circuit court clerk, and the
8 Department of State Police concerning the arrest and
9 conviction for the Class 3 or 4 felony. A person may not
10 apply to the Board for a certificate of eligibility for
11 sealing:

12 (A) until 5 years have elapsed since the
13 expiration of his or her sentence;

14 (B) until 5 years have elapsed since any arrests
15 or detentions by a law enforcement officer for an
16 alleged violation of law, other than a petty offense,
17 traffic offense, conservation offense, or local
18 ordinance offense;

19 (C) if convicted of a violation of the Cannabis
20 Control Act, Illinois Controlled Substances Act, the
21 Methamphetamine Control and Community Protection Act,
22 the Methamphetamine Precursor Control Act, or the
23 Methamphetamine Precursor Tracking Act unless the
24 petitioner has completed a drug abuse program for the
25 offense on which sealing is sought and provides proof
26 that he or she has completed the program successfully;

- 1 (D) if convicted of:
- 2 (i) a sex offense described in Article 11 or
- 3 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
- 4 the Criminal Code of 1961 or the Criminal Code of
- 5 2012;
- 6 (ii) aggravated assault;
- 7 (iii) aggravated battery;
- 8 (iv) domestic battery;
- 9 (v) aggravated domestic battery;
- 10 (vi) violation of an order of protection;
- 11 (vii) an offense under the Criminal Code of
- 12 1961 or the Criminal Code of 2012 involving a
- 13 firearm;
- 14 (viii) driving while under the influence of
- 15 alcohol, other drug or drugs, intoxicating
- 16 compound or compounds, or any combination thereof;
- 17 (ix) aggravated driving while under the
- 18 influence of alcohol, other drug or drugs,
- 19 intoxicating compound or compounds, or any
- 20 combination thereof; or
- 21 (x) any crime defined as a crime of violence
- 22 under Section 2 of the Crime Victims Compensation
- 23 Act.

24 If a person has applied to the Board for a certificate

25 of eligibility for sealing and the Board denies the

26 certificate, the person must wait at least 4 years before

1 filing again or filing for pardon from the Governor unless
2 the Chairman of the Prisoner Review Board grants a waiver.

3 The decision to issue or refrain from issuing a
4 certificate of eligibility for sealing shall be at the
5 Board's sole discretion, and shall not give rise to any
6 cause of action against either the Board or its members.

7 The Board may only authorize the sealing of Class 3
8 and 4 felony convictions of the petitioner from one
9 information or indictment under this paragraph (10). A
10 petitioner may only receive one certificate of eligibility
11 for sealing under this provision for life; and

12 (11) upon a petition by a person who has ~~after having~~
13 ~~been convicted of a Class 3 or Class 4 felony thereafter~~
14 ~~served in the United States Armed Forces or National Guard~~
15 ~~of this or any other state and had received an honorable~~
16 ~~discharge from the United States Armed Forces or National~~
17 ~~Guard or who at the time of filing the petition is enlisted~~
18 ~~in the United States Armed Forces or National Guard of~~
19 ~~this or any other state and served one tour of duty and who~~
20 ~~meets the requirements of this paragraph,~~ hear by at least
21 3 members and, with the unanimous vote of a panel of 3
22 members, issue a certificate of eligibility for
23 expungement requiring ~~recommending~~ that the court order
24 the expungement of all official records of the arresting
25 authority, the circuit court clerk, and the Illinois
26 ~~Department of~~ State Police concerning the arrest and

1 conviction for the Class 3 or 4 felony. A person may not
2 apply to the Board for a certificate of eligibility for
3 expungement if convicted of:

4 ~~(A) if convicted of:~~

5 (i) a sex offense described in Article 11 or
6 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
7 the Criminal Code of 1961 or Criminal Code of
8 2012;

9 (ii) an offense under the Criminal Code of
10 1961 or Criminal Code of 2012 involving a firearm;

11 ~~or~~

12 (iii) a crime of violence as defined in
13 Section 2 of the Crime Victims Compensation Act;

14 or

15 (iv) an offense involving domestic violence as
16 defined in Section 112A-3 of the Code of Criminal
17 Procedure of 1963, including aggravated assault,
18 aggravated battery, violation of an order of
19 protection, domestic battery, or aggravated
20 domestic battery.

21 ~~(B) if the person has not served in the United~~
22 ~~States Armed Forces or National Guard of this or any~~
23 ~~other state or has not received an honorable discharge~~
24 ~~from the United States Armed Forces or National Guard~~
25 ~~of this or any other state or who at the time of the~~
26 ~~filing of the petition is serving in the United States~~

1 ~~Armed Forces or National Guard of this or any other~~
2 ~~state and has not completed one tour of duty.~~

3 If a person has applied to the Board for a certificate
4 of eligibility for expungement and the Board denies the
5 certificate, the person must wait at least 4 years before
6 filing again or filing for a pardon with authorization for
7 expungement from the Governor unless the Governor or
8 Chairman of the Prisoner Review Board grants a waiver.

9 (a-5) The Prisoner Review Board, with the cooperation of
10 and in coordination with the Department of Corrections and the
11 Department of Central Management Services, shall implement a
12 pilot project in 3 correctional institutions providing for the
13 conduct of hearings under paragraphs (1) and (4) of subsection
14 (a) of this Section through interactive video conferences. The
15 project shall be implemented within 6 months after January 1,
16 1997 (the effective date of Public Act 89-490) ~~this amendatory~~
17 ~~Act of 1996~~. Within 6 months after the implementation of the
18 pilot project, the Prisoner Review Board, with the cooperation
19 of and in coordination with the Department of Corrections and
20 the Department of Central Management Services, shall report to
21 the Governor and the General Assembly regarding the use,
22 costs, effectiveness, and future viability of interactive
23 video conferences for Prisoner Review Board hearings.

24 (b) Upon recommendation of the Department the Board may
25 restore sentence credit previously revoked.

26 (c) The Board shall cooperate with the Department in

1 promoting an effective system of parole and mandatory
2 supervised release.

3 (d) The Board shall promulgate rules for the conduct of
4 its work, and the Chairman shall file a copy of such rules and
5 any amendments thereto with the Director and with the
6 Secretary of State.

7 (e) The Board shall keep records of all of its official
8 actions and shall make them accessible in accordance with law
9 and the rules of the Board.

10 (f) The Board or one who has allegedly violated the
11 conditions of his or her parole, aftercare release, or
12 mandatory supervised release may require by subpoena the
13 attendance and testimony of witnesses and the production of
14 documentary evidence relating to any matter under
15 investigation or hearing. The Chairman of the Board may sign
16 subpoenas which shall be served by any agent or public
17 official authorized by the Chairman of the Board, or by any
18 person lawfully authorized to serve a subpoena under the laws
19 of the State of Illinois. The attendance of witnesses, and the
20 production of documentary evidence, may be required from any
21 place in the State to a hearing location in the State before
22 the Chairman of the Board or his or her designated agent or
23 agents or any duly constituted Committee or Subcommittee of
24 the Board. Witnesses so summoned shall be paid the same fees
25 and mileage that are paid witnesses in the circuit courts of
26 the State, and witnesses whose depositions are taken and the

1 persons taking those depositions are each entitled to the same
2 fees as are paid for like services in actions in the circuit
3 courts of the State. Fees and mileage shall be vouchered for
4 payment when the witness is discharged from further
5 attendance.

6 In case of disobedience to a subpoena, the Board may
7 petition any circuit court of the State for an order requiring
8 the attendance and testimony of witnesses or the production of
9 documentary evidence or both. A copy of such petition shall be
10 served by personal service or by registered or certified mail
11 upon the person who has failed to obey the subpoena, and such
12 person shall be advised in writing that a hearing upon the
13 petition will be requested in a court room to be designated in
14 such notice before the judge hearing motions or extraordinary
15 remedies at a specified time, on a specified date, not less
16 than 10 nor more than 15 days after the deposit of the copy of
17 the written notice and petition in the U.S. mail ~~mails~~
18 addressed to the person at his or her last known address or
19 after the personal service of the copy of the notice and
20 petition upon such person. The court upon the filing of such a
21 petition, may order the person refusing to obey the subpoena
22 to appear at an investigation or hearing, or to there produce
23 documentary evidence, if so ordered, or to give evidence
24 relative to the subject matter of that investigation or
25 hearing. Any failure to obey such order of the circuit court
26 may be punished by that court as a contempt of court.

1 Each member of the Board and any hearing officer
2 designated by the Board shall have the power to administer
3 oaths and to take the testimony of persons under oath.

4 (g) Except under subsection (a) of this Section, a
5 majority of the members then appointed to the Prisoner Review
6 Board shall constitute a quorum for the transaction of all
7 business of the Board.

8 (h) The Prisoner Review Board shall annually transmit to
9 the Director a detailed report of its work for the preceding
10 calendar year. The annual report shall also be transmitted to
11 the Governor for submission to the Legislature.

12 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20;
13 revised 8-19-20.)