



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5592

Introduced 1/31/2022, by Rep. Lamont J. Robinson, Jr.

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2

Amends the Criminal Identification Act. Provides that notwithstanding any other provision of law to the contrary, on a monthly basis, the Illinois State Police and all law enforcement agencies within the State shall review their arrest records, and based on information in those records, shall identify persons with records of arrest that meet the following criteria: (1) the arrest was for a misdemeanor offense and the charge was dismissed; (2) the arrest was for a misdemeanor offense, there is no indication that criminal proceedings have been initiated, at least one calendar year has elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges that arose, from that arrest; or (3) the arrest was for an offense that is punishable as a Class 4 felony, there is no indication that criminal proceedings have been initiated, at least 3 calendar years have elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges arising, from that arrest. Provides that the law enforcement agency shall destroy all records described in this provision immediately upon their discovery by the law enforcement agency.

LRB102 26095 RLC 35606 b

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 following Sections of the  
 14 Unified Code of Corrections, 730 ILCS 5/5-1-2 through  
 15 5/5-1-22:

16 ~~(i) Business Offense, Section 5-1-2. (730 ILCS~~  
 17 ~~5/5-1-2),~~

18 ~~(ii) Charge, Section 5-1-3. (730 ILCS~~  
 19 ~~5/5-1-3),~~

20 ~~(iii) Court, Section 5-1-6. (730 ILCS~~  
 21 ~~5/5-1-6),~~

22 ~~(iv) Defendant, Section 5-1-7. (730 ILCS~~  
 23 ~~5/5-1-7),~~

- 1           ~~(v) Felony, Section 5-1-9. ~~(730 ILCS 5/5-1-9),~~~~  
2           ~~(vi) Imprisonment, Section 5-1-10. ~~(730 ILCS~~  
3           ~~5/5-1-10),~~  
4           ~~(vii) Judgment, Section 5-1-12. ~~(730 ILCS~~  
5           ~~5/5-1-12),~~  
6           ~~(viii) Misdemeanor, Section 5-1-14. ~~(730 ILCS~~  
7           ~~5/5-1-14),~~  
8           ~~(ix) Offense, Section 5-1-15. ~~(730 ILCS~~  
9           ~~5/5-1-15),~~  
10           ~~(x) Parole, Section 5-1-16. ~~(730 ILCS~~  
11           ~~5/5-1-16),~~  
12           ~~(xi) Petty Offense, Section 5-1-17. ~~(730 ILCS~~  
13           ~~5/5-1-17),~~  
14           ~~(xii) Probation, Section 5-1-18. ~~(730 ILCS~~  
15           ~~5/5-1-18),~~  
16           ~~(xiii) Sentence, Section 5-1-19. ~~(730 ILCS~~  
17           ~~5/5-1-19),~~  
18           ~~(xiv) Supervision, Section 5-1-21. ~~(730 ILCS~~  
19           ~~5/5-1-21), and~~  
20           ~~(xv) Victim, Section 5-1-22. ~~(730 ILCS~~  
21           ~~5/5-1-22).~~~~~~~~~~~~~~~~~~~~~~

22           (B) As used in this Section, "charge not initiated  
23 by arrest" means a charge (as defined by Section 5-1-3  
24 of the Unified Code of Corrections ~~730 ILCS 5/5-1-3)~~  
25 brought against a defendant where the defendant is not  
26 arrested prior to or as a direct result of the charge.

1 (C) "Conviction" means a judgment of conviction or  
2 sentence entered upon a plea of guilty or upon a  
3 verdict or finding of guilty of an offense, rendered  
4 by a legally constituted jury or by a court of  
5 competent jurisdiction authorized to try the case  
6 without a jury. An order of supervision successfully  
7 completed by the petitioner is not a conviction. An  
8 order of qualified probation (as defined in subsection  
9 (a)(1)(J)) successfully completed by the petitioner is  
10 not a conviction. An order of supervision or an order  
11 of qualified probation that is terminated  
12 unsatisfactorily is a conviction, unless the  
13 unsatisfactory termination is reversed, vacated, or  
14 modified and the judgment of conviction, if any, is  
15 reversed or vacated.

16 (D) "Criminal offense" means a petty offense,  
17 business offense, misdemeanor, felony, or municipal  
18 ordinance violation (as defined in subsection  
19 (a)(1)(H)). As used in this Section, a minor traffic  
20 offense (as defined in subsection (a)(1)(G)) shall not  
21 be considered a criminal offense.

22 (E) "Expunge" means to physically destroy the  
23 records or return them to the petitioner and to  
24 obliterate the petitioner's name from any official  
25 index or public record, or both. Nothing in this Act  
26 shall require the physical destruction of the circuit

1 court file, but such records relating to arrests or  
2 charges, or both, ordered expunged shall be impounded  
3 as required by subsections (d)(9)(A)(ii) and  
4 (d)(9)(B)(ii).

5 (F) As used in this Section, "last sentence" means  
6 the sentence, order of supervision, or order of  
7 qualified probation (as defined by subsection  
8 (a)(1)(J)), for a criminal offense (as defined by  
9 subsection (a)(1)(D)) that terminates last in time in  
10 any jurisdiction, regardless of whether the petitioner  
11 has included the criminal offense for which the  
12 sentence or order of supervision or qualified  
13 probation was imposed in his or her petition. If  
14 multiple sentences, orders of supervision, or orders  
15 of qualified probation terminate on the same day and  
16 are last in time, they shall be collectively  
17 considered the "last sentence" regardless of whether  
18 they were ordered to run concurrently.

19 (G) "Minor traffic offense" means a petty offense,  
20 business offense, or Class C misdemeanor under the  
21 Illinois Vehicle Code or a similar provision of a  
22 municipal or local ordinance.

23 (G-5) "Minor Cannabis Offense" means a violation  
24 of Section 4 or 5 of the Cannabis Control Act  
25 concerning not more than 30 grams of any substance  
26 containing cannabis, provided the violation did not

1 include a penalty enhancement under Section 7 of the  
2 Cannabis Control Act and is not associated with an  
3 arrest, conviction or other disposition for a violent  
4 crime as defined in subsection (c) of Section 3 of the  
5 Rights of Crime Victims and Witnesses Act.

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

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

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

1 qualified probation under Section 10-102 of the  
2 Illinois Alcoholism and Other Drug Dependency Act and  
3 Section 40-10 of the Substance Use Disorder Act means  
4 that the probation was terminated satisfactorily and  
5 the judgment of conviction was vacated.

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

17 (L) "Sexual offense committed against a minor"  
18 includes, but is not limited to, the offenses of  
19 indecent solicitation of a child or criminal sexual  
20 abuse when the victim of such offense is under 18 years  
21 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  
15 final 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  
19 law enforcement agency issuing the citation. Commencing  
20 180 days after July 29, 2016 (the effective date of Public  
21 Act 99-697), the clerk of the circuit court shall expunge,  
22 upon order of the court, or in the absence of a court order  
23 on 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 Section 11-501 of the Illinois Vehicle Code or a  
13 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  
18 provision of a local ordinance, that occurred prior to  
19 the offender reaching the age of 25 years and the  
20 offender has no other conviction for violating Section  
21 11-501 or 11-503 of the Illinois Vehicle Code or a  
22 similar 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,  
8 except Section 11-14 and a misdemeanor violation  
9 of Section 11-30 of the Criminal Code of 1961 or  
10 the Criminal Code of 2012, or a similar provision  
11 of a 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  
18 2012, or Section 125 of the Stalking No Contact  
19 Order Act, or Section 219 of the Civil No Contact  
20 Order Act, or a similar provision of a local  
21 ordinance;

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

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

1 (D) (blank).

2 (b) Expungement.

3 (1) A petitioner may petition the circuit court to  
4 expunge the records of his or her arrests and charges not  
5 initiated by arrest when each arrest or charge not  
6 initiated by arrest sought to be expunged resulted in: (i)  
7 acquittal, dismissal, or the petitioner's release without  
8 charging, unless excluded by subsection (a)(3)(B); (ii) a  
9 conviction which was vacated or reversed, unless excluded  
10 by subsection (a)(3)(B); (iii) an order of supervision and  
11 such supervision was successfully completed by the  
12 petitioner, unless excluded by subsection (a)(3)(A) or  
13 (a)(3)(B); or (iv) an order of qualified probation (as  
14 defined in subsection (a)(1)(J)) and such probation was  
15 successfully completed by the petitioner.

16 (1.5) When a petitioner seeks to have a record of  
17 arrest expunged under this Section, and the offender has  
18 been convicted of a criminal offense, the State's Attorney  
19 may object to the expungement on the grounds that the  
20 records contain specific relevant information aside from  
21 the mere fact of the arrest.

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

23 (A) When the arrest or charge not initiated by  
24 arrest sought to be expunged resulted in an acquittal,  
25 dismissal, the petitioner's release without charging,  
26 or the reversal or vacation of a conviction, there is

1 no waiting period to petition for the expungement of  
2 such records.

3 (B) When the arrest or charge not initiated by  
4 arrest sought to be expunged resulted in an order of  
5 supervision, successfully completed by the petitioner,  
6 the following time frames will apply:

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

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

1           petitioner has reached the age of 25 years.

2           (ii) Those arrests or charges that resulted in  
3           orders of supervision for any other offenses shall  
4           not be eligible for expungement until 2 years have  
5           passed following the satisfactory termination of  
6           the supervision.

7           (C) When the arrest or charge not initiated by  
8           arrest sought to be expunged resulted in an order of  
9           qualified probation, successfully completed by the  
10          petitioner, such records shall not be eligible for  
11          expungement until 5 years have passed following the  
12          satisfactory termination of the probation.

13          (3) Those records maintained by the Illinois State  
14          Police Department for persons arrested prior to their 17th  
15          birthday shall be expunged as provided in Section 5-915 of  
16          the Juvenile Court Act of 1987.

17          (4) Whenever a person has been arrested for or  
18          convicted of any offense, in the name of a person whose  
19          identity he or she has stolen or otherwise come into  
20          possession of, the aggrieved person from whom the identity  
21          was stolen or otherwise obtained without authorization,  
22          upon learning of the person having been arrested using his  
23          or her identity, may, upon verified petition to the chief  
24          judge of the circuit wherein the arrest was made, have a  
25          court order entered nunc pro tunc by the Chief Judge to  
26          correct the arrest record, conviction record, if any, and

1 all official records of the arresting authority, the  
2 Illinois State Police Department, other criminal justice  
3 agencies, the prosecutor, and the trial court concerning  
4 such arrest, if any, by removing his or her name from all  
5 such records in connection with the arrest and conviction,  
6 if any, and by inserting in the records the name of the  
7 offender, if known or ascertainable, in lieu of the  
8 aggrieved's name. The records of the circuit court clerk  
9 shall be sealed until further order of the court upon good  
10 cause shown and the name of the aggrieved person  
11 obliterated on the official index required to be kept by  
12 the circuit court clerk under Section 16 of the Clerks of  
13 Courts Act, but the order shall not affect any index  
14 issued by the circuit court clerk before the entry of the  
15 order. Nothing in this Section shall limit the Illinois  
16 ~~Department~~ of State Police or other criminal justice  
17 agencies or prosecutors from listing under an offender's  
18 name the false names he or she has used.

19 (5) Whenever a person has been convicted of criminal  
20 sexual assault, aggravated criminal sexual assault,  
21 predatory criminal sexual assault of a child, criminal  
22 sexual abuse, or aggravated criminal sexual abuse, the  
23 victim of that offense may request that the State's  
24 Attorney of the county in which the conviction occurred  
25 file a verified petition with the presiding trial judge at  
26 the petitioner's trial to have a court order entered to

1 seal the records of the circuit court clerk in connection  
2 with the proceedings of the trial court concerning that  
3 offense. However, the records of the arresting authority  
4 and the Illinois ~~Department of~~ State Police concerning the  
5 offense shall not be sealed. The court, upon good cause  
6 shown, shall make the records of the circuit court clerk  
7 in connection with the proceedings of the trial court  
8 concerning the offense available for public inspection.

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

18 (7) Nothing in this Section shall prevent the Illinois  
19 ~~Department of~~ State Police from maintaining all records of  
20 any person who is admitted to probation upon terms and  
21 conditions and who fulfills those terms and conditions  
22 pursuant to Section 10 of the Cannabis Control Act,  
23 Section 410 of the Illinois Controlled Substances Act,  
24 Section 70 of the Methamphetamine Control and Community  
25 Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified  
26 Code of Corrections, Section 12-4.3 or subdivision (b) (1)

1 of Section 12-3.05 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012, Section 10-102 of the Illinois  
3 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
4 the Substance Use Disorder Act, or Section 10 of the  
5 Steroid Control Act.

6 (8) If the petitioner has been granted a certificate  
7 of innocence under Section 2-702 of the Code of Civil  
8 Procedure, the court that grants the certificate of  
9 innocence shall also enter an order expunging the  
10 conviction for which the petitioner has been determined to  
11 be innocent as provided in subsection (h) of Section 2-702  
12 of the Code of Civil Procedure.

13 (c) Sealing.

14 (1) Applicability. Notwithstanding any other provision  
15 of this Act to the contrary, and cumulative with any  
16 rights to expungement of criminal records, this subsection  
17 authorizes the sealing of criminal records of adults and  
18 of minors prosecuted as adults. Subsection (g) of this  
19 Section provides for immediate sealing of certain records.

20 (2) Eligible Records. The following records may be  
21 sealed:

22 (A) All arrests resulting in release without  
23 charging;

24 (B) Arrests or charges not initiated by arrest  
25 resulting in acquittal, dismissal, or conviction when  
26 the conviction was reversed or vacated, except as



1 excluded by subsection (a) (3) (B);

2 (C) Arrests or charges not initiated by arrest  
3 resulting in orders of supervision, including orders  
4 of supervision for municipal ordinance violations,  
5 successfully completed by the petitioner, unless  
6 excluded by subsection (a) (3);

7 (D) Arrests or charges not initiated by arrest  
8 resulting in convictions, including convictions on  
9 municipal ordinance violations, unless excluded by  
10 subsection (a) (3);

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

18 (F) Arrests or charges not initiated by arrest  
19 resulting in felony convictions unless otherwise  
20 excluded by subsection (a) paragraph (3) of this  
21 Section.

22 (3) When Records Are Eligible to Be Sealed. Records  
23 identified as eligible under subsection (c) (2) may be  
24 sealed as follows:

25 (A) Records identified as eligible under  
26 subsection (c) (2) (A) and (c) (2) (B) may be sealed at

1 any time.

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

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

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

21 (E) Records identified as eligible under  
22 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or  
23 (c)(2)(F) may be sealed upon termination of the  
24 petitioner's last sentence if the petitioner earned a  
25 high school diploma, associate's degree, career  
26 certificate, vocational technical certification, or

1 bachelor's degree, or passed the high school level  
2 Test of General Educational Development, during the  
3 period of his or her sentence or mandatory supervised  
4 release. This subparagraph shall apply only to a  
5 petitioner who has not completed the same educational  
6 goal prior to the period of his or her sentence or  
7 mandatory supervised release. If a petition for  
8 sealing eligible records filed under this subparagraph  
9 is denied by the court, the time periods under  
10 subparagraph (B) or (C) shall apply to any subsequent  
11 petition for sealing filed by the petitioner.

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

20 (5) Notice of eligibility for sealing. Upon entry of a  
21 disposition for an eligible record under this subsection  
22 (c), the petitioner shall be informed by the court of the  
23 right to have the records sealed and the procedures for  
24 the sealing of the records.

25 (d) Procedure. The following procedures apply to  
26 expungement under subsections (b), (e), and (e-6) and sealing

1 under subsections (c) and (e-5):

2 (1) Filing the petition. Upon becoming eligible to  
3 petition for the expungement or sealing of records under  
4 this Section, the petitioner shall file a petition  
5 requesting the expungement or sealing of records with the  
6 clerk of the court where the arrests occurred or the  
7 charges were brought, or both. If arrests occurred or  
8 charges were brought in multiple jurisdictions, a petition  
9 must be filed in each such jurisdiction. The petitioner  
10 shall pay the applicable fee, except no fee shall be  
11 required if the petitioner has obtained a court order  
12 waiving fees under Supreme Court Rule 298 or it is  
13 otherwise waived.

14 (1.5) County fee waiver pilot program. From August 9,  
15 2019 (the effective date of Public Act 101-306) through  
16 December 31, 2020, in a county of 3,000,000 or more  
17 inhabitants, no fee shall be required to be paid by a  
18 petitioner if the records sought to be expunged or sealed  
19 were arrests resulting in release without charging or  
20 arrests or charges not initiated by arrest resulting in  
21 acquittal, dismissal, or conviction when the conviction  
22 was reversed or vacated, unless excluded by subsection  
23 (a)(3)(B). The provisions of this paragraph (1.5), other  
24 than this sentence, are inoperative on and after January  
25 1, 2022.

26 (2) Contents of petition. The petition shall be

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

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

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

23 (B) seal felony records for a violation of the  
24 Illinois Controlled Substances Act, the  
25 Methamphetamine Control and Community Protection Act,  
26 or the Cannabis Control Act under clause (c) (2) (F);

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

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

4 (4) Service of petition. The circuit court clerk shall  
5 promptly serve a copy of the petition and documentation to  
6 support the petition under subsection (e-5) or (e-6) on  
7 the State's Attorney or prosecutor charged with the duty  
8 of prosecuting the offense, the Illinois ~~Department of~~  
9 State Police, the arresting agency and the chief legal  
10 officer of the unit of local government effecting the  
11 arrest.

12 (5) Objections.

13 (A) Any party entitled to notice of the petition  
14 may file an objection to the petition. All objections  
15 shall be in writing, shall be filed with the circuit  
16 court clerk, and shall state with specificity the  
17 basis of the objection. Whenever a person who has been  
18 convicted of an offense is granted a pardon by the  
19 Governor which specifically authorizes expungement, an  
20 objection to the petition may not be filed.

21 (B) Objections to a petition to expunge or seal  
22 must be filed within 60 days of the date of service of  
23 the petition.

24 (6) Entry of order.

25 (A) The Chief Judge of the circuit wherein the  
26 charge was brought, any judge of that circuit

1 designated by the Chief Judge, or in counties of less  
2 than 3,000,000 inhabitants, the presiding trial judge  
3 at the petitioner's trial, if any, shall rule on the  
4 petition to expunge or seal as set forth in this  
5 subsection (d) (6).

6 (B) Unless the State's Attorney or prosecutor, the  
7 Illinois Department ~~of~~ State Police, the arresting  
8 agency, or the chief legal officer files an objection  
9 to the petition to expunge or seal within 60 days from  
10 the date of service of the petition, the court shall  
11 enter an order granting or denying the petition.

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

1 financial obligation to pursue collection under  
2 applicable federal, State, or local law.

3 (7) Hearings. If an objection is filed, the court  
4 shall set a date for a hearing and notify the petitioner  
5 and all parties entitled to notice of the petition of the  
6 hearing date at least 30 days prior to the hearing. Prior  
7 to the hearing, the State's Attorney shall consult with  
8 the Illinois State Police ~~Department~~ as to the  
9 appropriateness of the relief sought in the petition to  
10 expunge or seal. At the hearing, the court shall hear  
11 evidence on whether the petition should or should not be  
12 granted, and shall grant or deny the petition to expunge  
13 or seal the records based on the evidence presented at the  
14 hearing. The court may consider the following:

15 (A) the strength of the evidence supporting the  
16 defendant's conviction;

17 (B) the reasons for retention of the conviction  
18 records by the State;

19 (C) the petitioner's age, criminal record history,  
20 and employment history;

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

24 (E) the specific adverse consequences the  
25 petitioner may be subject to if the petition is  
26 denied.



1           (8) Service of order. After entering an order to  
2 expunge or seal records, the court must provide copies of  
3 the order to the Illinois State Police ~~Department~~, in a  
4 form and manner prescribed by the Illinois State Police  
5 ~~Department~~, to the petitioner, to the State's Attorney or  
6 prosecutor charged with the duty of prosecuting the  
7 offense, to the arresting agency, to the chief legal  
8 officer of the unit of local government effecting the  
9 arrest, and to such other criminal justice agencies as may  
10 be ordered by the court.

11           (9) Implementation of order.

12           (A) Upon entry of an order to expunge records  
13 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or  
14 both:

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

23                   (ii) the records of the circuit court clerk  
24 shall be impounded until further order of the  
25 court upon good cause shown and the name of the  
26 petitioner obliterated on the official index

1 required to be kept by the circuit court clerk  
2 under Section 16 of the Clerks of Courts Act, but  
3 the order shall not affect any index issued by the  
4 circuit court clerk before the entry of the order;  
5 and

6 (iii) in response to an inquiry for expunged  
7 records, the court, the Illinois State Police  
8 ~~Department~~, or the agency receiving such inquiry,  
9 shall reply as it does in response to inquiries  
10 when no records ever existed.

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

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 pursuant to 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 Illinois State Police ~~Department~~ within 60 days of  
5 the date of service of the order as ordered by the  
6 court, unless a motion to vacate, modify, or  
7 reconsider the order is filed pursuant to  
8 paragraph (12) of subsection (d) of this Section;

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

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

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

26 (i) the records shall be expunged (as defined

1 in subsection (a)(1)(E)) by the arresting agency  
2 and any other agency as ordered by the court,  
3 within 60 days of the date of service of the order,  
4 unless a motion to vacate, modify, or reconsider  
5 the order is filed under paragraph (12) of  
6 subsection (d) of this Section;

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

15 (iii) the records shall be impounded by the  
16 Illinois State Police ~~Department~~ within 60 days of  
17 the date of service of the order as ordered by the  
18 court, unless a motion to vacate, modify, or  
19 reconsider the order is filed under paragraph (12)  
20 of subsection (d) of this Section;

21 (iv) records impounded by the Illinois State  
22 Police ~~Department~~ may be disseminated by the  
23 Illinois State Police ~~Department~~ only as required  
24 by law or to the arresting authority, the State's  
25 Attorney, and the court upon a later arrest for  
26 the same or a similar offense or for the purpose of

1 sentencing for any subsequent felony, and to the  
2 Department of Corrections upon conviction for any  
3 offense; and

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

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

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

1        Police Department to expunge or seal records. In the  
2        event of an appeal from the circuit court order, the  
3        Illinois State Police Department shall send written  
4        notice to the petitioner of its compliance with an  
5        Appellate Court or Supreme Court judgment to expunge  
6        or seal records within 60 days of the issuance of the  
7        court's mandate. The notice is not required while any  
8        motion to vacate, modify, or reconsider, or any appeal  
9        or petition for discretionary appellate review, is  
10       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 Illinois State Police ~~Department~~ may  
6 charge the petitioner a fee equivalent to the cost of  
7 processing any order to expunge or seal records.  
8 Notwithstanding any provision of the Clerks of Courts Act  
9 to the contrary, the circuit court clerk may charge a fee  
10 equivalent to the cost associated with the sealing or  
11 expungement of records by the circuit court clerk. From  
12 the total filing fee collected for the petition to seal or  
13 expunge, the circuit court clerk shall deposit \$10 into  
14 the Circuit Court Clerk Operation and Administrative Fund,  
15 to be used to offset the costs incurred by the circuit  
16 court clerk in performing the additional duties required  
17 to serve the petition to seal or expunge on all parties.  
18 The circuit court clerk shall collect and remit the  
19 Illinois ~~Department of~~ State Police portion of the fee to  
20 the State Treasurer and it shall be deposited in the State  
21 Police Services Fund. If the record brought under an  
22 expungement petition was previously sealed under this  
23 Section, the fee for the expungement petition for that  
24 same record shall be waived.

25 (11) Final Order. No court order issued under the  
26 expungement or sealing provisions of this Section shall

1           become final for purposes of appeal until 30 days after  
2           service of the order on the petitioner and all parties  
3           entitled to notice of the petition.

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

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

25          (14) Compliance with Order Granting Petition to Seal  
26          Records. Unless a court has entered a stay of an order



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

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

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

22 (e) Whenever a person who has been convicted of an offense  
23 is granted a pardon by the Governor which specifically  
24 authorizes expungement, he or she may, upon verified petition  
25 to the Chief Judge of the circuit where the person had been  
26 convicted, any judge of the circuit designated by the Chief

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

25 (e-5) Whenever a person who has been convicted of an  
26 offense is granted a certificate of eligibility for sealing by

1 the Prisoner Review Board which specifically authorizes  
2 sealing, 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 sealing the record of arrest from the official records  
8 of the arresting authority and order that the records of the  
9 circuit court clerk and the Illinois State Police ~~Department~~  
10 be sealed until further order of the court upon good cause  
11 shown or as otherwise provided herein, and the name of the  
12 petitioner obliterated from the official index requested to be  
13 kept by the circuit court clerk under Section 16 of the Clerks  
14 of Courts Act in connection with the arrest and conviction for  
15 the offense for which he or she had been granted the  
16 certificate but the order shall not affect any index issued by  
17 the circuit court clerk before the entry of the order. All  
18 records sealed by the Illinois State Police ~~Department~~ may be  
19 disseminated by the Illinois State Police ~~Department~~ only as  
20 required by this Act or to the arresting authority, a law  
21 enforcement agency, the State's Attorney, and the court upon a  
22 later arrest for the same or similar offense or for the purpose  
23 of sentencing for any subsequent felony. Upon conviction for  
24 any subsequent offense, the Department of Corrections shall  
25 have access to all sealed records of the Illinois State Police  
26 ~~Department~~ pertaining to that individual. Upon entry of the

1 order of sealing, the circuit court clerk shall promptly mail  
2 a copy of the order to the person who was granted the  
3 certificate of eligibility for sealing.

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

1 the court upon a later arrest for the same or similar offense  
2 or for the purpose of sentencing for any subsequent felony.  
3 Upon conviction for any subsequent offense, the Department of  
4 Corrections shall have access to all expunged records of the  
5 Illinois State Police ~~Department~~ pertaining to that  
6 individual. Upon entry of the order of expungement, the  
7 circuit court clerk shall promptly mail a copy of the order to  
8 the person who was granted the certificate of eligibility for  
9 expungement.

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

22 (g) Immediate Sealing.

23 (1) Applicability. Notwithstanding any other provision  
24 of this Act to the contrary, and cumulative with any  
25 rights to expungement or sealing of criminal records, this  
26 subsection authorizes the immediate sealing of criminal

1 records of adults and of minors prosecuted as adults.

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

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

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

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

23 (A) Filing the Petition. Upon entry of the final  
24 disposition of the case, the defendant's attorney may  
25 immediately petition the court, on behalf of the  
26 defendant, for immediate sealing of eligible records

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

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

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

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

24 (E) Entry of Order. The presiding trial judge  
25 shall enter an order granting or denying the petition  
26 for immediate sealing during the hearing in which it

1 is filed. Petitions for immediate sealing shall be  
2 ruled on in the same hearing in which the final  
3 disposition of the case is entered.

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

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

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

13 (I) Fees. The fee imposed by the circuit court  
14 clerk and the Illinois ~~Department of~~ State Police  
15 shall comply with paragraph (1) of subsection (d) of  
16 this Section.

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

22 (K) Motion to Vacate, Modify, or Reconsider. Under  
23 Section 2-1203 of the Code of Civil Procedure, the  
24 petitioner, State's Attorney, or the Illinois  
25 ~~Department of~~ State Police may file a motion to  
26 vacate, modify, or reconsider the order denying the



1 petition to immediately seal within 60 days of service  
2 of the order. If filed more than 60 days after service  
3 of the order, a petition to vacate, modify, or  
4 reconsider shall comply with subsection (c) of Section  
5 2-1401 of the Code of Civil Procedure.

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

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

21 (h) Sealing; trafficking victims.

22 (1) A trafficking victim as defined by paragraph (10)  
23 of subsection (a) of Section 10-9 of the Criminal Code of  
24 2012 shall be eligible to petition for immediate sealing  
25 of his or her criminal record upon the completion of his or  
26 her last sentence if his or her participation in the

1           underlying offense was a direct result of human  
2           trafficking under Section 10-9 of the Criminal Code of  
3           2012 or a severe form of trafficking under the federal  
4           Trafficking Victims Protection Act.

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

15          (3) If an objection is filed alleging that the  
16          petitioner is not entitled to immediate sealing under this  
17          subsection (h), the court shall conduct a hearing under  
18          paragraph (7) of subsection (d) of this Section and the  
19          court shall determine whether the petitioner is entitled  
20          to immediate sealing under this subsection (h). A  
21          petitioner is eligible for immediate relief under this  
22          subsection (h) if he or she shows, by a preponderance of  
23          the evidence, that: (A) he or she was a victim of human  
24          trafficking at the time of the offense; and (B) that his or  
25          her participation in the offense was a direct result of  
26          human trafficking under Section 10-9 of the Criminal Code

1 of 2012 or a severe form of trafficking under the federal  
2 Trafficking Victims Protection Act.

3 (i) Minor Cannabis Offenses under the Cannabis Control  
4 Act.

5 (1) Expungement of Arrest Records of Minor Cannabis  
6 Offenses.

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

14 (i) One year or more has elapsed since the  
15 date of the arrest or law enforcement interaction  
16 documented in the records; and

17 (ii) No criminal charges were filed relating  
18 to the arrest or law enforcement interaction or  
19 criminal charges were filed and subsequently  
20 dismissed or vacated or the arrestee was  
21 acquitted.

22 (B) If the law enforcement agency is unable to  
23 verify satisfaction of condition (ii) in paragraph  
24 (A), records that satisfy condition (i) in paragraph  
25 (A) shall be automatically expunged.

26 (C) Records shall be expunged by the law

1 enforcement agency under the following timelines:

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

6 (ii) Records created prior to January 1, 2013,  
7 but on or after January 1, 2000, shall be  
8 automatically expunged prior to January 1, 2023;

9 (iii) Records created prior to January 1, 2000  
10 shall be automatically expunged prior to January  
11 1, 2025.

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

19 (D) Nothing in this Section shall be construed to  
20 restrict or modify an individual's right to have that  
21 individual's records expunged except as otherwise may  
22 be provided in this Act, or diminish or abrogate any  
23 rights or remedies otherwise available to the  
24 individual.

25 (2) Pardons Authorizing Expungement of Minor Cannabis  
26 Offenses.

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

6           (i) one or more convictions for a Minor  
7 Cannabis Offense;

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

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

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

21           (i) The Prisoner Review Board shall notify the  
22 State's Attorney of the county of conviction of  
23 each record identified by State Police in  
24 paragraph (2)(A) that is classified as a Class 4  
25 felony. The State's Attorney may provide a written  
26 objection to the Prisoner Review Board on the sole

1 basis that the record identified does not meet the  
2 criteria established in paragraph (2) (A). Such an  
3 objection must be filed within 60 days or by such  
4 later date set by the Prisoner Review Board in the  
5 notice after the State's Attorney received notice  
6 from the Prisoner Review Board.

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

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

18 (C) If an individual has been granted a pardon  
19 authorizing expungement as described in this Section,  
20 the Prisoner Review Board, through the Attorney  
21 General, shall file a petition for expungement with  
22 the Chief Judge of the circuit or any judge of the  
23 circuit designated by the Chief Judge where the  
24 individual had been convicted. Such petition may  
25 include more than one individual. Whenever an  
26 individual who has been convicted of an offense is

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

24 (D) Nothing in this Section is intended to  
25 diminish or abrogate any rights or remedies otherwise  
26 available to the individual.

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



1 file a motion to vacate and expunge under this subsection  
2 may file motions to vacate and expunge with the Chief  
3 Judge of a judicial circuit or any judge of the circuit  
4 designated by the Chief Judge, and the motion may include  
5 more than one individual. Motions filed by an agency  
6 providing civil legal aid concerning more than one  
7 individual may be prepared, presented, and signed  
8 electronically.

9 (4) Any State's Attorney may file a motion to vacate  
10 and expunge a conviction for a misdemeanor or Class 4  
11 felony violation of Section 4 or Section 5 of the Cannabis  
12 Control Act. Motions to vacate and expunge under this  
13 subsection (i) may be filed with the circuit court, Chief  
14 Judge of a judicial circuit or any judge of the circuit  
15 designated by the Chief Judge, and may include more than  
16 one individual. Motions filed by a State's Attorney  
17 concerning more than one individual may be prepared,  
18 presented, and signed electronically. When considering  
19 such a motion to vacate and expunge, a court shall  
20 consider the following: the reasons to retain the records  
21 provided by law enforcement, the individual's age, the  
22 individual's age at the time of offense, the time since  
23 the conviction, and the specific adverse consequences if  
24 denied. Upon entry of an order granting a motion to vacate  
25 and expunge records pursuant to this Section, the State's  
26 Attorney shall notify the Prisoner Review Board within 30

1 days. Upon entry of the order of expungement, the circuit  
2 court clerk shall promptly provide a copy of the order and  
3 a certificate of disposition to the individual whose  
4 records will be expunged to the individual's last known  
5 address or by electronic means (if available) or otherwise  
6 make available to the individual upon request. If a motion  
7 to vacate and expunge is granted, the records shall be  
8 expunged in accordance with subparagraphs (d)(8) and  
9 (d)(9)(A) of this Section.

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

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

1           been sentenced of the minor cannabis violation eligible  
2           for expungement under this subsection, the court shall  
3           consider the following: the reasons to retain the records  
4           provided by law enforcement, the petitioner's age, the  
5           petitioner's age at the time of offense, the time since  
6           the conviction, and the specific adverse consequences if  
7           denied. If a motion to dismiss and expunge is granted, the  
8           records shall be expunged in accordance with subparagraph  
9           (d) (9) (A) of this Section.

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

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

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

23           (10) Effect of Expungement. A person's right to  
24           expunge an expungeable offense shall not be limited under  
25           this Section. The effect of an order of expungement shall  
26           be to restore the person to the status he or she occupied

1 before the arrest, charge, or conviction.

2 (11) Information. The Illinois ~~Department of~~ State  
3 Police shall post general information on its website about  
4 the expungement process described in this subsection (i).

5 (j) Felony Prostitution Convictions.

6 (1) Any individual may file a motion to vacate and  
7 expunge a conviction for a prior Class 4 felony violation  
8 of prostitution. Motions to vacate and expunge under this  
9 subsection (j) 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. When considering the motion  
12 to vacate and expunge, a court shall consider the  
13 following:

14 (A) the reasons to retain the records provided by  
15 law enforcement;

16 (B) the petitioner's age;

17 (C) the petitioner's age at the time of offense;

18 and

19 (D) the time since the conviction, and the  
20 specific adverse consequences if denied. An individual  
21 may file the petition after the completion of any  
22 sentence or condition imposed by the conviction.  
23 Within 60 days of the filing of the motion, a State's  
24 Attorney may file an objection to the petition along  
25 with supporting evidence. If a motion to vacate and  
26 expunge is granted, the records shall be expunged in

1           accordance with subparagraph (d)(9)(A) of this  
2           Section. An agency providing civil legal aid, as  
3           defined in Section 15 of the Public Interest Attorney  
4           Assistance Act, assisting individuals seeking to file  
5           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  
9           include more than one individual.

10           (2) Any State's Attorney may file a motion to vacate  
11           and expunge a conviction for a Class 4 felony violation of  
12           prostitution. Motions to vacate and expunge under this  
13           subsection (j) may be filed with the circuit court, Chief  
14           Judge of a judicial circuit, or any judge of the circuit  
15           court designated by the Chief Judge, and may include more  
16           than one individual. When considering the motion to vacate  
17           and expunge, a court shall consider the following reasons:

18                   (A) the reasons to retain the records provided by  
19           law enforcement;

20                   (B) the petitioner's age;

21                   (C) the petitioner's age at the time of offense;

22                   (D) the time since the conviction; and

23                   (E) the specific adverse consequences if denied.

24           If the State's Attorney files a motion to vacate and  
25           expunge records for felony prostitution convictions  
26           pursuant to this Section, the State's Attorney shall

1 notify the Prisoner Review Board within 30 days of the  
2 filing. If a motion to vacate and expunge is granted, the  
3 records shall be expunged in accordance with subparagraph  
4 (d) (9) (A) of this Section.

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

9 (4) The Illinois State Police shall allow a person to  
10 use the access and review process, established in the  
11 Illinois State Police, for verifying that his or her  
12 records relating to felony prostitution eligible under  
13 this Section have been expunged.

14 (5) No conviction vacated pursuant to this Section  
15 shall serve as the basis for damages for time unjustly  
16 served as provided in the Court of Claims Act.

17 (6) Effect of Expungement. A person's right to expunge  
18 an expungeable offense shall not be limited under this  
19 Section. The effect of an order of expungement shall be to  
20 restore the person to the status he or she occupied before  
21 the arrest, charge, or conviction.

22 (7) Information. The Illinois State Police shall post  
23 general information on its website about the expungement  
24 process described in this subsection (j).

25 (k) (1) Notwithstanding any other provision of law to the  
26 contrary, on a monthly basis, the Illinois State Police and

1 all law enforcement agencies within this State shall review  
2 their records described in Section 2.1, and based on  
3 information in those records, shall identify persons with  
4 records of arrest that meet the criteria set forth in  
5 paragraph (2) and are eligible for automatic expungement or  
6 sealing of their arrest records.

7 (2) A person is eligible for automatic expungement or  
8 sealing pursuant to this subsection (k), if the arrest  
9 occurred on or after January 1, 1973, and meets any of the  
10 following conditions:

11 (A) the arrest was for a misdemeanor offense and the  
12 charge was dismissed;

13 (B) the arrest was for a misdemeanor offense, there is  
14 no indication that criminal proceedings have been  
15 initiated, at least one calendar year has elapsed since  
16 the date of the arrest, and no conviction occurred, or the  
17 arrestee was acquitted of any charges that arose, from  
18 that arrest; or

19 (C) the arrest was for an offense that is punishable  
20 as a Class 4 felony, there is no indication that criminal  
21 proceedings have been initiated, at least 3 calendar years  
22 have elapsed since the date of the arrest, and no  
23 conviction occurred, or the arrestee was acquitted of any  
24 charges arising, from that arrest.

25 The law enforcement agency shall destroy all records  
26 described in paragraph (2) immediately upon their discovery by

1 the law enforcement agency.

2 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
3 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.  
4 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;  
5 102-558, 8-20-21; 102-639, eff. 8-27-21; revised 10-5-21.)