



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB0028

Introduced 1/12/2023, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2
730 ILCS 5/3-3-2

from Ch. 38, par. 1003-3-2

Amends the Unified Code of Corrections relating to certificates of expungement for Class 3 and 4 felonies. Eliminates the requirement that a certificate of expungement may only be issued to a person who has served in the United States Armed Forces or National Guard of this or any other state and had received an honorable discharge from the United States Armed Forces or National Guard or who at the time of filing the petition is enlisted in the United States Armed Forces or National Guard of this or any other state and served one tour of duty and who meets the requirements of this provision. Expands the offenses ineligible for a certificate of expungement to include offenses involving domestic violence as defined in the Protective Orders Article of the Code of Criminal Procedure of 1963, including aggravated assault, aggravated battery, violation of an order of protection, domestic battery, or aggravated domestic battery. Amends the Criminal Identification Act. Provides that, notwithstanding the eligibility requirements of the expungement provisions, upon the issuance of a certificate of expungement by the Prisoner Review Board under the Unified Code of Corrections, the circuit court shall automatically expunge all records of arrests or charges not initiated by arrest and all court records that resulted in the conviction for the Class 3 or Class 4 felony listed in the certificate of expungement.

LRB103 03518 RLC 48524 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 (Text of Section before amendment by P.A. 102-933)

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

9 (a) General Provisions.

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

13 (A) The following terms shall have the meanings
14 ascribed to them in the following Sections of the
15 Unified Code of Corrections:

16 Business Offense, Section 5-1-2.

17 Charge, Section 5-1-3.

18 Court, Section 5-1-6.

19 Defendant, Section 5-1-7.

20 Felony, Section 5-1-9.

21 Imprisonment, Section 5-1-10.

22 Judgment, Section 5-1-12.

23 Misdemeanor, Section 5-1-14.

1 Offense, Section 5-1-15.
2 Parole, Section 5-1-16.
3 Petty Offense, Section 5-1-17.
4 Probation, Section 5-1-18.
5 Sentence, Section 5-1-19.
6 Supervision, Section 5-1-21.
7 Victim, Section 5-1-22.

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

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

1 reversed or vacated.

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

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

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

1 of qualified probation terminate on the same day and
2 are last in time, they shall be collectively
3 considered the "last sentence" regardless of whether
4 they were ordered to run concurrently.

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

9 (G-5) "Minor Cannabis Offense" means a violation
10 of Section 4 or 5 of the Cannabis Control Act
11 concerning not more than 30 grams of any substance
12 containing cannabis, provided the violation did not
13 include a penalty enhancement under Section 7 of the
14 Cannabis Control Act and is not associated with an
15 arrest, conviction or other disposition for a violent
16 crime as defined in subsection (c) of Section 3 of the
17 Rights of Crime Victims and Witnesses Act.

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

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

26 (J) "Qualified probation" means an order of

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

18 (K) "Seal" means to physically and electronically
19 maintain the records, unless the records would
20 otherwise be destroyed due to age, but to make the
21 records unavailable without a court order, subject to
22 the exceptions in Sections 12 and 13 of this Act. The
23 petitioner's name shall also be obliterated from the
24 official index required to be kept by the circuit
25 court clerk under Section 16 of the Clerks of Courts
26 Act, but any index issued by the circuit court clerk

1 before the entry of the order to seal shall not be
2 affected.

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

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

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

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

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

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

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

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

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

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

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

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

1 local ordinance;

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

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

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

13 (D) (blank).

14 (b) Expungement.

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

1 successfully completed by the petitioner.

2 (1.5) When a petitioner seeks to have a record of
3 arrest expunged under this Section, and the offender has
4 been convicted of a criminal offense, the State's Attorney
5 may object to the expungement on the grounds that the
6 records contain specific relevant information aside from
7 the mere fact of the arrest.

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

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

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

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

1 passed following the satisfactory termination of
2 the supervision.

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

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

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

25 (3) Those records maintained by the Illinois State
26 Police for persons arrested prior to their 17th birthday

1 shall be expunged as provided in Section 5-915 of the
2 Juvenile Court Act of 1987.

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

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

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

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

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

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

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

25 (c) Sealing.

26 (1) Applicability. Notwithstanding any other provision

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (1.5) County fee waiver pilot program. From August 9,
2 2019 (the effective date of Public Act 101-306) through
3 December 31, 2020, in a county of 3,000,000 or more
4 inhabitants, no fee shall be required to be paid by a
5 petitioner if the records sought to be expunged or sealed
6 were arrests resulting in release without charging or
7 arrests or charges not initiated by arrest resulting in
8 acquittal, dismissal, or conviction when the conviction
9 was reversed or vacated, unless excluded by subsection
10 (a)(3)(B). The provisions of this paragraph (1.5), other
11 than this sentence, are inoperative on and after January
12 1, 2022.

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

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

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

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

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

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

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

24 (5) Objections.

25 (A) Any party entitled to notice of the petition
26 may file an objection to the petition. All objections

1 shall be in writing, shall be filed with the circuit
2 court clerk, and shall state with specificity the
3 basis of the objection. Whenever a person who has been
4 convicted of an offense is granted a pardon by the
5 Governor which specifically authorizes expungement, an
6 objection to the petition may not be filed.

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

10 (6) Entry of order.

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

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

24 (C) Notwithstanding any other provision of law,
25 the court shall not deny a petition for sealing under
26 this Section because the petitioner has not satisfied

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

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

1 (A) the strength of the evidence supporting the
2 defendant's conviction;

3 (B) the reasons for retention of the conviction
4 records by the State;

5 (C) the petitioner's age, criminal record history,
6 and employment history;

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

10 (E) the specific adverse consequences the
11 petitioner may be subject to if the petition is
12 denied.

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

22 (9) Implementation of order.

23 (A) Upon entry of an order to expunge records
24 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
25 both:

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

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

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

17 (iii) in response to an inquiry for expunged
18 records, the court, the Illinois State Police, or
19 the agency receiving such inquiry, shall reply as
20 it does in response to inquiries when no records
21 ever existed.

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

25 (i) the records shall be expunged (as defined
26 in subsection (a)(1)(E)) by the arresting agency

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

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

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

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

1 Corrections upon conviction for any offense; and

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

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

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

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

25 (iii) the records shall be impounded by the
26 Illinois State Police within 60 days of the date

1 of service of the order as ordered by the court,
2 unless a motion to vacate, modify, or reconsider
3 the order is filed under paragraph (12) of
4 subsection (d) of this Section;

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

13 (v) in response to an inquiry for these
14 records from anyone not authorized by law to
15 access the records, the court, the Illinois State
16 Police, or the agency receiving the inquiry shall
17 reply as it does in response to inquiries when no
18 records ever existed.

19 (C) Upon entry of an order to seal records under
20 subsection (c), the arresting agency, any other agency
21 as ordered by the court, the Illinois State Police,
22 and the court shall seal the records (as defined in
23 subsection (a)(1)(K)). In response to an inquiry for
24 such records, from anyone not authorized by law to
25 access such records, the court, the Illinois State
26 Police, or the agency receiving such inquiry shall

1 reply as it does in response to inquiries when no
2 records ever existed.

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

19 (E) Upon motion, the court may order that a sealed
20 judgment or other court record necessary to
21 demonstrate the amount of any legal financial
22 obligation due and owing be made available for the
23 limited purpose of collecting any legal financial
24 obligations owed by the petitioner that were
25 established, imposed, or originated in the criminal
26 proceeding for which those records have been sealed.

1 The records made available under this subparagraph (E)
2 shall not be entered into the official index required
3 to be kept by the circuit court clerk under Section 16
4 of the Clerks of Courts Act and shall be immediately
5 re-impounded upon the collection of the outstanding
6 financial obligations.

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

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

1 Police portion of the fee to the State Treasurer and it
2 shall be deposited in the State Police Services Fund. If
3 the record brought under an expungement petition was
4 previously sealed under this Section, the fee for the
5 expungement petition for that same record shall be waived.

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

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

23 (13) Effect of Order. An order granting a petition
24 under the expungement or sealing provisions of this
25 Section shall not be considered void because it fails to
26 comply with the provisions of this Section or because of

1 any error asserted in a motion to vacate, modify, or
2 reconsider. The circuit court retains jurisdiction to
3 determine whether the order is voidable and to vacate,
4 modify, or reconsider its terms based on a motion filed
5 under paragraph (12) of this subsection (d).

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

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

24 (16) The changes to this subsection (d) made by Public
25 Act 98-163 apply to all petitions pending on August 5,
26 2013 (the effective date of Public Act 98-163) and to all

1 orders ruling on a petition to expunge or seal on or after
2 August 5, 2013 (the effective date of Public Act 98-163).

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

1 records of the Illinois State Police pertaining to that
2 individual. Upon entry of the order of expungement, the
3 circuit court clerk shall promptly mail a copy of the order to
4 the person who was pardoned.

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

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

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

1 certificate but the order shall not affect any index issued by
2 the circuit court clerk before the entry of the order. All
3 records sealed by the Illinois State Police may be
4 disseminated by the Illinois State Police only as required by
5 this Act or to the arresting authority, a law enforcement
6 agency, the State's Attorney, and the court upon a later
7 arrest for the same or similar offense or for the purpose of
8 sentencing for any subsequent felony. Upon conviction for any
9 subsequent offense, the Department of Corrections shall have
10 access to all expunged records of the Illinois State Police
11 pertaining to that individual. Upon entry of the order of
12 expungement, the circuit court clerk shall promptly mail a
13 copy of the order to the person who was granted the certificate
14 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 Illinois State Police shall comply with
20 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 Illinois State
3 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 Illinois 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 Illinois State Police be expunged
14 and the name of the defendant obliterated from the
15 official index requested to be kept by the circuit
16 court clerk under Section 16 of the Clerks of Courts
17 Act in connection with the arrest and conviction for
18 the offense for which the individual had received a
19 pardon but the order shall not affect any index issued
20 by the circuit court clerk before the entry of the
21 order. Upon entry of the order of expungement, the
22 circuit court clerk shall promptly provide a copy of
23 the order and a certificate of disposition to the
24 individual who was pardoned to the individual's last
25 known address or by electronic means (if available) or
26 otherwise make it available to the individual upon

1 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 Illinois State Police shall allow a person to
19 use the access and review process, established in the
20 Illinois State Police, for verifying that his or her
21 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 Illinois State Police shall post
7 general information on its website about the expungement
8 process described in this subsection (i).

9 (j) Felony Prostitution Convictions.

10 (1) Any individual may file a motion to vacate and
11 expunge a conviction for a prior Class 4 felony violation
12 of 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 designated by the Chief Judge. When considering the motion
16 to vacate and expunge, a court shall consider the
17 following:

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 and

23 (D) the time since the conviction, and the
24 specific adverse consequences if denied. An individual
25 may file the petition after the completion of any
26 sentence or condition imposed by the conviction.

1 Within 60 days of the filing of the motion, a State's
2 Attorney may file an objection to the petition along
3 with supporting evidence. If a motion to vacate and
4 expunge is granted, the records shall be expunged in
5 accordance with subparagraph (d)(9)(A) of this
6 Section. An agency providing civil legal aid, as
7 defined in Section 15 of the Public Interest Attorney
8 Assistance Act, assisting individuals seeking to file
9 a motion to vacate and expunge under this subsection
10 may file motions to vacate and expunge with the Chief
11 Judge of a judicial circuit or any judge of the circuit
12 designated by the Chief Judge, and the motion may
13 include more than one individual.

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

22 (A) the reasons to retain the records provided by
23 law enforcement;

24 (B) the petitioner's age;

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

26 (D) the time since the conviction; and

1 (E) the specific adverse consequences if denied.

2 If the State's Attorney files a motion to vacate and
3 expunge records for felony prostitution convictions
4 pursuant to this Section, the State's Attorney shall
5 notify the Prisoner Review Board within 30 days of the
6 filing. If a motion to vacate and expunge is granted, the
7 records shall be expunged in accordance with subparagraph
8 (d) (9) (A) of this Section.

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

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

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

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

26 (7) Information. The Illinois State Police shall post

1 general information on its website about the expungement
2 process described in this subsection (j).

3 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
4 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
5 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
6 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
7 5-13-22; revised 8-19-22.)

8 (Text of Section after amendment by P.A. 102-933)

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

10 (a) General Provisions.

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

14 (A) The following terms shall have the meanings
15 ascribed to them in the following Sections of the
16 Unified Code of Corrections:

17 Business Offense, Section 5-1-2.

18 Charge, Section 5-1-3.

19 Court, Section 5-1-6.

20 Defendant, Section 5-1-7.

21 Felony, Section 5-1-9.

22 Imprisonment, Section 5-1-10.

23 Judgment, Section 5-1-12.

24 Misdemeanor, Section 5-1-14.

25 Offense, Section 5-1-15.

1 Parole, Section 5-1-16.
2 Petty Offense, Section 5-1-17.
3 Probation, Section 5-1-18.
4 Sentence, Section 5-1-19.
5 Supervision, Section 5-1-21.
6 Victim, Section 5-1-22.

7 (B) As used in this Section, "charge not initiated
8 by arrest" means a charge (as defined by Section 5-1-3
9 of the Unified Code of Corrections) brought against a
10 defendant where the defendant is not arrested prior to
11 or as a direct 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) Section ~~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 Illinois State
8 Police for persons arrested prior to their 17th birthday
9 shall be expunged as provided in Section 5-915 of the
10 Juvenile 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 Illinois State Police, other criminal justice agencies,
23 the prosecutor, and the trial court concerning such
24 arrest, if any, by removing his or her name from all such
25 records in connection with the arrest and conviction, if
26 any, and by inserting in the records the name of the

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

1 with the proceedings of the trial court concerning the
2 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 Illinois
13 State Police from maintaining all records of any person
14 who is admitted to probation upon terms and conditions and
15 who fulfills those terms and conditions pursuant to
16 Section 10 of the Cannabis Control Act, Section 410 of the
17 Illinois Controlled Substances Act, Section 70 of the
18 Methamphetamine Control and Community Protection Act,
19 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
20 Corrections, Section 12-4.3 or subdivision (b)(1) of
21 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 subsections ~~subsection~~ (c) (2) (A) and (c) (2) (B) may be
21 sealed at 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 subsection ~~subsections~~ (c)(2)(C), (c)(2)(D),
17 (c)(2)(E), or (c)(2)(F) may be sealed upon termination
18 of the petitioner's last sentence if the petitioner
19 earned a high school diploma, associate's degree,
20 career certificate, vocational technical
21 certification, or bachelor's degree, or passed the
22 high school level Test of General Educational
23 Development, during the period of his or her sentence
24 or mandatory supervised release. This subparagraph
25 shall apply only to a petitioner who has not completed
26 the same educational goal prior to the period of his or

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

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

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

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

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

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

9 (1.5) County fee waiver pilot program. From August 9,
10 2019 (the effective date of Public Act 101-306) through
11 December 31, 2020, in a county of 3,000,000 or more
12 inhabitants, no fee shall be required to be paid by a
13 petitioner if the records sought to be expunged or sealed
14 were arrests resulting in release without charging or
15 arrests or charges not initiated by arrest resulting in
16 acquittal, dismissal, or conviction when the conviction
17 was reversed or vacated, unless excluded by subsection
18 (a)(3)(B). The provisions of this paragraph (1.5), other
19 than this sentence, are inoperative on and after January
20 1, 2022.

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

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

9 (3) Drug test. The petitioner must attach to the
10 petition proof that the petitioner has taken within 30
11 days before the filing of the petition a test showing the
12 absence within his or her body of all illegal substances
13 as defined by the Illinois Controlled Substances Act and
14 the Methamphetamine Control and Community Protection Act
15 if he or she 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 Illinois State Police, the
3 arresting agency and the chief legal officer of the unit
4 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 Illinois State Police, the arresting agency, or the

1 chief legal officer files an objection to the petition
2 to expunge or seal within 60 days from the date of
3 service of the petition, the court shall enter an
4 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 (D) Notwithstanding any other provision of law,
23 the court shall not deny a petition to expunge or seal
24 under this Section because the petitioner has
25 submitted a drug test taken within 30 days before the
26 filing of the petition to expunge or seal that

1 indicates a positive test for the presence of cannabis
2 within the petitioner's body. In this subparagraph
3 (D), "cannabis" has the meaning ascribed to it in
4 Section 3 of the Cannabis Control Act.

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

17 (A) the strength of the evidence supporting the
18 defendant's conviction;

19 (B) the reasons for retention of the conviction
20 records by the State;

21 (C) the petitioner's age, criminal record history,
22 and employment history;

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

26 (E) the specific adverse consequences the

1 petitioner may be subject to if the petition is
2 denied.

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

12 (9) Implementation of order.

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

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

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

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

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

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

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

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

1 under Section 16 of the Clerks of Courts Act, but
2 the order shall not affect any index issued by the
3 circuit court clerk before the entry of the order;

4 (iii) the records shall be impounded by the
5 Illinois State Police within 60 days of the date
6 of service of the order as ordered by the court,
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 (iv) records impounded by the Illinois State
11 Police may be disseminated by the Illinois State
12 Police only as required by law or to the arresting
13 authority, the State's Attorney, and the court
14 upon a later arrest for the same or a similar
15 offense or for the purpose of sentencing for any
16 subsequent felony, and to the Department of
17 Corrections upon conviction for any 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, or
21 the agency receiving such inquiry shall reply as
22 it does in response to inquiries when no records
23 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 within 60 days of the date
17 of service of the order as ordered by the court,
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 (iv) records impounded by the Illinois State
22 Police may be disseminated by the Illinois State
23 Police only as required by law or to the arresting
24 authority, the State's Attorney, and the court
25 upon a later arrest for the same or a similar
26 offense or for the purpose of sentencing for any

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

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

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

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

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

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

23 (F) Notwithstanding any other provision of this
24 Section, a circuit court clerk may access a sealed
25 record for the limited purpose of collecting payment
26 for any legal financial obligations that were

1 established, imposed, or originated in the criminal
2 proceedings for which those records have been sealed.

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

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

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

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

22 (14) Compliance with Order Granting Petition to Seal
23 Records. Unless a court has entered a stay of an order
24 granting a petition to seal, all parties entitled to
25 notice of the petition must fully comply with the terms of
26 the order within 60 days of service of the order even if a

1 party is seeking relief from the order through a motion
2 filed under paragraph (12) of this subsection (d) or is
3 appealing the order.

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

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

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

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

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

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

26 (e-6) Whenever a person who has been convicted of an

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

1 pertaining to that individual. Upon entry of the order of
2 expungement, the circuit court clerk shall promptly mail a
3 copy of the order to the person who was granted the certificate
4 of eligibility for expungement.

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

17 (g) Immediate Sealing.

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

23 (2) Eligible Records. Arrests or charges not initiated
24 by arrest resulting in acquittal or dismissal with
25 prejudice, except as excluded by subsection (a)(3)(B),
26 that occur on or after January 1, 2018 (the effective date

1 of Public Act 100-282), may be sealed immediately if the
2 petition is filed with the circuit court clerk on the same
3 day and during the same hearing in which the case is
4 disposed.

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

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

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

18 (A) Filing the Petition. Upon entry of the final
19 disposition of the case, the defendant's attorney may
20 immediately petition the court, on behalf of the
21 defendant, for immediate sealing of eligible records
22 under paragraph (2) of this subsection (g) that are
23 entered on or after January 1, 2018 (the effective
24 date of Public Act 100-282). The immediate sealing
25 petition may be filed with the circuit court clerk
26 during the hearing in which the final disposition of

1 the case is entered. If the defendant's attorney does
2 not file the petition for immediate sealing during the
3 hearing, the defendant may file a petition for sealing
4 at any time as authorized under subsection (c) (3) (A).

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

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

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

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

25 (F) Hearings. The court shall hear the petition
26 for immediate sealing on the same day and during the

1 same hearing in which the disposition is rendered.

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

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

8 (I) Fees. The fee imposed by the circuit court
9 clerk and the Illinois State Police shall comply with
10 paragraph (1) of subsection (d) of this Section.

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

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

26 (L) Effect of Order. An order granting an

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

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

15 (h) Sealing; trafficking victims.

16 (1) A trafficking victim as defined by paragraph (10)
17 of subsection (a) of Section 10-9 of the Criminal Code of
18 2012 shall be eligible to petition for immediate sealing
19 of his or her criminal record upon the completion of his or
20 her last sentence if his or her participation in the
21 underlying offense was a direct result of human
22 trafficking under Section 10-9 of the Criminal Code of
23 2012 or a severe form of trafficking under the federal
24 Trafficking Victims Protection Act.

25 (2) A petitioner under this subsection (h), in
26 addition to the requirements provided under paragraph (4)

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

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

23 (i) Minor Cannabis Offenses under the Cannabis Control
24 Act.

25 (1) Expungement of Arrest Records of Minor Cannabis
26 Offenses.

1 (A) The Illinois State Police and all law
2 enforcement agencies within the State shall
3 automatically expunge all criminal history records of
4 an arrest, charge not initiated by arrest, order of
5 supervision, or order of qualified probation for a
6 Minor Cannabis Offense committed prior to June 25,
7 2019 (the effective date of Public Act 101-27) if:

8 (i) One year or more has elapsed since the
9 date of the arrest or law enforcement interaction
10 documented in the records; and

11 (ii) No criminal charges were filed relating
12 to the arrest or law enforcement interaction or
13 criminal charges were filed and subsequently
14 dismissed or vacated or the arrestee was
15 acquitted.

16 (B) If the law enforcement agency is unable to
17 verify satisfaction of condition (ii) in paragraph
18 (A), records that satisfy condition (i) in paragraph
19 (A) shall be automatically expunged.

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

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

26 (ii) Records created prior to January 1, 2013,

1 but on or after January 1, 2000, shall be
2 automatically expunged prior to January 1, 2023;

3 (iii) Records created prior to January 1, 2000
4 shall be automatically expunged prior to January
5 1, 2025.

6 In response to an inquiry for expunged records,
7 the law enforcement agency receiving such inquiry
8 shall reply as it does in response to inquiries when no
9 records ever existed; however, it shall provide a
10 certificate of disposition or confirmation that the
11 record was expunged to the individual whose record was
12 expunged if such a record exists.

13 (D) Nothing in this Section shall be construed to
14 restrict or modify an individual's right to have that
15 individual's records expunged except as otherwise may
16 be provided in this Act, or diminish or abrogate any
17 rights or remedies otherwise available to the
18 individual.

19 (2) Pardons Authorizing Expungement of Minor Cannabis
20 Offenses.

21 (A) Upon June 25, 2019 (the effective date of
22 Public Act 101-27), the Department of State Police
23 shall review all criminal history record information
24 and identify all records that meet all of the
25 following criteria:

26 (i) one or more convictions for a Minor

1 Cannabis Offense;

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

5 (iii) the conviction identified in paragraph
6 (2) (A) (i) is not associated with a conviction for
7 a violent crime as defined in subsection (c) of
8 Section 3 of the Rights of Crime Victims and
9 Witnesses Act.

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

15 (i) The Prisoner Review Board shall notify the
16 State's Attorney of the county of conviction of
17 each record identified by State Police in
18 paragraph (2) (A) that is classified as a Class 4
19 felony. The State's Attorney may provide a written
20 objection to the Prisoner Review Board on the sole
21 basis that the record identified does not meet the
22 criteria established in paragraph (2) (A). Such an
23 objection must be filed within 60 days or by such
24 later date set by the Prisoner Review Board in the
25 notice after the State's Attorney received notice
26 from the Prisoner Review Board.

1 (ii) In response to a written objection from a
2 State's Attorney, the Prisoner Review Board is
3 authorized to conduct a non-public hearing to
4 evaluate the information provided in the
5 objection.

6 (iii) The Prisoner Review Board shall make a
7 confidential and privileged recommendation to the
8 Governor as to whether to grant a pardon
9 authorizing expungement for each of the records
10 identified by the Department of State Police as
11 described in paragraph (2) (A).

12 (C) If an individual has been granted a pardon
13 authorizing expungement as described in this Section,
14 the Prisoner Review Board, through the Attorney
15 General, shall file a petition for expungement with
16 the Chief Judge of the circuit or any judge of the
17 circuit designated by the Chief Judge where the
18 individual had been convicted. Such petition may
19 include more than one individual. Whenever an
20 individual who has been convicted of an offense is
21 granted a pardon by the Governor that specifically
22 authorizes expungement, an objection to the petition
23 may not be filed. Petitions to expunge under this
24 subsection (i) may include more than one individual.
25 Within 90 days of the filing of such a petition, the
26 court shall enter an order expunging the records of

1 arrest from the official records of the arresting
2 authority and order that the records of the circuit
3 court clerk and the Illinois State Police be expunged
4 and the name of the defendant obliterated from the
5 official index requested to be kept by the circuit
6 court clerk under Section 16 of the Clerks of Courts
7 Act in connection with the arrest and conviction for
8 the offense for which the individual had received a
9 pardon but the order shall not affect any index issued
10 by the circuit court clerk before the entry of the
11 order. Upon entry of the order of expungement, the
12 circuit court clerk shall promptly provide a copy of
13 the order and a certificate of disposition to the
14 individual who was pardoned to the individual's last
15 known address or by electronic means (if available) or
16 otherwise make it available to the individual upon
17 request.

18 (D) Nothing in this Section is intended to
19 diminish or abrogate any rights or remedies otherwise
20 available to the individual.

21 (3) Any individual may file a motion to vacate and
22 expunge a conviction for a misdemeanor or Class 4 felony
23 violation of Section 4 or Section 5 of the Cannabis
24 Control Act. Motions to vacate and expunge under this
25 subsection (i) may be filed with the circuit court, Chief
26 Judge of a judicial circuit or any judge of the circuit

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

1 individual may be prepared, presented, and signed
2 electronically.

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

1 to vacate and expunge is granted, the records shall be
2 expunged in accordance with subparagraphs (d)(8) and
3 (d)(9)(A) of this Section.

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

8 (6) If a person is arrested for a Minor Cannabis
9 Offense as defined in this Section before June 25, 2019
10 (the effective date of Public Act 101-27) and the person's
11 case is still pending but a sentence has not been imposed,
12 the person may petition the court in which the charges are
13 pending for an order to summarily dismiss those charges
14 against him or her, and expunge all official records of
15 his or her arrest, plea, trial, conviction, incarceration,
16 supervision, or expungement. If the court determines, upon
17 review, that: (A) the person was arrested before June 25,
18 2019 (the effective date of Public Act 101-27) for an
19 offense that has been made eligible for expungement; (B)
20 the case is pending at the time; and (C) the person has not
21 been sentenced of the minor cannabis violation eligible
22 for expungement under this subsection, the court shall
23 consider the following: the reasons to retain the records
24 provided by law enforcement, the petitioner's age, the
25 petitioner's age at the time of offense, the time since
26 the conviction, and the specific adverse consequences if

1 denied. If a motion to dismiss and expunge is granted, the
2 records shall be expunged in accordance with subparagraph
3 (d) (9) (A) of this Section.

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

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

14 (9) 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 (10) Effect of Expungement. A person's right to
18 expunge an expungeable offense shall not be limited under
19 this Section. The effect of an order of expungement shall
20 be to restore the person to the status he or she occupied
21 before the arrest, charge, or conviction.

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

25 (j) Felony Prostitution Convictions.

26 (1) Any individual may file a motion to vacate and

1 expunge a conviction for a prior Class 4 felony violation
2 of prostitution. Motions to vacate and expunge under this
3 subsection (j) may be filed with the circuit court, Chief
4 Judge of a judicial circuit, or any judge of the circuit
5 designated by the Chief Judge. When considering the motion
6 to vacate and expunge, a court shall consider the
7 following:

8 (A) the reasons to retain the records provided by
9 law enforcement;

10 (B) the petitioner's age;

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

12 and

13 (D) the time since the conviction, and the
14 specific adverse consequences if denied. An individual
15 may file the petition after the completion of any
16 sentence or condition imposed by the conviction.
17 Within 60 days of the filing of the motion, a State's
18 Attorney may file an objection to the petition along
19 with supporting evidence. If a motion to vacate and
20 expunge is granted, the records shall be expunged in
21 accordance with subparagraph (d)(9)(A) of this
22 Section. An agency providing civil legal aid, as
23 defined in Section 15 of the Public Interest Attorney
24 Assistance Act, assisting individuals seeking to file
25 a motion to vacate and expunge under this subsection
26 may file motions to vacate and expunge with the Chief

1 Judge of a judicial circuit or any judge of the circuit
2 designated by the Chief Judge, and the motion may
3 include more than one individual.

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

12 (A) the reasons to retain the records provided by
13 law enforcement;

14 (B) the petitioner's age;

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

16 (D) the time since the conviction; and

17 (E) the specific adverse consequences if denied.

18 If the State's Attorney files a motion to vacate and
19 expunge records for felony prostitution convictions
20 pursuant to this Section, the State's Attorney shall
21 notify the Prisoner Review Board within 30 days of the
22 filing. If a motion to vacate and expunge is granted, the
23 records shall be expunged in accordance with subparagraph
24 (d) (9) (A) of this Section.

25 (3) In the public interest, the State's Attorney of a
26 county has standing to file motions to vacate and expunge

1 pursuant to this Section in the circuit court with
2 jurisdiction over the underlying conviction.

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

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

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

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

19 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
20 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
21 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
22 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
23 5-13-22; 102-933, eff. 1-1-23; revised 8-19-22.)

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

1 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

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

3 (a) The Parole and Pardon Board is abolished and the term
4 "Parole and Pardon Board" as used in any law of Illinois, shall
5 read "Prisoner Review Board." After February 1, 1978 (the
6 effective date of Public Act 81-1099), the Prisoner Review
7 Board shall provide by rule for the orderly transition of all
8 files, records, and documents of the Parole and Pardon Board
9 and for such other steps as may be necessary to effect an
10 orderly transition and shall:

11 (1) hear by at least one member and through a panel of
12 at least 3 members decide, cases of prisoners who were
13 sentenced under the law in effect prior to February 1,
14 1978 (the effective date of Public Act 81-1099), and who
15 are eligible for parole;

16 (2) hear by at least one member and through a panel of
17 at least 3 members decide, the conditions of parole and
18 the time of discharge from parole, impose sanctions for
19 violations of parole, and revoke parole for those
20 sentenced under the law in effect prior to February 1,
21 1978 (the effective date of Public Act 81-1099); provided
22 that the decision to parole and the conditions of parole
23 for all prisoners who were sentenced for first degree
24 murder or who received a minimum sentence of 20 years or
25 more under the law in effect prior to February 1, 1978

1 shall be determined by a majority vote of the Prisoner
2 Review Board. One representative supporting parole and one
3 representative opposing parole will be allowed to speak.
4 Their comments shall be limited to making corrections and
5 filling in omissions to the Board's presentation and
6 discussion;

7 (3) hear by at least one member and through a panel of
8 at least 3 members decide, the conditions of mandatory
9 supervised release and the time of discharge from
10 mandatory supervised release, impose sanctions for
11 violations of mandatory supervised release, and revoke
12 mandatory supervised release for those sentenced under the
13 law in effect after February 1, 1978 (the effective date
14 of Public Act 81-1099);

15 (3.5) hear by at least one member and through a panel
16 of at least 3 members decide, the conditions of mandatory
17 supervised release and the time of discharge from
18 mandatory supervised release, to impose sanctions for
19 violations of mandatory supervised release and revoke
20 mandatory supervised release for those serving extended
21 supervised release terms pursuant to paragraph (4) of
22 subsection (d) of Section 5-8-1;

23 (3.6) hear by at least one member and through a panel
24 of at least 3 members decide whether to revoke aftercare
25 release for those committed to the Department of Juvenile
26 Justice under the Juvenile Court Act of 1987;

1 (4) hear by at least one member and through a panel of
2 at least 3 members, decide cases brought by the Department
3 of Corrections against a prisoner in the custody of the
4 Department for alleged violation of Department rules with
5 respect to sentence credits under Section 3-6-3 of this
6 Code in which the Department seeks to revoke sentence
7 credits, if the amount of time at issue exceeds 30 days or
8 when, during any 12-month period, the cumulative amount of
9 credit revoked exceeds 30 days except where the infraction
10 is committed or discovered within 60 days of scheduled
11 release. In such cases, the Department of Corrections may
12 revoke up to 30 days of sentence credit. The Board may
13 subsequently approve the revocation of additional sentence
14 credit, if the Department seeks to revoke sentence credit
15 in excess of 30 days. However, the Board shall not be
16 empowered to review the Department's decision with respect
17 to the loss of 30 days of sentence credit for any prisoner
18 or to increase any penalty beyond the length requested by
19 the Department;

20 (5) hear by at least one member and through a panel of
21 at least 3 members decide, the release dates for certain
22 prisoners sentenced under the law in existence prior to
23 February 1, 1978 (the effective date of Public Act
24 81-1099), in accordance with Section 3-3-2.1 of this Code;

25 (6) hear by at least one member and through a panel of
26 at least 3 members decide, all requests for pardon,

1 reprieve or commutation, and make confidential
2 recommendations to the Governor;

3 (6.5) hear by at least one member who is qualified in
4 the field of juvenile matters and through a panel of at
5 least 3 members, 2 of whom are qualified in the field of
6 juvenile matters, decide parole review cases in accordance
7 with Section 5-4.5-115 of this Code and make release
8 determinations of persons under the age of 21 at the time
9 of the commission of an offense or offenses, other than
10 those persons serving sentences for first degree murder or
11 aggravated criminal sexual assault;

12 (6.6) hear by at least a quorum of the Prisoner Review
13 Board and decide by a majority of members present at the
14 hearing, in accordance with Section 5-4.5-115 of this
15 Code, release determinations of persons under the age of
16 21 at the time of the commission of an offense or offenses
17 of those persons serving sentences for first degree murder
18 or aggravated criminal sexual assault;

19 (7) comply with the requirements of the Open Parole
20 Hearings Act;

21 (8) hear by at least one member and, through a panel of
22 at least 3 members, decide cases brought by the Department
23 of Corrections against a prisoner in the custody of the
24 Department for court dismissal of a frivolous lawsuit
25 pursuant to Section 3-6-3(d) of this Code in which the
26 Department seeks to revoke up to 180 days of sentence

1 credit, and if the prisoner has not accumulated 180 days
2 of sentence credit at the time of the dismissal, then all
3 sentence credit accumulated by the prisoner shall be
4 revoked;

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

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

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

21 (B) until 5 years have elapsed since any arrests
22 or detentions by a law enforcement officer for an
23 alleged violation of law, other than a petty offense,
24 traffic offense, conservation offense, or local
25 ordinance offense;

26 (C) if convicted of a violation of the Cannabis

1 Control Act, Illinois Controlled Substances Act, the
2 Methamphetamine Control and Community Protection Act,
3 the Methamphetamine Precursor Control Act, or the
4 Methamphetamine Precursor Tracking Act unless the
5 petitioner has completed a drug abuse program for the
6 offense on which sealing is sought and provides proof
7 that he or she has completed the program successfully;

8 (D) if convicted of:

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

13 (ii) aggravated assault;

14 (iii) aggravated battery;

15 (iv) domestic battery;

16 (v) aggravated domestic battery;

17 (vi) violation of an order of protection;

18 (vii) an offense under the Criminal Code of
19 1961 or the Criminal Code of 2012 involving a
20 firearm;

21 (viii) driving while under the influence of
22 alcohol, other drug or drugs, intoxicating
23 compound or compounds, or any combination thereof;

24 (ix) aggravated driving while under the
25 influence of alcohol, other drug or drugs,
26 intoxicating compound or compounds, or any

1 combination thereof; or

2 (x) any crime defined as a crime of violence
3 under Section 2 of the Crime Victims Compensation
4 Act.

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

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

14 The Board may only authorize the sealing of Class 3
15 and 4 felony convictions of the petitioner from one
16 information or indictment under this paragraph (10). A
17 petitioner may only receive one certificate of eligibility
18 for sealing under this provision for life; and

19 (11) upon a petition by a person who has ~~after having~~
20 been convicted of a Class 3 or Class 4 felony ~~thereafter~~
21 ~~served in the United States Armed Forces or National Guard~~
22 ~~of this or any other state and had received an honorable~~
23 ~~discharge from the United States Armed Forces or National~~
24 ~~Guard or who at the time of filing the petition is enlisted~~
25 ~~in the United States Armed Forces or National Guard of~~
26 ~~this or any other state and served one tour of duty and who~~

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

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

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

16 (ii) an offense under the Criminal Code of
17 1961 or Criminal Code of 2012 involving a firearm;

18 ~~or~~

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

21 or

22 (iv) an offense involving domestic violence as
23 defined in Section 112A-3 of the Code of Criminal
24 Procedure of 1963, including aggravated assault,
25 aggravated battery, violation of an order of
26 protection, domestic battery, or aggravated

1 domestic battery.

2 ~~(B) if the person has not served in the United~~
3 ~~States Armed Forces or National Guard of this or any~~
4 ~~other state or has not received an honorable discharge~~
5 ~~from the United States Armed Forces or National Guard~~
6 ~~of this or any other state or who at the time of the~~
7 ~~filing of the petition is serving in the United States~~
8 ~~Armed Forces or National Guard of this or any other~~
9 ~~state and has not completed one tour of duty.~~

10 If a person has applied to the Board for a certificate
11 of eligibility for expungement and the Board denies the
12 certificate, the person must wait at least 4 years before
13 filing again or filing for a pardon with authorization for
14 expungement from the Governor unless the Governor or
15 Chairman of the Prisoner Review Board grants a waiver.

16 (a-5) The Prisoner Review Board, with the cooperation of
17 and in coordination with the Department of Corrections and the
18 Department of Central Management Services, shall implement a
19 pilot project in 3 correctional institutions providing for the
20 conduct of hearings under paragraphs (1) and (4) of subsection
21 (a) of this Section through interactive video conferences. The
22 project shall be implemented within 6 months after January 1,
23 1997 (the effective date of Public Act 89-490). Within 6
24 months after the implementation of the pilot project, the
25 Prisoner Review Board, with the cooperation of and in
26 coordination with the Department of Corrections and the

1 Department of Central Management Services, shall report to the
2 Governor and the General Assembly regarding the use, costs,
3 effectiveness, and future viability of interactive video
4 conferences for Prisoner Review Board hearings.

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

7 (c) The Board shall cooperate with the Department in
8 promoting an effective system of parole and mandatory
9 supervised release.

10 (d) The Board shall promulgate rules for the conduct of
11 its work, and the Chairman shall file a copy of such rules and
12 any amendments thereto with the Director and with the
13 Secretary of State.

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

17 (f) The Board or one who has allegedly violated the
18 conditions of his or her parole, aftercare release, or
19 mandatory supervised release may require by subpoena the
20 attendance and testimony of witnesses and the production of
21 documentary evidence relating to any matter under
22 investigation or hearing. The Chairman of the Board may sign
23 subpoenas which shall be served by any agent or public
24 official authorized by the Chairman of the Board, or by any
25 person lawfully authorized to serve a subpoena under the laws
26 of the State of Illinois. The attendance of witnesses, and the

1 production of documentary evidence, may be required from any
2 place in the State to a hearing location in the State before
3 the Chairman of the Board or his or her designated agent or
4 agents or any duly constituted Committee or Subcommittee of
5 the Board. Witnesses so summoned shall be paid the same fees
6 and mileage that are paid witnesses in the circuit courts of
7 the State, and witnesses whose depositions are taken and the
8 persons taking those depositions are each entitled to the same
9 fees as are paid for like services in actions in the circuit
10 courts of the State. Fees and mileage shall be vouchered for
11 payment when the witness is discharged from further
12 attendance.

13 In case of disobedience to a subpoena, the Board may
14 petition any circuit court of the State for an order requiring
15 the attendance and testimony of witnesses or the production of
16 documentary evidence or both. A copy of such petition shall be
17 served by personal service or by registered or certified mail
18 upon the person who has failed to obey the subpoena, and such
19 person shall be advised in writing that a hearing upon the
20 petition will be requested in a court room to be designated in
21 such notice before the judge hearing motions or extraordinary
22 remedies at a specified time, on a specified date, not less
23 than 10 nor more than 15 days after the deposit of the copy of
24 the written notice and petition in the U.S. mail addressed to
25 the person at his or her last known address or after the
26 personal service of the copy of the notice and petition upon

1 such person. The court upon the filing of such a petition, may
2 order the person refusing to obey the subpoena to appear at an
3 investigation or hearing, or to there produce documentary
4 evidence, if so ordered, or to give evidence relative to the
5 subject matter of that investigation or hearing. Any failure
6 to obey such order of the circuit court may be punished by that
7 court as a contempt of court.

8 Each member of the Board and any hearing officer
9 designated by the Board shall have the power to administer
10 oaths and to take the testimony of persons under oath.

11 (g) Except under subsection (a) of this Section, a
12 majority of the members then appointed to the Prisoner Review
13 Board shall constitute a quorum for the transaction of all
14 business of the Board.

15 (h) The Prisoner Review Board shall annually transmit to
16 the Director a detailed report of its work for the preceding
17 calendar year. The annual report shall also be transmitted to
18 the Governor for submission to the Legislature.

19 (Source: P.A. 101-288, eff. 1-1-20; 102-538, eff. 8-20-21;
20 102-558, eff. 8-20-21.)

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.