



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1126

Introduced 2/11/2009, by Rep. Annazette Collins

SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5 from Ch. 38, par. 206-5
705 ILCS 405/5-105
705 ILCS 405/5-301
705 ILCS 405/5-305
705 ILCS 405/5-915

Amends the Criminal Identification Act. Provides that all policing bodies of this State shall furnish to the Department of State Police, daily, in the form and detail the Department requires, fingerprints and descriptions of minors who are the subject of a petition for adjudication of delinquency under the Juvenile Court Act of 1987 (rather than minors arrested for Class A or B misdemeanors). Amends the Juvenile Court Act of 1987. Provides that whenever a minor has attained the age of 17, any local law enforcement agency maintaining law enforcement records pertaining to that minor shall automatically expunge those records only if (1) the minor has been arrested but no petitions for delinquency have ever been filed with the clerk of the circuit court and no criminal proceedings have been instituted, and (2) the minor has not been arrested within the year prior to his or her 17th birthday. Makes other changes.

LRB096 07475 RLC 17568 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning courts.

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

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

6 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

7 Sec. 5. Arrest reports; expungement.

8 (a) All policing bodies of this State shall furnish to the
9 Department, daily, in the form and detail the Department
10 requires, fingerprints and descriptions of all persons who are
11 arrested on charges of violating any penal statute of this
12 State for offenses that are classified as felonies and Class A
13 or B misdemeanors and of all minors of the age of 10 and over
14 who have been arrested for an offense which would be a felony
15 if committed by an adult and who are the subject of a petition
16 for adjudication of delinquency under Article V of the Juvenile
17 Court Act of 1987, ~~and may forward such fingerprints and~~
18 ~~descriptions for minors arrested for Class A or B misdemeanors.~~
19 Moving or nonmoving traffic violations under the Illinois
20 Vehicle Code shall not be reported except for violations of
21 Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In
22 addition, conservation offenses, as defined in the Supreme
23 Court Rule 501(c), that are classified as Class B misdemeanors

1 shall not be reported.

2 Whenever an adult or minor prosecuted as an adult, not
3 having previously been convicted of any criminal offense or
4 municipal ordinance violation, charged with a violation of a
5 municipal ordinance or a felony or misdemeanor, is acquitted or
6 released without being convicted, whether the acquittal or
7 release occurred before, on, or after the effective date of
8 this amendatory Act of 1991, the Chief Judge of the circuit
9 wherein the charge was brought, any judge of that circuit
10 designated by the Chief Judge, or in counties of less than
11 3,000,000 inhabitants, the presiding trial judge at the
12 defendant's trial may upon verified petition of the defendant
13 order the record of arrest expunged from the official records
14 of the arresting authority and the Department and order that
15 the records of the clerk of the circuit court be sealed until
16 further order of the court upon good cause shown and the name
17 of the defendant obliterated on the official index required to
18 be kept by the circuit court clerk under Section 16 of the
19 Clerks of Courts Act, but the order shall not affect any index
20 issued by the circuit court clerk before the entry of the
21 order. The Department may charge the petitioner a fee
22 equivalent to the cost of processing any order to expunge or
23 seal the records, and the fee shall be deposited into the State
24 Police Services Fund. The records of those arrests, however,
25 that result in a disposition of supervision for any offense
26 shall not be expunged from the records of the arresting

1 authority or the Department nor impounded by the court until 2
2 years after discharge and dismissal of supervision. Those
3 records that result from a supervision for a violation of
4 Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
5 Vehicle Code or a similar provision of a local ordinance, or
6 for a violation of Section 12-3.2, 12-15 or 16A-3 of the
7 Criminal Code of 1961, or probation under Section 10 of the
8 Cannabis Control Act, Section 410 of the Illinois Controlled
9 Substances Act, Section 70 of the Methamphetamine Control and
10 Community Protection Act, Section 12-4.3(b)(1) and (2) of the
11 Criminal Code of 1961 (as those provisions existed before their
12 deletion by Public Act 89-313), Section 10-102 of the Illinois
13 Alcoholism and Other Drug Dependency Act when the judgment of
14 conviction has been vacated, Section 40-10 of the Alcoholism
15 and Other Drug Abuse and Dependency Act when the judgment of
16 conviction has been vacated, or Section 10 of the Steroid
17 Control Act shall not be expunged from the records of the
18 arresting authority nor impounded by the court until 5 years
19 after termination of probation or supervision. Those records
20 that result from a supervision for a violation of Section
21 11-501 of the Illinois Vehicle Code or a similar provision of a
22 local ordinance, shall not be expunged. All records set out
23 above may be ordered by the court to be expunged from the
24 records of the arresting authority and impounded by the court
25 after 5 years, but shall not be expunged by the Department, but
26 shall, on court order be sealed by the Department and may be

1 disseminated by the Department only as required by law or to
2 the arresting authority, the State's Attorney, and the court
3 upon a later arrest for the same or a similar offense or for
4 the purpose of sentencing for any subsequent felony. Upon
5 conviction for any offense, the Department of Corrections shall
6 have access to all sealed records of the Department pertaining
7 to that individual.

8 (a-5) Those records maintained by the Department for
9 persons arrested prior to their 17th birthday shall be expunged
10 as provided in Section 5-915 of the Juvenile Court Act of 1987.

11 (b) Whenever a person has been convicted of a crime or of
12 the violation of a municipal ordinance, in the name of a person
13 whose identity he has stolen or otherwise come into possession
14 of, the aggrieved person from whom the identity was stolen or
15 otherwise obtained without authorization, upon learning of the
16 person having been arrested using his identity, may, upon
17 verified petition to the chief judge of the circuit wherein the
18 arrest was made, have a court order entered nunc pro tunc by
19 the chief judge to correct the arrest record, conviction
20 record, if any, and all official records of the arresting
21 authority, the Department, other criminal justice agencies,
22 the prosecutor, and the trial court concerning such arrest, if
23 any, by removing his name from all such records in connection
24 with the arrest and conviction, if any, and by inserting in the
25 records the name of the offender, if known or ascertainable, in
26 lieu of the aggrieved's name. The records of the clerk of the

1 circuit court clerk shall be sealed until further order of the
2 court upon good cause shown and the name of the aggrieved
3 person obliterated on the official index required to be kept by
4 the circuit court clerk under Section 16 of the Clerks of
5 Courts Act, but the order shall not affect any index issued by
6 the circuit court clerk before the entry of the order. Nothing
7 in this Section shall limit the Department of State Police or
8 other criminal justice agencies or prosecutors from listing
9 under an offender's name the false names he or she has used.
10 For purposes of this Section, convictions for moving and
11 nonmoving traffic violations other than convictions for
12 violations of Chapter 4, Section 11-204.1 or Section 11-501 of
13 the Illinois Vehicle Code shall not be a bar to expunging the
14 record of arrest and court records for violation of a
15 misdemeanor or municipal ordinance.

16 (c) Whenever a person who has been convicted of an offense
17 is granted a pardon by the Governor which specifically
18 authorizes expungement, he may, upon verified petition to the
19 chief judge of the circuit where the person had been convicted,
20 any judge of the circuit designated by the Chief Judge, or in
21 counties of less than 3,000,000 inhabitants, the presiding
22 trial judge at the defendant's trial, ~~may~~ have a court order
23 entered expunging the record of arrest from the official
24 records of the arresting authority and order that the records
25 of the clerk of the circuit court and the Department be sealed
26 until further order of the court upon good cause shown or as

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

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

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

7 (c-6) If a conviction has been set aside on direct review
8 or on collateral attack and the court determines by clear and
9 convincing evidence that the defendant was factually innocent
10 of the charge, the court shall enter an expungement order as
11 provided in subsection (b) of Section 5-5-4 of the Unified Code
12 of Corrections.

13 (d) Notice of the petition for subsections (a), (b), and
14 (c) shall be served by the clerk upon the State's Attorney or
15 prosecutor charged with the duty of prosecuting the offense,
16 the Department of State Police, the arresting agency and the
17 chief legal officer of the unit of local government affecting
18 the arrest. Unless the State's Attorney or prosecutor, the
19 Department of State Police, the arresting agency or such chief
20 legal officer objects to the petition within 30 days from the
21 date of the notice, the court shall enter an order granting or
22 denying the petition. The clerk of the court shall promptly
23 mail a copy of the order to the person, the arresting agency,
24 the prosecutor, the Department of State Police and such other
25 criminal justice agencies as may be ordered by the judge.

26 (e) Nothing herein shall prevent the Department of State

1 Police from maintaining all records of any person who is
2 admitted to probation upon terms and conditions and who
3 fulfills those terms and conditions pursuant to Section 10 of
4 the Cannabis Control Act, Section 410 of the Illinois
5 Controlled Substances Act, Section 70 of the Methamphetamine
6 Control and Community Protection Act, Section 12-4.3 of the
7 Criminal Code of 1961, Section 10-102 of the Illinois
8 Alcoholism and Other Drug Dependency Act, Section 40-10 of the
9 Alcoholism and Other Drug Abuse and Dependency Act, or Section
10 10 of the Steroid Control Act.

11 (f) No court order issued under the expungement provisions
12 of this Section shall become final for purposes of appeal until
13 30 days after notice is received by the Department. Any court
14 order contrary to the provisions of this Section is void.

15 (g) Except as otherwise provided in subsection (c-5) of
16 this Section, the court shall not order the sealing or
17 expungement of the arrest records and records of the circuit
18 court clerk of any person granted supervision for or convicted
19 of any sexual offense committed against a minor under 18 years
20 of age. For the purposes of this Section, "sexual offense
21 committed against a minor" includes but is not limited to the
22 offenses of indecent solicitation of a child or criminal sexual
23 abuse when the victim of such offense is under 18 years of age.

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

1 the sealing of criminal records of adults and of minors
2 prosecuted as adults.

3 (2) Sealable offenses. The following offenses may be
4 sealed:

5 (A) All municipal ordinance violations and
6 misdemeanors, with the exception of the following:

7 (i) violations of Section 11-501 of the Illinois
8 Vehicle Code or a similar provision of a local
9 ordinance;

10 (ii) violations of Article 11 of the Criminal Code
11 of 1961 or a similar provision of a local ordinance,
12 except Section 11-14 of the Criminal Code of 1961 as
13 provided in clause B(i) of this subsection (h);

14 (iii) violations of Section 12-15, 12-30, or 26-5
15 of the Criminal Code of 1961 or a similar provision of
16 a local ordinance;

17 (iv) violations that are a crime of violence as
18 defined in Section 2 of the Crime Victims Compensation
19 Act or a similar provision of a local ordinance;

20 (v) Class A misdemeanor violations of the Humane
21 Care for Animals Act; and

22 (vi) any offense or attempted offense that would
23 subject a person to registration under the Sex Offender
24 Registration Act.

25 (B) Misdemeanor and Class 4 felony violations of:

26 (i) Section 11-14 of the Criminal Code of 1961;

- 1 (ii) Section 4 of the Cannabis Control Act;
- 2 (iii) Section 402 of the Illinois Controlled
- 3 Substances Act; and
- 4 (iv) Section 60 of the Methamphetamine Control and
- 5 Community Protection Act.

6 However, for purposes of this subsection (h), a

7 sentence of first offender probation under Section 10 of

8 the Cannabis Control Act, Section 410 of the Illinois

9 Controlled Substances Act, or Section 70 of the

10 Methamphetamine Control and Community Protection Act shall

11 be treated as a Class 4 felony conviction.

12 (3) Requirements for sealing. Records identified as

13 sealable under clause (h) (2) may be sealed when the individual

14 was:

15 (A) Acquitted of the offense or offenses or released

16 without being convicted.

17 (B) Convicted of the offense or offenses and the

18 conviction or convictions were reversed.

19 (C) Placed on misdemeanor supervision for an offense or

20 offenses; and

21 (i) at least 3 years have elapsed since the

22 completion of the term of supervision, or terms of

23 supervision, if more than one term has been ordered;

24 and

25 (ii) the individual has not been convicted of a

26 felony or misdemeanor or placed on supervision for a

1 misdemeanor or felony during the period specified in
2 clause (i).

3 (D) Convicted of an offense or offenses; and

4 (i) at least 4 years have elapsed since the last
5 such conviction or term of any sentence, probation,
6 parole, or supervision, if any, whichever is last in
7 time; and

8 (ii) the individual has not been convicted of a
9 felony or misdemeanor or placed on supervision for a
10 misdemeanor or felony during the period specified in
11 clause (i).

12 (4) Requirements for sealing of records when more than one
13 charge and disposition have been filed. When multiple offenses
14 are petitioned to be sealed under this subsection (h), the
15 requirements of the relevant provisions of clauses (h)(3)(A)
16 through (D) each apply. In instances in which more than one
17 waiting period is applicable under clauses (h)(C)(i) and (ii)
18 and (h)(D)(i) and (ii), the longer applicable period applies,
19 and the requirements of clause (h)(3) shall be considered met
20 when the petition is filed after the passage of the longer
21 applicable waiting period. That period commences on the date of
22 the completion of the last sentence or the end of supervision,
23 probation, or parole, whichever is last in time.

24 (5) Subsequent convictions. A person may not have
25 subsequent felony conviction records sealed as provided in this
26 subsection (h) if he or she is convicted of any felony offense

1 after the date of the sealing of prior felony records as
2 provided in this subsection (h).

3 (6) Notice of eligibility for sealing. Upon acquittal,
4 release without conviction, or being placed on supervision for
5 a sealable offense, or upon conviction of a sealable offense,
6 the person shall be informed by the court of the right to have
7 the records sealed and the procedures for the sealing of the
8 records.

9 (7) Procedure. Upon becoming eligible for the sealing of
10 records under this subsection (h), the person who seeks the
11 sealing of his or her records shall file a petition requesting
12 the sealing of records with the clerk of the court where the
13 charge or charges were brought. The records may be sealed by
14 the Chief Judge of the circuit wherein the charge was brought,
15 any judge of that circuit designated by the Chief Judge, or in
16 counties of less than 3,000,000 inhabitants, the presiding
17 trial judge at the defendant's trial, if any. If charges were
18 brought in multiple jurisdictions, a petition must be filed in
19 each such jurisdiction. The petitioner shall pay the applicable
20 fee, if not waived.

21 (A) Contents of petition. The petition shall contain
22 the petitioner's name, date of birth, current address, each
23 charge, each case number, the date of each charge, the
24 identity of the arresting authority, and such other
25 information as the court may require. During the pendency
26 of the proceeding, the petitioner shall promptly notify the

1 clerk of the court of any change of address.

2 (B) Drug test. A person filing a petition to have his
3 or her records sealed for a Class 4 felony violation of
4 Section 4 of the Cannabis Control Act or for a Class 4
5 felony violation of Section 402 of the Illinois Controlled
6 Substances Act must attach to the petition proof that the
7 petitioner has passed a test taken within the previous 30
8 days before the filing of the petition showing the absence
9 within his or her body of all illegal substances in
10 violation of either the Illinois Controlled Substances Act
11 or the Cannabis Control Act.

12 (C) Service of petition. The clerk shall promptly serve
13 a copy of the petition on the State's Attorney or
14 prosecutor charged with the duty of prosecuting the
15 offense, the Department of State Police, the arresting
16 agency and the chief legal officer of the unit of local
17 government effecting the arrest.

18 (D) Entry of order. Unless the State's Attorney or
19 prosecutor, the Department of State Police, the arresting
20 agency or such chief legal officer objects to sealing of
21 the records within 90 days of notice the court shall enter
22 an order sealing the defendant's records.

23 (E) Hearing upon objection. If an objection is filed,
24 the court shall set a date for a hearing and notify the
25 petitioner and the parties on whom the petition had been
26 served, and shall hear evidence on whether the sealing of

1 the records should or should not be granted, and shall make
2 a determination on whether to issue an order to seal the
3 records based on the evidence presented at the hearing.

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

13 (8) Fees. Notwithstanding any provision of the Clerk of the
14 Courts Act to the contrary, and subject to the approval of the
15 county board, the clerk may charge a fee equivalent to the cost
16 associated with the sealing of records by the clerk and the
17 Department of State Police. The clerk shall forward the
18 Department of State Police portion of the fee to the Department
19 and it shall be deposited into the State Police Services Fund.

20 (i) Subject to available funding, the Illinois Department
21 of Corrections shall conduct a study of the impact of sealing,
22 especially on employment and recidivism rates, utilizing a
23 random sample of those who apply for the sealing of their
24 criminal records under Public Act 93-211, in accordance to
25 rules adopted by the Department. At the request of the Illinois
26 Department of Corrections, records of the Illinois Department

1 of Employment Security shall be utilized as appropriate to
2 assist in the study. The study shall not disclose any data in a
3 manner that would allow the identification of any particular
4 individual or employing unit. The study shall be made available
5 to the General Assembly no later than September 1, 2006.

6 (j) Notwithstanding any provision of the Clerks of Courts
7 Act to the contrary, the clerk may charge a fee equivalent to
8 the cost associated with the sealing or expungement of records
9 by the clerk. From the total filing fee collected for the
10 Petition to seal or expunge, the clerk shall deposit \$10 into
11 the Circuit Court Clerk Operation and Administrative Fund, to
12 be used to offset the costs incurred by the Circuit Court Clerk
13 in performing the additional duties required to serve the
14 Petition to Seal or Expunge on all parties. The clerk shall
15 also charge a filing fee equivalent to the cost of sealing or
16 expunging the record by the Department of State Police. The
17 clerk shall collect and forward the Department of State Police
18 portion of the fee to the Department and it shall be deposited
19 in the State Police Services Fund.

20 (Source: P.A. 94-556, eff. 9-11-05; 95-955, eff. 1-1-09;
21 revised 10-28-08.)

22 Section 10. The Juvenile Court Act of 1987 is amended by
23 changing Sections 5-105, 5-301, 5-305, and 5-915 as follows:

24 (705 ILCS 405/5-105)

1 Sec. 5-105. Definitions. As used in this Article:

2 (1) "Court" means the circuit court in a session or
3 division assigned to hear proceedings under this Act, and
4 includes the term Juvenile Court.

5 (2) "Community service" means uncompensated labor for a
6 community service agency as hereinafter defined.

7 (2.5) "Community service agency" means a not-for-profit
8 organization, community organization, church, charitable
9 organization, individual, public office, or other public body
10 whose purpose is to enhance the physical or mental health of a
11 delinquent minor or to rehabilitate the minor, or to improve
12 the environmental quality or social welfare of the community
13 which agrees to accept community service from juvenile
14 delinquents and to report on the progress of the community
15 service to the State's Attorney pursuant to an agreement or to
16 the court or to any agency designated by the court or to the
17 authorized diversion program that has referred the delinquent
18 minor for community service.

19 (3) "Delinquent minor" means any minor who prior to his or
20 her 17th birthday has violated or attempted to violate,
21 regardless of where the act occurred, any federal or State law,
22 county or municipal ordinance.

23 (4) "Department" means the Department of Human Services
24 unless specifically referenced as another department.

25 (5) "Detention" means the temporary care of a minor who is
26 alleged to be or has been adjudicated delinquent and who

1 requires secure custody for the minor's own protection or the
2 community's protection in a facility designed to physically
3 restrict the minor's movements, pending disposition by the
4 court or execution of an order of the court for placement or
5 commitment. Design features that physically restrict movement
6 include, but are not limited to, locked rooms and the secure
7 handcuffing of a minor to a rail or other stationary object. In
8 addition, "detention" includes the court ordered care of an
9 alleged or adjudicated delinquent minor who requires secure
10 custody pursuant to Section 5-125 of this Act.

11 (6) "Diversion" means the referral of a juvenile, without
12 court intervention, into a program that provides services
13 designed to educate the juvenile and develop a productive and
14 responsible approach to living in the community.

15 (6.5) "Expungement" means the removal and destruction of
16 the physical and electronic law enforcement or juvenile court
17 records by law enforcement officers and other public offices
18 and agencies.

19 (7) "Juvenile detention home" means a public facility with
20 specially trained staff that conforms to the county juvenile
21 detention standards promulgated by the Department of
22 Corrections.

23 (8) "Juvenile justice continuum" means a set of delinquency
24 prevention programs and services designed for the purpose of
25 preventing or reducing delinquent acts, including criminal
26 activity by youth gangs, as well as intervention,

1 rehabilitation, and prevention services targeted at minors who
2 have committed delinquent acts, and minors who have previously
3 been committed to residential treatment programs for
4 delinquents. The term includes children-in-need-of-services
5 and families-in-need-of-services programs; aftercare and
6 reentry services; substance abuse and mental health programs;
7 community service programs; community service work programs;
8 and alternative-dispute resolution programs serving
9 youth-at-risk of delinquency and their families, whether
10 offered or delivered by State or local governmental entities,
11 public or private for-profit or not-for-profit organizations,
12 or religious or charitable organizations. This term would also
13 encompass any program or service consistent with the purpose of
14 those programs and services enumerated in this subsection.

15 (9) "Juvenile police officer" means a sworn police officer
16 who has completed a Basic Recruit Training Course, has been
17 assigned to the position of juvenile police officer by his or
18 her chief law enforcement officer and has completed the
19 necessary juvenile officers training as prescribed by the
20 Illinois Law Enforcement Training Standards Board, or in the
21 case of a State police officer, juvenile officer training
22 approved by the Director of State Police.

23 (10) "Minor" means a person under the age of 21 years
24 subject to this Act.

25 (11) "Non-secure custody" means confinement where the
26 minor is not physically restricted by being placed in a locked

1 cell or room, by being handcuffed to a rail or other stationary
2 object, or by other means. Non-secure custody may include, but
3 is not limited to, electronic monitoring, foster home
4 placement, home confinement, group home placement, or physical
5 restriction of movement or activity solely through facility
6 staff.

7 (12) "Public or community service" means uncompensated
8 labor for a not-for-profit organization or public body whose
9 purpose is to enhance physical or mental stability of the
10 offender, environmental quality or the social welfare and which
11 agrees to accept public or community service from offenders and
12 to report on the progress of the offender and the public or
13 community service to the court or to the authorized diversion
14 program that has referred the offender for public or community
15 service.

16 (13) "Sentencing hearing" means a hearing to determine
17 whether a minor should be adjudged a ward of the court, and to
18 determine what sentence should be imposed on the minor. It is
19 the intent of the General Assembly that the term "sentencing
20 hearing" replace the term "dispositional hearing" and be
21 synonymous with that definition as it was used in the Juvenile
22 Court Act of 1987.

23 (14) "Shelter" means the temporary care of a minor in
24 physically unrestricting facilities pending court disposition
25 or execution of court order for placement.

26 (15) "Site" means a not-for-profit organization, public

1 body, church, charitable organization, or individual agreeing
2 to accept community service from offenders and to report on the
3 progress of ordered or required public or community service to
4 the court or to the authorized diversion program that has
5 referred the offender for public or community service.

6 (16) "Station adjustment" means the informal or formal
7 handling of an alleged offender by a juvenile police officer.

8 (17) "Trial" means a hearing to determine whether the
9 allegations of a petition under Section 5-520 that a minor is
10 delinquent are proved beyond a reasonable doubt. It is the
11 intent of the General Assembly that the term "trial" replace
12 the term "adjudicatory hearing" and be synonymous with that
13 definition as it was used in the Juvenile Court Act of 1987.

14 (Source: P.A. 90-590, eff. 1-1-99; 91-820, eff. 6-13-00.)

15 (705 ILCS 405/5-301)

16 Sec. 5-301. Station adjustments. A minor arrested for any
17 offense or a violation of a condition of previous station
18 adjustment may receive a station adjustment for that arrest as
19 provided herein. In deciding whether to impose a station
20 adjustment, either informal or formal, a juvenile police
21 officer shall consider the following factors:

22 (A) The seriousness of the alleged offense.

23 (B) The prior history of delinquency of the minor.

24 (C) The age of the minor.

25 (D) The culpability of the minor in committing the alleged

1 offense.

2 (E) Whether the offense was committed in an aggressive or
3 premeditated manner.

4 (F) Whether the minor used or possessed a deadly weapon
5 when committing the alleged offenses.

6 (1) Informal station adjustment.

7 (a) An informal station adjustment is defined as a
8 procedure when a juvenile police officer determines that
9 there is probable cause to believe that the minor has
10 committed an offense.

11 (b) A minor shall receive no more than 3 informal
12 station adjustments statewide for a misdemeanor offense
13 within 3 years without prior approval from the State's
14 Attorney's Office.

15 (c) A minor shall receive no more than 3 informal
16 station adjustments statewide for a felony offense within 3
17 years without prior approval from the State's Attorney's
18 Office.

19 (d) A minor shall receive a combined total of no more
20 than 5 informal station adjustments statewide during his or
21 her minority.

22 (e) The juvenile police officer may make reasonable
23 conditions of an informal station adjustment which may
24 include but are not limited to:

25 (i) Curfew.

26 (ii) Conditions restricting entry into designated

1 geographical areas.

2 (iii) No contact with specified persons.

3 (iv) School attendance.

4 (v) Performing up to 25 hours of community service
5 work.

6 (vi) Community mediation.

7 (vii) Teen court or a peer court.

8 (viii) Restitution limited to 90 days.

9 (f) If the minor refuses or fails to abide by the
10 conditions of an informal station adjustment, the juvenile
11 police officer may impose a formal station adjustment or
12 refer the matter to the State's Attorney's Office.

13 (g) An informal station adjustment does not constitute
14 an adjudication of delinquency or a criminal conviction.
15 ~~Beginning January 1, 2000, a record shall be maintained~~
16 ~~with the Department of State Police for informal station~~
17 ~~adjustments for offenses that would be a felony if~~
18 ~~committed by an adult, and may be maintained if the offense~~
19 ~~would be a misdemeanor.~~

20 (2) Formal station adjustment.

21 (a) A formal station adjustment is defined as a
22 procedure when a juvenile police officer determines that
23 there is probable cause to believe the minor has committed
24 an offense and an admission by the minor of involvement in
25 the offense.

26 (b) The minor and parent, guardian, or legal custodian

1 must agree in writing to the formal station adjustment and
2 must be advised of the consequences of violation of any
3 term of the agreement.

4 (c) The minor and parent, guardian or legal custodian
5 shall be provided a copy of the signed agreement of the
6 formal station adjustment. The agreement shall include:

7 (i) The offense which formed the basis of the
8 formal station adjustment.

9 (ii) An acknowledgment that the terms of the formal
10 station adjustment and the consequences for violation
11 have been explained.

12 (iii) An acknowledgment that the formal station
13 adjustments record may be expunged under Section 5-915
14 of this Act.

15 (iv) An acknowledgement that the minor understands
16 that his or her admission of involvement in the offense
17 may be admitted into evidence in future court hearings.

18 (v) A statement that all parties understand the
19 terms and conditions of formal station adjustment and
20 agree to the formal station adjustment process.

21 (d) Conditions of the formal station adjustment may
22 include, but are not be limited to:

23 (i) The time shall not exceed 120 days.

24 (ii) The minor shall not violate any laws.

25 (iii) The juvenile police officer may require the
26 minor to comply with additional conditions for the

1 formal station adjustment which may include but are not
2 limited to:

3 (a) Attending school.

4 (b) Abiding by a set curfew.

5 (c) Payment of restitution.

6 (d) Refraining from possessing a firearm or
7 other weapon.

8 (e) Reporting to a police officer at
9 designated times and places, including reporting
10 and verification that the minor is at home at
11 designated hours.

12 (f) Performing up to 25 hours of community
13 service work.

14 (g) Refraining from entering designated
15 geographical areas.

16 (h) Participating in community mediation.

17 (i) Participating in teen court or peer court.

18 (j) Refraining from contact with specified
19 persons.

20 (e) A formal station adjustment does not constitute an
21 adjudication of delinquency or a criminal conviction.
22 ~~Beginning January 1, 2000, a record shall be maintained~~
23 ~~with the Department of State Police for formal station~~
24 ~~adjustments.~~

25 (f) A minor or the minor's parent, guardian, or legal
26 custodian, or both the minor and the minor's parent,

1 guardian, or legal custodian, may refuse a formal station
2 adjustment and have the matter referred for court action or
3 other appropriate action.

4 (g) A minor or the minor's parent, guardian, or legal
5 custodian, or both the minor and the minor's parent,
6 guardian, or legal custodian, may within 30 days of the
7 commencement of the formal station adjustment revoke their
8 consent and have the matter referred for court action or
9 other appropriate action. This revocation must be in
10 writing and personally served upon the police officer or
11 his or her supervisor.

12 (h) The admission of the minor as to involvement in the
13 offense shall be admissible at further court hearings as
14 long as the statement would be admissible under the rules
15 of evidence.

16 (i) If the minor violates any term or condition of the
17 formal station adjustment the juvenile police officer
18 shall provide written notice of violation to the minor and
19 the minor's parent, guardian, or legal custodian. After
20 consultation with the minor and the minor's parent,
21 guardian, or legal custodian, the juvenile police officer
22 may take any of the following steps upon violation:

23 (i) Warn the minor of consequences of continued
24 violations and continue the formal station adjustment.

25 (ii) Extend the period of the formal station
26 adjustment up to a total of 180 days.

1 (iii) Extend the hours of community service work up
2 to a total of 40 hours.

3 (iv) Terminate the formal station adjustment
4 unsatisfactorily and take no other action.

5 (v) Terminate the formal station adjustment
6 unsatisfactorily and refer the matter to the juvenile
7 court.

8 (j) A minor shall receive no more than 2 formal station
9 adjustments statewide for a felony offense without the
10 State's Attorney's approval within a 3 year period.

11 (k) A minor shall receive no more than 3 formal station
12 adjustments statewide for a misdemeanor offense without
13 the State's Attorney's approval within a 3 year period.

14 (l) The total for formal station adjustments statewide
15 within the period of minority may not exceed 4 without the
16 State's Attorney's approval.

17 (m) If the minor is arrested in a jurisdiction where
18 the minor does not reside, the formal station adjustment
19 may be transferred to the jurisdiction where the minor does
20 reside upon written agreement of that jurisdiction to
21 monitor the formal station adjustment.

22 ~~(3) Beginning January 1, 2000, the juvenile police officer~~
23 ~~making a station adjustment shall assure that information about~~
24 ~~any offense which would constitute a felony if committed by an~~
25 ~~adult and may assure that information about a misdemeanor is~~
26 ~~transmitted to the Department of State Police.~~

1 (3) ~~(4)~~ The total number of station adjustments, both
2 formal and informal, shall not exceed 9 without the State's
3 Attorney's approval for any minor arrested anywhere in the
4 State.

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

6 (705 ILCS 405/5-305)

7 Sec. 5-305. Probation adjustment.

8 (1) The court may authorize the probation officer to confer
9 in a preliminary conference with a minor who is alleged to have
10 committed an offense, his or her parent, guardian or legal
11 custodian, the victim, the juvenile police officer, the State's
12 Attorney, and other interested persons concerning the
13 advisability of filing a petition under Section 5-520, with a
14 view to adjusting suitable cases without the filing of a
15 petition as provided for in this Article, the probation officer
16 should schedule a conference promptly except when the State's
17 Attorney insists on court action or when the minor has
18 indicated that he or she will demand a judicial hearing and
19 will not comply with a probation adjustment.

20 (1-b) In any case of a minor who is in custody, the holding
21 of a probation adjustment conference does not operate to
22 prolong temporary custody beyond the period permitted by
23 Section 5-415.

24 (2) This Section does not authorize any probation officer
25 to compel any person to appear at any conference, produce any

1 papers, or visit any place.

2 (3) No statement made during a preliminary conference in
3 regard to the offense that is the subject of the conference may
4 be admitted into evidence at an adjudicatory hearing or at any
5 proceeding against the minor under the criminal laws of this
6 State prior to his or her conviction under those laws.

7 (4) When a probation adjustment is appropriate, the
8 probation officer shall promptly formulate a written,
9 non-judicial adjustment plan following the initial conference.

10 (5) Non-judicial probation adjustment plans include but
11 are not limited to the following:

12 (a) up to 6 months informal supervision within the
13 family;

14 (b) up to 12 months informal supervision with a
15 probation officer involved which may include any
16 conditions of probation provided in Section 5-715;

17 (c) up to 6 months informal supervision with release to
18 a person other than a parent;

19 (d) referral to special educational, counseling, or
20 other rehabilitative social or educational programs;

21 (e) referral to residential treatment programs;

22 (f) participation in a public or community service
23 program or activity; and

24 (g) any other appropriate action with the consent of
25 the minor and a parent.

26 (6) The factors to be considered by the probation officer

1 in formulating a non-judicial probation adjustment plan shall
2 be the same as those limited in subsection (4) of Section
3 5-405.

4 ~~(7) Beginning January 1, 2000, the probation officer who~~
5 ~~imposes a probation adjustment plan shall assure that~~
6 ~~information about an offense which would constitute a felony if~~
7 ~~committed by an adult, and may assure that information about a~~
8 ~~misdemeanor offense, is transmitted to the Department of State~~
9 ~~Police.~~

10 (Source: P.A. 92-329, eff. 8-9-01.)

11 (705 ILCS 405/5-915)

12 Sec. 5-915. Expungement of juvenile law enforcement and
13 court records.

14 (1) Automatic expungement. Whenever a minor has attained
15 the age of 17, any local law enforcement agency maintaining law
16 enforcement records pertaining to that minor shall
17 automatically expunge those records only if (a) the minor has
18 been arrested but no petitions for delinquency have ever been
19 filed with the clerk of the circuit court and no criminal
20 proceedings have been instituted pursuant to Section 5-805, and
21 (b) the minor has not been arrested within the year prior to
22 his or her 17th birthday.

23 (1.5) If a minor is arrested and no petition for
24 delinquency has ever been filed with the clerk of the circuit
25 court, at the time the minor is released from custody the youth

1 officer, if applicable, or other designated person from the
2 arresting agency, shall notify verbally and in writing to the
3 minor or the minor's parents or guardians that upon the minor
4 turning 17 the minor's law enforcement records will be
5 automatically expunged if (a) at the time of the minor's 17th
6 birthday the minor has never had a petition for delinquency
7 filed with the clerk of the circuit court and no criminal
8 proceedings have been instituted pursuant to Section 5-805, and
9 (b) the minor is not arrested within the year prior to his or
10 her 17th birthday.

11 (2) ~~(1)~~ Whenever any person has attained the age of 17 or
12 whenever all juvenile court proceedings relating to that person
13 have been terminated, whichever is later, the person may
14 petition the court to expunge law enforcement records relating
15 to incidents occurring before his or her 17th birthday or his
16 or her juvenile court records, or both, but only in the
17 following circumstances:

18 (a) the minor was arrested and no petition for
19 delinquency was filed with the clerk of the circuit court
20 and the minor does not meet the requirements for automatic
21 expungement under paragraph 1 of Section 5-915; or

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

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

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

4 (2.5) ~~(2)~~ Any person may petition the court to expunge all
5 law enforcement records relating to any incidents occurring
6 before his or her 17th birthday which did not result in
7 proceedings in criminal court and all juvenile court records
8 with respect to any adjudications except those based upon first
9 degree murder and sex offenses which would be felonies if
10 committed by an adult, if the person for whom expungement is
11 sought has had no convictions for any crime since his or her
12 17th birthday and:

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

14 (b) 5 years have elapsed since all juvenile court
15 proceedings relating to him or her have been terminated or
16 his or her commitment to the Department of Juvenile Justice
17 pursuant to this Act has been terminated;

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

19 (2.6) ~~(2.5)~~ If a minor is arrested and no petition for
20 delinquency is filed with the clerk of the circuit court as
21 provided in paragraph (a) of subsection (2) ~~(1)~~ at the time the
22 minor is released from custody, the youth officer, if
23 applicable, or other designated person from the arresting
24 agency, shall notify verbally and in writing to the minor or
25 the minor's parents or guardians that if the State's Attorney
26 does not file a petition for delinquency, the minor has a right

1 to petition to have his or her law enforcement ~~arrest~~ record
2 expunged when the minor attains the age of 17 or when all
3 juvenile court proceedings relating to that minor have been
4 terminated and that unless a petition to expunge is filed or
5 the minor's law enforcement records are automatically expunged
6 pursuant to subsection (1), the minor shall have a law
7 enforcement ~~an arrest~~ record. The youth officer, if applicable,
8 or other designated person from the arresting agency ~~and~~ shall
9 provide the minor and the minor's parents or guardians with an
10 expungement information packet, including a petition to
11 expunge juvenile records obtained from the clerk of the circuit
12 court.

13 (2.7) ~~(2.6)~~ If a minor is charged with an offense and is
14 found not delinquent of that offense; or if a minor is placed
15 under supervision under Section 5-615, and the order of
16 supervision is successfully terminated; or if a minor is
17 adjudicated for an offense that would be a Class B misdemeanor,
18 a Class C misdemeanor, or a business or petty offense if
19 committed by an adult; or if a minor has incidents occurring
20 before his or her 17th birthday that have not resulted in
21 proceedings in criminal court, or resulted in proceedings in
22 juvenile court, and the adjudications were not based upon first
23 degree murder or sex offenses that would be felonies if
24 committed by an adult; then at the time of sentencing or
25 dismissal of the case, the judge shall inform the delinquent
26 minor of his or her right to petition for expungement as

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

17 (2.8) ~~(2.7)~~ For counties with a population over 3,000,000,
18 the clerk of the circuit court shall send a "Notification of a
19 Possible Right to Expungement" post card to the minor at the
20 address last received by the clerk of the circuit court on the
21 date that the minor attains the age of 17 based on the
22 birthdate provided to the court by the minor or his or her
23 guardian in cases under paragraphs (b), (c), and (d) of
24 subsection (2) ~~(1)~~; and when the minor attains the age of 21
25 based on the birthdate provided to the court by the minor or
26 his or her guardian in cases under subsection (2).

1 (2.9) ~~(2.8)~~ The petition for expungement for subsection (2)
2 ~~(1)~~ shall be substantially in the following form:

3 IN THE CIRCUIT COURT OF, ILLINOIS
4 JUDICIAL CIRCUIT

5 IN THE INTEREST OF) NO.
6)
7)
8 )
9 (Name of Petitioner)

10 PETITION TO EXPUNGE JUVENILE RECORDS
11 (705 ILCS 405/5-915 (SUBSECTION 2 ~~±~~))

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

21 (Check One:)

22 () a. no petition was filed with the Clerk of the Circuit
23 Court.

24 () b. was charged with and was found not delinquent of

1 the offense.

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

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

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

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

14 Charge(s):

15 Arresting Agency or Agencies:

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

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

22

23 Petitioner (Signature)

24

1 Petitioner's Street Address

2

3 City, State, Zip Code

4

5 Petitioner's Telephone Number

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

10

11 Petitioner (Signature)

12 The Petition for Expungement for subsection (2.5) ~~(2)~~ shall be
13 substantially in the following form:

14 IN THE CIRCUIT COURT OF, ILLINOIS

15 JUDICIAL CIRCUIT

16 IN THE INTEREST OF) NO.

17)

18)

19)

20 (Name of Petitioner)

1 PETITION TO EXPUNGE JUVENILE RECORDS

2 (705 ILCS 405/5-915 (SUBSECTION 2.5 ~~2~~))

3 (Please prepare a separate petition for each offense)

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

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

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

19 Petitioner was arrested on by the Police
20 Department for the offense of, and:

21 (Check whichever one occurred the latest:)

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

24 () b. 5 years have elapsed since all juvenile court
25 proceedings relating to the Petitioner have been terminated; or

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

8 Charge(s):

9 Arresting Agency or Agencies:

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

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

16
 17 Petitioner (Signature)

18
 19 Petitioner's Street Address

20
 21 City, State, Zip Code

22
 23 Petitioner's Telephone Number

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

5
 6 Petitioner (Signature)

7 (3) The chief judge of the circuit in which an arrest was
 8 made or a charge was brought or any judge of that circuit
 9 designated by the chief judge may, upon verified petition of a
 10 person who is the subject of an arrest or a juvenile court
 11 proceeding under subsection ~~(1) or~~ (2) or (2.5) of this
 12 Section, order the law enforcement records or official court
 13 file, or both, to be expunged from the official records of the
 14 arresting authority, the clerk of the circuit court and the
 15 Department of State Police. The person whose records are to be
 16 expunged shall petition the court using the appropriate form
 17 containing his or her current address and shall promptly notify
 18 the clerk of the circuit court of any change of address. Notice
 19 of the petition shall be served upon the State's Attorney or
 20 prosecutor charged with the duty of prosecuting the offense,
 21 the Department of State Police, and the arresting agency or
 22 agencies by the clerk of the circuit court. If an objection is
 23 filed within 45 days of the notice of the petition, the clerk
 24 of the circuit court shall set a date for hearing after the 45
 25 day objection period. At the hearing the court shall hear

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

13 (3.1) The Notice of Expungement shall be in substantially
 14 the following form:

15 IN THE CIRCUIT COURT OF, ILLINOIS
 16 JUDICIAL CIRCUIT

17 IN THE INTEREST OF) NO.
 18)
 19)
 20)
 21 (Name of Petitioner)

22 NOTICE

23 TO: State's Attorney

24 TO: Arresting Agency

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TO: Illinois State Police

.....
.....

ATTENTION: Expungement

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

.....
Petitioner's Signature
.....
Petitioner's Street Address
.....
City, State, Zip Code
.....
Petitioner's Telephone Number

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

4 (Check One:)

5 delivering copies personally to each entity to whom they are
6 directed;

7 or

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

12
13

14 Signature

15 Clerk of the Circuit Court or Deputy Clerk

16 Printed Name of Delinquent Minor/Petitioner:

17 Address:

18 Telephone Number:

19 (3.2) The Order of Expungement shall be in substantially
20 the following form:

21 IN THE CIRCUIT COURT OF, ILLINOIS

22 JUDICIAL CIRCUIT

23 IN THE INTEREST OF) NO.

24)

25)

1)

2 (Name of Petitioner)

3 DOB

4 Arresting Agency/Agencies

5 ORDER OF EXPUNGEMENT

6 (705 ILCS 405/5-915 (SUBSECTION 3))

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

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

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

17 Law Enforcement Agencies:

18

19

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

22 ENTER:

23
24 JUDGE

25 DATED:

1 Name:
 2 Attorney for:
 3 Address: City/State/Zip:
 4 Attorney Number:

5 (3.3) The Notice of Objection shall be in substantially the
 6 following form:

7 IN THE CIRCUIT COURT OF, ILLINOIS
 8 JUDICIAL CIRCUIT

9 IN THE INTEREST OF) NO.
 10)
 11)
 12)
 13 (Name of Petitioner)

14 NOTICE OF OBJECTION

15 TO:(Attorney, Public Defender, Minor)

16

17

18 TO:(Illinois State Police)

19

20

21 TO:(Clerk of the Court)

22

23

24 TO:(Judge)

1

2

3 TO:(Arresting Agency/Agencies)

4

5

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

9 () State's Attorney's Office;

10 () Prosecutor (other than State's Attorney's Office) charged
11 with the duty of prosecuting the offense sought to be expunged;

12 () Department of Illinois State Police; or

13 () Arresting Agency or Agencies.

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

17 DATED:

18 Name:

19 Attorney For:

20 Address:

21 City/State/Zip:

22 Telephone:

23 Attorney No.:

24 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

25 This matter has been set for hearing on the foregoing
26 objection, on in room, located at, before the

1 Honorable, Judge, or any judge sitting in his/her stead.
2 (Only one hearing shall be set, regardless of the number of
3 Notices of Objection received on the same case).

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

- 10 () Attorney, Public Defender or Minor;
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; and
15 () Arresting agency or agencies.

16 Date:

17 Initials of Clerk completing this section:

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

23 (5) Records which have not been expunged are sealed, and
24 may be obtained only under the provisions of Sections 5-901,
25 5-905 and 5-915.

26 (6) Nothing in this Section shall be construed to prohibit

1 the maintenance of information relating to an offense after
2 records or files concerning the offense have been expunged if
3 the information is kept in a manner that does not enable
4 identification of the offender. This information may only be
5 used for statistical and bona fide research purposes.

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

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

14 (i) An explanation of the State's juvenile expungement
15 process;

16 (ii) The circumstances under which juvenile
17 expungement may occur;

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

19 (iv) The steps necessary to initiate and complete the
20 juvenile expungement process; and

21 (v) Directions on how to contact the State Appellate
22 Defender.

23 (c) The State Appellate Defender shall establish and
24 maintain a statewide toll-free telephone number that a person
25 may use to receive information or assistance concerning the
26 expungement of juvenile records. The State Appellate Defender

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

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

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

17 (8) (a) Except with respect to law enforcement agencies, the
18 Department of Corrections, State's Attorneys, or other
19 prosecutors, an expunged juvenile record may not be considered
20 by any private or public entity in employment matters,
21 certification, licensing, revocation of certification or
22 licensure, or registration. Applications for employment must
23 contain specific language that states that the applicant is not
24 obligated to disclose expunged juvenile records of conviction
25 or arrest. Employers may not ask if an applicant has had a
26 juvenile record expunged. Effective January 1, 2005, the

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

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

13 (Source: P.A. 94-696, eff. 6-1-06; 95-861, eff. 1-1-09.)