



Sen. Kimberly A. Lightford

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09500SB0997sam001

LRB095 05863 RLC 37122 a

1 AMENDMENT TO SENATE BILL 997

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 997 by replacing  
3 everything after the enacting clause with the following:

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

6 (705 ILCS 405/5-915)

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

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

16 (a) the minor was arrested and no petition for

1 delinquency was filed with the clerk of the circuit court;

2 or

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

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

8 (d) the minor was adjudicated for an offense which  
9 would be a Class B misdemeanor, Class C misdemeanor, or a  
10 petty or business offense if committed by an adult.

11 (2) Any person may petition the court to expunge all law  
12 enforcement records relating to any incidents occurring before  
13 his or her 17th birthday which did not result in proceedings in  
14 criminal court and all juvenile court records with respect to  
15 any adjudications except those based upon first degree murder  
16 and sex offenses which would be felonies if committed by an  
17 adult, if the person for whom expungement is sought has had no  
18 convictions for any crime since his or her 17th birthday and:

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

20 (b) 5 years have elapsed since all juvenile court  
21 proceedings relating to him or her have been terminated or  
22 his or her commitment to the Department of Juvenile Justice  
23 pursuant to this Act has been terminated;

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

25 (2.5) If a minor is arrested and no petition for  
26 delinquency is filed with the clerk of the circuit court as

1 provided in paragraph (a) of subsection (1) at the time the  
2 minor is released from custody, the youth officer, if  
3 applicable, or other designated person from the arresting  
4 agency, shall notify verbally and in writing to the minor or  
5 the minor's parents or guardians that if the State's Attorney  
6 does not file a petition for delinquency, the minor has a right  
7 to petition to have his or her arrest record expunged when the  
8 minor attains the age of 17 or when all juvenile court  
9 proceedings relating to that minor have been terminated and  
10 that unless a petition to expunge is filed, the minor shall  
11 have an arrest record and shall provide the minor and the  
12 minor's parents or guardians with an expungement information  
13 packet, including a petition to expunge juvenile records  
14 obtained from the clerk of the circuit court.

15 (2.6) If a minor is charged with an offense and is found  
16 not delinquent of that offense; or if a minor is placed under  
17 supervision under Section 5-615, and the order of supervision  
18 is successfully terminated; or if a minor is adjudicated for an  
19 offense that would be a Class B misdemeanor, a Class C  
20 misdemeanor, or a business or petty offense if committed by an  
21 adult; or if a minor has incidents occurring before his or her  
22 17th birthday that have not resulted in proceedings in criminal  
23 court, or resulted in proceedings in juvenile court, and the  
24 adjudications were not based upon first degree murder or sex  
25 offenses that would be felonies if committed by an adult; then  
26 at the time of sentencing or dismissal of the case, the judge

1 shall inform the delinquent minor of his or her right to  
2 petition for expungement as provided by law, and the clerk of  
3 the circuit court shall provide an expungement information  
4 packet to the delinquent minor, written in plain language,  
5 including a petition for expungement, a sample of a completed  
6 petition, expungement instructions that shall include  
7 information informing the minor that (i) once the case is  
8 expunged, it shall be treated as if it never occurred, (ii) he  
9 or she may apply to have petition fees waived, (iii) once he or  
10 she obtains an expungement, he or she may not be required to  
11 disclose that he or she had a juvenile record, and (iv) he or  
12 she may file the petition on his or her own or with the  
13 assistance of an attorney. The failure of the judge to inform  
14 the delinquent minor of his or her right to petition for  
15 expungement as provided by law does not create a substantive  
16 right, nor is that failure grounds for: (i) a reversal of an  
17 adjudication of delinquency, (ii) a new trial; or (iii) an  
18 appeal.

19 (2.7) For counties with a population over 3,000,000, the  
20 clerk of the circuit court shall send a "Notification of a  
21 Possible Right to Expungement" post card to the minor at the  
22 address last received by the clerk of the circuit court on the  
23 date that the minor attains the age of 17 based on the  
24 birthdate provided to the court by the minor or his or her  
25 guardian in cases under paragraphs (b), (c), and (d) of  
26 subsection (1); and when the minor attains the age of 21 based

1 on the birthdate provided to the court by the minor or his or  
2 her guardian in cases under subsection (2).

3 (2.8) The petition for expungement for subsection (1) shall  
4 be substantially in the following form:

5 IN THE CIRCUIT COURT OF ....., ILLINOIS  
6 ..... JUDICIAL CIRCUIT

7 IN THE INTEREST OF ) NO.  
8 )  
9 )  
10 .....)  
11 (Name of Petitioner)

12 PETITION TO EXPUNGE JUVENILE RECORDS  
13 (705 ILCS 405/5-915 (SUBSECTION 1))

14 (Please prepare a separate petition for each offense)

15 Now comes ....., petitioner, and respectfully requests  
16 that this Honorable Court enter an order expunging all juvenile  
17 law enforcement and court records of petitioner and in support  
18 thereof states that: Petitioner has attained the age of 17,  
19 his/her birth date being ....., or all Juvenile Court  
20 proceedings terminated as of ....., whichever occurred later.  
21 Petitioner was arrested on ..... by the ..... Police  
22 Department for the offense of ....., and:

23 (Check One:)

24 ( ) a. no petition was filed with the Clerk of the Circuit

1 Court.

2 ( ) b. was charged with ..... and was found not delinquent of  
3 the offense.

4 ( ) c. a petition was filed and the petition was dismissed  
5 without a finding of delinquency on .....

6 ( ) d. on ..... placed under supervision pursuant to Section  
7 5-615 of the Juvenile Court Act of 1987 and such order of  
8 supervision successfully terminated on .....

9 ( ) e. was adjudicated for the offense, which would have been a  
10 Class B misdemeanor, a Class C misdemeanor, or a petty offense  
11 or business offense if committed by an adult.

12 Petitioner .... has .... has not been arrested on charges in  
13 this or any county other than the charges listed above. If  
14 petitioner has been arrested on additional charges, please list  
15 the charges below:

16 Charge(s): .....

17 Arresting Agency or Agencies: .....

18 Disposition/Result: (choose from a. through e., above): .....

19 WHEREFORE, the petitioner respectfully requests this Honorable  
20 Court to (1) order all law enforcement agencies to expunge all  
21 records of petitioner to this incident, and (2) to order the  
22 Clerk of the Court to expunge all records concerning the  
23 petitioner regarding this incident.

24 .....

25 Petitioner (Signature)

1 .....  
2 Petitioner's Street Address

3 .....  
4 City, State, Zip Code

5 .....  
6 Petitioner's Telephone Number

7 Pursuant to the penalties of perjury under the Code of Civil  
8 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
9 statements in this petition are true and correct, or on  
10 information and belief I believe the same to be true.

11 .....  
12 Petitioner (Signature)

13 The Petition for Expungement for subsection (2) shall be  
14 substantially in the following form:

15 IN THE CIRCUIT COURT OF ....., ILLINOIS  
16 ..... JUDICIAL CIRCUIT

17 IN THE INTEREST OF ) NO.  
18 )  
19 )

1 .....)

2 (Name of Petitioner)

3 PETITION TO EXPUNGE JUVENILE RECORDS

4 (705 ILCS 405/5-915 (SUBSECTION 2))

5 (Please prepare a separate petition for each offense)

6 Now comes ....., petitioner, and respectfully requests  
7 that this Honorable Court enter an order expunging all Juvenile  
8 Law Enforcement and Court records of petitioner and in support  
9 thereof states that:

10 The incident for which the Petitioner seeks expungement  
11 occurred before the Petitioner's 17th birthday and did not  
12 result in proceedings in criminal court and the Petitioner has  
13 not had any convictions for any crime since his/her 17th  
14 birthday; and

15 The incident for which the Petitioner seeks expungement  
16 occurred before the Petitioner's 17th birthday and the  
17 adjudication was not based upon first-degree murder or sex  
18 offenses which would be felonies if committed by an adult, and  
19 the Petitioner has not had any convictions for any crime since  
20 his/her 17th birthday.

21 Petitioner was arrested on ..... by the ..... Police  
22 Department for the offense of ....., and:

23 (Check whichever one occurred the latest:)

24 ( ) a. The Petitioner has attained the age of 21 years, his/her  
25 birthday being .....; or



1 ( ) b. 5 years have elapsed since all juvenile court  
 2 proceedings relating to the Petitioner have been terminated; or  
 3 the Petitioner's commitment to the Department of Juvenile  
 4 Justice pursuant to the expungement of juvenile law enforcement  
 5 and court records provisions of the Juvenile Court Act of 1987  
 6 has been terminated. Petitioner ...has ...has not been arrested  
 7 on charges in this or any other county other than the charge  
 8 listed above. If petitioner has been arrested on additional  
 9 charges, please list the charges below:

10 Charge(s): .....

11 Arresting Agency or Agencies: .....

12 Disposition/Result: (choose from a or b, above): .....

13 WHEREFORE, the petitioner respectfully requests this Honorable  
 14 Court to (1) order all law enforcement agencies to expunge all  
 15 records of petitioner related to this incident, and (2) to  
 16 order the Clerk of the Court to expunge all records concerning  
 17 the petitioner regarding this incident.

18 .....

19 Petitioner (Signature)

20 .....

21 Petitioner's Street Address

22 .....

23 City, State, Zip Code

1 .....  
2

2 Petitioner's Telephone Number

3 Pursuant to the penalties of perjury under the Code of Civil  
4 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
5 statements in this petition are true and correct, or on  
6 information and belief I believe the same to be true.

7 .....

8 Petitioner (Signature)

9 (3) The chief judge of the circuit in which an arrest was  
10 made or a charge was brought or any judge of that circuit  
11 designated by the chief judge may, upon verified petition of a  
12 person who is the subject of an arrest or a juvenile court  
13 proceeding under subsection (1) or (2) of this Section, order  
14 the law enforcement records or official court file, or both, to  
15 be expunged from the official records of the arresting  
16 authority, the clerk of the circuit court and the Department of  
17 State Police. The person whose records are to be expunged shall  
18 petition the court using the appropriate form containing his or  
19 her current address and shall promptly notify the clerk of the  
20 circuit court of any change of address. Notice of the petition  
21 shall be served upon the State's Attorney or prosecutor charged  
22 with the duty of prosecuting the offense, the Department of  
23 State Police, and the arresting agency or agencies by the clerk  
24 of the circuit court. If an objection is filed within 45 ~~90~~  
25 days of the notice of the petition, the clerk of the circuit

1 court shall set a date for hearing after the 45 ~~90~~ day  
 2 objection period. At the hearing the court shall hear evidence  
 3 on whether the expungement should or should not be granted.  
 4 Unless the State's Attorney or prosecutor, the Department of  
 5 State Police, or an arresting agency objects to the expungement  
 6 within 45 ~~90~~ days of the notice, the court may enter an order  
 7 granting expungement. The person whose records are to be  
 8 expunged shall pay the clerk of the circuit court a fee  
 9 equivalent to the cost associated with expungement of records  
 10 by the clerk and the Department of State Police. The clerk  
 11 shall forward a certified copy of the order to the Department  
 12 of State Police, the appropriate portion of the fee to the  
 13 Department of State Police for processing, and deliver a  
 14 certified copy of the order to the arresting agency.

15 (3.1) The Notice of Expungement shall be in substantially  
 16 the following form:

17 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 18 ..... JUDICIAL CIRCUIT

19 IN THE INTEREST OF ) NO.  
 20 )  
 21 )  
 22 .....)  
 23 (Name of Petitioner)

1 TO: State's Attorney

2 TO: Arresting Agency

3 .....

4 .....

5 .....

6 .....

7 .....

8 .....

9 TO: Illinois State Police

10 .....

11 .....

12 .....

13 .....

14 ATTENTION: Expungement

15 You are hereby notified that on ....., at ....., in courtroom  
16 ..., located at ..., before the Honorable ..., Judge, or any  
17 judge sitting in his/her stead, I shall then and there present  
18 a Petition to Expunge Juvenile records in the above-entitled  
19 matter, at which time and place you may appear.

20 .....

21 Petitioner's Signature

22 .....

23 Petitioner's Street Address

24 .....

25 City, State, Zip Code

26 .....

1 Petitioner's Telephone Number

2 PROOF OF SERVICE

3 On the ..... day of ....., 20..., I on oath state that I  
4 served this notice and true and correct copies of the  
5 above-checked documents by:

6 (Check One:)

7 delivering copies personally to each entity to whom they are  
8 directed;

9 or

10 by mailing copies to each entity to whom they are directed by  
11 depositing the same in the U.S. Mail, proper postage fully  
12 prepaid, before the hour of 5:00 p.m., at the United States  
13 Postal Depository located at .....

14 .....

15

16 Signature

17 Clerk of the Circuit Court or Deputy Clerk

18 Printed Name of Delinquent Minor/Petitioner: ....

19 Address: .....

20 Telephone Number: .....

21 (3.2) The Order of Expungement shall be in substantially  
22 the following form:

23 IN THE CIRCUIT COURT OF ....., ILLINOIS

24 .... JUDICIAL CIRCUIT

25 IN THE INTEREST OF ) NO.

1 )  
 2 )  
 3 .....)  
 4 (Name of Petitioner)

5 DOB .....

6 Arresting Agency/Agencies .....

7 ORDER OF EXPUNGEMENT

8 (705 ILCS 405/5-915 (SUBSECTION 3))

9 This matter having been heard on the petitioner's motion and  
 10 the court being fully advised in the premises does find that  
 11 the petitioner is indigent or has presented reasonable cause to  
 12 waive all costs in this matter, IT IS HEREBY ORDERED that:

13 ( ) 1. Clerk of Court and Department of State Police costs  
 14 are hereby waived in this matter.

15 ( ) 2. The Illinois State Police Bureau of Identification  
 16 and the following law enforcement agencies expunge all records  
 17 of petitioner relating to an arrest dated ..... for the  
 18 offense of .....

19 Law Enforcement Agencies:

20 .....

21 .....

22 ( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit  
 23 Court expunge all records regarding the above-captioned case.

24 ENTER: .....

25

1 JUDGE

2 DATED: .....

3 Name:

4 Attorney for:

5 Address: City/State/Zip:

6 Attorney Number:

7 (3.3) The Notice of Objection shall be in substantially the  
8 following form:

9 IN THE CIRCUIT COURT OF ....., ILLINOIS  
10 ..... JUDICIAL CIRCUIT

11 IN THE INTEREST OF ) NO.  
12 )  
13 )  
14 .....)  
15 (Name of Petitioner)

16 NOTICE OF OBJECTION

17 TO:(Attorney, Public Defender, Minor)

18 .....

19 .....

20 TO:(Illinois State Police)

21 .....

22 .....

23 TO:(Clerk of the Court)

24 .....

1 .....

2 TO: (Judge)

3 .....

4 .....

5 TO: (Arresting Agency/Agencies)

6 .....

7 .....

8 ATTENTION: You are hereby notified that an objection has been  
9 filed by the following entity regarding the above-named minor's  
10 petition for expungement of juvenile records:

- 11 ( ) State's Attorney's Office;
- 12 ( ) Prosecutor (other than State's Attorney's Office) charged  
13 with the duty of prosecuting the offense sought to be expunged;
- 14 ( ) Department of Illinois State Police; or
- 15 ( ) Arresting Agency or Agencies.

16 The agency checked above respectfully requests that this case  
17 be continued and set for hearing on whether the expungement  
18 should or should not be granted.

19 DATED: .....

20 Name:

21 Attorney For:

22 Address:

23 City/State/Zip:

24 Telephone:

25 Attorney No.:



1 This matter has been set for hearing on the foregoing  
2 objection, on ..... in room ....., located at ....., before the  
3 Honorable ....., Judge, or any judge sitting in his/her stead.  
4 (Only one hearing shall be set, regardless of the number of  
5 Notices of Objection received on the same case).

6 A copy of this completed Notice of Objection containing the  
7 court date, time, and location, has been sent via regular U.S.  
8 Mail to the following entities. (If more than one Notice of  
9 Objection is received on the same case, each one must be  
10 completed with the court date, time and location and mailed to  
11 the following entities):

- 12 ( ) Attorney, Public Defender or Minor;  
13 ( ) State's Attorney's Office;  
14 ( ) Prosecutor (other than State's Attorney's Office) charged  
15 with the duty of prosecuting the offense sought to be expunged;  
16 ( ) Department of Illinois State Police; and  
17 ( ) Arresting agency or agencies.

18 Date: .....

19 Initials of Clerk completing this section: .....

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

25 (5) Records which have not been expunged are sealed, and  
26 may be obtained only under the provisions of Sections 5-901,

1 5-905 and 5-915.

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

8 (7) (a) The State Appellate Defender shall establish,  
9 maintain, and carry out, by December 31, 2004, a juvenile  
10 expungement program to provide information and assistance to  
11 minors eligible to have their juvenile records expunged.

12 (b) The State Appellate Defender shall develop brochures,  
13 pamphlets, and other materials in printed form and through the  
14 agency's World Wide Web site. The pamphlets and other materials  
15 shall include at a minimum the following information:

16 (i) An explanation of the State's juvenile expungement  
17 process;

18 (ii) The circumstances under which juvenile  
19 expungement may occur;

20 (iii) The juvenile offenses that may be expunged;

21 (iv) The steps necessary to initiate and complete the  
22 juvenile expungement process; and

23 (v) Directions on how to contact the State Appellate  
24 Defender.

25 (c) The State Appellate Defender shall establish and  
26 maintain a statewide toll-free telephone number that a person

1 may use to receive information or assistance concerning the  
2 expungement of juvenile records. The State Appellate Defender  
3 shall advertise the toll-free telephone number statewide. The  
4 State Appellate Defender shall develop an expungement  
5 information packet that may be sent to eligible persons seeking  
6 expungement of their juvenile records, which may include, but  
7 is not limited to, a pre-printed expungement petition with  
8 instructions on how to complete the petition and a pamphlet  
9 containing information that would assist individuals through  
10 the juvenile expungement process.

11 (d) The State Appellate Defender shall compile a statewide  
12 list of volunteer attorneys willing to assist eligible  
13 individuals through the juvenile expungement process.

14 (e) This Section shall be implemented from funds  
15 appropriated by the General Assembly to the State Appellate  
16 Defender for this purpose. The State Appellate Defender shall  
17 employ the necessary staff and adopt the necessary rules for  
18 implementation of this Section.

19 (8) (a) Except with respect to law enforcement agencies, the  
20 Department of Corrections, State's Attorneys, or other  
21 prosecutors, an expunged juvenile record may not be considered  
22 by any private or public entity in employment matters,  
23 certification, licensing, revocation of certification or  
24 licensure, or registration. Applications for employment must  
25 contain specific language that states that the applicant is not  
26 obligated to disclose expunged juvenile records of conviction

1 or arrest. Employers may not ask if an applicant has had a  
2 juvenile record expunged. Effective January 1, 2005, the  
3 Department of Labor shall develop a link on the Department's  
4 website to inform employers that employers may not ask if an  
5 applicant had a juvenile record expunged and that application  
6 for employment must contain specific language that states that  
7 the applicant is not obligated to disclose expunged juvenile  
8 records of arrest or conviction.

9 (b) A person whose juvenile records have been expunged is  
10 not entitled to remission of any fines, costs, or other money  
11 paid as a consequence of expungement. This amendatory Act of  
12 the 93rd General Assembly does not affect the right of the  
13 victim of a crime to prosecute or defend a civil action for  
14 damages.

15 (Source: P.A. 93-912, eff. 8-12-04; 94-696, eff. 6-1-06.)".