

1 AN ACT in relation to minors.

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

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

6 (705 ILCS 405/5-915)

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

9 (1) Whenever any person has attained the age of 17 or
10 whenever all juvenile court proceedings relating to that
11 person have been terminated, whichever is later, ~~the--person~~
12 ~~may--petition~~ the court shall automatically ~~to~~ expunge law
13 enforcement records relating to incidents occurring before
14 his or her 17th birthday or his or her juvenile court
15 records, or both, but only in the following circumstances:

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

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

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

24 (d) the minor was adjudicated for an offense which
25 would be a Class B misdemeanor if committed by an adult.

26 (2) The ~~Any--person--may--petition--the~~ court shall ~~to~~
27 expunge all law enforcement records relating to any incidents
28 occurring before a person's ~~his-or-her~~ 17th birthday which
29 did not result in proceedings in criminal court and all
30 juvenile court records with respect to any adjudications
31 except those based upon first degree murder and sex offenses

1 which would be felonies if committed by an adult, if the
2 person ~~for-whom-expungement-is-sought~~ has had no convictions
3 for any crime since his or her 17th birthday and:

4 (a) has attained the age of 21 years; or

5 (b) 5 years have elapsed since all juvenile court
6 proceedings relating to him or her have been terminated
7 or his or her commitment to the Department of
8 Corrections, Juvenile Division pursuant to this Act has
9 been terminated;

10 whichever is later of (a) or (b).

11 (3) The chief judge of the circuit in which an arrest
12 was made or a charge was brought or any judge of that circuit
13 designated by the chief judge ~~shall, for~~ may, upon verified
14 petition of a person who is the subject of an arrest or a
15 juvenile court proceeding under subsection (1) or (2) of this
16 Section, order the law enforcement records or official court
17 file, or both, to be expunged from the official records of
18 the arresting authority, the clerk of the circuit court and
19 the Department of State Police. The person whose records are
20 to be expunged shall provide the clerk of the court with a
21 current address and shall promptly notify the clerk of the
22 court of any change of address. Notice that the person's
23 records are to be expunged shall be served upon the State's
24 Attorney or prosecutor charged with the duty of prosecuting
25 the offense, the Department of State Police, the arresting
26 agency, and the chief legal officer of the unit of local
27 government effecting the arrest by the clerk of the court on
28 the offender's 17th birthday or, for a person whose records
29 are being expunged under subsection (2), (i) on the
30 offender's 21st birthday or (ii) after 5 years have elapsed
31 since all juvenile court proceedings related to him or her
32 have been terminated or his or her commitment to the
33 Department of Corrections, Juvenile Division has been
34 terminated, whichever is later. If an objection is filed

1 within 90 days of the notice of the proposed expungement, the
 2 court shall set a date for hearing. At the hearing the court
 3 shall hear evidence on whether the expungement should or
 4 should not be granted. Unless the State's Attorney or
 5 prosecutor, the Department of State Police, or an arresting
 6 agency objects to the expungement within 90 days of the
 7 notice, the court shall enter an order granting the
 8 expungement. The person whose records are expunged shall pay
 9 the clerk of the court a fee equivalent to the cost
 10 associated with case tracking and expungement of the records.

11 (3.5) A person whose records are eligible for expungement
 12 and whose arrest or disposition occurred before the date of
 13 this amendatory act of the 93rd General Assembly, must
 14 petition the court for expungement under this Section. The
 15 chief judge of the circuit in which an arrest was made or a
 16 charge was brought or any judge of that circuit designated by
 17 the chief judge may, upon verified petition, order the law
 18 enforcement records or official court file, or both, to be
 19 expunged from the official records of the arresting
 20 authority, the clerk of the circuit court and the Department
 21 of State Police. Notice of the verified petition shall be
 22 served by the petitioner upon the State's Attorney or
 23 prosecutor charged with the duty of prosecuting the offense,
 24 the Department of State Police, the arresting agency, and the
 25 chief legal officer of the unit of local government effecting
 26 the arrest. If an objection is filed within 90 days of the
 27 notice of the requested expungement, the court shall set a
 28 date for hearing. At the hearing the court shall hear
 29 evidence on whether the expungement should or should not be
 30 granted. Unless the State's Attorney or prosecutor, the
 31 Department of State Police, or an arresting agency objects to
 32 the expungement within 90 days of the notice, the court shall
 33 enter an order granting the expungement. Notice--of--the
 34 petition--shall--be--served--upon--the--State's--Attorney--and--upon

1 ~~the-arresting-authority-which-is-the-subject-of-the--petition~~
2 ~~for-expungement.~~

3 (4) Upon entry of an order expunging records or files,
4 the offense, which the records or files concern shall be
5 treated as if it never occurred. Law enforcement officers and
6 other public offices and agencies shall properly reply on
7 inquiry that no record or file exists with respect to the
8 person.

9 (5) Records which have not been expunged are sealed, and
10 may be obtained only under the provisions of Sections 5-901,
11 5-905 and 5-915.

12 (6) Nothing in this Section shall be construed to
13 prohibit the maintenance of information relating to an
14 offense after records or files concerning the offense have
15 been expunged if the information is kept in a manner that
16 does not enable identification of the offender. This
17 information may only be used for statistical and bona fide
18 research purposes.

19 (Source: P.A. 90-590, eff. 1-1-99.)