



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1101

Introduced 1/12/2023, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2	
410 ILCS 705/10-15	
705 ILCS 405/5-125	
720 ILCS 5/14-3	
720 ILCS 550/7	from Ch. 56 1/2, par. 707
720 ILCS 550/9	from Ch. 56 1/2, par. 709
720 ILCS 550/10	from Ch. 56 1/2, par. 710
720 ILCS 550/16.2	
720 ILCS 550/4 rep.	
725 ILCS 5/115-23	

Amends the Criminal Identification Act. Provides that the Illinois State Police and all law enforcement agencies within the State shall automatically expunge all criminal history records of an arrest, charge not initiated by arrest, order of supervision, or order of qualified probation for any person who, on or after January 1, 1970, has been convicted of, or is serving an order of supervision for, possession of cannabis whether or not the person has served or is serving his or her sentence for that violation on the effective date of the amendatory Act. Provides that the clerk of the circuit court shall, on the effective date of the amendatory Act, automatically expunge the court records of a person who, on or after January 1, 1970, has been convicted of, or is serving an order of supervision for, possession of cannabis whether or not the person has served or is serving his or her sentence for that violation on the effective date of the amendatory Act. Provides that a person imprisoned solely as a result of one or more convictions for possession of cannabis shall be released from incarceration on the effective date of the amendatory Act. Amends the Cannabis Control Act. Repeals the provision prohibiting the possession of cannabis. Amends various Acts to make conforming changes.

LRB103 04708 RLC 49717 b

1 AN ACT concerning cannabis.

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

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

6 (20 ILCS 2630/5.2)

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

8 (a) General Provisions.

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

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

15 Business Offense, Section 5-1-2.

16 Charge, Section 5-1-3.

17 Court, Section 5-1-6.

18 Defendant, Section 5-1-7.

19 Felony, Section 5-1-9.

20 Imprisonment, Section 5-1-10.

21 Judgment, Section 5-1-12.

22 Misdemeanor, Section 5-1-14.

23 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
22 before the effective date of this amendatory Act of the
23 103rd General Assembly a civil law violation of subsection
24 (a) of Section 4 of the Cannabis Control Act or subsection
25 (c) of Section 3.5 of the Drug Paraphernalia Control Act
26 in the law enforcement agency's possession or control and

1 which contains the final satisfactory disposition which
2 pertain to the person issued a citation for that offense.
3 The law enforcement agency shall provide by rule the
4 process for access, review, and to confirm the automatic
5 expungement by the law enforcement agency issuing the
6 citation. Commencing 180 days after July 29, 2016 (the
7 effective date of Public Act 99-697), the clerk of the
8 circuit court shall expunge, upon order of the court, or
9 in the absence of a court order on or before January 1 and
10 July 1 of each year, the court records of a person found in
11 the circuit court to have committed before the effective
12 date of this amendatory Act of the 103rd General Assembly
13 a civil law violation of subsection (a) of Section 4 of the
14 Cannabis Control Act or subsection (c) of Section 3.5 of
15 the Drug Paraphernalia Control Act in the clerk's
16 possession or control and which contains the final
17 satisfactory disposition which pertain to the person
18 issued a citation for any of those offenses.

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

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

1 similar provision of a local ordinance; or (iii)
2 Section 11-503 of the Illinois Vehicle Code or a
3 similar provision of a local ordinance, unless the
4 arrest or charge is for a misdemeanor violation of
5 subsection (a) of Section 11-503 or a similar
6 provision of a local ordinance, that occurred prior to
7 the offender reaching the age of 25 years and the
8 offender has no other conviction for violating Section
9 11-501 or 11-503 of the Illinois Vehicle Code or a
10 similar provision of a local ordinance.

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

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

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

26 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,

1 26-5, or 48-1 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, or a similar provision of a
3 local ordinance;

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

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

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

15 (D) (blank).

16 (b) Expungement.

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

1 (a) (3) (B); or (iv) an order of qualified probation (as
2 defined in subsection (a) (1) (J)) and such probation was
3 successfully completed by the petitioner.

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

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

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

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

21 (i) Those arrests or charges that resulted in
22 orders of supervision under Section 3-707, 3-708,
23 3-710, or 5-401.3 of the Illinois Vehicle Code or
24 a similar provision of a local ordinance, or under
25 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, or a

1 similar provision of a local ordinance, shall not
2 be eligible for expungement until 5 years have
3 passed following the satisfactory termination of
4 the supervision.

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

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

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

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

5 (4) Whenever a person has been arrested for or
6 convicted of any offense, in the name of a person whose
7 identity he or she has stolen or otherwise come into
8 possession of, the aggrieved person from whom the identity
9 was stolen or otherwise obtained without authorization,
10 upon learning of the person having been arrested using his
11 or her identity, may, upon verified petition to the chief
12 judge of the circuit wherein the arrest was made, have a
13 court order entered nunc pro tunc by the Chief Judge to
14 correct the arrest record, conviction record, if any, and
15 all official records of the arresting authority, the
16 Illinois State Police, other criminal justice agencies,
17 the prosecutor, and the trial court concerning such
18 arrest, if any, by removing his or her name from all such
19 records in connection with the arrest and conviction, if
20 any, and by inserting in the records the name of the
21 offender, if known or ascertainable, in lieu of the
22 aggrieved's name. The records of the circuit court clerk
23 shall be sealed until further order of the court upon good
24 cause shown and the name of the aggrieved person
25 obliterated on the official index required to be kept by
26 the circuit court clerk under Section 16 of the Clerks of

1 Courts Act, but the order shall not affect any index
2 issued by the circuit court clerk before the entry of the
3 order. Nothing in this Section shall limit the Illinois
4 State Police or other criminal justice agencies or
5 prosecutors from listing under an offender's name the
6 false names he or she has used.

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

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

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

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

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

1 (c) Sealing.

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

8 (2) Eligible Records. The following records may be
9 sealed:

10 (A) All arrests resulting in release without
11 charging;

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

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

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

25 (E) Arrests or charges not initiated by arrest
26 resulting in orders of first offender probation under

1 Section 10 of the Cannabis Control Act, Section 410 of
2 the Illinois Controlled Substances Act, Section 70 of
3 the Methamphetamine Control and Community Protection
4 Act, or Section 5-6-3.3 of the Unified Code of
5 Corrections; and

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

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

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

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

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

1 registration under the Arsonist Registration Act, the
2 Sex Offender Registration Act, or the Murderer and
3 Violent Offender Against Youth Registration Act may
4 not be sealed until the petitioner is no longer
5 required to register under that relevant Act.

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

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

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

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

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

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

1 waiving fees under Supreme Court Rule 298 or it is
2 otherwise waived.

3 (1.5) County fee waiver pilot program. From August 9,
4 2019 (the effective date of Public Act 101-306) through
5 December 31, 2020, in a county of 3,000,000 or more
6 inhabitants, no fee shall be required to be paid by a
7 petitioner if the records sought to be expunged or sealed
8 were arrests resulting in release without charging or
9 arrests or charges not initiated by arrest resulting in
10 acquittal, dismissal, or conviction when the conviction
11 was reversed or vacated, unless excluded by subsection
12 (a)(3)(B). The provisions of this paragraph (1.5), other
13 than this sentence, are inoperative on and after January
14 1, 2022.

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

1 Code of Corrections, the certificate shall be attached to
2 the petition.

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

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

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

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

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

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

25 (5) Objections.

26 (A) Any party entitled to notice of the petition

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

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

11 (6) Entry of order.

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

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

25 (C) Notwithstanding any other provision of law,
26 the court shall not deny a petition for sealing under

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

16 (D) Notwithstanding any other provision of law,
17 the court shall not deny a petition to expunge or seal
18 under this Section because the petitioner has
19 submitted a drug test taken within 30 days before the
20 filing of the petition to expunge or seal that
21 indicates a positive test for the presence of cannabis
22 within the petitioner's body. In this subparagraph
23 (D), "cannabis" has the meaning ascribed to it in
24 Section 3 of the Cannabis Control Act.

25 (7) Hearings. If an objection is filed, the court
26 shall set a date for a hearing and notify the petitioner

1 and all parties entitled to notice of the petition of the
2 hearing date at least 30 days prior to the hearing. Prior
3 to the hearing, the State's Attorney shall consult with
4 the Illinois State Police as to the appropriateness of the
5 relief sought in the petition to expunge or seal. At the
6 hearing, the court shall hear evidence on whether the
7 petition should or should not be granted, and shall grant
8 or deny the petition to expunge or seal the records based
9 on the evidence presented at the hearing. The court may
10 consider the following:

11 (A) the strength of the evidence supporting the
12 defendant's conviction;

13 (B) the reasons for retention of the conviction
14 records by the State;

15 (C) the petitioner's age, criminal record history,
16 and employment history;

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

20 (E) the specific adverse consequences the
21 petitioner may be subject to if the petition is
22 denied.

23 (8) Service of order. After entering an order to
24 expunge or seal records, the court must provide copies of
25 the order to the Illinois State Police, in a form and
26 manner prescribed by the Illinois State Police, to the

1 petitioner, to the State's Attorney or prosecutor charged
2 with the duty of prosecuting the offense, to the arresting
3 agency, to the chief legal officer of the unit of local
4 government effecting the arrest, and to such other
5 criminal justice agencies as may be ordered by the court.

6 (9) Implementation of order.

7 (A) Upon entry of an order to expunge records
8 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
9 both:

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

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

1 (iii) in response to an inquiry for expunged
2 records, the court, the Illinois State Police, or
3 the agency receiving such inquiry, shall reply as
4 it does in response to inquiries when no records
5 ever existed.

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

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

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

24 (iii) the records shall be impounded by the
25 Illinois State Police within 60 days of the date
26 of service of the order as ordered by the court,

1 unless a motion to vacate, modify, or reconsider
2 the order is filed pursuant to paragraph (12) of
3 subsection (d) of this Section;

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

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

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

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

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

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

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

23 (v) in response to an inquiry for these
24 records from anyone not authorized by law to
25 access the records, the court, the Illinois State
26 Police, or the agency receiving the inquiry shall

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

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

13 (D) The Illinois State Police shall send written
14 notice to the petitioner of its compliance with each
15 order to expunge or seal records within 60 days of the
16 date of service of that order or, if a motion to
17 vacate, modify, or reconsider is filed, within 60 days
18 of service of the order resolving the motion, if that
19 order requires the Illinois State Police to expunge or
20 seal records. In the event of an appeal from the
21 circuit court order, the Illinois State Police shall
22 send written notice to the petitioner of its
23 compliance with an Appellate Court or Supreme Court
24 judgment to expunge or seal records within 60 days of
25 the issuance of the court's mandate. The notice is not
26 required while any motion to vacate, modify, or

1 reconsider, or any appeal or petition for
2 discretionary appellate review, is pending.

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

17 (F) Notwithstanding any other provision of this
18 Section, a circuit court clerk may access a sealed
19 record for the limited purpose of collecting payment
20 for any legal financial obligations that were
21 established, imposed, or originated in the criminal
22 proceedings for which those records have been sealed.

23 (10) Fees. The Illinois State Police may charge the
24 petitioner a fee equivalent to the cost of processing any
25 order to expunge or seal records. Notwithstanding any
26 provision of the Clerks of Courts Act to the contrary, the

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

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

21 (12) Motion to Vacate, Modify, or Reconsider. Under
22 Section 2-1203 of the Code of Civil Procedure, the
23 petitioner or any party entitled to notice may file a
24 motion to vacate, modify, or reconsider the order granting
25 or denying the petition to expunge or seal within 60 days
26 of service of the order. If filed more than 60 days after

1 service of the order, a petition to vacate, modify, or
2 reconsider shall comply with subsection (c) of Section
3 2-1401 of the Code of Civil Procedure. Upon filing of a
4 motion to vacate, modify, or reconsider, notice of the
5 motion shall be served upon the petitioner and all parties
6 entitled to notice of the petition.

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

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

24 (15) Compliance with Order Granting Petition to
25 Expunge Records. While a party is seeking relief from the
26 order granting the petition to expunge through a motion

1 filed under paragraph (12) of this subsection (d) or is
2 appealing the order, and unless a court has entered a stay
3 of that order, the parties entitled to notice of the
4 petition must seal, but need not expunge, the records
5 until there is a final order on the motion for relief or,
6 in the case of an appeal, the issuance of that court's
7 mandate.

8 (16) The changes to this subsection (d) made by Public
9 Act 98-163 apply to all petitions pending on August 5,
10 2013 (the effective date of Public Act 98-163) and to all
11 orders ruling on a petition to expunge or seal on or after
12 August 5, 2013 (the effective date of Public Act 98-163).

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

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

15 (e-5) Whenever a person who has been convicted of an
16 offense is granted a certificate of eligibility for sealing by
17 the Prisoner Review Board which specifically authorizes
18 sealing, he or she may, upon verified petition to the Chief
19 Judge of the circuit where the person had been convicted, any
20 judge of the circuit designated by the Chief Judge, or in
21 counties of less than 3,000,000 inhabitants, the presiding
22 trial judge at the petitioner's trial, have a court order
23 entered sealing the record of arrest from the official records
24 of the arresting authority and order that the records of the
25 circuit court clerk and the Illinois State Police be sealed
26 until further order of the court upon good cause shown or as

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

20 (e-6) Whenever a person who has been convicted of an
21 offense is granted a certificate of eligibility for
22 expungement by the Prisoner Review Board which specifically
23 authorizes expungement, he or she may, upon verified petition
24 to the Chief Judge of the circuit where the person had been
25 convicted, any judge of the circuit designated by the Chief
26 Judge, or in counties of less than 3,000,000 inhabitants, the

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

25 (f) Subject to available funding, the Illinois Department
26 of Corrections shall conduct a study of the impact of sealing,

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

11 (g) Immediate Sealing.

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

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

25 (3) When Records are Eligible to be Immediately
26 Sealed. Eligible records under paragraph (2) of this

1 subsection (g) may be sealed immediately after entry of
2 the final disposition of a case, notwithstanding the
3 disposition of other charges in the same case.

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

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

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

25 (B) Contents of Petition. The immediate sealing
26 petition shall be verified and shall contain the

1 petitioner's name, date of birth, current address, and
2 for each eligible record, the case number, the date of
3 arrest if applicable, the identity of the arresting
4 authority if applicable, and other information as the
5 court may require.

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

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

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

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

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

25 (H) Implementation of Order. An order to
26 immediately seal records shall be implemented in

1 conformance with subsections (d) (9) (C) and (d) (9) (D).

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

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

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

20 (L) Effect of Order. An order granting an
21 immediate sealing petition shall not be considered
22 void because it fails to comply with the provisions of
23 this Section or because of an error asserted in a
24 motion to vacate, modify, or reconsider. The circuit
25 court retains jurisdiction to determine whether the
26 order is voidable, and to vacate, modify, or

1 reconsider its terms based on a motion filed under
2 subparagraph (L) of this subsection (g).

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

9 (h) Sealing; trafficking victims.

10 (1) A trafficking victim as defined by paragraph (10)
11 of subsection (a) of Section 10-9 of the Criminal Code of
12 2012 shall be eligible to petition for immediate sealing
13 of his or her criminal record upon the completion of his or
14 her last sentence if his or her participation in the
15 underlying offense was a direct result of human
16 trafficking under Section 10-9 of the Criminal Code of
17 2012 or a severe form of trafficking under the federal
18 Trafficking Victims Protection Act.

19 (2) A petitioner under this subsection (h), in
20 addition to the requirements provided under paragraph (4)
21 of subsection (d) of this Section, shall include in his or
22 her petition a clear and concise statement that: (A) he or
23 she was a victim of human trafficking at the time of the
24 offense; and (B) that his or her participation in the
25 offense was a direct result of human trafficking under
26 Section 10-9 of the Criminal Code of 2012 or a severe form

1 of trafficking under the federal Trafficking Victims
2 Protection Act.

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

17 (i) Minor Cannabis Offenses under the Cannabis Control
18 Act.

19 (1) Expungement of Arrest Records of Minor Cannabis
20 Offenses.

21 (A) The Illinois State Police and all law
22 enforcement agencies within the State shall
23 automatically expunge all criminal history records of
24 an arrest, charge not initiated by arrest, order of
25 supervision, or order of qualified probation for a
26 Minor Cannabis Offense committed prior to June 25,

1 2019 (the effective date of Public Act 101-27) if:

2 (i) One year or more has elapsed since the
3 date of the arrest or law enforcement interaction
4 documented in the records; and

5 (ii) No criminal charges were filed relating
6 to the arrest or law enforcement interaction or
7 criminal charges were filed and subsequently
8 dismissed or vacated or the arrestee was
9 acquitted.

10 (B) If the law enforcement agency is unable to
11 verify satisfaction of condition (ii) in paragraph
12 (A), records that satisfy condition (i) in paragraph
13 (A) shall be automatically expunged.

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

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

20 (ii) Records created prior to January 1, 2013,
21 but on or after January 1, 2000, shall be
22 automatically expunged prior to January 1, 2023;

23 (iii) Records created prior to January 1, 2000
24 shall be automatically expunged prior to January
25 1, 2025.

26 In response to an inquiry for expunged records,

1 the law enforcement agency receiving such inquiry
2 shall reply as it does in response to inquiries when no
3 records ever existed; however, it shall provide a
4 certificate of disposition or confirmation that the
5 record was expunged to the individual whose record was
6 expunged if such a record exists.

7 (D) Nothing in this Section shall be construed to
8 restrict or modify an individual's right to have that
9 individual's records expunged except as otherwise may
10 be provided in this Act, or diminish or abrogate any
11 rights or remedies otherwise available to the
12 individual.

13 (2) Pardons Authorizing Expungement of Minor Cannabis
14 Offenses.

15 (A) Upon June 25, 2019 (the effective date of
16 Public Act 101-27), the Department of State Police
17 shall review all criminal history record information
18 and identify all records that meet all of the
19 following criteria:

20 (i) one or more convictions for a Minor
21 Cannabis Offense;

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

25 (iii) the conviction identified in paragraph
26 (2) (A) (i) is not associated with a conviction for

1 a violent crime as defined in subsection (c) of
2 Section 3 of the Rights of Crime Victims and
3 Witnesses Act.

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

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

21 (ii) In response to a written objection from a
22 State's Attorney, the Prisoner Review Board is
23 authorized to conduct a non-public hearing to
24 evaluate the information provided in the
25 objection.

26 (iii) The Prisoner Review Board shall make a

1 confidential and privileged recommendation to the
2 Governor as to whether to grant a pardon
3 authorizing expungement for each of the records
4 identified by the Department of State Police as
5 described in paragraph (2) (A).

6 (C) If an individual has been granted a pardon
7 authorizing expungement as described in this Section,
8 the Prisoner Review Board, through the Attorney
9 General, shall file a petition for expungement with
10 the Chief Judge of the circuit or any judge of the
11 circuit designated by the Chief Judge where the
12 individual had been convicted. Such petition may
13 include more than one individual. Whenever an
14 individual who has been convicted of an offense is
15 granted a pardon by the Governor that specifically
16 authorizes expungement, an objection to the petition
17 may not be filed. Petitions to expunge under this
18 subsection (i) may include more than one individual.
19 Within 90 days of the filing of such a petition, the
20 court shall enter an order expunging the records of
21 arrest from the official records of the arresting
22 authority and order that the records of the circuit
23 court clerk and the Illinois State Police be expunged
24 and the name of the defendant obliterated from the
25 official index requested to be kept by the circuit
26 court clerk under Section 16 of the Clerks of Courts

1 Act in connection with the arrest and conviction for
2 the offense for which the individual had received a
3 pardon but the order shall not affect any index issued
4 by the circuit court clerk before the entry of the
5 order. Upon entry of the order of expungement, the
6 circuit court clerk shall promptly provide a copy of
7 the order and a certificate of disposition to the
8 individual who was pardoned to the individual's last
9 known address or by electronic means (if available) or
10 otherwise make it available to the individual upon
11 request.

12 (D) Nothing in this Section is intended to
13 diminish or abrogate any rights or remedies otherwise
14 available to the individual.

15 (3) Any individual may file a motion to vacate and
16 expunge a conviction for a misdemeanor or Class 4 felony
17 violation of Section 4 or Section 5 of the Cannabis
18 Control Act. Motions to vacate and expunge under this
19 subsection (i) may be filed with the circuit court, Chief
20 Judge of a judicial circuit or any judge of the circuit
21 designated by the Chief Judge. The circuit court clerk
22 shall promptly serve a copy of the motion to vacate and
23 expunge, and any supporting documentation, on the State's
24 Attorney or prosecutor charged with the duty of
25 prosecuting the offense. When considering such a motion to
26 vacate and expunge, a court shall consider the following:

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

23 (4) Any State's Attorney may file a motion to vacate
24 and expunge a conviction for a misdemeanor or Class 4
25 felony violation of Section 4 or Section 5 of the Cannabis
26 Control Act. Motions to vacate and expunge under this

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

24 (5) In the public interest, the State's Attorney of a
25 county has standing to file motions to vacate and expunge
26 pursuant to this Section in the circuit court with

1 jurisdiction over the underlying conviction.

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

24 (7) A person imprisoned solely as a result of one or
25 more convictions for Minor Cannabis Offenses under this
26 subsection (i) shall be released from incarceration upon

1 the issuance of an order under this subsection.

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

8 (9) 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 (10) Effect of Expungement. A person's right to
12 expunge an expungeable offense shall not be limited under
13 this Section. The effect of an order of expungement shall
14 be to restore the person to the status he or she occupied
15 before the arrest, charge, or conviction.

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

19 (j) Felony Prostitution Convictions.

20 (1) Any individual may file a motion to vacate and
21 expunge a conviction for a prior Class 4 felony violation
22 of prostitution. Motions to vacate and expunge under this
23 subsection (j) may be filed with the circuit court, Chief
24 Judge of a judicial circuit, or any judge of the circuit
25 designated by the Chief Judge. When considering the motion
26 to vacate and expunge, a court shall consider the

1 following:

2 (A) the reasons to retain the records provided by
3 law enforcement;

4 (B) the petitioner's age;

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

6 and

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

24 (2) Any State's Attorney may file a motion to vacate
25 and expunge a conviction for a Class 4 felony violation of
26 prostitution. Motions to vacate and expunge under this

1 subsection (j) may be filed with the circuit court, Chief
2 Judge of a judicial circuit, or any judge of the circuit
3 court designated by the Chief Judge, and may include more
4 than one individual. When considering the motion to vacate
5 and expunge, a court shall consider the following reasons:

6 (A) the reasons to retain the records provided by
7 law enforcement;

8 (B) the petitioner's age;

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

10 (D) the time since the conviction; and

11 (E) the specific adverse consequences if denied.

12 If the State's Attorney files a motion to vacate and
13 expunge records for felony prostitution convictions
14 pursuant to this Section, the State's Attorney shall
15 notify the Prisoner Review Board within 30 days of the
16 filing. If a motion to vacate and expunge is granted, the
17 records shall be expunged in accordance with subparagraph
18 (d) (9) (A) of this Section.

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

23 (4) The Illinois State Police shall allow a person to
24 use the access and review process, established in the
25 Illinois State Police, for verifying that his or her
26 records relating to felony prostitution eligible under

1 this Section have been expunged.

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

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

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

13 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
14 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
15 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
16 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.
17 5-13-22; 102-933, eff. 1-1-23; revised 12-8-22.)

18 Section 10. The Cannabis Regulation and Tax Act is amended
19 by changing Section 10-15 as follows:

20 (410 ILCS 705/10-15)

21 Sec. 10-15. Persons under 21 years of age.

22 (a) Nothing in this Act is intended to permit the transfer
23 of cannabis, with or without remuneration, to a person under
24 21 years of age, or to allow a person under 21 years of age to

1 purchase, possess, use, process, transport, grow, or consume
2 cannabis except where authorized by the Compassionate Use of
3 Medical Cannabis Program Act or by the Community College
4 Cannabis Vocational Pilot Program.

5 (b) Notwithstanding any other provisions of law
6 authorizing the possession of medical cannabis, nothing in
7 this Act authorizes a person who is under 21 years of age to
8 possess cannabis. A person under 21 years of age with cannabis
9 in his or her possession is guilty of a civil law violation as
10 outlined in paragraph (a) of Section 4 of the Cannabis Control
11 Act as it existed on the effective date of this amendatory Act
12 of the 103rd General Assembly.

13 (c) If the person under the age of 21 was in a motor
14 vehicle at the time of the offense, the Secretary of State may
15 suspend or revoke the driving privileges of any person for a
16 violation of this Section under Section 6-206 of the Illinois
17 Vehicle Code and the rules adopted under it.

18 (d) It is unlawful for any parent or guardian to knowingly
19 permit his or her residence, any other private property under
20 his or her control, or any vehicle, conveyance, or watercraft
21 under his or her control to be used by an invitee of the
22 parent's child or the guardian's ward, if the invitee is under
23 the age of 21, in a manner that constitutes a violation of this
24 Section. A parent or guardian is deemed to have knowingly
25 permitted his or her residence, any other private property
26 under his or her control, or any vehicle, conveyance, or

1 watercraft under his or her control to be used in violation of
2 this Section if he or she knowingly authorizes or permits
3 consumption of cannabis by underage invitees. Any person who
4 violates this subsection (d) is guilty of a Class A
5 misdemeanor and the person's sentence shall include, but shall
6 not be limited to, a fine of not less than \$500. If a violation
7 of this subsection (d) directly or indirectly results in great
8 bodily harm or death to any person, the person violating this
9 subsection is guilty of a Class 4 felony. In this subsection
10 (d), where the residence or other property has an owner and a
11 tenant or lessee, the trier of fact may infer that the
12 residence or other property is occupied only by the tenant or
13 lessee.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

15 Section 15. The Juvenile Court Act of 1987 is amended by
16 changing Section 5-125 as follows:

17 (705 ILCS 405/5-125)

18 Sec. 5-125. Concurrent jurisdiction. Any minor alleged to
19 have violated a traffic, boating, or fish and game law, or a
20 municipal or county ordinance, may be prosecuted for the
21 violation and if found guilty punished under any statute or
22 ordinance relating to the violation, without reference to the
23 procedures set out in this Article, except that:

24 (1) any detention, must be in compliance with this

1 Article; and

2 (2) the confidentiality of records provisions in Part
3 9 of this Article shall apply to any law enforcement and
4 court records relating to prosecution of a minor under 18
5 years of age for a municipal or county ordinance violation
6 or a violation of subsection (a) of Section 4 of the
7 Cannabis Control Act committed before the effective date
8 of this amendatory Act of the 103rd General Assembly or
9 subsection (c) of Section 3.5 of the Drug Paraphernalia
10 Control Act; except that these confidentiality provisions
11 shall not apply to or affect any proceeding to adjudicate
12 the violation.

13 For the purpose of this Section, "traffic violation" shall
14 include a violation of Section 9-3 of the Criminal Code of 1961
15 or the Criminal Code of 2012 relating to the offense of
16 reckless homicide, Section 11-501 of the Illinois Vehicle
17 Code, or any similar county or municipal ordinance.

18 (Source: P.A. 99-697, eff. 7-29-16.)

19 Section 20. The Criminal Code of 2012 is amended by
20 changing Section 14-3 as follows:

21 (720 ILCS 5/14-3)

22 Sec. 14-3. Exemptions. The following activities shall be
23 exempt from the provisions of this Article:

24 (a) Listening to radio, wireless electronic

1 communications, and television communications of any sort
2 where the same are publicly made;

3 (b) Hearing conversation when heard by employees of
4 any common carrier by wire incidental to the normal course
5 of their employment in the operation, maintenance or
6 repair of the equipment of such common carrier by wire so
7 long as no information obtained thereby is used or
8 divulged by the hearer;

9 (c) Any broadcast by radio, television or otherwise
10 whether it be a broadcast or recorded for the purpose of
11 later broadcasts of any function where the public is in
12 attendance and the conversations are overheard incidental
13 to the main purpose for which such broadcasts are then
14 being made;

15 (d) Recording or listening with the aid of any device
16 to any emergency communication made in the normal course
17 of operations by any federal, state or local law
18 enforcement agency or institutions dealing in emergency
19 services, including, but not limited to, hospitals,
20 clinics, ambulance services, fire fighting agencies, any
21 public utility, emergency repair facility, civilian
22 defense establishment or military installation;

23 (e) Recording the proceedings of any meeting required
24 to be open by the Open Meetings Act, as amended;

25 (f) Recording or listening with the aid of any device
26 to incoming telephone calls of phone lines publicly listed

1 or advertised as consumer "hotlines" by manufacturers or
2 retailers of food and drug products. Such recordings must
3 be destroyed, erased or turned over to local law
4 enforcement authorities within 24 hours from the time of
5 such recording and shall not be otherwise disseminated.
6 Failure on the part of the individual or business
7 operating any such recording or listening device to comply
8 with the requirements of this subsection shall eliminate
9 any civil or criminal immunity conferred upon that
10 individual or business by the operation of this Section;

11 (g) With prior notification to the State's Attorney of
12 the county in which it is to occur, recording or listening
13 with the aid of any device to any conversation where a law
14 enforcement officer, or any person acting at the direction
15 of law enforcement, is a party to the conversation and has
16 consented to it being intercepted or recorded under
17 circumstances where the use of the device is necessary for
18 the protection of the law enforcement officer or any
19 person acting at the direction of law enforcement, in the
20 course of an investigation of a forcible felony, a felony
21 offense of involuntary servitude, involuntary sexual
22 servitude of a minor, or trafficking in persons under
23 Section 10-9 of this Code, an offense involving
24 prostitution, solicitation of a sexual act, or pandering,
25 a felony violation of the Illinois Controlled Substances
26 Act, a felony violation of the Cannabis Control Act, a

1 felony violation of the Methamphetamine Control and
2 Community Protection Act, any "streetgang related" or
3 "gang-related" felony as those terms are defined in the
4 Illinois Streetgang Terrorism Omnibus Prevention Act, or
5 any felony offense involving any weapon listed in
6 paragraphs (1) through (11) of subsection (a) of Section
7 24-1 of this Code. Any recording or evidence derived as
8 the result of this exemption shall be inadmissible in any
9 proceeding, criminal, civil or administrative, except (i)
10 where a party to the conversation suffers great bodily
11 injury or is killed during such conversation, or (ii) when
12 used as direct impeachment of a witness concerning matters
13 contained in the interception or recording. The Director
14 of the Illinois State Police shall issue regulations as
15 are necessary concerning the use of devices, retention of
16 tape recordings, and reports regarding their use;

17 (g-5) (Blank);

18 (g-6) With approval of the State's Attorney of the
19 county in which it is to occur, recording or listening
20 with the aid of any device to any conversation where a law
21 enforcement officer, or any person acting at the direction
22 of law enforcement, is a party to the conversation and has
23 consented to it being intercepted or recorded in the
24 course of an investigation of child pornography,
25 aggravated child pornography, indecent solicitation of a
26 child, luring of a minor, sexual exploitation of a child,

1 aggravated criminal sexual abuse in which the victim of
2 the offense was at the time of the commission of the
3 offense under 18 years of age, or criminal sexual abuse by
4 force or threat of force in which the victim of the offense
5 was at the time of the commission of the offense under 18
6 years of age. In all such cases, an application for an
7 order approving the previous or continuing use of an
8 eavesdropping device must be made within 48 hours of the
9 commencement of such use. In the absence of such an order,
10 or upon its denial, any continuing use shall immediately
11 terminate. The Director of the Illinois State Police shall
12 issue rules as are necessary concerning the use of
13 devices, retention of recordings, and reports regarding
14 their use. Any recording or evidence obtained or derived
15 in the course of an investigation of child pornography,
16 aggravated child pornography, indecent solicitation of a
17 child, luring of a minor, sexual exploitation of a child,
18 aggravated criminal sexual abuse in which the victim of
19 the offense was at the time of the commission of the
20 offense under 18 years of age, or criminal sexual abuse by
21 force or threat of force in which the victim of the offense
22 was at the time of the commission of the offense under 18
23 years of age shall, upon motion of the State's Attorney or
24 Attorney General prosecuting any case involving child
25 pornography, aggravated child pornography, indecent
26 solicitation of a child, luring of a minor, sexual

1 exploitation of a child, aggravated criminal sexual abuse
2 in which the victim of the offense was at the time of the
3 commission of the offense under 18 years of age, or
4 criminal sexual abuse by force or threat of force in which
5 the victim of the offense was at the time of the commission
6 of the offense under 18 years of age be reviewed in camera
7 with notice to all parties present by the court presiding
8 over the criminal case, and, if ruled by the court to be
9 relevant and otherwise admissible, it shall be admissible
10 at the trial of the criminal case. Absent such a ruling,
11 any such recording or evidence shall not be admissible at
12 the trial of the criminal case;

13 (h) Recordings made simultaneously with the use of an
14 in-car video camera recording of an oral conversation
15 between a uniformed peace officer, who has identified his
16 or her office, and a person in the presence of the peace
17 officer whenever (i) an officer assigned a patrol vehicle
18 is conducting an enforcement stop; or (ii) patrol vehicle
19 emergency lights are activated or would otherwise be
20 activated if not for the need to conceal the presence of
21 law enforcement.

22 For the purposes of this subsection (h), "enforcement
23 stop" means an action by a law enforcement officer in
24 relation to enforcement and investigation duties,
25 including but not limited to, traffic stops, pedestrian
26 stops, abandoned vehicle contacts, motorist assists,

1 commercial motor vehicle stops, roadside safety checks,
2 requests for identification, or responses to requests for
3 emergency assistance;

4 (h-5) Recordings of utterances made by a person while
5 in the presence of a uniformed peace officer and while an
6 occupant of a police vehicle including, but not limited
7 to, (i) recordings made simultaneously with the use of an
8 in-car video camera and (ii) recordings made in the
9 presence of the peace officer utilizing video or audio
10 systems, or both, authorized by the law enforcement
11 agency;

12 (h-10) Recordings made simultaneously with a video
13 camera recording during the use of a taser or similar
14 weapon or device by a peace officer if the weapon or device
15 is equipped with such camera;

16 (h-15) Recordings made under subsection (h), (h-5), or
17 (h-10) shall be retained by the law enforcement agency
18 that employs the peace officer who made the recordings for
19 a storage period of 90 days, unless the recordings are
20 made as a part of an arrest or the recordings are deemed
21 evidence in any criminal, civil, or administrative
22 proceeding and then the recordings must only be destroyed
23 upon a final disposition and an order from the court.
24 Under no circumstances shall any recording be altered or
25 erased prior to the expiration of the designated storage
26 period. Upon completion of the storage period, the

1 recording medium may be erased and reissued for
2 operational use;

3 (i) Recording of a conversation made by or at the
4 request of a person, not a law enforcement officer or
5 agent of a law enforcement officer, who is a party to the
6 conversation, under reasonable suspicion that another
7 party to the conversation is committing, is about to
8 commit, or has committed a criminal offense against the
9 person or a member of his or her immediate household, and
10 there is reason to believe that evidence of the criminal
11 offense may be obtained by the recording;

12 (j) The use of a telephone monitoring device by either
13 (1) a corporation or other business entity engaged in
14 marketing or opinion research or (2) a corporation or
15 other business entity engaged in telephone solicitation,
16 as defined in this subsection, to record or listen to oral
17 telephone solicitation conversations or marketing or
18 opinion research conversations by an employee of the
19 corporation or other business entity when:

20 (i) the monitoring is used for the purpose of
21 service quality control of marketing or opinion
22 research or telephone solicitation, the education or
23 training of employees or contractors engaged in
24 marketing or opinion research or telephone
25 solicitation, or internal research related to
26 marketing or opinion research or telephone

1 solicitation; and

2 (ii) the monitoring is used with the consent of at
3 least one person who is an active party to the
4 marketing or opinion research conversation or
5 telephone solicitation conversation being monitored.

6 No communication or conversation or any part, portion,
7 or aspect of the communication or conversation made,
8 acquired, or obtained, directly or indirectly, under this
9 exemption (j), may be, directly or indirectly, furnished
10 to any law enforcement officer, agency, or official for
11 any purpose or used in any inquiry or investigation, or
12 used, directly or indirectly, in any administrative,
13 judicial, or other proceeding, or divulged to any third
14 party.

15 When recording or listening authorized by this
16 subsection (j) on telephone lines used for marketing or
17 opinion research or telephone solicitation purposes
18 results in recording or listening to a conversation that
19 does not relate to marketing or opinion research or
20 telephone solicitation; the person recording or listening
21 shall, immediately upon determining that the conversation
22 does not relate to marketing or opinion research or
23 telephone solicitation, terminate the recording or
24 listening and destroy any such recording as soon as is
25 practicable.

26 Business entities that use a telephone monitoring or

1 telephone recording system pursuant to this exemption (j)
2 shall provide current and prospective employees with
3 notice that the monitoring or recordings may occur during
4 the course of their employment. The notice shall include
5 prominent signage notification within the workplace.

6 Business entities that use a telephone monitoring or
7 telephone recording system pursuant to this exemption (j)
8 shall provide their employees or agents with access to
9 personal-only telephone lines which may be pay telephones,
10 that are not subject to telephone monitoring or telephone
11 recording.

12 For the purposes of this subsection (j), "telephone
13 solicitation" means a communication through the use of a
14 telephone by live operators:

15 (i) soliciting the sale of goods or services;

16 (ii) receiving orders for the sale of goods or
17 services;

18 (iii) assisting in the use of goods or services;

19 or

20 (iv) engaging in the solicitation, administration,
21 or collection of bank or retail credit accounts.

22 For the purposes of this subsection (j), "marketing or
23 opinion research" means a marketing or opinion research
24 interview conducted by a live telephone interviewer
25 engaged by a corporation or other business entity whose
26 principal business is the design, conduct, and analysis of

1 polls and surveys measuring the opinions, attitudes, and
2 responses of respondents toward products and services, or
3 social or political issues, or both;

4 (k) Electronic recordings, including but not limited
5 to, a motion picture, videotape, digital, or other visual
6 or audio recording, made of a custodial interrogation of
7 an individual at a police station or other place of
8 detention by a law enforcement officer under Section
9 5-401.5 of the Juvenile Court Act of 1987 or Section
10 103-2.1 of the Code of Criminal Procedure of 1963;

11 (l) Recording the interview or statement of any person
12 when the person knows that the interview is being
13 conducted by a law enforcement officer or prosecutor and
14 the interview takes place at a police station that is
15 currently participating in the Custodial Interview Pilot
16 Program established under the Illinois Criminal Justice
17 Information Act;

18 (m) An electronic recording, including but not limited
19 to, a motion picture, videotape, digital, or other visual
20 or audio recording, made of the interior of a school bus
21 while the school bus is being used in the transportation
22 of students to and from school and school-sponsored
23 activities, when the school board has adopted a policy
24 authorizing such recording, notice of such recording
25 policy is included in student handbooks and other
26 documents including the policies of the school, notice of

1 the policy regarding recording is provided to parents of
2 students, and notice of such recording is clearly posted
3 on the door of and inside the school bus.

4 Recordings made pursuant to this subsection (m) shall
5 be confidential records and may only be used by school
6 officials (or their designees) and law enforcement
7 personnel for investigations, school disciplinary actions
8 and hearings, proceedings under the Juvenile Court Act of
9 1987, and criminal prosecutions, related to incidents
10 occurring in or around the school bus;

11 (n) Recording or listening to an audio transmission
12 from a microphone placed by a person under the authority
13 of a law enforcement agency inside a bait car surveillance
14 vehicle while simultaneously capturing a photographic or
15 video image;

16 (o) The use of an eavesdropping camera or audio device
17 during an ongoing hostage or barricade situation by a law
18 enforcement officer or individual acting on behalf of a
19 law enforcement officer when the use of such device is
20 necessary to protect the safety of the general public,
21 hostages, or law enforcement officers or anyone acting on
22 their behalf;

23 (p) Recording or listening with the aid of any device
24 to incoming telephone calls of phone lines publicly listed
25 or advertised as the "CPS Violence Prevention Hotline",
26 but only where the notice of recording is given at the

1 beginning of each call as required by Section 34-21.8 of
2 the School Code. The recordings may be retained only by
3 the Chicago Police Department or other law enforcement
4 authorities, and shall not be otherwise retained or
5 disseminated;

6 (q) (1) With prior request to and written or verbal
7 approval of the State's Attorney of the county in which
8 the conversation is anticipated to occur, recording or
9 listening with the aid of an eavesdropping device to a
10 conversation in which a law enforcement officer, or any
11 person acting at the direction of a law enforcement
12 officer, is a party to the conversation and has consented
13 to the conversation being intercepted or recorded in the
14 course of an investigation of a qualified offense. The
15 State's Attorney may grant this approval only after
16 determining that reasonable cause exists to believe that
17 inculpatory conversations concerning a qualified offense
18 will occur with a specified individual or individuals
19 within a designated period of time.

20 (2) Request for approval. To invoke the exception
21 contained in this subsection (q), a law enforcement
22 officer shall make a request for approval to the
23 appropriate State's Attorney. The request may be written
24 or verbal; however, a written memorialization of the
25 request must be made by the State's Attorney. This request
26 for approval shall include whatever information is deemed

1 necessary by the State's Attorney but shall include, at a
2 minimum, the following information about each specified
3 individual whom the law enforcement officer believes will
4 commit a qualified offense:

5 (A) his or her full or partial name, nickname or
6 alias;

7 (B) a physical description; or

8 (C) failing either (A) or (B) of this paragraph
9 (2), any other supporting information known to the law
10 enforcement officer at the time of the request that
11 gives rise to reasonable cause to believe that the
12 specified individual will participate in an
13 inculpatory conversation concerning a qualified
14 offense.

15 (3) Limitations on approval. Each written approval by
16 the State's Attorney under this subsection (q) shall be
17 limited to:

18 (A) a recording or interception conducted by a
19 specified law enforcement officer or person acting at
20 the direction of a law enforcement officer;

21 (B) recording or intercepting conversations with
22 the individuals specified in the request for approval,
23 provided that the verbal approval shall be deemed to
24 include the recording or intercepting of conversations
25 with other individuals, unknown to the law enforcement
26 officer at the time of the request for approval, who

1 are acting in conjunction with or as co-conspirators
2 with the individuals specified in the request for
3 approval in the commission of a qualified offense;

4 (C) a reasonable period of time but in no event
5 longer than 24 consecutive hours;

6 (D) the written request for approval, if
7 applicable, or the written memorialization must be
8 filed, along with the written approval, with the
9 circuit clerk of the jurisdiction on the next business
10 day following the expiration of the authorized period
11 of time, and shall be subject to review by the Chief
12 Judge or his or her designee as deemed appropriate by
13 the court.

14 (3.5) The written memorialization of the request for
15 approval and the written approval by the State's Attorney
16 may be in any format, including via facsimile, email, or
17 otherwise, so long as it is capable of being filed with the
18 circuit clerk.

19 (3.10) Beginning March 1, 2015, each State's Attorney
20 shall annually submit a report to the General Assembly
21 disclosing:

22 (A) the number of requests for each qualified
23 offense for approval under this subsection; and

24 (B) the number of approvals for each qualified
25 offense given by the State's Attorney.

26 (4) Admissibility of evidence. No part of the contents

1 of any wire, electronic, or oral communication that has
2 been recorded or intercepted as a result of this exception
3 may be received in evidence in any trial, hearing, or
4 other proceeding in or before any court, grand jury,
5 department, officer, agency, regulatory body, legislative
6 committee, or other authority of this State, or a
7 political subdivision of the State, other than in a
8 prosecution of:

9 (A) the qualified offense for which approval was
10 given to record or intercept a conversation under this
11 subsection (q);

12 (B) a forcible felony committed directly in the
13 course of the investigation of the qualified offense
14 for which approval was given to record or intercept a
15 conversation under this subsection (q); or

16 (C) any other forcible felony committed while the
17 recording or interception was approved in accordance
18 with this subsection (q), but for this specific
19 category of prosecutions, only if the law enforcement
20 officer or person acting at the direction of a law
21 enforcement officer who has consented to the
22 conversation being intercepted or recorded suffers
23 great bodily injury or is killed during the commission
24 of the charged forcible felony.

25 (5) Compliance with the provisions of this subsection
26 is a prerequisite to the admissibility in evidence of any

1 part of the contents of any wire, electronic or oral
2 communication that has been intercepted as a result of
3 this exception, but nothing in this subsection shall be
4 deemed to prevent a court from otherwise excluding the
5 evidence on any other ground recognized by State or
6 federal law, nor shall anything in this subsection be
7 deemed to prevent a court from independently reviewing the
8 admissibility of the evidence for compliance with the
9 Fourth Amendment to the U.S. Constitution or with Article
10 I, Section 6 of the Illinois Constitution.

11 (6) Use of recordings or intercepts unrelated to
12 qualified offenses. Whenever any private conversation or
13 private electronic communication has been recorded or
14 intercepted as a result of this exception that is not
15 related to an offense for which the recording or intercept
16 is admissible under paragraph (4) of this subsection (q),
17 no part of the contents of the communication and evidence
18 derived from the communication may be received in evidence
19 in any trial, hearing, or other proceeding in or before
20 any court, grand jury, department, officer, agency,
21 regulatory body, legislative committee, or other authority
22 of this State, or a political subdivision of the State,
23 nor may it be publicly disclosed in any way.

24 (6.5) The Illinois State Police shall adopt rules as
25 are necessary concerning the use of devices, retention of
26 recordings, and reports regarding their use under this

1 subsection (q).

2 (7) Definitions. For the purposes of this subsection
3 (q) only:

4 "Forcible felony" includes and is limited to those
5 offenses contained in Section 2-8 of the Criminal Code
6 of 1961 as of the effective date of this amendatory Act
7 of the 97th General Assembly, and only as those
8 offenses have been defined by law or judicial
9 interpretation as of that date.

10 "Qualified offense" means and is limited to:

11 (A) a felony violation of the Cannabis Control
12 Act, the Illinois Controlled Substances Act, or
13 the Methamphetamine Control and Community
14 Protection Act, except for violations of:

15 (i) Section 4 of the Cannabis Control Act
16 committed before the effective date of this
17 amendatory Act of the 103rd General Assembly;

18 (ii) Section 402 of the Illinois
19 Controlled Substances Act; and

20 (iii) Section 60 of the Methamphetamine
21 Control and Community Protection Act; and

22 (B) first degree murder, solicitation of
23 murder for hire, predatory criminal sexual assault
24 of a child, criminal sexual assault, aggravated
25 criminal sexual assault, aggravated arson,
26 kidnapping, aggravated kidnapping, child

1 abduction, trafficking in persons, involuntary
2 servitude, involuntary sexual servitude of a
3 minor, or gunrunning.

4 "State's Attorney" includes and is limited to the
5 State's Attorney or an assistant State's Attorney
6 designated by the State's Attorney to provide verbal
7 approval to record or intercept conversations under
8 this subsection (q).

9 (8) Sunset. This subsection (q) is inoperative on and
10 after January 1, 2027. No conversations intercepted
11 pursuant to this subsection (q), while operative, shall be
12 inadmissible in a court of law by virtue of the
13 inoperability of this subsection (q) on January 1, 2027.

14 (9) Recordings, records, and custody. Any private
15 conversation or private electronic communication
16 intercepted by a law enforcement officer or a person
17 acting at the direction of law enforcement shall, if
18 practicable, be recorded in such a way as will protect the
19 recording from editing or other alteration. Any and all
20 original recordings made under this subsection (q) shall
21 be inventoried without unnecessary delay pursuant to the
22 law enforcement agency's policies for inventorying
23 evidence. The original recordings shall not be destroyed
24 except upon an order of a court of competent jurisdiction;
25 and

26 (r) Electronic recordings, including but not limited

1 to, motion picture, videotape, digital, or other visual or
2 audio recording, made of a lineup under Section 107A-2 of
3 the Code of Criminal Procedure of 1963.

4 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
5 102-918, eff. 5-27-22.)

6 Section 25. The Cannabis Control Act is amended by
7 changing Sections 7, 9, 10, and 16.2 as follows:

8 (720 ILCS 550/7) (from Ch. 56 1/2, par. 707)

9 Sec. 7. (a) Any person who is at least 18 years of age who
10 violates Section 5 of this Act by delivering cannabis to a
11 person under 18 years of age who is at least 3 years his junior
12 may be sentenced to imprisonment for a term up to twice the
13 maximum term otherwise authorized by Section 5.

14 (b) Any person under 18 years of age who violates ~~Section 4~~
15 ~~or~~ 5 of this Act may be treated by the court in accordance with
16 the Juvenile Court Act of 1987.

17 (Source: P.A. 85-1209.)

18 (720 ILCS 550/9) (from Ch. 56 1/2, par. 709)

19 Sec. 9. (a) Any person who engages in a calculated
20 criminal cannabis conspiracy, as defined in subsection (b), is
21 guilty of a Class 3 felony, and fined not more than \$200,000
22 and shall be subject to the forfeitures prescribed in
23 subsection (c); except that, if any person engages in such

1 offense after one or more prior convictions under this
2 Section, ~~Section 4 (d)~~, Section 5 (d), Section 8 (d) or any law
3 of the United States or of any State relating to cannabis, or
4 controlled substances as defined in the Illinois Controlled
5 Substances Act, in addition to the fine and forfeiture
6 authorized above, he shall be guilty of a Class 1 felony for
7 which an offender may not be sentenced to death.

8 (b) For purposes of this section, a person engages in a
9 calculated criminal cannabis conspiracy when:

10 (1) he violates Section ~~4 (d), 4 (e)~~, 5 (d), 5 (e), 8 (c)
11 or 8 (d) of this Act; and

12 (2) such violation is a part of a conspiracy undertaken or
13 carried on with 2 or more other persons; and

14 (3) he obtains anything of value greater than \$500 from,
15 or organizes, directs or finances such violation or
16 conspiracy.

17 (c) Any person who is convicted under this Section of
18 engaging in a calculated criminal cannabis conspiracy shall
19 forfeit to the State of Illinois:

20 (1) the receipts obtained by him in such conspiracy; and

21 (2) any of his interests in, claims against, receipts
22 from, or property or rights of any kind affording a source of
23 influence over, such conspiracy.

24 (d) The circuit court may enter such injunctions,
25 restraining orders, directions, or prohibitions, or take such
26 other actions, including the acceptance of satisfactory

1 performance bonds, in connection with any property, claim,
2 receipt, right or other interest subject to forfeiture under
3 this Section, as it deems proper.

4 (Source: P.A. 84-1233.)

5 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

6 Sec. 10. (a) Whenever any person who has not previously
7 been convicted of any felony offense under this Act or any law
8 of the United States or of any State relating to cannabis, or
9 controlled substances as defined in the Illinois Controlled
10 Substances Act, pleads guilty to or is found guilty of
11 violating Section ~~Sections 4(a), 4(b), 4(c),~~ 5(a), 5(b), 5(c),
12 or 8 of this Act, the court may, without entering a judgment
13 and with the consent of such person, sentence him to
14 probation.

15 (b) When a person is placed on probation, the court shall
16 enter an order specifying a period of probation of 24 months,
17 and shall defer further proceedings in the case until the
18 conclusion of the period or until the filing of a petition
19 alleging violation of a term or condition of probation.

20 (c) The conditions of probation shall be that the person:
21 (1) not violate any criminal statute of any jurisdiction; (2)
22 refrain from possession of a firearm or other dangerous
23 weapon; (3) submit to periodic drug testing at a time and in a
24 manner as ordered by the court, but no less than 3 times during
25 the period of the probation, with the cost of the testing to be

1 paid by the probationer; and (4) perform no less than 30 hours
2 of community service, provided community service is available
3 in the jurisdiction and is funded and approved by the county
4 board. The court may give credit toward the fulfillment of
5 community service hours for participation in activities and
6 treatment as determined by court services.

7 (d) The court may, in addition to other conditions,
8 require that the person:

9 (1) make a report to and appear in person before or
10 participate with the court or such courts, person, or
11 social service agency as directed by the court in the
12 order of probation;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical or psychiatric treatment; or
17 treatment for drug addiction or alcoholism;

18 (5) attend or reside in a facility established for the
19 instruction or residence of defendants on probation;

20 (6) support his dependents;

21 (7) refrain from possessing a firearm or other
22 dangerous weapon;

23 (7-5) refrain from having in his or her body the
24 presence of any illicit drug prohibited by the Cannabis
25 Control Act, the Illinois Controlled Substances Act, or
26 the Methamphetamine Control and Community Protection Act,

1 unless prescribed by a physician, and submit samples of
2 his or her blood or urine or both for tests to determine
3 the presence of any illicit drug;

4 (8) and in addition, if a minor:

5 (i) reside with his parents or in a foster home;

6 (ii) attend school;

7 (iii) attend a non-residential program for youth;

8 (iv) contribute to his own support at home or in a
9 foster home.

10 (e) Upon violation of a term or condition of probation,
11 the court may enter a judgment on its original finding of guilt
12 and proceed as otherwise provided.

13 (f) Upon fulfillment of the terms and conditions of
14 probation, the court shall discharge such person and dismiss
15 the proceedings against him.

16 (g) A disposition of probation is considered to be a
17 conviction for the purposes of imposing the conditions of
18 probation and for appeal, however, discharge and dismissal
19 under this Section is not a conviction for purposes of
20 disqualification or disabilities imposed by law upon
21 conviction of a crime (including the additional penalty
22 imposed for subsequent offenses under Section ~~4(e), 4(d),~~ 5(c)
23 or 5(d) of this Act).

24 (h) A person may not have more than one discharge and
25 dismissal under this Section within a 4-year period.

26 (i) If a person is convicted of an offense under this Act,

1 the Illinois Controlled Substances Act, or the Methamphetamine
2 Control and Community Protection Act within 5 years subsequent
3 to a discharge and dismissal under this Section, the discharge
4 and dismissal under this Section shall be admissible in the
5 sentencing proceeding for that conviction as a factor in
6 aggravation.

7 (j) Notwithstanding subsection (a), before a person is
8 sentenced to probation under this Section, the court may refer
9 the person to the drug court established in that judicial
10 circuit pursuant to Section 15 of the Drug Court Treatment
11 Act. The drug court team shall evaluate the person's
12 likelihood of successfully completing a sentence of probation
13 under this Section and shall report the results of its
14 evaluation to the court. If the drug court team finds that the
15 person suffers from a substance abuse problem that makes him
16 or her substantially unlikely to successfully complete a
17 sentence of probation under this Section, then the drug court
18 shall set forth its findings in the form of a written order,
19 and the person shall not be sentenced to probation under this
20 Section, but shall be considered for the drug court program.

21 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
22 100-575, eff. 1-8-18.)

23 (720 ILCS 550/16.2)

24 Sec. 16.2. Preservation of cannabis or cannabis sativa
25 plants for laboratory testing.

1 (a) Before or after the trial in a prosecution for a
2 violation of Section ~~4~~ 5, 5.1, 5.2, 8, or 9 of this Act, a law
3 enforcement agency or an agent acting on behalf of the law
4 enforcement agency must preserve, subject to a continuous
5 chain of custody, not less than 6,001 grams of any substance
6 containing cannabis and not less than 51 cannabis sativa
7 plants with respect to the offenses enumerated in this
8 subsection (a) and must maintain sufficient documentation to
9 locate that evidence. Excess quantities with respect to the
10 offenses enumerated in this subsection (a) cannot practicably
11 be retained by a law enforcement agency because of its size,
12 bulk, and physical character.

13 (b) The court may before trial transfer excess quantities
14 of any substance containing cannabis or cannabis sativa plants
15 with respect to a prosecution for any offense enumerated in
16 subsection (a) to the sheriff of the county, or may in its
17 discretion transfer such evidence to the Illinois State
18 Police, for destruction after notice is given to the
19 defendant's attorney of record or to the defendant if the
20 defendant is proceeding pro se.

21 (c) After a judgment of conviction is entered and the
22 charged quantity is no longer needed for evidentiary purposes
23 with respect to a prosecution for any offense enumerated in
24 subsection (a), the court may transfer any substance
25 containing cannabis or cannabis sativa plants to the sheriff
26 of the county, or may in its discretion transfer such evidence

1 to the Illinois State Police, for destruction after notice is
2 given to the defendant's attorney of record or to the
3 defendant if the defendant is proceeding pro se. No evidence
4 shall be disposed of until 30 days after the judgment is
5 entered, and if a notice of appeal is filed, no evidence shall
6 be disposed of until the mandate has been received by the
7 circuit court from the Appellate Court.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 (720 ILCS 550/4 rep.)

10 Section 30. The Cannabis Control Act is amended by
11 repealing Section 4.

12 Section 40. The Code of Criminal Procedure of 1963 is
13 amended by changing Section 115-23 as follows:

14 (725 ILCS 5/115-23)

15 Sec. 115-23. Admissibility of cannabis. In a prosecution
16 for a violation of subsection (a) of Section 4 of the Cannabis
17 Control Act committed before the effective date of this
18 amendatory Act of the 103rd General Assembly or a municipal
19 ordinance for possession of cannabis that is punished by only
20 a fine, cannabis shall only be admitted into evidence based
21 upon:

22 (1) a properly administered field test; or

23 (2) opinion testimony of a peace officer based on the

1 officer's training and experience as qualified by the
2 court.

3 (Source: P.A. 99-697, eff. 7-29-16.)