



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2626

Introduced 10/25/2023, by Sen. Robert Peters

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2  
730 ILCS 166/35  
730 ILCS 167/35  
730 ILCS 168/35

Amends the Criminal Identification Act. Provides that, in anticipation of the successful completion of a diversion program, a petitioner may file a petition for expungement at least 61 days before the anticipated dismissal of the case. Provides that, if a petition is filed, and upon the successful completion of the diversion program and dismissal of the case, the court shall review the petition and shall grant expungement if the petitioner meets all requirements. Amends the Drug Court Treatment Act, the Veterans and Servicemembers Court Treatment Act, and the Mental Health Court Treatment Act to make conforming changes.

LRB103 35010 AWJ 64933 b

1 AN ACT concerning State government.

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

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

6 (20 ILCS 2630/5.2)

7 (Text of Section before amendment by P.A. 103-35)

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

9 (a) General Provisions.

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

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

16 Business Offense, Section 5-1-2.

17 Charge, Section 5-1-3.

18 Court, Section 5-1-6.

19 Defendant, Section 5-1-7.

20 Felony, Section 5-1-9.

21 Imprisonment, Section 5-1-10.

22 Judgment, Section 5-1-12.

23 Misdemeanor, Section 5-1-14.

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

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

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

1 reversed or vacated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

1 local ordinance;

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

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

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

12 (D) (blank).

13 (b) Expungement.

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

1           (1.5) When a petitioner seeks to have a record of  
2           arrest expunged under this Section, and the offender has  
3           been convicted of a criminal offense, the State's Attorney  
4           may object to the expungement on the grounds that the  
5           records contain specific relevant information aside from  
6           the mere fact of the arrest.

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

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

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

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

1 the supervision.

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

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

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

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

1 Juvenile Court Act of 1987.

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

1 State Police or other criminal justice agencies or  
2 prosecutors from listing under an offender's name the  
3 false names he or she has used.

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

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

1 in subsection (b) of Section 5-5-4 of the Unified Code of  
2 Corrections.

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

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

24 (c) Sealing.

25 (1) Applicability. Notwithstanding any other provision  
26 of this Act to the contrary, and cumulative with any

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

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

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

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

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

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

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



1 Act, or Section 5-6-3.3 of the Unified Code of  
2 Corrections; and

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

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

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

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

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

1 not be sealed until the petitioner is no longer  
2 required to register under 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; trafficking victims.

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

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

25 (3) If an objection is filed alleging that the  
26 petitioner is not entitled to immediate sealing under this

1 subsection (h), the court shall conduct a hearing under  
2 paragraph (7) of subsection (d) of this Section and the  
3 court shall determine whether the petitioner is entitled  
4 to immediate sealing under this subsection (h). A  
5 petitioner is eligible for immediate relief under this  
6 subsection (h) if he or she shows, by a preponderance of  
7 the evidence, that: (A) he or she was a victim of human  
8 trafficking at the time of the offense; and (B) that his or  
9 her participation in the offense was a direct result of  
10 human trafficking under Section 10-9 of the Criminal Code  
11 of 2012 or a severe form of trafficking under the federal  
12 Trafficking Victims Protection Act.

13 (i) Minor Cannabis Offenses under the Cannabis Control  
14 Act.

15 (1) Expungement of Arrest Records of Minor Cannabis  
16 Offenses.

17 (A) The Illinois State Police and all law  
18 enforcement agencies within the State shall  
19 automatically expunge all criminal history records of  
20 an arrest, charge not initiated by arrest, order of  
21 supervision, or order of qualified probation for a  
22 Minor Cannabis Offense committed prior to June 25,  
23 2019 (the effective date of Public Act 101-27) if:

24 (i) One year or more has elapsed since the  
25 date of the arrest or law enforcement interaction  
26 documented in the records; and

1           (ii) No criminal charges were filed relating  
2           to the arrest or law enforcement interaction or  
3           criminal charges were filed and subsequently  
4           dismissed or vacated or the arrestee was  
5           acquitted.

6           (B) If the law enforcement agency is unable to  
7           verify satisfaction of condition (ii) in paragraph  
8           (A), records that satisfy condition (i) in paragraph  
9           (A) shall be automatically expunged.

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

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

16               (ii) Records created prior to January 1, 2013,  
17               but on or after January 1, 2000, shall be  
18               automatically expunged prior to January 1, 2023;

19               (iii) Records created prior to January 1, 2000  
20               shall be automatically expunged prior to January  
21               1, 2025.

22           In response to an inquiry for expunged records,  
23           the law enforcement agency receiving such inquiry  
24           shall reply as it does in response to inquiries when no  
25           records ever existed; however, it shall provide a  
26           certificate of disposition or confirmation that the

1 record was expunged to the individual whose record was  
2 expunged if such a record exists.

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

9 (2) Pardons Authorizing Expungement of Minor Cannabis  
10 Offenses.

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

16 (i) one or more convictions for a Minor  
17 Cannabis Offense;

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

21 (iii) the conviction identified in paragraph  
22 (2)(A)(i) is not associated with a conviction for  
23 a violent crime as defined in subsection (c) of  
24 Section 3 of the Rights of Crime Victims and  
25 Witnesses Act.

26 (B) Within 180 days after June 25, 2019 (the

1 effective date of Public Act 101-27), the Department  
2 of State Police shall notify the Prisoner Review Board  
3 of all such records that meet the criteria established  
4 in paragraph (2) (A).

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

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

22 (iii) The Prisoner Review Board shall make a  
23 confidential and privileged recommendation to the  
24 Governor as to whether to grant a pardon  
25 authorizing expungement for each of the records  
26 identified by the Department of State Police as

1           described in paragraph (2) (A) .

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

1 order. Upon entry of the order of expungement, the  
2 circuit court clerk shall promptly provide a copy of  
3 the order and a certificate of disposition to the  
4 individual who was pardoned to the individual's last  
5 known address or by electronic means (if available) or  
6 otherwise make it available to the individual upon  
7 request.

8 (D) Nothing in this Section is intended to  
9 diminish or abrogate any rights or remedies otherwise  
10 available to the individual.

11 (3) Any individual may file a motion to vacate and  
12 expunge a conviction for a misdemeanor or Class 4 felony  
13 violation of Section 4 or Section 5 of the Cannabis  
14 Control Act. Motions to vacate and expunge under this  
15 subsection (i) may be filed with the circuit court, Chief  
16 Judge of a judicial circuit or any judge of the circuit  
17 designated by the Chief Judge. The circuit court clerk  
18 shall promptly serve a copy of the motion to vacate and  
19 expunge, and any supporting documentation, on the State's  
20 Attorney or prosecutor charged with the duty of  
21 prosecuting the offense. When considering such a motion to  
22 vacate and expunge, a court shall consider the following:  
23 the reasons to retain the records provided by law  
24 enforcement, the petitioner's age, the petitioner's age at  
25 the time of offense, the time since the conviction, and  
26 the specific adverse consequences if denied. An individual

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

19        (4) Any State's Attorney may file a motion to vacate  
20        and expunge a conviction for a misdemeanor or Class 4  
21        felony violation of Section 4 or Section 5 of the Cannabis  
22        Control Act. Motions to vacate and expunge under this  
23        subsection (i) 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, and may include more than  
26        one individual. Motions filed by a State's Attorney



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

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

24 (6) If a person is arrested for a Minor Cannabis  
25 Offense as defined in this Section before June 25, 2019  
26 (the effective date of Public Act 101-27) and the person's

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

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

24 (8) The Illinois State Police shall allow a person to  
25 use the access and review process, established in the  
26 Illinois State Police, for verifying that his or her

1 records relating to Minor Cannabis Offenses of the  
2 Cannabis Control Act eligible under this Section have been  
3 expunged.

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

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

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

15 (j) Felony Prostitution Convictions.

16 (1) Any individual may file a motion to vacate and  
17 expunge a conviction for a prior Class 4 felony violation  
18 of prostitution. Motions to vacate and expunge under this  
19 subsection (j) 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. When considering the motion  
22 to vacate and expunge, a court shall consider the  
23 following:

24 (A) the reasons to retain the records provided by  
25 law enforcement;

26 (B) the petitioner's age;

1 (C) the petitioner's age at the time of offense;  
2 and

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

20 (2) Any State's Attorney may file a motion to vacate  
21 and expunge a conviction for a Class 4 felony violation of  
22 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 court designated by the Chief Judge, and may include more  
26 than one individual. When considering the motion to vacate

1 and expunge, a court shall consider the following reasons:

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 (D) the time since the conviction; and

7 (E) the specific adverse consequences if denied.

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

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

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

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

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

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

9           (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
10          101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.  
11          12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;  
12          102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.  
13          5-13-22; 102-933, eff. 1-1-23; 130-154, eff. 6-30-23.)

14           (Text of Section after amendment by P.A. 103-35)  
15           Sec. 5.2. Expungement, sealing, and immediate sealing.

16           (a) General Provisions.

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

20           (A) The following terms shall have the meanings  
21           ascribed to them in the following Sections of the  
22           Unified Code of Corrections:

23                        Business Offense, Section 5-1-2.

24                        Charge, Section 5-1-3.

25                        Court, Section 5-1-6.

1 Defendant, Section 5-1-7.  
2 Felony, Section 5-1-9.  
3 Imprisonment, Section 5-1-10.  
4 Judgment, Section 5-1-12.  
5 Misdemeanor, Section 5-1-14.  
6 Offense, Section 5-1-15.  
7 Parole, Section 5-1-16.  
8 Petty Offense, Section 5-1-17.  
9 Probation, Section 5-1-18.  
10 Sentence, Section 5-1-19.  
11 Supervision, Section 5-1-21.  
12 Victim, Section 5-1-22.

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

18 (C) "Conviction" means a judgment of conviction or  
19 sentence entered upon a plea of guilty or upon a  
20 verdict or finding of guilty of an offense, rendered  
21 by a legally constituted jury or by a court of  
22 competent jurisdiction authorized to try the case  
23 without a jury. An order of supervision successfully  
24 completed by the petitioner is not a conviction. An  
25 order of qualified probation (as defined in subsection  
26 (a) (1) (J)) successfully completed by the petitioner is

1 not a conviction. An order of supervision or an order  
2 of qualified probation that is terminated  
3 unsatisfactorily is a conviction, unless the  
4 unsatisfactory termination is reversed, vacated, or  
5 modified and the judgment of conviction, if any, is  
6 reversed or vacated.

7 (D) "Criminal offense" means a petty offense,  
8 business offense, misdemeanor, felony, or municipal  
9 ordinance violation (as defined in subsection  
10 (a) (1) (H)). As used in this Section, a minor traffic  
11 offense (as defined in subsection (a) (1) (G)) shall not  
12 be considered a criminal offense.

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

22 (F) As used in this Section, "last sentence" means  
23 the sentence, order of supervision, or order of  
24 qualified probation (as defined by subsection  
25 (a) (1) (J)), for a criminal offense (as defined by  
26 subsection (a) (1) (D)) that terminates last in time in



1 any jurisdiction, regardless of whether the petitioner  
2 has included the criminal offense for which the  
3 sentence or order of supervision or qualified  
4 probation was imposed in his or her petition. If  
5 multiple sentences, orders of supervision, or orders  
6 of qualified probation terminate on the same day and  
7 are last in time, they shall be collectively  
8 considered the "last sentence" regardless of whether  
9 they were ordered to run concurrently.

10 (G) "Minor traffic offense" means a petty offense,  
11 business offense, or Class C misdemeanor under the  
12 Illinois Vehicle Code or a similar provision of a  
13 municipal or local ordinance.

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

23 (H) "Municipal ordinance violation" means an  
24 offense defined by a municipal or local ordinance that  
25 is criminal in nature and with which the petitioner  
26 was charged or for which the petitioner was arrested

1 and released without charging.

2 (I) "Petitioner" means an adult or a minor  
3 prosecuted as an adult who has applied for relief  
4 under this Section.

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

23 (K) "Seal" means to physically and electronically  
24 maintain the records, unless the records would  
25 otherwise be destroyed due to age, but to make the  
26 records unavailable without a court order, subject to

1 the exceptions in Sections 12 and 13 of this Act. The  
2 petitioner's name shall also be obliterated from the  
3 official index required to be kept by the circuit  
4 court clerk under Section 16 of the Clerks of Courts  
5 Act, but any index issued by the circuit court clerk  
6 before the entry of the order to seal shall not be  
7 affected.

8 (L) "Sexual offense committed against a minor"  
9 includes, but is not limited to, the offenses of  
10 indecent solicitation of a child or criminal sexual  
11 abuse when the victim of such offense is under 18 years  
12 of age.

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

19 (2) Minor Traffic Offenses. Orders of supervision or  
20 convictions for minor traffic offenses shall not affect a  
21 petitioner's eligibility to expunge or seal records  
22 pursuant to this Section.

23 (2.5) Commencing 180 days after July 29, 2016 (the  
24 effective date of Public Act 99-697), the law enforcement  
25 agency issuing the citation shall automatically expunge,  
26 on or before January 1 and July 1 of each year, the law

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

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

25 (A) the sealing or expungement of the records of  
26 arrests or charges not initiated by arrest that result

1 in an order of supervision for or conviction of: (i)  
2 any sexual offense committed against a minor; (ii)  
3 Section 11-501 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance; or (iii)  
5 Section 11-503 of the Illinois Vehicle Code or a  
6 similar provision of a local ordinance, unless the  
7 arrest or charge is for a misdemeanor violation of  
8 subsection (a) of Section 11-503 or a similar  
9 provision of a local ordinance, that occurred prior to  
10 the offender reaching the age of 25 years and the  
11 offender has no other conviction for violating Section  
12 11-501 or 11-503 of the Illinois Vehicle Code or a  
13 similar provision of a local ordinance.

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

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

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

1 the Criminal Code of 2012, or a similar provision  
2 of a local ordinance;

3 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
4 26-5, or 48-1 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, or a similar provision of a  
6 local ordinance;

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

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

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

17 (D) (blank).

18 (b) Expungement.

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

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

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

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

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

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

23 (i) Those arrests or charges that resulted in  
24 orders of supervision under Section 3-707, 3-708,  
25 3-710, or 5-401.3 of the Illinois Vehicle Code or  
26 a similar provision of a local ordinance, or under

1 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012, or a  
3 similar provision of a local ordinance, shall not  
4 be eligible for expungement until 5 years have  
5 passed following the satisfactory termination of  
6 the supervision.

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

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

23 (iii) In anticipation of the successful  
24 completion of a diversion program, the petitioner  
25 may file a petition for expungement at least 61  
26 days before the anticipated dismissal of the case.



1           If a petition is filed under this item (iii), and  
2           upon the successful completion of the diversion  
3           program and dismissal of the case, the court shall  
4           review the petition and shall grant expungement if  
5           the petitioner meets all requirements under this  
6           Section.

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

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

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

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

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

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

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

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

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

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

13 (c) Sealing.

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

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

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

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

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

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

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

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

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

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

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

1 any time.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

10 (5) Objections.

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

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

22 (6) Entry of order.

23 (A) The Chief Judge of the circuit wherein the  
24 charge was brought, any judge of that circuit  
25 designated by the Chief Judge, or in counties of less  
26 than 3,000,000 inhabitants, the presiding trial judge

1 at the petitioner's trial, if any, shall rule on the  
2 petition to expunge or seal as set forth in this  
3 subsection (d) (6).

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

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

1 (D) Notwithstanding any other provision of law,  
2 the court shall not deny a petition to expunge or seal  
3 under this Section because the petitioner has  
4 submitted a drug test taken within 30 days before the  
5 filing of the petition to expunge or seal that  
6 indicates a positive test for the presence of cannabis  
7 within the petitioner's body. In this subparagraph  
8 (D), "cannabis" has the meaning ascribed to it in  
9 Section 3 of the Cannabis Control Act.

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

22 (A) the strength of the evidence supporting the  
23 defendant's conviction;

24 (B) the reasons for retention of the conviction  
25 records by the State;

26 (C) the petitioner's age, criminal record history,

1 and employment history;

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

5 (E) the specific adverse consequences the  
6 petitioner may be subject to if the petition is  
7 denied.

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

17 (9) Implementation of order.

18 (A) Upon entry of an order to expunge records  
19 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or  
20 both:

21 (i) the records shall be expunged (as defined  
22 in subsection (a) (1) (E)) by the arresting agency,  
23 the Illinois State Police, and any other agency as  
24 ordered by the court, within 60 days of the date of  
25 service of the order, unless a motion to vacate,  
26 modify, or reconsider the order is filed pursuant

1 to paragraph (12) of subsection (d) of this  
2 Section;

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

12 (iii) in response to an inquiry for expunged  
13 records, the court, the Illinois State Police, or  
14 the agency receiving such inquiry, shall reply as  
15 it does in response to inquiries when no records  
16 ever existed.

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

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 pursuant to 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 pursuant to 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 such records  
24 from anyone not authorized by law to access such  
25 records, the court, the Illinois State Police, or  
26 the agency receiving such inquiry shall reply as

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

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

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

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

24 (D) The Illinois State Police shall send written  
25 notice to the petitioner of its compliance with each  
26 order to expunge or seal records within 60 days of the

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

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

1 financial obligations.

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

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

1           (11) Final Order. No court order issued under the  
2 expungement or sealing provisions of this Section shall  
3 become final for purposes of appeal until 30 days after  
4 service of the order on the petitioner and all parties  
5 entitled to notice of the petition.

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

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

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

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

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

24          (e) Whenever a person who has been convicted of an offense  
25          is granted a pardon by the Governor which specifically  
26          authorizes expungement, he or she may, upon verified petition

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

26 (e-5) Whenever a person who has been convicted of an

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

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

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



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

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

22 (g) Immediate Sealing.

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

1 records of adults and of minors prosecuted as adults.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (K) Motion to Vacate, Modify, or Reconsider. Under  
22 Section 2-1203 of the Code of Civil Procedure, the  
23 petitioner, State's Attorney, or the Illinois State  
24 Police may file a motion to vacate, modify, or  
25 reconsider the order denying the petition to  
26 immediately seal within 60 days of service of the

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

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

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

20 (h) Sealing or vacation and expungement of trafficking  
21 victims' crimes.

22 (1) A trafficking victim, as defined by paragraph (10)  
23 of subsection (a) of Section 10-9 of the Criminal Code of  
24 2012, may petition for vacation and expungement or  
25 immediate sealing of his or her criminal record upon the  
26 completion of his or her last sentence if his or her

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

5 (1.5) A petition under paragraph (1) shall be  
6 prepared, signed, and filed in accordance with Supreme  
7 Court Rule 9. The court may allow the petitioner to attend  
8 any required hearing remotely in accordance with local  
9 rules. The court may allow a petition to be filed under  
10 seal if the public filing of the petition would constitute  
11 a risk of harm to the petitioner.

12 (2) A petitioner under this subsection (h), in  
13 addition to the requirements provided under paragraph (4)  
14 of subsection (d) of this Section, shall include in his or  
15 her petition a clear and concise statement that: (A) he or  
16 she was a victim of human trafficking at the time of the  
17 offense; and (B) that his or her participation in the  
18 offense was a result of human trafficking under Section  
19 10-9 of the Criminal Code of 2012 or a severe form of  
20 trafficking under the federal Trafficking Victims  
21 Protection Act.

22 (3) If an objection is filed alleging that the  
23 petitioner is not entitled to vacation and expungement or  
24 immediate sealing under this subsection (h), the court  
25 shall conduct a hearing under paragraph (7) of subsection  
26 (d) of this Section and the court shall determine whether

1 the petitioner is entitled to vacation and expungement or  
2 immediate sealing under this subsection (h). A petitioner  
3 is eligible for vacation and expungement or immediate  
4 relief under this subsection (h) if he or she shows, by a  
5 preponderance of the evidence, that: (A) he or she was a  
6 victim of human trafficking at the time of the offense;  
7 and (B) that his or her participation in the offense was a  
8 result of human trafficking under Section 10-9 of the  
9 Criminal Code of 2012 or a severe form of trafficking  
10 under the federal Trafficking Victims Protection Act.

11 (i) Minor Cannabis Offenses under the Cannabis Control  
12 Act.

13 (1) Expungement of Arrest Records of Minor Cannabis  
14 Offenses.

15 (A) The Illinois State Police and all law  
16 enforcement agencies within the State shall  
17 automatically expunge all criminal history records of  
18 an arrest, charge not initiated by arrest, order of  
19 supervision, or order of qualified probation for a  
20 Minor Cannabis Offense committed prior to June 25,  
21 2019 (the effective date of Public Act 101-27) if:

22 (i) One year or more has elapsed since the  
23 date of the arrest or law enforcement interaction  
24 documented in the records; and

25 (ii) No criminal charges were filed relating  
26 to the arrest or law enforcement interaction or

1 criminal charges were filed and subsequently  
2 dismissed or vacated or the arrestee was  
3 acquitted.

4 (B) If the law enforcement agency is unable to  
5 verify satisfaction of condition (ii) in paragraph  
6 (A), records that satisfy condition (i) in paragraph  
7 (A) shall be automatically expunged.

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

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

14 (ii) Records created prior to January 1, 2013,  
15 but on or after January 1, 2000, shall be  
16 automatically expunged prior to January 1, 2023;

17 (iii) Records created prior to January 1, 2000  
18 shall be automatically expunged prior to January  
19 1, 2025.

20 In response to an inquiry for expunged records,  
21 the law enforcement agency receiving such inquiry  
22 shall reply as it does in response to inquiries when no  
23 records ever existed; however, it shall provide a  
24 certificate of disposition or confirmation that the  
25 record was expunged to the individual whose record was  
26 expunged if such a record exists.



1 (D) Nothing in this Section shall be construed to  
2 restrict or modify an individual's right to have that  
3 individual's records expunged except as otherwise may  
4 be provided in this Act, or diminish or abrogate any  
5 rights or remedies otherwise available to the  
6 individual.

7 (2) Pardons Authorizing Expungement of Minor Cannabis  
8 Offenses.

9 (A) Upon June 25, 2019 (the effective date of  
10 Public Act 101-27), the Department of State Police  
11 shall review all criminal history record information  
12 and identify all records that meet all of the  
13 following criteria:

14 (i) one or more convictions for a Minor  
15 Cannabis Offense;

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

19 (iii) the conviction identified in paragraph  
20 (2)(A)(i) is not associated with a conviction for  
21 a violent crime as defined in subsection (c) of  
22 Section 3 of the Rights of Crime Victims and  
23 Witnesses Act.

24 (B) Within 180 days after June 25, 2019 (the  
25 effective date of Public Act 101-27), the Department  
26 of State Police shall notify the Prisoner Review Board

1 of all such records that meet the criteria established  
2 in paragraph (2) (A).

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

15 (ii) In response to a written objection from a  
16 State's Attorney, the Prisoner Review Board is  
17 authorized to conduct a non-public hearing to  
18 evaluate the information provided in the  
19 objection.

20 (iii) The Prisoner Review Board shall make a  
21 confidential and privileged recommendation to the  
22 Governor as to whether to grant a pardon  
23 authorizing expungement for each of the records  
24 identified by the Department of State Police as  
25 described in paragraph (2) (A).

26 (C) If an individual has been granted a pardon

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

1           the order and a certificate of disposition to the  
2           individual who was pardoned to the individual's last  
3           known address or by electronic means (if available) or  
4           otherwise make it available to the individual upon  
5           request.

6           (D) Nothing in this Section is intended to  
7           diminish or abrogate any rights or remedies otherwise  
8           available to the individual.

9           (3) Any individual may file a motion to vacate and  
10          expunge a conviction for a misdemeanor or Class 4 felony  
11          violation of Section 4 or Section 5 of the Cannabis  
12          Control Act. Motions to vacate and expunge under this  
13          subsection (i) may be filed with the circuit court, Chief  
14          Judge of a judicial circuit or any judge of the circuit  
15          designated by the Chief Judge. The circuit court clerk  
16          shall promptly serve a copy of the motion to vacate and  
17          expunge, and any supporting documentation, on the State's  
18          Attorney or prosecutor charged with the duty of  
19          prosecuting the offense. When considering such a motion to  
20          vacate and expunge, a court shall consider the following:  
21          the reasons to retain the records provided by law  
22          enforcement, the petitioner's age, the petitioner's age at  
23          the time of offense, the time since the conviction, and  
24          the specific adverse consequences if denied. An individual  
25          may file such a petition after the completion of any  
26          non-financial sentence or non-financial condition imposed

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

17 (4) Any State's Attorney may file a motion to vacate  
18 and expunge a conviction for a misdemeanor or Class 4  
19 felony violation of Section 4 or Section 5 of the Cannabis  
20 Control Act. Motions to vacate and expunge under this  
21 subsection (i) may be filed with the circuit court, Chief  
22 Judge of a judicial circuit or any judge of the circuit  
23 designated by the Chief Judge, and may include more than  
24 one individual. Motions filed by a State's Attorney  
25 concerning more than one individual may be prepared,  
26 presented, and signed electronically. When considering

1 such a motion to vacate and expunge, a court shall  
2 consider the following: the reasons to retain the records  
3 provided by law enforcement, the individual's age, the  
4 individual's age at the time of offense, the time since  
5 the conviction, and the specific adverse consequences if  
6 denied. Upon entry of an order granting a motion to vacate  
7 and expunge records pursuant to this Section, the State's  
8 Attorney shall notify the Prisoner Review Board within 30  
9 days. Upon entry of the order of expungement, the circuit  
10 court clerk shall promptly provide a copy of the order and  
11 a certificate of disposition to the individual whose  
12 records will be expunged to the individual's last known  
13 address or by electronic means (if available) or otherwise  
14 make available to the individual upon request. If a motion  
15 to 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.

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

22 (6) If a person is arrested for a Minor Cannabis  
23 Offense as defined in this Section before June 25, 2019  
24 (the effective date of Public Act 101-27) and the person's  
25 case is still pending but a sentence has not been imposed,  
26 the person may petition the court in which the charges are

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

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

22 (8) The Illinois State Police shall allow a person to  
23 use the access and review process, established in the  
24 Illinois State Police, for verifying that his or her  
25 records relating to Minor Cannabis Offenses of the  
26 Cannabis Control Act eligible under this Section have been

1 expunged.

2 (9) 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 (10) Effect of Expungement. A person's right to  
6 expunge an expungeable offense shall not be limited under  
7 this Section. The effect of an order of expungement shall  
8 be to restore the person to the status he or she occupied  
9 before the arrest, charge, or conviction.

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

13 (j) Felony Prostitution Convictions.

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

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

24 (B) the petitioner's age;

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

26 and



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

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

26 (A) the reasons to retain the records provided by

- 1 law enforcement;
- 2 (B) the petitioner's age;
- 3 (C) the petitioner's age at the time of offense;
- 4 (D) the time since the conviction; and
- 5 (E) the specific adverse consequences if denied.

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

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

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

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

25 (6) Effect of Expungement. A person's right to expunge  
26 an expungeable offense shall not be limited under this

1 Section. The effect of an order of expungement shall be to  
2 restore the person to the status he or she occupied before  
3 the arrest, charge, or conviction.

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

7 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;  
8 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.  
9 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

10 Section 10. The Drug Court Treatment Act is amended by  
11 changing Section 35 as follows:

12 (730 ILCS 166/35)

13 Sec. 35. Violation; termination; dismissal from program.

14 (a) If the court finds from the evidence presented,  
15 including, but not limited to, the reports or proffers of  
16 proof from the drug court professionals, that: (1) the  
17 participant is not complying with the requirements of the  
18 treatment program; or (2) the participant has otherwise  
19 violated the terms and conditions of the program, the court  
20 may impose reasonable sanctions under the prior written  
21 agreement of the participant, including, but not limited to,  
22 imprisonment or dismissal of the participant from the program,  
23 and the court may reinstate criminal proceedings against the  
24 participant or proceed under Section 5-6-4 of the Unified Code

1 of Corrections for a violation of probation, conditional  
2 discharge, or supervision hearing.

3 (a-5) Based on the evidence presented, the court shall  
4 determine whether the participant has violated the conditions  
5 of the program and whether the participant should be dismissed  
6 from the program or whether, pursuant to the court's policies  
7 and procedures, some other alternative may be appropriate in  
8 the interests of the participant and the public.

9 (a-10) A participant who is assigned to a substance use  
10 disorder treatment program under this Act for an opioid use  
11 disorder is not in violation of the terms or conditions of the  
12 program on the basis of participation in medication-assisted  
13 treatment under the care of a physician licensed in this State  
14 to practice medicine in all of its branches.

15 (a-15) A participant may voluntarily withdraw from the  
16 drug court program in accordance with the drug court program's  
17 policies and procedures. Prior to allowing the participant to  
18 withdraw, the judge shall:

19 (1) ensure that the participant has the right to  
20 consult with counsel prior to withdrawal;

21 (2) determine in open court that the withdrawal is  
22 made voluntarily and knowingly; and

23 (3) admonish the participant in open court as to the  
24 consequences, actual or potential, which can result from  
25 withdrawal.

26 Upon withdrawal, the criminal proceedings may be

1 reinstated against the participant or proceedings may be  
2 initiated under Section 5-6-4 of the Unified Code of  
3 Corrections for a violation of probation, conditional  
4 discharge, or supervision hearing.

5 (a-20) No participant may be dismissed from the program  
6 unless, prior to dismissal, the participant is informed in  
7 writing:

8 (1) of the reason or reasons for the dismissal;

9 (2) the evidentiary basis supporting the reason or  
10 reasons for the dismissal; and

11 (3) that the participant has a right to a hearing at  
12 which the participant may present evidence supporting the  
13 participant's continuation in the program.

14 (a-25) A participant who has not violated the conditions  
15 of the program in such a way as to warrant unsuccessful  
16 dismissal, but who is unable to complete program requirements  
17 to qualify for a successful discharge, may be terminated from  
18 the program as a neutral discharge.

19 (b) Upon successful completion of the terms and conditions  
20 of the program, the court may dismiss the original charges  
21 against the participant or successfully terminate the  
22 participant's sentence or otherwise discharge the participant  
23 from any further proceedings against the participant in the  
24 original prosecution.

25 (c) Upon successful completion of the terms and conditions  
26 of the program, any State's Attorney in the county of

1 conviction, participant, or defense attorney may move to  
2 vacate any convictions that are eligible for sealing under the  
3 Criminal Identification Act. A participant may, at least 61  
4 days before the anticipated dismissal of a case, immediately  
5 file a petition to expunge vacated convictions and the  
6 associated underlying records under item (iii) of subparagraph  
7 (B) of paragraph (2) of subsection (b) of Section 5.2 of per  
8 the Criminal Identification Act. If the State's Attorney moves  
9 to vacate a conviction, the State's Attorney may not object to  
10 expungement of that conviction or the underlying record.

11 (d) The drug court program may maintain or collaborate  
12 with a network of legal aid organizations that specialize in  
13 conviction relief to support participants navigating the  
14 expungement and sealing process.

15 (Source: P.A. 102-1041, eff. 6-2-22.)

16 Section 15. The Veterans and Servicemembers Court  
17 Treatment Act is amended by changing Section 35 as follows:

18 (730 ILCS 167/35)

19 Sec. 35. Violation; termination; dismissal from the  
20 program.

21 (a) If the court finds from the evidence presented,  
22 including, but not limited to, the reports or proffers of  
23 proof from the veterans and servicemembers court  
24 professionals, that: (1) the participant is not complying with

1 the requirements of the treatment program; or (2) the  
2 participant has otherwise violated the terms and conditions of  
3 the program, the court may impose reasonable sanctions under  
4 the prior written agreement of the participant, including, but  
5 not limited to, imprisonment or dismissal of the participant  
6 from the program and the court may reinstate criminal  
7 proceedings against the participant or proceed under Section  
8 5-6-4 of the Unified Code of Corrections for a violation of  
9 probation, conditional discharge, or supervision hearing.

10 (a-5) Based on the evidence presented, the court shall  
11 determine whether the participant has violated the conditions  
12 of the program and whether the participant should be dismissed  
13 from the program or whether, pursuant to the court's policies  
14 and procedures, some other alternative may be appropriate in  
15 the interests of the participant and the public.

16 (a-10) A participant who is assigned to a substance use  
17 disorder treatment program under this Act for an opioid use  
18 disorder is not in violation of the terms or conditions of the  
19 program on the basis of participation in medication-assisted  
20 treatment under the care of a physician licensed in this State  
21 to practice medicine in all of its branches.

22 (a-15) A participant may voluntarily withdraw from the  
23 veterans and servicemembers court program in accordance with  
24 the program's policies and procedures. Prior to allowing the  
25 participant to withdraw, the judge shall:

26 (1) ensure that the participant has the right to

1           consult with counsel prior to withdrawal;

2                   (2) determine in open court that the withdrawal is  
3           made voluntarily and knowingly; and

4                   (3) admonish the participant in open court as to  
5           the consequences, actual or potential, which can  
6           result from withdrawal.

7           Upon withdrawal, the criminal proceedings may be  
8           reinstated against the participant or proceedings may be  
9           initiated under Section 5-6-4 of the Unified Code of  
10          Corrections for a violation of probation, conditional  
11          discharge, or supervision hearing.

12           (a-20) A participant who has not violated the conditions  
13          of the program in such a way as to warrant unsuccessful  
14          dismissal, but who is unable to complete program requirements  
15          to qualify for a successful discharge, may be terminated from  
16          the program as a neutral discharge.

17           (b) Upon successful completion of the terms and conditions  
18          of the program, the court may dismiss the original charges  
19          against the participant or successfully terminate the  
20          participant's sentence or otherwise discharge the participant  
21          from any further proceedings against the participant in the  
22          original prosecution.

23           (c) Upon successful completion of the terms and conditions  
24          of the program, any State's Attorney in the county of  
25          conviction, a participant, or defense attorney may move to  
26          vacate any convictions that are eligible for sealing under the



1 Criminal Identification Act. A participant may, at least 61  
2 days before before the anticipated dismissal of a case,  
3 ~~immediately~~ file a petition to expunge vacated convictions and  
4 the associated underlying records under item (iii) of  
5 subparagraph (B) of paragraph (2) of subsection (b) of Section  
6 5.2 of per the Criminal Identification Act. If the State's  
7 Attorney moves to vacate a conviction, the State's Attorney  
8 may not object to expungement of that conviction or the  
9 underlying record.

10 (d) Veterans and servicemembers court programs may  
11 maintain or collaborate with a network of legal aid  
12 organizations that specialize in conviction relief to support  
13 participants navigating the expungement and sealing process.

14 (Source: P.A. 102-1041, eff. 6-2-22.)

15 Section 20. The Mental Health Court Treatment Act is  
16 amended by changing Section 35 as follows:

17 (730 ILCS 168/35)

18 Sec. 35. Violation; termination; dismissal from program.

19 (a) If the court finds from the evidence presented,  
20 including, but not limited to, the reports or proffers of  
21 proof from the mental health court professionals, that: (1)  
22 the participant is not complying with the requirements of the  
23 treatment program; or (2) the participant has otherwise  
24 violated the terms and conditions of the program, the court

1 may impose reasonable sanctions under the prior written  
2 agreement of the participant, including, but not limited to,  
3 imprisonment or dismissal of the defendant from the program  
4 and the court may reinstate criminal proceedings against the  
5 participant or proceed under Section 5-6-4 of the Unified Code  
6 of Corrections for a violation of probation, conditional  
7 discharge, or supervision hearing.

8 (a-5) Based on the evidence presented, the court shall  
9 determine whether the participant has violated the conditions  
10 of the program and whether the participant should be dismissed  
11 from the program or whether, pursuant to the court's policies  
12 and procedures, some other alternative may be appropriate in  
13 the interests of the participant and the public.

14 (a-10) A participant may voluntarily withdraw from the  
15 mental health court program in accordance with the mental  
16 health court program's policies and procedures. Prior to  
17 allowing the participant to withdraw, the judge shall:

18 (1) ensure that the participant has the right to  
19 consult with counsel prior to withdrawal;

20 (2) determine in open court that the withdrawal is  
21 made voluntarily and knowingly; and

22 (3) admonish the participant in open court, as to the  
23 consequences, actual or potential, which can result from  
24 withdrawal.

25 Upon withdrawal, the criminal proceedings may be  
26 reinstated against the participant or proceedings may be

1 initiated under Section 5-6-4 of the Unified Code of  
2 Corrections for a violation of probation, conditional  
3 discharge, or supervision hearing.

4 (a-15) No participant may be dismissed from the program  
5 unless, prior to such dismissal, the participant is informed  
6 in writing: (i) of the reason or reasons for the dismissal;  
7 (ii) the evidentiary basis supporting the reason or reasons  
8 for the dismissal; (iii) that the participant has a right to a  
9 hearing at which he or she may present evidence supporting his  
10 or her continuation in the program.

11 (a-20) A participant who has not violated the conditions  
12 of the program in such a way as to warrant unsuccessful  
13 dismissal, but who is unable to complete program requirements  
14 to qualify for a successful discharge, may be terminated from  
15 the program as a neutral discharge.

16 (b) Upon successful completion of the terms and conditions  
17 of the program, the court may dismiss the original charges  
18 against the participant or successfully terminate the  
19 participant's sentence or otherwise discharge the participant  
20 from the program or from any further proceedings against the  
21 participant in the original prosecution.

22 (c) Upon successful completion of the terms and conditions  
23 of the program, any State's Attorney in the county of  
24 conviction, a participant, or defense attorney may move to  
25 vacate any convictions that are eligible for sealing under the  
26 Criminal Identification Act. A participant may, at least 61

1 days before the anticipated dismissal of a case, immediately  
2 file a petition to expunge vacated convictions and the  
3 associated underlying records under item (iii) of subparagraph  
4 (B) of paragraph (2) of subsection (b) of Section 5.2 of per  
5 the Criminal Identification Act. If the State's Attorney moves  
6 to vacate a conviction, the State's Attorney may not object to  
7 expungement of that conviction or the underlying record.

8 (d) The mental health court program may maintain or  
9 collaborate with a network of legal aid organizations that  
10 specialize in conviction relief to support participants  
11 navigating the expungement and sealing process.

12 (Source: P.A. 102-1041, eff. 6-2-22.)

13 Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.