



Rep. Constance A. Howard

Filed: 3/11/2010

09600HB6460ham001

LRB096 21102 RLC 38679 a

1 AMENDMENT TO HOUSE BILL 6460

2 AMENDMENT NO. _____. Amend House Bill 6460 by replacing
3 everything after the enacting clause with the following:

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),

1 (iii) Court (730 ILCS 5/5-1-6),
2 (iv) Defendant (730 ILCS 5/5-1-7),
3 (v) Felony (730 ILCS 5/5-1-9),
4 (vi) Imprisonment (730 ILCS 5/5-1-10),
5 (vii) Judgment (730 ILCS 5/5-1-12),
6 (viii) Misdemeanor (730 ILCS 5/5-1-14),
7 (ix) Offense (730 ILCS 5/5-1-15),
8 (x) Parole (730 ILCS 5/5-1-16),
9 (xi) Petty Offense (730 ILCS 5/5-1-17),
10 (xii) Probation (730 ILCS 5/5-1-18),
11 (xiii) Sentence (730 ILCS 5/5-1-19),
12 (xiv) Supervision (730 ILCS 5/5-1-21), and
13 (xv) Victim (730 ILCS 5/5-1-22).

14 (B) As used in this Section, "charge not initiated
15 by arrest" means a charge (as defined by 730 ILCS
16 5/5-1-3) brought against a defendant where the
17 defendant is not arrested prior to or as a direct
18 result of the charge.

19 (C) "Conviction" means a judgment of conviction or
20 sentence entered upon a plea of guilty or upon a
21 verdict or finding of guilty of an offense, rendered by
22 a legally constituted jury or by a court of competent
23 jurisdiction authorized to try the case without a jury.
24 An order of supervision successfully completed by the
25 petitioner is not a conviction. An order of qualified
26 probation (as defined in subsection (a)(1)(J))

1 successfully completed by the petitioner is not a
2 conviction. An order of supervision or an order of
3 qualified probation that is terminated
4 unsatisfactorily is a conviction, unless the
5 unsatisfactory termination is reversed, vacated, or
6 modified and the judgment of conviction, if any, is
7 reversed or vacated.

8 (D) "Criminal offense" means a petty offense,
9 business offense, misdemeanor, felony, or municipal
10 ordinance violation (as defined in subsection
11 (a)(1)(H)). As used in this Section, a minor traffic
12 offense (as defined in subsection (a)(1)(G)) shall not
13 be considered a criminal offense.

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

23 (F) As used in this Section, "last sentence" means
24 the sentence, order of supervision, or order of
25 qualified probation (as defined by subsection
26 (a)(1)(J)), for a criminal offense (as defined by

1 subsection (a)(1)(D)) that terminates last in time in
2 any jurisdiction, regardless of whether the petitioner
3 has included the criminal offense for which the
4 sentence or order of supervision or qualified
5 probation was imposed in his or her petition. If
6 multiple sentences, orders of supervision, or orders
7 of qualified probation terminate on the same day and
8 are last in time, they shall be collectively considered
9 the "last sentence" regardless of whether they were
10 ordered to run concurrently.

11 (G) "Minor traffic offense" means a petty offense,
12 business offense, or Class C misdemeanor under the
13 Illinois Vehicle Code or a similar provision of a
14 municipal or local ordinance.

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

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

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

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

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

25 (L) "Sexual offense committed against a minor"
26 includes but is not limited to the offenses of indecent

1 solicitation of a child or criminal sexual abuse when
2 the victim of such offense is under 18 years of age.

3 (M) "Terminate" as it relates to a sentence or
4 order of supervision or qualified probation includes
5 either satisfactory or unsatisfactory termination of
6 the sentence, unless otherwise specified in this
7 Section.

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

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

15 (A) the sealing or expungement of the records of
16 arrests or charges not initiated by arrest that result
17 in an order of supervision for or conviction of: (i)
18 any sexual offense committed against a minor; (ii)
19 Section 11-501 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance; or (iii)
21 Section 11-503 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance.

23 (B) the sealing or expungement of records of minor
24 traffic offenses (as defined in subsection (a) (1) (G)),
25 unless the petitioner was arrested and released
26 without charging.

1 (C) the sealing of the records of arrests or
2 charges not initiated by arrest which result in an
3 order of supervision, an order of qualified probation
4 (as defined in subsection (a)(1)(J)), or a conviction
5 for the following offenses:

6 (i) offenses included in Article 11 of the
7 Criminal Code of 1961 or a similar provision of a
8 local ordinance, except Section 11-14 of the
9 Criminal Code of 1961 or a similar provision of a
10 local ordinance;

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

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

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

19 (v) any offense or attempted offense that
20 would subject a person to registration under the
21 Sex Offender Registration Act.

22 (D) the sealing of the records of an arrest which
23 results in the petitioner being charged with a felony
24 offense or records of a charge not initiated by arrest
25 for a felony offense, regardless of the disposition,
26 unless:

1 (i) the charge is amended to a misdemeanor and
2 is otherwise eligible to be sealed pursuant to
3 subsection (c);

4 (ii) the charge results in first offender
5 probation as set forth in subsection (c)(2)(E); or

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

19 (b) Expungement.

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

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

25 (B) Each arrest or charge not initiated by arrest
26 sought to be expunged resulted in: (i) acquittal,

1 dismissal, or the petitioner's release without
2 charging, unless excluded by subsection (a)(3)(B);
3 (ii) a conviction which was vacated or reversed, unless
4 excluded by subsection (a)(3)(B); (iii) an order of
5 supervision and such supervision was successfully
6 completed by the petitioner, unless excluded by
7 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
8 qualified probation (as defined in subsection
9 (a)(1)(J)) and such probation was successfully
10 completed by the petitioner.

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

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

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

22 (i) Those arrests or charges that resulted in
23 orders of supervision under Section 3-707, 3-708,
24 3-710, or 5-401.3 of the Illinois Vehicle Code or a
25 similar provision of a local ordinance, or under
26 Section 12-3.2, or 12-15 ~~or 16A-3~~ of the Criminal

1 Code of 1961, shall not be eligible for expungement
2 until 5 years have passed following the
3 satisfactory termination of the supervision.

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

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

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

19 (4) Whenever a person has been arrested for or
20 convicted of any offense, in the name of a person whose
21 identity he or she has stolen or otherwise come into
22 possession of, the aggrieved person from whom the identity
23 was stolen or otherwise obtained without authorization,
24 upon learning of the person having been arrested using his
25 or her identity, may, upon verified petition to the chief
26 judge of the circuit wherein the arrest was made, have a

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

21 (5) Whenever a person has been convicted of criminal
22 sexual assault, aggravated criminal sexual assault,
23 predatory criminal sexual assault of a child, criminal
24 sexual abuse, or aggravated criminal sexual abuse, the
25 victim of that offense may request that the State's
26 Attorney of the county in which the conviction occurred

1 file a verified petition with the presiding trial judge at
2 the petitioner's trial to have a court order entered to
3 seal the records of the circuit court clerk in connection
4 with the proceedings of the trial court concerning that
5 offense. However, the records of the arresting authority
6 and the Department of State Police concerning the offense
7 shall not be sealed. The court, upon good cause shown,
8 shall make the records of the circuit court clerk in
9 connection with the proceedings of the trial court
10 concerning the offense available for public inspection.

11 (6) If a conviction has been set aside on direct review
12 or on collateral attack and the court determines by clear
13 and convincing evidence that the petitioner was factually
14 innocent of the charge, the court shall enter an
15 expungement order as provided in subsection (b) of Section
16 5-5-4 of the Unified Code of Corrections.

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

1 and Dependency Act, or Section 10 of the Steroid Control
2 Act.

3 (c) Sealing.

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

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

11 (A) All arrests resulting in release without
12 charging;

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

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

21 (D) Arrests or charges not initiated by arrest
22 resulting in convictions unless excluded by subsection
23 (a) (3);

24 (E) Arrests or charges not initiated by arrest
25 resulting in orders of first offender probation under
26 Section 10 of the Cannabis Control Act, Section 410 of

1 the Illinois Controlled Substances Act, or Section 70
2 of the Methamphetamine Control and Community
3 Protection Act; and

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

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

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

9 (iii) Section 402 of the Illinois Controlled
10 Substances Act;

11 (iv) the Methamphetamine Precursor Control
12 Act; and

13 (v) the Steroid Control Act.

14 (3) When Records Are Eligible to Be Sealed. Records
15 identified as eligible under subsection (c)(2) may be
16 sealed as follows:

17 (A) Records identified as eligible under
18 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
19 time.

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

1 defined in subsection (a) (1) (F)) if the petitioner has
2 ever been convicted of a criminal offense (as defined
3 in subsection (a) (1) (D)).

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

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

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

22 (d) Procedure. The following procedures apply to
23 expungement under subsections (b) and (e), and sealing under
24 subsection (c):

25 (1) Filing the petition. Upon becoming eligible to
26 petition for the expungement or sealing of records under

1 this Section, the petitioner shall file a petition
2 requesting the expungement or sealing of records with the
3 clerk of the court where the arrests occurred or the
4 charges were brought, or both. If arrests occurred or
5 charges were brought in multiple jurisdictions, a petition
6 must be filed in each such jurisdiction. The petitioner
7 shall pay the applicable fee, if not waived.

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

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

1 probation pursuant to clause (b) (1) (B) (iv) .

2 (4) Service of petition. The circuit court clerk shall
3 promptly serve a copy of the petition on the State's
4 Attorney or prosecutor charged with the duty of prosecuting
5 the offense, the Department of State Police, the arresting
6 agency and the chief legal officer of the unit of local
7 government effecting the arrest.

8 (5) Objections.

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

14 (B) Objections to a petition to expunge or seal
15 must be filed within 60 days of the date of service of
16 the petition.

17 (6) Entry of order.

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

25 (B) Unless the State's Attorney or prosecutor, the
26 Department of State Police, the arresting agency, or

1 the chief legal officer files an objection to the
2 petition to expunge or seal within 60 days from the
3 date of service of the petition, the court shall enter
4 an order granting or denying the petition.

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

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

22 (9) Effect of order.

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

25 (i) the records shall be expunged (as defined
26 in subsection (a) (1) (E)) by the arresting agency,

1 the Department, and any other agency as ordered by
2 the court, within 60 days of the date of service of
3 the order, unless a motion to vacate, modify, or
4 reconsider the order is filed pursuant to
5 paragraph (12) of subsection (d) of this Section;

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

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

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

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

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

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

24 (v) in response to an inquiry for such records
25 from anyone not authorized by law to access such
26 records the court, the Department, or the agency

1 receiving such inquiry shall reply as it does in
2 response to inquiries when no records ever
3 existed.

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

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

1 of the fee to the Department and it shall be deposited in
2 the State Police Services Fund.

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

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

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

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

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

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