

1 AN ACT concerning criminal law.

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

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

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

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

12 (A) The following terms shall have the meanings  
13 ascribed to them in the Unified Code of Corrections,  
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),  
2 (xi) Petty Offense (730 ILCS 5/5-1-17),  
3 (xii) Probation (730 ILCS 5/5-1-18),  
4 (xiii) Sentence (730 ILCS 5/5-1-19),  
5 (xiv) Supervision (730 ILCS 5/5-1-21), and  
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated  
8 by arrest" means a charge (as defined by 730 ILCS  
9 5/5-1-3) brought against a defendant where the  
10 defendant is not arrested prior to or as a direct  
11 result of the charge.

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

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

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

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

1           are last in time, they shall be collectively considered  
2           the "last sentence" regardless of whether they were  
3           ordered to run concurrently.

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

8           (H) "Municipal ordinance violation" means an  
9           offense defined by a municipal or local ordinance that  
10          is criminal in nature and with which the petitioner was  
11          charged or for which the petitioner was arrested and  
12          released without charging.

13          (I) "Petitioner" means an adult or a minor  
14          prosecuted as an adult who has applied for relief under  
15          this Section.

16          (J) "Qualified probation" means an order of  
17          probation under Section 10 of the Cannabis Control Act,  
18          Section 410 of the Illinois Controlled Substances Act,  
19          Section 70 of the Methamphetamine Control and  
20          Community Protection Act, Section 12-4.3(b)(1) and (2)  
21          of the Criminal Code of 1961 (as those provisions  
22          existed before their deletion by Public Act 89-313),  
23          Section 10-102 of the Illinois Alcoholism and Other  
24          Drug Dependency Act, Section 40-10 of the Alcoholism  
25          and Other Drug Abuse and Dependency Act, or Section 10  
26          of the Steroid Control Act. For the purpose of this

1 Section, "successful completion" of an order of  
2 qualified probation under Section 10-102 of the  
3 Illinois Alcoholism and Other Drug Dependency Act and  
4 Section 40-10 of the Alcoholism and Other Drug Abuse  
5 and Dependency Act means that the probation was  
6 terminated satisfactorily and the judgment of  
7 conviction was vacated.

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

18 (L) "Sexual offense committed against a minor"  
19 includes but is not limited to the offenses of indecent  
20 solicitation of a child or criminal sexual abuse when  
21 the victim of such offense is under 18 years of age.

22 (M) "Terminate" as it relates to a sentence or  
23 order of supervision or qualified probation includes  
24 either satisfactory or unsatisfactory termination of  
25 the sentence, unless otherwise specified in this  
26 Section.

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

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

8                   (A) the sealing or expungement of the records of  
9                   arrests or charges not initiated by arrest that result  
10                  in an order of supervision for or conviction of: (i)  
11                  any sexual offense committed against a minor; (ii)  
12                  Section 11-501 of the Illinois Vehicle Code or a  
13                  similar provision of a local ordinance; or (iii)  
14                  Section 11-503 of the Illinois Vehicle Code or a  
15                  similar provision of a local ordinance.

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

20                  (C) the sealing of the records of arrests or  
21                  charges not initiated by arrest which result in an  
22                  order of supervision, an order of qualified probation  
23                  (as defined in subsection (a)(1)(J)), or a conviction  
24                  for the following offenses:

25                          (i) offenses included in Article 11 of the  
26                          Criminal Code of 1961 or a similar provision of a

1 local ordinance, except Section 11-14 of the  
2 Criminal Code of 1961 or a similar provision of a  
3 local ordinance;

4 (ii) Section 12-15, 12-30, or 26-5 of the  
5 Criminal Code of 1961 or a similar provision of a  
6 local ordinance;

7 (iii) offenses defined as "crimes of violence"  
8 in Section 2 of the Crime Victims Compensation Act  
9 or a similar provision of a local ordinance;

10 (iv) offenses which are Class A misdemeanors  
11 under the Humane Care for Animals Act; or

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

15 (D) the sealing of the records of an arrest which  
16 results in the petitioner being charged with a felony  
17 offense or records of a charge not initiated by arrest  
18 for a felony offense, ~~regardless of the disposition,~~  
19 unless:

20 (i) the charge results in acquittal or  
21 dismissal;

22 (ii) the charge results in a conviction, but  
23 the conviction was reversed or vacated;

24 (iii) ~~(i)~~ the charge is amended to a  
25 misdemeanor and is otherwise eligible to be sealed  
26 pursuant to subsection (c);

1           (iv) ~~(ii)~~ the charge results in first offender  
2 probation as set forth in subsection (c) (2) (E); or

3           (v) ~~(iii)~~ the charge is for a Class 4 felony  
4 offense listed in subsection (c) (2) (F) or the  
5 charge is amended to a Class 4 felony offense  
6 listed in subsection (c) (2) (F). Records of arrests  
7 which result in the petitioner being charged with a  
8 Class 4 felony offense listed in subsection  
9 (c) (2) (F), records of charges not initiated by  
10 arrest for Class 4 felony offenses listed in  
11 subsection (c) (2) (F), and records of charges  
12 amended to a Class 4 felony offense listed in  
13 (c) (2) (F) may be sealed, regardless of the  
14 disposition, subject to any waiting periods set  
15 forth in subsection (c) (3).

16 (b) Expungement.

17 (1) A petitioner may petition the circuit court to  
18 expunge the records of his or her arrests and charges not  
19 initiated by arrest when:

20 (A) He or she has never been convicted of a  
21 criminal offense; and

22 (B) Each arrest or charge not initiated by arrest  
23 sought to be expunged resulted in: (i) acquittal,  
24 dismissal, or the petitioner's release without  
25 charging, unless excluded by subsection (a) (3) (B);  
26 (ii) a conviction which was vacated or reversed, unless



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

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

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

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

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

1           (ii) Those arrests or charges that resulted in  
2           orders of supervision for any other offenses shall  
3           not be eligible for expungement until 2 years have  
4           passed following the satisfactory termination of  
5           the supervision.

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

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

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

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

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

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

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

14 (7) Nothing in this Section shall prevent the  
15 Department of State Police from maintaining all records of  
16 any person who is admitted to probation upon terms and  
17 conditions and who fulfills those terms and conditions  
18 pursuant to Section 10 of the Cannabis Control Act, Section  
19 410 of the Illinois Controlled Substances Act, Section 70  
20 of the Methamphetamine Control and Community Protection  
21 Act, Section 12-4.3 of the Criminal Code of 1961, Section  
22 10-102 of the Illinois Alcoholism and Other Drug Dependency  
23 Act, Section 40-10 of the Alcoholism and Other Drug Abuse  
24 and Dependency Act, or Section 10 of the Steroid Control  
25 Act.

26 (c) Sealing.

1           (1) Applicability. Notwithstanding any other provision  
2 of this Act to the contrary, and cumulative with any rights  
3 to expungement of criminal records, this subsection  
4 authorizes the sealing of criminal records of adults and of  
5 minors prosecuted as adults.

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

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

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

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

18           (D) Arrests or charges not initiated by arrest  
19 resulting in convictions unless excluded by subsection  
20 (a) (3);

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

1 (F) Arrests or charges not initiated by arrest  
2 resulting in Class 4 felony convictions for the  
3 following offenses:

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

5 (ii) Section 4 of the Cannabis Control Act;

6 (iii) Section 402 of the Illinois Controlled  
7 Substances Act;

8 (iv) the Methamphetamine Precursor Control  
9 Act; and

10 (v) the Steroid Control Act.

11 (3) When Records Are Eligible to Be Sealed. Records  
12 identified as eligible under subsection (c)(2) may be  
13 sealed as follows:

14 (A) Records identified as eligible under  
15 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
16 time.

17 (B) Records identified as eligible under  
18 subsection (c)(2)(C) may be sealed (i) 3 years after  
19 the termination of petitioner's last sentence (as  
20 defined in subsection (a)(1)(F)) if the petitioner has  
21 never been convicted of a criminal offense (as defined  
22 in subsection (a)(1)(D)); or (ii) 4 years after the  
23 termination of the petitioner's last sentence (as  
24 defined in subsection (a)(1)(F)) if the petitioner has  
25 ever been convicted of a criminal offense (as defined  
26 in subsection (a)(1)(D)).

1           (C) Records identified as eligible under  
2 subsections (c) (2) (D), (c) (2) (E), and (c) (2) (F) may be  
3 sealed 4 years after the termination of the  
4 petitioner's last sentence (as defined in subsection  
5 (a) (1) (F)).

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

14           (5) Notice of eligibility for sealing. Upon entry of a  
15 disposition for an eligible record under this subsection  
16 (c), the petitioner shall be informed by the court of the  
17 right to have the records sealed and the procedures for the  
18 sealing of the records.

19           (d) Procedure. The following procedures apply to  
20 expungement under subsections (b) and (e), and sealing under  
21 subsection (c):

22           (1) Filing the petition. Upon becoming eligible to  
23 petition for the expungement or sealing of records under  
24 this Section, the petitioner shall file a petition  
25 requesting the expungement or sealing of records with the  
26 clerk of the court where the arrests occurred or the

1 charges were brought, or both. If arrests occurred or  
2 charges were brought in multiple jurisdictions, a petition  
3 must be filed in each such jurisdiction. The petitioner  
4 shall pay the applicable fee, if not waived.

5 (2) Contents of petition. The petition shall be  
6 verified and shall contain the petitioner's name, date of  
7 birth, current address and, for each arrest or charge not  
8 initiated by arrest sought to be sealed or expunged, the  
9 case number, the date of arrest (if any), the identity of  
10 the arresting authority, and such other information as the  
11 court may require. During the pendency of the proceeding,  
12 the petitioner shall promptly notify the circuit court  
13 clerk of any change of his or her address.

14 (3) Drug test. The petitioner must attach to the  
15 petition proof that the petitioner has passed a test taken  
16 within 30 days before the filing of the petition showing  
17 the absence within his or her body of all illegal  
18 substances as defined by the Illinois Controlled  
19 Substances Act, the Methamphetamine Control and Community  
20 Protection Act, and the Cannabis Control Act if he or she  
21 is petitioning to seal felony records pursuant to clause  
22 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is  
23 petitioning to expunge felony records of a qualified  
24 probation pursuant to clause (b) (1) (B) (iv).

25 (4) Service of petition. The circuit court clerk shall  
26 promptly serve a copy of the petition on the State's



1 Attorney or prosecutor charged with the duty of prosecuting  
2 the offense, the Department of State Police, the arresting  
3 agency and the chief legal officer of the unit of local  
4 government effecting the arrest.

5 (5) Objections.

6 (A) Any party entitled to notice of the petition  
7 may file an objection to the petition. All objections  
8 shall be in writing, shall be filed with the circuit  
9 court clerk, and shall state with specificity the basis  
10 of the objection.

11 (B) Objections to a petition to expunge or seal  
12 must be filed within 60 days of the date of service of  
13 the petition.

14 (6) Entry of order.

15 (A) The Chief Judge of the circuit wherein the  
16 charge was brought, any judge of that circuit  
17 designated by the Chief Judge, or in counties of less  
18 than 3,000,000 inhabitants, the presiding trial judge  
19 at the petitioner's trial, if any, shall rule on the  
20 petition to expunge or seal as set forth in this  
21 subsection (d)(6).

22 (B) Unless the State's Attorney or prosecutor, the  
23 Department of State Police, the arresting agency, or  
24 the chief legal officer files an objection to the  
25 petition to expunge or seal within 60 days from the  
26 date of service of the petition, the court shall enter

1 an order granting or denying the petition.

2 (7) Hearings. If an objection is filed, the court shall  
3 set a date for a hearing and notify the petitioner and all  
4 parties entitled to notice of the petition of the hearing  
5 date at least 30 days prior to the hearing, and shall hear  
6 evidence on whether the petition should or should not be  
7 granted, and shall grant or deny the petition to expunge or  
8 seal the records based on the evidence presented at the  
9 hearing.

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

19 (9) Effect of order.

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

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

1 reconsider the order is filed pursuant to  
2 paragraph (12) of subsection (d) of this Section;

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

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

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

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

26 (ii) the records of the circuit court clerk

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

8 (iii) the records shall be impounded by the  
9 Department within 60 days of the date of service of  
10 the order as ordered by the court, unless a motion  
11 to vacate, modify, or reconsider the order is filed  
12 pursuant to paragraph (12) of subsection (d) of  
13 this Section;

14 (iv) records impounded by the Department may  
15 be disseminated by the Department only to the  
16 arresting authority, the State's Attorney, and the  
17 court upon a later arrest for the same or a similar  
18 offense or for the purpose of sentencing for any  
19 subsequent felony, and to the Department of  
20 Corrections upon conviction for any offense; and

21 (v) in response to an inquiry for such records  
22 from anyone not authorized by law to access such  
23 records the court, the Department, or the agency  
24 receiving such inquiry shall reply as it does in  
25 response to inquiries when no records ever  
26 existed.

1           (C) Upon entry of an order to seal records under  
2           subsection (c), the arresting agency, any other agency  
3           as ordered by the court, the Department, and the court  
4           shall seal the records (as defined in subsection  
5           (a) (1) (K)). In response to an inquiry for such records  
6           from anyone not authorized by law to access such  
7           records the court, the Department, or the agency  
8           receiving such inquiry shall reply as it does in  
9           response to inquiries when no records ever existed.

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

26          (11) Final Order. No court order issued under the

1 expungement or sealing provisions of this Section shall  
2 become final for purposes of appeal until 30 days after  
3 service of the order on the petitioner and all parties  
4 entitled to notice of the petition.

5 (12) Motion to Vacate, Modify, or Reconsider. The  
6 petitioner or any party entitled to notice may file a  
7 motion to vacate, modify, or reconsider the order granting  
8 or denying the petition to expunge or seal within 60 days  
9 of service of the order.

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

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

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

24 (Source: P.A. 96-409, eff. 1-1-10.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.