



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB5465**

Introduced 2/9/2024, by Rep. Jeff Keicher

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-915

Amends the Juvenile Court Act of 1987. Provides that a trafficking victim, as defined in the human trafficking provisions of the Criminal Code of 2012, may petition for vacation and expungement or immediate sealing of his or her juvenile court records and juvenile law enforcement records relating to events that resulted in the victim's adjudication of delinquency for an offense if committed by an adult would be a violation of the criminal laws occurring before the victim's 18th birthday upon the completion of his or her juvenile court sentence if his or her participation in the underlying offense was a direct result of human trafficking under the Criminal Code of 2012 or a severe form of trafficking under the federal Trafficking Victims Protection Act.

LRB103 36846 RLC 66958 b

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Section 5-915 as follows:

6 (705 ILCS 405/5-915)

7 Sec. 5-915. Expungement of juvenile law enforcement and  
8 juvenile court records.

9 (0.05) (Blank).

10 (0.1) (a) The Illinois State Police and all law enforcement  
11 agencies within the State shall automatically expunge, on or  
12 before January 1 of each year, except as described in  
13 paragraph (c) of this subsection (0.1), all juvenile law  
14 enforcement records relating to events occurring before an  
15 individual's 18th birthday if:

16 (1) one year or more has elapsed since the date of the  
17 arrest or law enforcement interaction documented in the  
18 records;

19 (2) no petition for delinquency or criminal charges  
20 were filed with the clerk of the circuit court relating to  
21 the arrest or law enforcement interaction documented in  
22 the records; and

23 (3) 6 months have elapsed since the date of the arrest

1 without an additional subsequent arrest or filing of a  
2 petition for delinquency or criminal charges whether  
3 related or not to the arrest or law enforcement  
4 interaction documented in the records.

5 (b) If the law enforcement agency is unable to verify  
6 satisfaction of conditions (2) and (3) of this subsection  
7 (0.1), records that satisfy condition (1) of this subsection  
8 (0.1) shall be automatically expunged if the records relate to  
9 an offense that if committed by an adult would not be an  
10 offense classified as a Class 2 felony or higher, an offense  
11 under Article 11 of the Criminal Code of 1961 or Criminal Code  
12 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,  
13 12-15, or 12-16 of the Criminal Code of 1961.

14 (c) If the juvenile law enforcement record was received  
15 through a public submission to a statewide student  
16 confidential reporting system administered by the Illinois  
17 State Police, the record will be maintained for a period of 5  
18 years according to all other provisions in this subsection  
19 (0.1).

20 (0.15) If a juvenile law enforcement record meets  
21 paragraph (a) of subsection (0.1) of this Section, a juvenile  
22 law enforcement record created:

23 (1) prior to January 1, 2018, but on or after January  
24 1, 2013 shall be automatically expunged prior to January  
25 1, 2020;

26 (2) prior to January 1, 2013, but on or after January

1           1, 2000, shall be automatically expunged prior to January  
2           1, 2023; and

3           (3) prior to January 1, 2000 shall not be subject to  
4           the automatic expungement provisions of this Act.

5           Nothing in this subsection (0.15) shall be construed to  
6           restrict or modify an individual's right to have the person's  
7           juvenile law enforcement records expunged except as otherwise  
8           may be provided in this Act.

9           (0.2) (a) Upon dismissal of a petition alleging delinquency  
10          or upon a finding of not delinquent, the successful  
11          termination of an order of supervision, or the successful  
12          termination of an adjudication for an offense which would be a  
13          Class B misdemeanor, Class C misdemeanor, or a petty or  
14          business offense if committed by an adult, the court shall  
15          automatically order the expungement of the juvenile court  
16          records and juvenile law enforcement records. The clerk shall  
17          deliver a certified copy of the expungement order to the  
18          Illinois State Police and the arresting agency. Upon request,  
19          the State's Attorney shall furnish the name of the arresting  
20          agency. The expungement shall be completed within 60 business  
21          days after the receipt of the expungement order.

22          (b) If the chief law enforcement officer of the agency, or  
23          the chief law enforcement officer's designee, certifies in  
24          writing that certain information is needed for a pending  
25          investigation involving the commission of a felony, that  
26          information, and information identifying the juvenile, may be

1 retained until the statute of limitations for the felony has  
2 run. If the chief law enforcement officer of the agency, or the  
3 chief law enforcement officer's designee, certifies in writing  
4 that certain information is needed with respect to an internal  
5 investigation of any law enforcement office, that information  
6 and information identifying the juvenile may be retained  
7 within an intelligence file until the investigation is  
8 terminated or the disciplinary action, including appeals, has  
9 been completed, whichever is later. Retention of a portion of  
10 a juvenile's law enforcement record does not disqualify the  
11 remainder of a juvenile's record from immediate automatic  
12 expungement.

13 (0.3) (a) Upon an adjudication of delinquency based on any  
14 offense except a disqualified offense, the juvenile court  
15 shall automatically order the expungement of the juvenile  
16 court and law enforcement records 2 years after the juvenile's  
17 case was closed if no delinquency or criminal proceeding is  
18 pending and the person has had no subsequent delinquency  
19 adjudication or criminal conviction. The clerk shall deliver a  
20 certified copy of the expungement order to the Illinois State  
21 Police and the arresting agency. Upon request, the State's  
22 Attorney shall furnish the name of the arresting agency. The  
23 expungement shall be completed within 60 business days after  
24 the receipt of the expungement order. In this subsection  
25 (0.3), "disqualified offense" means any of the following  
26 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,

1 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,  
2 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,  
3 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,  
4 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,  
5 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,  
6 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,  
7 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or  
8 subsection (b) of Section 8-1, paragraph (4) of subsection (a)  
9 of Section 11-14.4, subsection (a-5) of Section 12-3.1,  
10 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,  
11 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or  
12 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of  
13 paragraph (1) of subsection (a) of Section 12-9, subparagraph  
14 (H) of paragraph (3) of subsection (a) of Section 24-1.6,  
15 paragraph (1) of subsection (a) of Section 25-1, or subsection  
16 (a-7) of Section 31-1 of the Criminal Code of 2012.

17 (b) If the chief law enforcement officer of the agency, or  
18 the chief law enforcement officer's designee, certifies in  
19 writing that certain information is needed for a pending  
20 investigation involving the commission of a felony, that  
21 information, and information identifying the juvenile, may be  
22 retained in an intelligence file until the investigation is  
23 terminated or for one additional year, whichever is sooner.  
24 Retention of a portion of a juvenile's juvenile law  
25 enforcement record does not disqualify the remainder of a  
26 juvenile's record from immediate automatic expungement.

1           (0.4) Automatic expungement for the purposes of this  
2 Section shall not require law enforcement agencies to  
3 obliterate or otherwise destroy juvenile law enforcement  
4 records that would otherwise need to be automatically expunged  
5 under this Act, except after 2 years following the subject  
6 arrest for purposes of use in civil litigation against a  
7 governmental entity or its law enforcement agency or personnel  
8 which created, maintained, or used the records. However, these  
9 juvenile law enforcement records shall be considered expunged  
10 for all other purposes during this period and the offense,  
11 which the records or files concern, shall be treated as if it  
12 never occurred as required under Section 5-923.

13           (0.5) Subsection (0.1) or (0.2) of this Section does not  
14 apply to violations of traffic, boating, fish and game laws,  
15 or county or municipal ordinances.

16           (0.6) Juvenile law enforcement records of a plaintiff who  
17 has filed civil litigation against the governmental entity or  
18 its law enforcement agency or personnel that created,  
19 maintained, or used the records, or juvenile law enforcement  
20 records that contain information related to the allegations  
21 set forth in the civil litigation may not be expunged until  
22 after 2 years have elapsed after the conclusion of the  
23 lawsuit, including any appeal.

24           (0.7) Officer-worn body camera recordings shall not be  
25 automatically expunged except as otherwise authorized by the  
26 Law Enforcement Officer-Worn Body Camera Act.

1           (1) Whenever a person has been arrested, charged, or  
2 adjudicated delinquent for an incident occurring before a  
3 person's 18th birthday that if committed by an adult would be  
4 an offense, and that person's juvenile law enforcement and  
5 juvenile court records are not eligible for automatic  
6 expungement under subsection (0.1), (0.2), or (0.3), the  
7 person may petition the court at any time at no cost to the  
8 person for expungement of juvenile law enforcement records and  
9 juvenile court records relating to the incident and, upon  
10 termination of all juvenile court proceedings relating to that  
11 incident, the court shall order the expungement of all records  
12 in the possession of the Illinois State Police, the clerk of  
13 the circuit court, and law enforcement agencies relating to  
14 the incident, but only in any of the following circumstances:

15           (a) the minor was arrested and no petition for  
16 delinquency was filed with the clerk of the circuit court;

17           (a-5) the minor was charged with an offense and the  
18 petition or petitions were dismissed without a finding of  
19 delinquency;

20           (b) the minor was charged with an offense and was  
21 found not delinquent of that offense;

22           (c) the minor was placed under supervision under  
23 Section 5-615, and the order of supervision has since been  
24 successfully terminated; or

25           (d) the minor was adjudicated for an offense which  
26 would be a Class B misdemeanor, Class C misdemeanor, or a



1 petty or business offense if committed by an adult.

2 (1.5) At no cost to the person, the Illinois State Police  
3 shall allow a person to use the Access and Review process,  
4 established in the Illinois State Police, for verifying that  
5 the person's juvenile law enforcement records relating to  
6 incidents occurring before the person's 18th birthday eligible  
7 under this Act have been expunged.

8 (1.6) (Blank).

9 (1.7) (Blank).

10 (1.8) (Blank).

11 (2) Any person whose delinquency adjudications are not  
12 eligible for automatic expungement under subsection (0.3) of  
13 this Section may petition the court at no cost to the person to  
14 expunge all juvenile law enforcement records relating to any  
15 incidents occurring before the person's 18th birthday which  
16 did not result in proceedings in criminal court and all  
17 juvenile court records with respect to any adjudications  
18 except those based upon first degree murder or an offense  
19 under Article 11 of the Criminal Code of 2012 if the person is  
20 required to register under the Sex Offender Registration Act  
21 at the time the person petitions the court for expungement;  
22 provided that 2 years have elapsed since all juvenile court  
23 proceedings relating to the person have been terminated and  
24 the person's commitment to the Department of Juvenile Justice  
25 under this Act has been terminated.

26 (2.5) If a minor is arrested and no petition for

1 delinquency is filed with the clerk of the circuit court at the  
2 time the minor is released from custody, the youth officer, if  
3 applicable, or other designated person from the arresting  
4 agency, shall notify verbally and in writing to the minor or  
5 the minor's parents or guardians that the minor shall have an  
6 arrest record and shall provide the minor and the minor's  
7 parents or guardians with an expungement information packet,  
8 information regarding this State's expungement laws including  
9 a petition to expunge juvenile law enforcement and juvenile  
10 court records obtained from the clerk of the circuit court.

11 (2.6) If a minor is referred to court, then, at the time of  
12 sentencing, dismissal of the case, or successful completion of  
13 supervision, the judge shall inform the delinquent minor of  
14 the minor's rights regarding expungement and the clerk of the  
15 circuit court shall provide an expungement information packet  
16 to the minor, written in plain language, including information  
17 regarding this State's expungement laws and a petition for  
18 expungement, a sample of a completed petition, expungement  
19 instructions that shall include information informing the  
20 minor that (i) once the case is expunged, it shall be treated  
21 as if it never occurred, (ii) the minor shall not be charged a  
22 fee to petition for expungement, (iii) once the minor obtains  
23 an expungement, the minor may not be required to disclose that  
24 the minor had a juvenile law enforcement or juvenile court  
25 record, and (iv) if petitioning the minor may file the  
26 petition on the minor's own or with the assistance of an

1 attorney. The failure of the judge to inform the delinquent  
2 minor of the minor's right to petition for expungement as  
3 provided by law does not create a substantive right, nor is  
4 that failure grounds for: (i) a reversal of an adjudication of  
5 delinquency; (ii) a new trial; or (iii) an appeal.

6 (2.6-1) A trafficking victim, as defined by paragraph (10)  
7 of subsection (a) of Section 10-9 of the Criminal Code of 2012,  
8 may petition for vacation and expungement or immediate sealing  
9 of his or her juvenile court records and juvenile law  
10 enforcement records relating to events that resulted in the  
11 victim's adjudication of delinquency for an offense if  
12 committed by an adult would be a violation of the criminal laws  
13 occurring before the victim's 18th birthday upon the  
14 completion of his or her juvenile court sentence if his or her  
15 participation in the underlying offense was a direct result of  
16 human 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 (2.7) (Blank).

20 (2.8) (Blank).

21 (3) (Blank).

22 (3.1) (Blank).

23 (3.2) (Blank).

24 (3.3) (Blank).

25 (4) (Blank).

26 (5) (Blank).

1 (5.5) Whether or not expunged, records eligible for  
2 automatic expungement under subdivision (0.1) (a), (0.2) (a), or  
3 (0.3) (a) may be treated as expunged by the individual subject  
4 to the records.

5 (6) (Blank).

6 (6.5) The Illinois State Police or any employee of the  
7 Illinois State Police shall be immune from civil or criminal  
8 liability for failure to expunge any records of arrest that  
9 are subject to expungement under this Section because of  
10 inability to verify a record. Nothing in this Section shall  
11 create Illinois State Police liability or responsibility for  
12 the expungement of juvenile law enforcement records it does  
13 not possess.

14 (7) (Blank).

15 (7.5) (Blank).

16 (8) The expungement of juvenile law enforcement or  
17 juvenile court records under subsection (0.1), (0.2), or (0.3)  
18 of this Section shall be funded by appropriation by the  
19 General Assembly for that purpose.

20 (9) (Blank).

21 (10) (Blank).

22 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
23 102-752, eff. 1-1-23; 103-22, eff. 8-8-23; 103-154, eff.  
24 6-30-23; 103-379, eff. 7-28-23; revised 8-30-23.)