



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3955

Introduced 5/17/2024, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
20 ILCS 2605/2605-200 was 20 ILCS 2605/55a in part
20 ILCS 2630/5.2
50 ILCS 705/10.25 new
725 ILCS 5/107-17 new
735 ILCS 5/8-802.4 new

Amends the Illinois State Police Law of the Civil Administrative Code of Illinois and the Illinois Police Training Act. Defines "gender-affirming care" and "reproductive health care". Provides that, notwithstanding any other provision of law, records maintained by the Illinois State Police or a law enforcement agency that contain any reference to reproductive health care or gender-affirming care shall be redacted to exclude the references to reproductive health care and gender-affirming care upon inspection and copying when inspection and copying is otherwise allowed by law. Amends the Freedom of Information Act to make a conforming change. Amends the Code of Criminal Procedure of 1963 and the Code of Civil Procedure. Provides that, if a document filed during a criminal or civil proceeding that contains any reference to reproductive health care or gender-affirming care, the document, including court records, shall be filed under seal and remain under seal unless the court orders otherwise, or, if not filed under seal, a document that references reproductive health care or gender-affirming care must be redacted before being filed. Requires, upon final disposition of a case involving documents described under the provisions, the entire court file to be immediately sealed, and, after immediate sealing, the case file only may be made available to the public by court order unsealing the records as otherwise provided by law and only with any reference to reproductive health care or gender-affirming care redacted. Includes procedures relating to the immediate sealing of the records, including modification of immediate sealing procedures under the Criminal Identification Act. Allows parties to access the unredacted filings or files with a protective order. Effective immediately.

LRB103 40770 AWJ 73604 b

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 103-472)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other
20 records prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating
2 to known or suspected cases of sexually transmissible
3 disease or any information the disclosure of which is
4 restricted under the Illinois Sexually Transmissible
5 Disease Control Act.

6 (e) Information the disclosure of which is exempted
7 under Section 30 of the Radon Industry Licensing Act.

8 (f) Firm performance evaluations under Section 55 of
9 the Architectural, Engineering, and Land Surveying
10 Qualifications Based Selection Act.

11 (g) Information the disclosure of which is restricted
12 and exempted under Section 50 of the Illinois Prepaid
13 Tuition Act.

14 (h) Information the disclosure of which is exempted
15 under the State Officials and Employees Ethics Act, and
16 records of any lawfully created State or local inspector
17 general's office that would be exempt if created or
18 obtained by an Executive Inspector General's office under
19 that Act.

20 (i) Information contained in a local emergency energy
21 plan submitted to a municipality in accordance with a
22 local emergency energy plan ordinance that is adopted
23 under Section 11-21.5-5 of the Illinois Municipal Code.

24 (j) Information and data concerning the distribution
25 of surcharge moneys collected and remitted by carriers
26 under the Emergency Telephone System Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the
16 Capital Crimes Litigation Act (repealed). This subsection
17 (n) shall apply until the conclusion of the trial of the
18 case, even if the prosecution chooses not to pursue the
19 death penalty prior to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Department of Transportation under Sections 2705-300 and

1 2705-616 of the Department of Transportation Law of the
2 Civil Administrative Code of Illinois, the Regional
3 Transportation Authority under Section 2.11 of the
4 Regional Transportation Authority Act, or the St. Clair
5 County Transit District under the Bi-State Transit Safety
6 Act (repealed).

7 (q) Information prohibited from being disclosed by the
8 Personnel Record Review Act.

9 (r) Information prohibited from being disclosed by the
10 Illinois School Student Records Act.

11 (s) Information the disclosure of which is restricted
12 under Section 5-108 of the Public Utilities Act.

13 (t) (Blank).

14 (u) Records and information provided to an independent
15 team of experts under the Developmental Disability and
16 Mental Health Safety Act (also known as Brian's Law).

17 (v) Names and information of people who have applied
18 for or received Firearm Owner's Identification Cards under
19 the Firearm Owners Identification Card Act or applied for
20 or received a concealed carry license under the Firearm
21 Concealed Carry Act, unless otherwise authorized by the
22 Firearm Concealed Carry Act; and databases under the
23 Firearm Concealed Carry Act, records of the Concealed
24 Carry Licensing Review Board under the Firearm Concealed
25 Carry Act, and law enforcement agency objections under the
26 Firearm Concealed Carry Act.

1 (v-5) Records of the Firearm Owner's Identification
2 Card Review Board that are exempted from disclosure under
3 Section 10 of the Firearm Owners Identification Card Act.

4 (w) Personally identifiable information which is
5 exempted from disclosure under subsection (g) of Section
6 19.1 of the Toll Highway Act.

7 (x) Information which is exempted from disclosure
8 under Section 5-1014.3 of the Counties Code or Section
9 8-11-21 of the Illinois Municipal Code.

10 (y) Confidential information under the Adult
11 Protective Services Act and its predecessor enabling
12 statute, the Elder Abuse and Neglect Act, including
13 information about the identity and administrative finding
14 against any caregiver of a verified and substantiated
15 decision of abuse, neglect, or financial exploitation of
16 an eligible adult maintained in the Registry established
17 under Section 7.5 of the Adult Protective Services Act.

18 (z) Records and information provided to a fatality
19 review team or the Illinois Fatality Review Team Advisory
20 Council under Section 15 of the Adult Protective Services
21 Act.

22 (aa) Information which is exempted from disclosure
23 under Section 2.37 of the Wildlife Code.

24 (bb) Information which is or was prohibited from
25 disclosure by the Juvenile Court Act of 1987.

26 (cc) Recordings made under the Law Enforcement

1 Officer-Worn Body Camera Act, except to the extent
2 authorized under that Act.

3 (dd) Information that is prohibited from being
4 disclosed under Section 45 of the Condominium and Common
5 Interest Community Ombudsperson Act.

6 (ee) Information that is exempted from disclosure
7 under Section 30.1 of the Pharmacy Practice Act.

8 (ff) Information that is exempted from disclosure
9 under the Revised Uniform Unclaimed Property Act.

10 (gg) Information that is prohibited from being
11 disclosed under Section 7-603.5 of the Illinois Vehicle
12 Code.

13 (hh) Records that are exempt from disclosure under
14 Section 1A-16.7 of the Election Code.

15 (ii) Information which is exempted from disclosure
16 under Section 2505-800 of the Department of Revenue Law of
17 the Civil Administrative Code of Illinois.

18 (jj) Information and reports that are required to be
19 submitted to the Department of Labor by registering day
20 and temporary labor service agencies but are exempt from
21 disclosure under subsection (a-1) of Section 45 of the Day
22 and Temporary Labor Services Act.

23 (kk) Information prohibited from disclosure under the
24 Seizure and Forfeiture Reporting Act.

25 (ll) Information the disclosure of which is restricted
26 and exempted under Section 5-30.8 of the Illinois Public

1 Aid Code.

2 (mm) Records that are exempt from disclosure under
3 Section 4.2 of the Crime Victims Compensation Act.

4 (nn) Information that is exempt from disclosure under
5 Section 70 of the Higher Education Student Assistance Act.

6 (oo) Communications, notes, records, and reports
7 arising out of a peer support counseling session
8 prohibited from disclosure under the First Responders
9 Suicide Prevention Act.

10 (pp) Names and all identifying information relating to
11 an employee of an emergency services provider or law
12 enforcement agency under the First Responders Suicide
13 Prevention Act.

14 (qq) Information and records held by the Department of
15 Public Health and its authorized representatives collected
16 under the Reproductive Health Act.

17 (rr) Information that is exempt from disclosure under
18 the Cannabis Regulation and Tax Act.

19 (ss) Data reported by an employer to the Department of
20 Human Rights pursuant to Section 2-108 of the Illinois
21 Human Rights Act.

22 (tt) Recordings made under the Children's Advocacy
23 Center Act, except to the extent authorized under that
24 Act.

25 (uu) Information that is exempt from disclosure under
26 Section 50 of the Sexual Assault Evidence Submission Act.

1 (vv) Information that is exempt from disclosure under
2 subsections (f) and (j) of Section 5-36 of the Illinois
3 Public Aid Code.

4 (ww) Information that is exempt from disclosure under
5 Section 16.8 of the State Treasurer Act.

6 (xx) Information that is exempt from disclosure or
7 information that shall not be made public under the
8 Illinois Insurance Code.

9 (yy) Information prohibited from being disclosed under
10 the Illinois Educational Labor Relations Act.

11 (zz) Information prohibited from being disclosed under
12 the Illinois Public Labor Relations Act.

13 (aaa) Information prohibited from being disclosed
14 under Section 1-167 of the Illinois Pension Code.

15 (bbb) Information that is prohibited from disclosure
16 by the Illinois Police Training Act, ~~and~~ the Illinois
17 State Police Act, and the Illinois State Police Law of the
18 Civil Administrative Code of Illinois.

19 (ccc) Records exempt from disclosure under Section
20 2605-304 of the Illinois State Police Law of the Civil
21 Administrative Code of Illinois.

22 (ddd) Information prohibited from being disclosed
23 under Section 35 of the Address Confidentiality for
24 Victims of Domestic Violence, Sexual Assault, Human
25 Trafficking, or Stalking Act.

26 (eee) Information prohibited from being disclosed

1 under subsection (b) of Section 75 of the Domestic
2 Violence Fatality Review Act.

3 (fff) Images from cameras under the Expressway Camera
4 Act. This subsection (fff) is inoperative on and after
5 July 1, 2025.

6 (ggg) Information prohibited from disclosure under
7 paragraph (3) of subsection (a) of Section 14 of the Nurse
8 Agency Licensing Act.

9 (hhh) Information submitted to the Illinois State
10 Police in an affidavit or application for an assault
11 weapon endorsement, assault weapon attachment endorsement,
12 .50 caliber rifle endorsement, or .50 caliber cartridge
13 endorsement under the Firearm Owners Identification Card
14 Act.

15 (iii) Data exempt from disclosure under Section 50 of
16 the School Safety Drill Act.

17 (jjj) ~~(hhh)~~ Information exempt from disclosure under
18 Section 30 of the Insurance Data Security Law.

19 (kkk) ~~(iii)~~ Confidential business information
20 prohibited from disclosure under Section 45 of the Paint
21 Stewardship Act.

22 (lll) (Reserved).

23 (mmm) ~~(iii)~~ Information prohibited from being
24 disclosed under subsection (e) of Section 1-129 of the
25 Illinois Power Agency Act.

26 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;

1 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
2 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
3 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
4 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
5 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
6 revised 1-2-24.)

7 (Text of Section after amendment by P.A. 103-472)

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12 under Section 1-167 of the Illinois Pension Code.

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14 by the Illinois Police Training Act, ~~and~~ the Illinois
15 State Police Act, and the Illinois State Police Law of the
16 Civil Administrative Code of Illinois.

17 (ccc) Records exempt from disclosure under Section
18 2605-304 of the Illinois State Police Law of the Civil
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20 (ddd) Information prohibited from being disclosed
21 under Section 35 of the Address Confidentiality for
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23 Trafficking, or Stalking Act.

24 (eee) Information prohibited from being disclosed
25 under subsection (b) of Section 75 of the Domestic
26 Violence Fatality Review Act.

1 (fff) Images from cameras under the Expressway Camera
2 Act. This subsection (fff) is inoperative on and after
3 July 1, 2025.

4 (ggg) Information prohibited from disclosure under
5 paragraph (3) of subsection (a) of Section 14 of the Nurse
6 Agency Licensing Act.

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8 Police in an affidavit or application for an assault
9 weapon endorsement, assault weapon attachment endorsement,
10 .50 caliber rifle endorsement, or .50 caliber cartridge
11 endorsement under the Firearm Owners Identification Card
12 Act.

13 (iii) Data exempt from disclosure under Section 50 of
14 the School Safety Drill Act.

15 (jjj) ~~(hhh)~~ Information exempt from disclosure under
16 Section 30 of the Insurance Data Security Law.

17 (kkk) ~~(iii)~~ Confidential business information
18 prohibited from disclosure under Section 45 of the Paint
19 Stewardship Act.

20 (lll) ~~(iii)~~ Data exempt from disclosure under Section
21 2-3.196 of the School Code.

22 (mmm) ~~(iii)~~ Information prohibited from being
23 disclosed under subsection (e) of Section 1-129 of the
24 Illinois Power Agency Act.

25 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
26 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.

1 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
2 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
3 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
4 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
5 103-580, eff. 12-8-23; revised 1-2-24.)

6 Section 10. The Illinois State Police Law of the Civil
7 Administrative Code of Illinois is amended by changing Section
8 2605-200 as follows:

9 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)

10 Sec. 2605-200. Investigations of crime; enforcement of
11 laws; records; crime laboratories; personnel.

12 (a) To do the following:

13 (1) Investigate the origins, activities, personnel,
14 and incidents of crime and the ways and means to redress
15 the victims of crimes; study the impact, if any, of
16 legislation relative to the effusion of crime and growing
17 crime rates; and enforce the criminal laws of this State
18 related thereto.

19 (2) Enforce all laws regulating the production, sale,
20 prescribing, manufacturing, administering, transporting,
21 having in possession, dispensing, delivering,
22 distributing, or use of controlled substances and
23 cannabis.

24 (3) Employ skilled experts, scientists, technicians,

1 investigators, or otherwise specially qualified persons to
2 aid in preventing or detecting crime, apprehending
3 criminals, or preparing and presenting evidence of
4 violations of the criminal laws of the State.

5 (4) Cooperate with the police of cities, villages, and
6 incorporated towns and with the police officers of any
7 county in enforcing the laws of the State and in making
8 arrests and recovering property.

9 (5) Apprehend and deliver up any person charged in
10 this State or any other state of the United States with
11 treason or a felony or other crime who has fled from
12 justice and is found in this State.

13 (6) Conduct other investigations as provided by law.

14 (7) Be a central repository and custodian of criminal
15 statistics for the State.

16 (8) Be a central repository for criminal history
17 record information.

18 (9) Procure and file for record information that is
19 necessary and helpful to plan programs of crime
20 prevention, law enforcement, and criminal justice.

21 (10) Procure and file for record copies of
22 fingerprints that may be required by law.

23 (11) Establish general and field crime laboratories.

24 (12) Register and file for record information that may
25 be required by law for the issuance of firearm owner's
26 identification cards under the Firearm Owners

1 Identification Card Act and concealed carry licenses under
2 the Firearm Concealed Carry Act.

3 (13) Employ laboratory technicians and other specially
4 qualified persons to aid in the identification of criminal
5 activity and the identification, collection, and recovery
6 of cyber forensics, including, but not limited to, digital
7 evidence, and may employ polygraph operators and forensic
8 anthropologists.

9 (14) Undertake other identification, information,
10 laboratory, statistical, or registration activities that
11 may be required by law.

12 (b) Persons exercising the powers set forth in subsection
13 (a) within the Illinois State Police are conservators of the
14 peace and as such have all the powers possessed by policemen in
15 cities and sheriffs, except that they may exercise those
16 powers anywhere in the State in cooperation with and after
17 contact with the local law enforcement officials. Those
18 persons may use false or fictitious names in the performance
19 of their duties under this Section, upon approval of the
20 Director, and shall not be subject to prosecution under the
21 criminal laws for that use.

22 (c) Notwithstanding any other provision of law, the
23 Illinois State Police shall process investigation files and
24 documents mentioning reproductive health care or
25 gender-affirming care in the same manner required by a law
26 enforcement agency under Section 10.25 of the Illinois Police

1 Training Act.

2 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24.)

3 Section 15. The Criminal Identification Act is amended by
4 changing Section 5.2 as follows:

5 (20 ILCS 2630/5.2)

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

7 (a) General Provisions.

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

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

14 Business Offense, Section 5-1-2.

15 Charge, Section 5-1-3.

16 Court, Section 5-1-6.

17 Defendant, Section 5-1-7.

18 Felony, Section 5-1-9.

19 Imprisonment, Section 5-1-10.

20 Judgment, Section 5-1-12.

21 Misdemeanor, Section 5-1-14.

22 Offense, Section 5-1-15.

23 Parole, Section 5-1-16.

24 Petty Offense, Section 5-1-17.

1 Probation, Section 5-1-18.

2 Sentence, Section 5-1-19.

3 Supervision, Section 5-1-21.

4 Victim, Section 5-1-22.

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

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

25 (D) "Criminal offense" means a petty offense,
26 business offense, misdemeanor, felony, or municipal

1 ordinance violation (as defined in subsection
2 (a)(1)(H)). As used in this Section, a minor traffic
3 offense (as defined in subsection (a)(1)(G)) shall not
4 be considered a criminal offense.

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

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

1 they were ordered to run concurrently.

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

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

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

20 (I) "Petitioner" means an adult or a minor
21 prosecuted as an adult who has applied for relief
22 under this Section.

23 (J) "Qualified probation" means an order of
24 probation under Section 10 of the Cannabis Control
25 Act, Section 410 of the Illinois Controlled Substances
26 Act, Section 70 of the Methamphetamine Control and

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

15 (K) "Seal" means to physically and electronically
16 maintain the records, unless the records would
17 otherwise be destroyed due to age, but to make the
18 records unavailable without a court order, subject to
19 the exceptions in Sections 12 and 13 of this Act. The
20 petitioner's name shall also be obliterated from the
21 official index required to be kept by the circuit
22 court clerk under Section 16 of the Clerks of Courts
23 Act, but any index issued by the circuit court clerk
24 before the entry of the order to seal shall not be
25 affected.

26 (L) "Sexual offense committed against a minor"

1 includes, but is not limited to, the offenses of
2 indecent solicitation of a child or criminal sexual
3 abuse when the victim of such offense is under 18 years
4 of age.

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

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

15 (2.5) Commencing 180 days after July 29, 2016 (the
16 effective date of Public Act 99-697), the law enforcement
17 agency issuing the citation shall automatically expunge,
18 on or before January 1 and July 1 of each year, the law
19 enforcement records of a person found to have committed a
20 civil law violation of subsection (a) of Section 4 of the
21 Cannabis Control Act or subsection (c) of Section 3.5 of
22 the Drug Paraphernalia Control Act in the law enforcement
23 agency's possession or control and which contains the
24 final satisfactory disposition which pertain to the person
25 issued a citation for that offense. The law enforcement
26 agency shall provide by rule the process for access,

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

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

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

1 provision of a local ordinance, that occurred prior to
2 the offender reaching the age of 25 years and the
3 offender has no other conviction for violating Section
4 11-501 or 11-503 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance.

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

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

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

21 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
22 26-5, or 48-1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, or a similar provision of a
24 local ordinance;

25 (iii) Section 12-3.1 or 12-3.2 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, or

1 Section 125 of the Stalking No Contact Order Act,
2 or Section 219 of the Civil No Contact Order Act,
3 or a similar provision of a local ordinance;

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

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

9 (D) (blank).

10 (b) Expungement.

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

24 (1.5) When a petitioner seeks to have a record of
25 arrest expunged under this Section, and the offender has
26 been convicted of a criminal offense, the State's Attorney

1 may object to the expungement on the grounds that the
2 records contain specific relevant information aside from
3 the mere fact of the arrest.

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

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

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

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

25 (i-5) Those arrests or charges that resulted
26 in orders of supervision for a misdemeanor

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

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

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

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

25 (4) Whenever a person has been arrested for or
26 convicted of any offense, in the name of a person whose

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

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

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

26 (7) Nothing in this Section shall prevent the Illinois

1 State Police from maintaining all records of any person
2 who is admitted to probation upon terms and conditions and
3 who fulfills those terms and conditions pursuant to
4 Section 10 of the Cannabis Control Act, Section 410 of the
5 Illinois Controlled Substances Act, Section 70 of the
6 Methamphetamine Control and Community Protection Act,
7 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
8 Corrections, Section 12-4.3 or subdivision (b)(1) of
9 Section 12-3.05 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, Section 10-102 of the Illinois
11 Alcoholism and Other Drug Dependency Act, Section 40-10 of
12 the Substance Use Disorder Act, or Section 10 of the
13 Steroid Control Act.

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

21 (c) Sealing.

22 (1) Applicability. Notwithstanding any other provision
23 of this Act to the contrary, and cumulative with any
24 rights to expungement of criminal records, this subsection
25 authorizes the sealing of criminal records of adults and
26 of minors prosecuted as adults. Subsection (g) of this

1 Section provides for immediate sealing of certain records.

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

4 (A) All arrests resulting in release without
5 charging;

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

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

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

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

26 (F) Arrests or charges not initiated by arrest

1 resulting in felony convictions unless otherwise
2 excluded by subsection (a) paragraph (3) of this
3 Section.

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

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

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

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

26 (D) Records identified in subsection

1 (a) (3) (A) (iii) may be sealed after the petitioner has
2 reached the age of 25 years.

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

20 (4) Subsequent felony convictions. A person may not
21 have subsequent felony conviction records sealed as
22 provided in this subsection (c) if he or she is convicted
23 of any felony offense after the date of the sealing of
24 prior felony convictions as provided in this subsection
25 (c). The court may, upon conviction for a subsequent
26 felony offense, order the unsealing of prior felony

1 conviction records previously ordered sealed by the court.

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

7 (d) Procedure. The following procedures apply to
8 expungement under subsections (b), (e), and (e-6) and sealing
9 under subsections (c), ~~and (e-5)~~, and, as specified in this
10 Section, (g):

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

23 (1.5) County fee waiver pilot program. From August 9,
24 2019 (the effective date of Public Act 101-306) through
25 December 31, 2020, in a county of 3,000,000 or more
26 inhabitants, no fee shall be required to be paid by a

1 petitioner if the records sought to be expunged or sealed
2 were arrests resulting in release without charging or
3 arrests or charges not initiated by arrest resulting in
4 acquittal, dismissal, or conviction when the conviction
5 was reversed or vacated, unless excluded by subsection
6 (a)(3)(B). The provisions of this paragraph (1.5), other
7 than this sentence, are inoperative on and after January
8 1, 2022.

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

23 (3) Drug test. The petitioner must attach to the
24 petition proof that the petitioner has taken within 30
25 days before the filing of the petition a test showing the
26 absence within his or her body of all illegal substances

1 as defined by the Illinois Controlled Substances Act and
2 the Methamphetamine Control and Community Protection Act
3 if he or she is petitioning to:

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

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

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

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

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

19 (5) Objections.

20 (A) Any party entitled to notice of the petition
21 may file an objection to the petition. All objections
22 shall be in writing, shall be filed with the circuit
23 court clerk, and shall state with specificity the
24 basis of the objection. Whenever a person who has been
25 convicted of an offense is granted a pardon by the
26 Governor which specifically authorizes expungement, an

1 objection to the petition may not be filed.

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

5 (6) Entry of order.

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

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

19 (C) Notwithstanding any other provision of law,
20 the court shall not deny a petition for sealing under
21 this Section because the petitioner has not satisfied
22 an outstanding legal financial obligation established,
23 imposed, or originated by a court, law enforcement
24 agency, or a municipal, State, county, or other unit
25 of local government, including, but not limited to,
26 any cost, assessment, fine, or fee. An outstanding

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

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

19 (7) Hearings. If an objection is filed, the court
20 shall set a date for a hearing and notify the petitioner
21 and all parties entitled to notice of the petition of the
22 hearing date at least 30 days prior to the hearing. Prior
23 to the hearing, the State's Attorney shall consult with
24 the Illinois State Police as to the appropriateness of the
25 relief sought in the petition to expunge or seal. At the
26 hearing, the court shall hear evidence on whether the

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

5 (A) the strength of the evidence supporting the
6 defendant's conviction;

7 (B) the reasons for retention of the conviction
8 records by the State;

9 (C) the petitioner's age, criminal record history,
10 and employment history;

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

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

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

26 (9) Implementation of order.

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

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

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

26 (B) Upon entry of an order to expunge records

1 pursuant to subsection (b)(2)(B)(i) or (b)(2)(C), or
2 both:

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

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

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

24 (iv) records impounded by the Illinois State
25 Police may be disseminated by the Illinois State
26 Police only as required by law or to the arresting

1 authority, the State's Attorney, and the court
2 upon a later arrest for the same or a similar
3 offense or for the purpose of sentencing for any
4 subsequent felony, and to the Department of
5 Corrections upon conviction for any offense; and

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

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

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

21 (ii) the records of the circuit court clerk
22 shall be impounded until further order of the
23 court upon good cause shown and the name of the
24 petitioner obliterated on the official index
25 required to be kept by the circuit court clerk
26 under Section 16 of the Clerks of Courts Act, but

1 the order shall not affect any index issued by the
2 circuit court clerk before the entry of the order;

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

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

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

23 (C) Upon entry of an order to seal records under
24 subsection (c), the arresting agency, any other agency
25 as ordered by the court, the Illinois State Police,
26 and the court shall seal the records (as defined in

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

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

23 (E) Upon motion, the court may order that a sealed
24 judgment or other court record necessary to
25 demonstrate the amount of any legal financial
26 obligation due and owing be made available for the

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

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

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

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

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

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

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

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

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

1 mandate.

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

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

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

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

1 the circuit court clerk before the entry of the order. All
2 records sealed by the Illinois State Police may be
3 disseminated by the Illinois State Police only as required by
4 this Act or to the arresting authority, a law enforcement
5 agency, the State's Attorney, and the court upon a later
6 arrest for the same or similar offense or for the purpose of
7 sentencing for any subsequent felony. Upon conviction for any
8 subsequent offense, the Department of Corrections shall have
9 access to all sealed records of the Illinois State Police
10 pertaining to that individual. Upon entry of the order of
11 sealing, the circuit court clerk shall promptly mail a copy of
12 the order to the person who was granted the certificate of
13 eligibility for sealing.

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

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

19 (f) Subject to available funding, the Illinois Department
20 of Corrections shall conduct a study of the impact of sealing,
21 especially on employment and recidivism rates, utilizing a
22 random sample of those who apply for the sealing of their
23 criminal records under Public Act 93-211. At the request of
24 the Illinois Department of Corrections, records of the
25 Illinois Department of Employment Security shall be utilized
26 as appropriate to assist in the study. The study shall not

1 disclose any data in a manner that would allow the
2 identification of any particular individual or employing unit.
3 The study shall be made available to the General Assembly no
4 later than September 1, 2010.

5 (g) Immediate Sealing.

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

11 (2) Eligible Records.

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

20 (B) Records that contain redacted reproductive
21 health care or gender-affirming care information under
22 Section 107-17 of the Code of Criminal Procedure of
23 1963.

24 (3) When Records are Eligible to be Immediately
25 Sealed. Eligible records under paragraph (2) of this
26 subsection (g) may be sealed immediately after entry of

1 the final disposition of a case, notwithstanding the
2 disposition of other charges in the same case.

3 (4) Notice of Eligibility for Immediate Sealing. Upon
4 entry of a disposition for an eligible record under
5 subparagraph (A) of paragraph (2) of this subsection (g),
6 the defendant shall be informed by the court of his or her
7 right to have eligible records immediately sealed and the
8 procedure for the immediate sealing of these records.

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

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

26 (B) Contents of Petition. For eligible records

1 under subparagraph (A) of paragraph (2) of this
2 subsection (g), the ~~The~~ immediate sealing petition
3 shall be verified and shall contain the petitioner's
4 name, date of birth, current address, and for each
5 eligible record, the case number, the date of arrest
6 if applicable, the identity of the arresting authority
7 if applicable, and other information as the court may
8 require.

9 (C) Drug Test. The defendant receiving a sealed
10 record under subparagraph (B) of paragraph (2) of this
11 subsection (g) or a petitioner shall not be required
12 to attach proof that he or she has passed a drug test.

13 (D) Service of Petition. For eligible records
14 under subparagraph (A) of paragraph (2) of this
15 subsection (g), a ~~A~~ copy of the petition shall be
16 served on the State's Attorney in open court. The
17 petitioner shall not be required to serve a copy of the
18 petition on any other agency.

19 (E) Entry of Order. The presiding trial judge
20 shall enter an order granting or denying the petition
21 for immediate sealing under subparagraph (A) of
22 paragraph (2) of this subsection (g) during the
23 hearing in which it is filed. Petitions for immediate
24 sealing shall be ruled on in the same hearing in which
25 the final disposition of the case is entered. For
26 eligible records being sealed under subparagraph (B)

1 of paragraph (2) of this subsection (g), the presiding
2 trial judge shall enter an order for immediate sealing
3 upon entry of a disposition for an eligible record.

4 (F) Hearings. For eligible records under
5 subparagraph (A) of paragraph (2) of this subsection
6 (g), the ~~The~~ court shall hear the petition for
7 immediate sealing on the same day and during the same
8 hearing in which the disposition is rendered.

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

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

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

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

23 (K) Motion to Vacate, Modify, or Reconsider. Under
24 Section 2-1203 of the Code of Civil Procedure, the
25 petitioner, State's Attorney, or the Illinois State
26 Police may file a motion to vacate, modify, or

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

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

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

22 (h) Sealing or vacation and expungement of trafficking
23 victims' crimes.

24 (1) A trafficking victim, as defined by paragraph (10)
25 of subsection (a) of Section 10-9 of the Criminal Code of
26 2012, may petition for vacation and expungement or

1 immediate sealing of his or her criminal record upon the
2 completion of his or her last sentence if his or her
3 participation in the underlying offense was a result of
4 human trafficking under Section 10-9 of the Criminal Code
5 of 2012 or a severe form of trafficking under the federal
6 Trafficking Victims Protection Act.

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

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

24 (3) If an objection is filed alleging that the
25 petitioner is not entitled to vacation and expungement or
26 immediate sealing under this subsection (h), the court

1 shall conduct a hearing under paragraph (7) of subsection
2 (d) of this Section and the court shall determine whether
3 the petitioner is entitled to vacation and expungement or
4 immediate sealing under this subsection (h). A petitioner
5 is eligible for vacation and expungement or immediate
6 relief under this subsection (h) if he or she shows, by a
7 preponderance of the evidence, that: (A) he or she was a
8 victim of human trafficking at the time of the offense;
9 and (B) that his or her participation in the offense was a
10 result of human trafficking under Section 10-9 of the
11 Criminal Code of 2012 or a severe form of trafficking
12 under the federal 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. 102-145, eff. 7-23-21; 102-558, 8-20-21;
10 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
11 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

12 Section 20. The Illinois Police Training Act is amended by
13 adding Section 10.25 as follows:

14 (50 ILCS 705/10.25 new)

15 Sec. 10.25. Confidentiality of information relating to
16 reproductive health care and gender-affirming care.

17 (a) As used in this Section, "gender-affirming care" and
18 "reproductive health care" have the meanings given to those
19 terms in Section 8-802.4 of the Code of Civil Procedure.

20 (b) Notwithstanding any other provision of law, records
21 maintained by a law enforcement agency that contain any
22 reference to reproductive health care or gender-affirming care
23 shall be redacted to exclude the references to reproductive
24 health care and gender-affirming care upon inspection and

1 copying when inspection and copying is otherwise allowed by
2 law.

3 Section 25. The Code of Criminal Procedure of 1963 is
4 amended by adding Sections 107-17 as follows:

5 (725 ILCS 5/107-17 new)

6 Sec. 107-17. Confidentiality of information relating to
7 reproductive health care and gender-affirming care.

8 (a) As used in this Section, "gender-affirming care" and
9 "reproductive health care" have the meanings given to those
10 terms in Section 8-802.4 of the Code of Civil Procedure.

11 (b) If a document filed during a criminal proceeding that
12 contains any reference to reproductive health care or
13 gender-affirming care, the document, including court records,
14 shall be filed under seal and remain under seal unless the
15 court orders otherwise, or, if not filed under seal, a
16 document that references reproductive health care or
17 gender-affirming care must be redacted before being filed.
18 Upon final disposition of a case involving document described
19 under this subsection, the entire court file shall be
20 immediately sealed under subparagraph (B) of paragraph (2) of
21 subsection (g) of Section 5.2 of the Criminal Identification
22 Act, and, after immediate sealing, the case file only may be
23 made available to the public by court order unsealing the
24 records as otherwise provided by law and only with any

1 reference to reproductive health care or gender-affirming care
2 redacted.

3 (c) If, in any judicial proceeding, a party alleges that
4 items sealed or redacted under subsection (b) are necessary to
5 the determination of any issue before the court and written
6 consent to disclosure has not been given, the party may ask the
7 court to consider the relevance and admissibility of the
8 statements. In such a case, the court shall hold a hearing in
9 camera on the relevance of the statements. A transcript of the
10 in camera proceeding shall be made and sealed. If the court
11 finds the records sealed or redacted relevant and admissible
12 to the issue, the court order the statements to be disclosed
13 under a protective order in which the parties are prohibited
14 from furnishing to anyone the materials identified in the
15 order.

16 Section 30. The Code of Civil Procedure is amended by
17 adding Section 8-802.4 as follows:

18 (735 ILCS 5/8-802.4 new)

19 Sec. 8-802.4. Confidentiality of information relating to
20 reproductive health care and gender-affirming care.

21 (a) As used in this Section:

22 "Gender-affirming care" means medically necessary health
23 care that respects the gender identity of the patient, as
24 experienced and defined by the patient, including, but not

1 limited to:

2 (1) interventions to suppress the development of
3 endogenous secondary sex characteristics;

4 (2) interventions to align the patient's appearance or
5 physical body with the patient's gender identity;

6 (3) interventions to alleviate symptoms of clinically
7 significant distress resulting from gender dysphoria, as
8 defined in the Diagnostic and Statistical Manual of Mental
9 Disorders, 5th Edition; or

10 (4) mental health care or behavioral health care that
11 respects the gender identity of the patient, as
12 experienced and defined by the patient, including, but not
13 limited to, developmentally appropriate exploration and
14 integration of identity, reduction of distress, adaptive
15 coping, and strategies to increase family acceptance.

16 "Reproductive health care" has the meaning given to that
17 term in Section 1-10 of the Reproductive Health Act.

18 (b) If a document filed during a civil proceeding that
19 contains any reference to reproductive health care or
20 gender-affirming care, the document, including court records,
21 shall be filed under seal and remain under seal unless the
22 court orders otherwise, or, if not filed under seal, a
23 document that references reproductive health care or
24 gender-affirming care must be redacted before being filed.
25 Upon final disposition of a case involving document described
26 under this subsection, the entire court file shall be

1 immediately sealed under subsection (d), and, after immediate
2 sealing, the case file only may be made available to the public
3 by court order unsealing the records as otherwise provided by
4 law and only with any reference to reproductive health care or
5 gender-affirming care redacted.

6 (c) If, in any judicial proceeding, a party alleges that
7 items sealed or redacted under subsection (b) are necessary to
8 the determination of any issue before the court and written
9 consent to disclosure has not been given, the party may ask the
10 court to consider the relevance and admissibility of the
11 statements. In such a case, the court shall hold a hearing in
12 camera on the relevance of the statements. A transcript of the
13 in camera proceeding shall be made and sealed. If the court
14 finds the records sealed or redacted relevant and admissible
15 to the issue, the court order the statements to be disclosed
16 under a protective order in which the parties are prohibited
17 from furnishing to anyone the materials identified in the
18 order.

19 (d) Records that contain redacted reproductive health care
20 or gender-affirming care health information shall be sealed
21 immediately after entry of the final disposition of a case as
22 follows:

23 (1) Upon entry of the final disposition of the case,
24 the presiding trial judge shall enter an order for
25 immediate sealing of the case file.

26 (2) An order to immediately seal eligible records

1 shall be served in on all parties to the case.

2 (3) An order to immediately seal records shall be
3 implemented in conformance with subsections (d)(9)(C) and
4 (d)(9)(D) of Section 5.2 of the Criminal Identification
5 Act.

6 (4) No court order issued under this subsection shall
7 become final for purposes of appeal until 30 days after
8 service of the order on the petitioner and all parties
9 entitled to service of the order in conformance with
10 subsection (d)(8) of Section 5.2 of the Criminal
11 Identification Act.

12 (5) Under Section 2-1203 of the Code of Civil
13 Procedure, a party may file a motion to vacate, modify, or
14 reconsider the order denying the petition to immediately
15 seal within 60 days of service of the order. If filed more
16 than 60 days after service of the order, a petition to
17 vacate, modify, or reconsider shall comply with subsection
18 (c) of Section 2-1401 of the Code of Civil Procedure.

19 (6) An order granting an immediate sealing petition
20 shall not be considered void because it fails to comply
21 with the provisions of this subsection or because of an
22 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 (5).

1 (7) Unless a court has entered a stay of an order
2 granting a petition to immediately seal, all parties
3 entitled to service of the order must fully comply with
4 the terms of the order within 60 days of service of the
5 order.

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.