



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4834

Introduced 2/7/2024, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2

Amends the Criminal Identification Act concerning records eligible for sealing. Provides that records of arrests or charges not initiated by arrest resulting in orders of supervision, including orders of supervision for municipal ordinance violations, successfully completed by the petitioner, may be sealed one year (rather than 2 years) after the termination of petitioner's last sentence. Provides that records of: (1) arrests or charges not initiated by arrest resulting in convictions, including convictions on municipal ordinance violations; (2) arrests or charges not initiated by arrest resulting in orders of first offender probation under the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Offender Initiative Program; and (3) arrests or charges not initiated by arrest resulting in felony convictions may be sealed one year (rather than 3 years) after the termination of the petitioner's last sentence.

LRB103 36733 RLC 66843 b

1 AN ACT concerning State government.

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

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

6 (20 ILCS 2630/5.2)

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

8 (a) General Provisions.

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

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

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 a
22 civil law violation of subsection (a) of Section 4 of the
23 Cannabis Control Act or subsection (c) of Section 3.5 of
24 the Drug Paraphernalia Control Act in the law enforcement
25 agency's possession or control and which contains the
26 final satisfactory disposition which pertain to the person

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

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

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

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

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

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

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

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

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

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

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

11 (D) (blank).

12 (b) Expungement.

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

26 (1.5) When a petitioner seeks to have a record of

1 arrest expunged under this Section, and the offender has
2 been convicted of a criminal offense, the State's Attorney
3 may object to the expungement on the grounds that the
4 records contain specific relevant information aside from
5 the mere fact of the arrest.

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

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

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

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

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

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

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

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

1 (4) Whenever a person has been arrested for or
2 convicted of any offense, in the name of a person whose
3 identity he or she has stolen or otherwise come into
4 possession of, the aggrieved person from whom the identity
5 was stolen or otherwise obtained without authorization,
6 upon learning of the person having been arrested using his
7 or her identity, may, upon verified petition to the chief
8 judge of the circuit wherein the arrest was made, have a
9 court order entered nunc pro tunc by the Chief Judge to
10 correct the arrest record, conviction record, if any, and
11 all official records of the arresting authority, the
12 Illinois State Police, other criminal justice agencies,
13 the prosecutor, and the trial court concerning such
14 arrest, if any, by removing his or her name from all such
15 records in connection with the arrest and conviction, if
16 any, and by inserting in the records the name of the
17 offender, if known or ascertainable, in lieu of the
18 aggrieved's name. The records of the circuit court clerk
19 shall be sealed until further order of the court upon good
20 cause shown and the name of the aggrieved person
21 obliterated on the official index required to be kept by
22 the circuit court clerk under Section 16 of the Clerks of
23 Courts Act, but the order shall not affect any index
24 issued by the circuit court clerk before the entry of the
25 order. Nothing in this Section shall limit the Illinois
26 State Police or other criminal justice agencies or

1 prosecutors from listing under an offender's name the
2 false names he or she has used.

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

19 (6) If a conviction has been set aside on direct
20 review or on collateral attack and the court determines by
21 clear and convincing evidence that the petitioner was
22 factually innocent of the charge, the court that finds the
23 petitioner factually innocent of the charge shall enter an
24 expungement order for the conviction for which the
25 petitioner has been determined to be innocent as provided
26 in subsection (b) of Section 5-5-4 of the Unified Code of

1 Corrections.

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

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

23 (c) Sealing.

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

1 authorizes the sealing of criminal records of adults and
2 of minors prosecuted as adults. Subsection (g) of this
3 Section provides for immediate sealing of certain records.

4 (2) Eligible Records. The following records may be
5 sealed:

6 (A) All arrests resulting in release without
7 charging;

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

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

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

21 (E) Arrests or charges not initiated by arrest
22 resulting in orders of first offender probation under
23 Section 10 of the Cannabis Control Act, Section 410 of
24 the Illinois Controlled Substances Act, Section 70 of
25 the Methamphetamine Control and Community Protection
26 Act, or Section 5-6-3.3 of the Unified Code of

1 Corrections; and

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

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

9 (A) Records identified as eligible under
10 subsections (c)(2)(A) and (c)(2)(B) may be sealed at
11 any time.

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

17 (C) Except as otherwise provided in subparagraph
18 (E) of this paragraph (3), records identified as
19 eligible under subsections (c)(2)(D), (c)(2)(E), and
20 (c)(2)(F) may be sealed one year ~~3 years~~ after the
21 termination of the petitioner's last sentence (as
22 defined in subsection (a)(1)(F)). Convictions
23 requiring public registration under the Arsonist
24 Registration Act, the Sex Offender Registration Act,
25 or the Murderer and Violent Offender Against Youth
26 Registration Act may not be sealed until the

1 petitioner is no longer required to register under
2 that relevant Act.

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

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

23 (4) Subsequent felony convictions. A person may not
24 have subsequent felony conviction records sealed as
25 provided in this subsection (c) if he or she is convicted
26 of any felony offense after the date of the sealing of

1 prior felony convictions as provided in this subsection
2 (c). The court may, upon conviction for a subsequent
3 felony offense, order the unsealing of prior felony
4 conviction records previously ordered sealed by the court.

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

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

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

25 (1.5) County fee waiver pilot program. From August 9,
26 2019 (the effective date of Public Act 101-306) through

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

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

25 (3) Drug test. The petitioner must attach to the
26 petition proof that the petitioner has taken within 30

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

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

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

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

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

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

21 (5) Objections.

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

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

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

7 (6) Entry of order.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 criminal justice agencies as may be ordered by the court.

2 (9) Implementation of order.

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

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

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

23 (iii) in response to an inquiry for expunged
24 records, the court, the Illinois State Police, or
25 the agency receiving such inquiry, shall reply as
26 it does in response to inquiries when no records

1 ever existed.

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

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

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

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

26 (iv) records impounded by the Illinois State

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

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

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

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

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

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

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

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

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

25 (C) Upon entry of an order to seal records under
26 subsection (c), the arresting agency, any other agency

1 as ordered by the court, the Illinois State Police,
2 and the court shall seal the records (as defined in
3 subsection (a)(1)(K)). In response to an inquiry for
4 such records, from anyone not authorized by law to
5 access such records, the court, the Illinois State
6 Police, or the agency receiving such inquiry shall
7 reply as it does in response to inquiries when no
8 records ever existed.

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

25 (E) Upon motion, the court may order that a sealed
26 judgment or other court record necessary to

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

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

19 (10) Fees. The Illinois State Police may charge the
20 petitioner a fee equivalent to the cost of processing any
21 order to expunge or seal records. Notwithstanding any
22 provision of the Clerks of Courts Act to the contrary, the
23 circuit court clerk may charge a fee equivalent to the
24 cost associated with the sealing or expungement of records
25 by the circuit court clerk. From the total filing fee
26 collected for the petition to seal or expunge, the circuit

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

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

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

1 motion shall be served upon the petitioner and all parties
2 entitled to notice of the petition.

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

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

20 (15) Compliance with Order Granting Petition to
21 Expunge Records. While a party is seeking relief from the
22 order granting the petition to expunge through a motion
23 filed under paragraph (12) of this subsection (d) or is
24 appealing the order, and unless a court has entered a stay
25 of that order, the parties entitled to notice of the
26 petition must seal, but need not expunge, the records

1 until there is a final order on the motion for relief or,
2 in the case of an appeal, the issuance of that court's
3 mandate.

4 (16) The changes to this subsection (d) made by Public
5 Act 98-163 apply to all petitions pending on August 5,
6 2013 (the effective date of Public Act 98-163) and to all
7 orders ruling on a petition to expunge or seal on or after
8 August 5, 2013 (the effective date of Public Act 98-163).

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

1 Illinois State Police may be disseminated by the Illinois
2 State Police only to the arresting authority, the State's
3 Attorney, and the court upon a later arrest for the same or
4 similar offense or for the purpose of sentencing for any
5 subsequent felony. Upon conviction for any subsequent offense,
6 the Department of Corrections shall have access to all sealed
7 records of the Illinois State Police pertaining to that
8 individual. Upon entry of the order of expungement, the
9 circuit court clerk shall promptly mail a copy of the order to
10 the person who was pardoned.

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

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

16 (e-6) Whenever a person who has been convicted of an
17 offense is granted a certificate of eligibility for
18 expungement by the Prisoner Review Board which specifically
19 authorizes expungement, he or she may, upon verified petition
20 to the Chief Judge of the circuit where the person had been
21 convicted, any judge of the circuit designated by the Chief
22 Judge, or in counties of less than 3,000,000 inhabitants, the
23 presiding trial judge at the petitioner's trial, have a court
24 order entered expunging the record of arrest from the official
25 records of the arresting authority and order that the records
26 of the circuit court clerk and the Illinois State Police be

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

21 (f) Subject to available funding, the Illinois Department
22 of Corrections shall conduct a study of the impact of sealing,
23 especially on employment and recidivism rates, utilizing a
24 random sample of those who apply for the sealing of their
25 criminal records under Public Act 93-211. At the request of
26 the Illinois Department of Corrections, records of the

1 Illinois Department of Employment Security shall be utilized
2 as appropriate to assist in the study. The study shall not
3 disclose any data in a manner that would allow the
4 identification of any particular individual or employing unit.
5 The study shall be made available to the General Assembly no
6 later than September 1, 2010.

7 (g) Immediate Sealing.

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

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

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

26 (4) Notice of Eligibility for Immediate Sealing. Upon

1 entry of a disposition for an eligible record under this
2 subsection (g), the defendant shall be informed by the
3 court of his or her right to have eligible records
4 immediately sealed and the procedure for the immediate
5 sealing of these records.

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

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

21 (B) Contents of Petition. The immediate sealing
22 petition shall be verified and shall contain the
23 petitioner's name, date of birth, current address, and
24 for each eligible record, the case number, the date of
25 arrest if applicable, the identity of the arresting
26 authority if applicable, and other information as the

1 court may require.

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

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

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

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

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

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

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

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

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

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

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

1 order granting a petition to immediately seal, all
2 parties entitled to service of the order must fully
3 comply with the terms of the order within 60 days of
4 service of the order.

5 (h) Sealing or vacation and expungement of trafficking
6 victims' crimes.

7 (1) A trafficking victim, as defined by paragraph (10)
8 of subsection (a) of Section 10-9 of the Criminal Code of
9 2012, may petition for vacation and expungement or
10 immediate sealing of his or her criminal record upon the
11 completion of his or her last sentence if his or her
12 participation in the underlying offense was a result of
13 human trafficking under Section 10-9 of the Criminal Code
14 of 2012 or a severe form of trafficking under the federal
15 Trafficking Victims Protection Act.

16 (1.5) A petition under paragraph (1) shall be
17 prepared, signed, and filed in accordance with Supreme
18 Court Rule 9. The court may allow the petitioner to attend
19 any required hearing remotely in accordance with local
20 rules. The court may allow a petition to be filed under
21 seal if the public filing of the petition would constitute
22 a risk of harm to the petitioner.

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

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

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

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

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

26 (A) The Illinois State Police and all law

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

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

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

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

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

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

25 (ii) Records created prior to January 1, 2013,
26 but on or after January 1, 2000, shall be

1 automatically expunged prior to January 1, 2023;

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

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

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

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

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

25 (i) one or more convictions for a Minor
26 Cannabis Offense;

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

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

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

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

26 (ii) In response to a written objection from a

1 State's Attorney, the Prisoner Review Board is
2 authorized to conduct a non-public hearing to
3 evaluate the information provided in the
4 objection.

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

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

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

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

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

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

1 electronically.

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

1 expunged in accordance with subparagraphs (d)(8) and
2 (d)(9)(A) of this Section.

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

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

1 records shall be expunged in accordance with subparagraph
2 (d) (9) (A) of this Section.

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

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

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

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

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

24 (j) Felony Prostitution Convictions.

25 (1) Any individual may file a motion to vacate and
26 expunge a conviction for a prior Class 4 felony violation

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

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

9 (B) the petitioner's age;

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

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

1 designated by the Chief Judge, and the motion may
2 include more than one individual.

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

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

13 (B) the petitioner's age;

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

15 (D) the time since the conviction; and

16 (E) the specific adverse consequences if denied.

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

24 (3) 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 (4) The Illinois State Police shall allow a person to
3 a use the access and review process, established in the
4 Illinois State Police, for verifying that his or her
5 records relating to felony prostitution eligible under
6 this Section have been expunged.

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

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

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

18 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
19 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
20 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)