



Rep. Arthur L. Turner

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1 AMENDMENT TO SENATE BILL 1030

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1030, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

7 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

8 Sec. 5. Arrest reports; expungement.

9 (a) All policing bodies of this State shall furnish to the  
10 Department, daily, in the form and detail the Department  
11 requires, fingerprints and descriptions of all persons who are  
12 arrested on charges of violating any penal statute of this  
13 State for offenses that are classified as felonies and Class A  
14 or B misdemeanors and of all minors of the age of 10 and over  
15 who have been arrested for an offense which would be a felony  
16 if committed by an adult, and may forward such fingerprints and

1 descriptions for minors arrested for Class A or B misdemeanors.  
2 Moving or nonmoving traffic violations under the Illinois  
3 Vehicle Code shall not be reported except for violations of  
4 Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In  
5 addition, conservation offenses, as defined in the Supreme  
6 Court Rule 501(c), that are classified as Class B misdemeanors  
7 shall not be reported. Those law enforcement records maintained  
8 by the Department for minors arrested for an offense prior to  
9 their 17th birthday, or minors arrested for a non-felony  
10 offense, if committed by an adult, prior to their 18th  
11 birthday, shall not be forwarded to the Federal Bureau of  
12 Investigation unless those records relate to an arrest in which  
13 a minor was charged as an adult under any of the transfer  
14 provisions of the Juvenile Court Act of 1987.

15 Whenever an adult or minor prosecuted as an adult, not  
16 having previously been convicted of any criminal offense or  
17 municipal ordinance violation, charged with a violation of a  
18 municipal ordinance or a felony or misdemeanor, is acquitted or  
19 released without being convicted, whether the acquittal or  
20 release occurred before, on, or after the effective date of  
21 this amendatory Act of 1991, the Chief Judge of the circuit  
22 wherein the charge was brought, any judge of that circuit  
23 designated by the Chief Judge, or in counties of less than  
24 3,000,000 inhabitants, the presiding trial judge at the  
25 defendant's trial may upon verified petition of the defendant  
26 order the record of arrest expunged from the official records

1 of the arresting authority and the Department and order that  
2 the records of the clerk of the circuit court be sealed until  
3 further order of the court upon good cause shown and the name  
4 of the defendant obliterated on the official index required to  
5 be kept by the circuit court clerk under Section 16 of the  
6 Clerks of Courts Act, but the order shall not affect any index  
7 issued by the circuit court clerk before the entry of the  
8 order. The Department may charge the petitioner a fee  
9 equivalent to the cost of processing any order to expunge or  
10 seal the records, and the fee shall be deposited into the State  
11 Police Services Fund. The records of those arrests, however,  
12 that result in a disposition of supervision for any offense  
13 shall not be expunged from the records of the arresting  
14 authority or the Department nor impounded by the court until 2  
15 years after discharge and dismissal of supervision. Those  
16 records that result from a supervision for a violation of  
17 Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois  
18 Vehicle Code or a similar provision of a local ordinance, or  
19 for a violation of Section 12-3.2, 12-15 or 16A-3 of the  
20 Criminal Code of 1961, or probation under Section 10 of the  
21 Cannabis Control Act, Section 410 of the Illinois Controlled  
22 Substances Act, Section 70 of the Methamphetamine Control and  
23 Community Protection Act, Section 12-4.3(b)(1) and (2) of the  
24 Criminal Code of 1961 (as those provisions existed before their  
25 deletion by Public Act 89-313), Section 10-102 of the Illinois  
26 Alcoholism and Other Drug Dependency Act when the judgment of

1 conviction has been vacated, Section 40-10 of the Alcoholism  
2 and Other Drug Abuse and Dependency Act when the judgment of  
3 conviction has been vacated, or Section 10 of the Steroid  
4 Control Act shall not be expunged from the records of the  
5 arresting authority nor impounded by the court until 5 years  
6 after termination of probation or supervision. Those records  
7 that result from a supervision for a violation of Section  
8 11-501 of the Illinois Vehicle Code or a similar provision of a  
9 local ordinance, shall not be expunged. All records set out  
10 above may be ordered by the court to be expunged from the  
11 records of the arresting authority and impounded by the court  
12 after 5 years, but shall not be expunged by the Department, but  
13 shall, on court order be sealed by the Department and may be  
14 disseminated by the Department only as required by law or to  
15 the arresting authority, the State's Attorney, and the court  
16 upon a later arrest for the same or a similar offense or for  
17 the purpose of sentencing for any subsequent felony. Upon  
18 conviction for any offense, the Department of Corrections shall  
19 have access to all sealed records of the Department pertaining  
20 to that individual.

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

24 (b) Whenever a person has been convicted of a crime or of  
25 the violation of a municipal ordinance, in the name of a person  
26 whose identity he has stolen or otherwise come into possession

1 of, the aggrieved person from whom the identity was stolen or  
2 otherwise obtained without authorization, upon learning of the  
3 person having been arrested using his identity, may, upon  
4 verified petition to the chief judge of the circuit wherein the  
5 arrest was made, have a court order entered nunc pro tunc by  
6 the chief judge to correct the arrest record, conviction  
7 record, if any, and all official records of the arresting  
8 authority, the Department, other criminal justice agencies,  
9 the prosecutor, and the trial court concerning such arrest, if  
10 any, by removing his name from all such records in connection  
11 with the arrest and conviction, if any, and by inserting in the  
12 records the name of the offender, if known or ascertainable, in  
13 lieu of the aggrieved's name. The records of the clerk of the  
14 circuit court clerk shall be sealed until further order of the  
15 court upon good cause shown and the name of the aggrieved  
16 person obliterated on the official index required to be kept by  
17 the circuit court clerk under Section 16 of the Clerks of  
18 Courts Act, but the order shall not affect any index issued by  
19 the circuit court clerk before the entry of the order. Nothing  
20 in this Section shall limit the Department of State Police or  
21 other criminal justice agencies or prosecutors from listing  
22 under an offender's name the false names he or she has used.  
23 For purposes of this Section, convictions for moving and  
24 nonmoving traffic violations other than convictions for  
25 violations of Chapter 4, Section 11-204.1 or Section 11-501 of  
26 the Illinois Vehicle Code shall not be a bar to expunging the

1 record of arrest and court records for violation of a  
2 misdemeanor or municipal ordinance.

3 (c) Whenever a person who has been convicted of an offense  
4 is granted a pardon by the Governor which specifically  
5 authorizes expungement, he may, upon verified petition to the  
6 chief judge of the circuit where the person had been convicted,  
7 any judge of the circuit designated by the Chief Judge, or in  
8 counties of less than 3,000,000 inhabitants, the presiding  
9 trial judge at the defendant's trial, ~~may~~ have a court order  
10 entered expunging the record of arrest from the official  
11 records of the arresting authority and order that the records  
12 of the clerk of the circuit court and the Department be sealed  
13 until further order of the court upon good cause shown or as  
14 otherwise provided herein, and the name of the defendant  
15 obliterated from the official index requested to be kept by the  
16 circuit court clerk under Section 16 of the Clerks of Courts  
17 Act in connection with the arrest and conviction for the  
18 offense for which he had been pardoned but the order shall not  
19 affect any index issued by the circuit court clerk before the  
20 entry of the order. All records sealed by the Department may be  
21 disseminated by the Department only as required by law or to  
22 the arresting authority, the State's Attorney, and the court  
23 upon a later arrest for the same or similar offense or for the  
24 purpose of sentencing for any subsequent felony. Upon  
25 conviction for any subsequent offense, the Department of  
26 Corrections shall have access to all sealed records of the

1 Department pertaining to that individual. Upon entry of the  
2 order of expungement, the clerk of the circuit court shall  
3 promptly mail a copy of the order to the person who was  
4 pardoned.

5 (c-5) Whenever a person has been convicted of criminal  
6 sexual assault, aggravated criminal sexual assault, predatory  
7 criminal sexual assault of a child, criminal sexual abuse, or  
8 aggravated criminal sexual abuse, the victim of that offense  
9 may request that the State's Attorney of the county in which  
10 the conviction occurred file a verified petition with the  
11 presiding trial judge at the defendant's trial to have a court  
12 order entered to seal the records of the clerk of the circuit  
13 court in connection with the proceedings of the trial court  
14 concerning that offense. However, the records of the arresting  
15 authority and the Department of State Police concerning the  
16 offense shall not be sealed. The court, upon good cause shown,  
17 shall make the records of the clerk of the circuit court in  
18 connection with the proceedings of the trial court concerning  
19 the offense available for public inspection.

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

26 (d) Notice of the petition for subsections (a), (b), and

1 (c) shall be served by the clerk upon the State's Attorney or  
2 prosecutor charged with the duty of prosecuting the offense,  
3 the Department of State Police, the arresting agency and the  
4 chief legal officer of the unit of local government affecting  
5 the arrest. Unless the State's Attorney or prosecutor, the  
6 Department of State Police, the arresting agency or such chief  
7 legal officer objects to the petition within 30 days from the  
8 date of the notice, the court shall enter an order granting or  
9 denying the petition. The clerk of the court shall promptly  
10 mail a copy of the order to the person, the arresting agency,  
11 the prosecutor, the Department of State Police and such other  
12 criminal justice agencies as may be ordered by the judge.

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

24 (f) No court order issued under the expungement provisions  
25 of this Section shall become final for purposes of appeal until  
26 30 days after notice is received by the Department. Any court



1 order contrary to the provisions of this Section is void.

2 (g) Except as otherwise provided in subsection (c-5) of  
3 this Section, the court shall not order the sealing or  
4 expungement of the arrest records and records of the circuit  
5 court clerk of any person granted supervision for or convicted  
6 of any sexual offense committed against a minor under 18 years  
7 of age. For the purposes of this Section, "sexual offense  
8 committed against a minor" includes but is not limited to the  
9 offenses of indecent solicitation of a child or criminal sexual  
10 abuse when the victim of such offense is under 18 years of age.

11 (h) (1) Applicability. Notwithstanding any other provision  
12 of this Act to the contrary and cumulative with any rights to  
13 expungement of criminal records, this subsection authorizes  
14 the sealing of criminal records of adults and of minors  
15 prosecuted as adults.

16 (2) Sealable offenses. The following offenses may be  
17 sealed:

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

20 (i) violations of Section 11-501 of the Illinois  
21 Vehicle Code or a similar provision of a local  
22 ordinance;

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

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

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

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

9 (vi) any offense or attempted offense that would  
10 subject a person to registration under the Sex Offender  
11 Registration Act.

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

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

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

15 (iii) Section 402 of the Illinois Controlled  
16 Substances Act; and

17 (iv) Section 60 of the Methamphetamine Control and  
18 Community Protection Act.

19 However, for purposes of this subsection (h), a  
20 sentence of first offender probation under Section 10 of  
21 the Cannabis Control Act, Section 410 of the Illinois  
22 Controlled Substances Act, or Section 70 of the  
23 Methamphetamine Control and Community Protection Act shall  
24 be treated as a Class 4 felony conviction.

25 (3) Requirements for sealing. Records identified as  
26 sealable under clause (h) (2) may be sealed when the individual

1 was:

2 (A) Acquitted of the offense or offenses or released  
3 without being convicted.

4 (B) Convicted of the offense or offenses and the  
5 conviction or convictions were reversed.

6 (C) Placed on misdemeanor supervision for an offense or  
7 offenses; and

8 (i) at least 3 years have elapsed since the  
9 completion of the term of supervision, or terms of  
10 supervision, if more than one term has been ordered;  
11 and

12 (ii) the individual has not been convicted of a  
13 felony or misdemeanor or placed on supervision for a  
14 misdemeanor or felony during the period specified in  
15 clause (i).

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

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

21 (ii) the individual has not been convicted of a  
22 felony or misdemeanor or placed on supervision for a  
23 misdemeanor or felony during the period specified in  
24 clause (i).

25 (4) Requirements for sealing of records when more than one  
26 charge and disposition have been filed. When multiple offenses

1 are petitioned to be sealed under this subsection (h), the  
2 requirements of the relevant provisions of clauses (h) (3) (A)  
3 through (D) each apply. In instances in which more than one  
4 waiting period is applicable under clauses (h) (C) (i) and (ii)  
5 and (h) (D) (i) and (ii), the longer applicable period applies,  
6 and the requirements of clause (h) (3) shall be considered met  
7 when the petition is filed after the passage of the longer  
8 applicable waiting period. That period commences on the date of  
9 the completion of the last sentence or the end of supervision,  
10 probation, or parole, whichever is last in time.

11 (5) Subsequent convictions. A person may not have  
12 subsequent felony conviction records sealed as provided in this  
13 subsection (h) if he or she is convicted of any felony offense  
14 after the date of the sealing of prior felony records as  
15 provided in this subsection (h).

16 (6) Notice of eligibility for sealing. Upon acquittal,  
17 release without conviction, or being placed on supervision for  
18 a sealable offense, or upon conviction of a sealable offense,  
19 the person shall be informed by the court of the right to have  
20 the records sealed and the procedures for the sealing of the  
21 records.

22 (7) Procedure. Upon becoming eligible for the sealing of  
23 records under this subsection (h), the person who seeks the  
24 sealing of his or her records shall file a petition requesting  
25 the sealing of records with the clerk of the court where the  
26 charge or charges were brought. The records may be sealed by

1 the Chief Judge of the circuit wherein the charge was brought,  
2 any judge of that circuit designated by the Chief Judge, or in  
3 counties of less than 3,000,000 inhabitants, the presiding  
4 trial judge at the defendant's trial, if any. If charges were  
5 brought in multiple jurisdictions, a petition must be filed in  
6 each such jurisdiction. The petitioner shall pay the applicable  
7 fee, if not waived.

8 (A) Contents of petition. The petition shall contain  
9 the petitioner's name, date of birth, current address, each  
10 charge, each case number, the date of each charge, the  
11 identity of the arresting authority, and such other  
12 information as the court may require. During the pendency  
13 of the proceeding, the petitioner shall promptly notify the  
14 clerk of the court of any change of address.

15 (B) Drug test. A person filing a petition to have his  
16 or her records sealed for a Class 4 felony violation of  
17 Section 4 of the Cannabis Control Act or for a Class 4  
18 felony violation of Section 402 of the Illinois Controlled  
19 Substances Act must attach to the petition proof that the  
20 petitioner has passed a test taken within the previous 30  
21 days before the filing of the petition showing the absence  
22 within his or her body of all illegal substances in  
23 violation of either the Illinois Controlled Substances Act  
24 or the Cannabis Control Act.

25 (C) Service of petition. The clerk shall promptly serve  
26 a copy of the petition on the State's Attorney or

1 prosecutor charged with the duty of prosecuting the  
2 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 (D) Entry of order. Unless the State's Attorney or  
6 prosecutor, the Department of State Police, the arresting  
7 agency or such chief legal officer objects to sealing of  
8 the records within 90 days of notice the court shall enter  
9 an order sealing the defendant's records.

10 (E) Hearing upon objection. If an objection is filed,  
11 the court shall set a date for a hearing and notify the  
12 petitioner and the parties on whom the petition had been  
13 served, and shall hear evidence on whether the sealing of  
14 the records should or should not be granted, and shall make  
15 a determination on whether to issue an order to seal the  
16 records based on the evidence presented at the hearing.

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

26 (8) Fees. Notwithstanding any provision of the Clerk of the

1 Courts Act to the contrary, and subject to the approval of the  
2 county board, the clerk may charge a fee equivalent to the cost  
3 associated with the sealing of records by the clerk and the  
4 Department of State Police. The clerk shall forward the  
5 Department of State Police portion of the fee to the Department  
6 and it shall be deposited into the State Police Services Fund.

7 (i) Subject to available funding, the Illinois Department  
8 of Corrections shall conduct a study of the impact of sealing,  
9 especially on employment and recidivism rates, utilizing a  
10 random sample of those who apply for the sealing of their  
11 criminal records under Public Act 93-211, in accordance to  
12 rules adopted by the Department. At the request of the Illinois  
13 Department of Corrections, records of the Illinois Department  
14 of Employment Security shall be utilized as appropriate to  
15 assist in the study. The study shall not disclose any data in a  
16 manner that would allow the identification of any particular  
17 individual or employing unit. The study shall be made available  
18 to the General Assembly no later than September 1, 2006.

19 (j) Notwithstanding any provision of the Clerks of Courts  
20 Act to the contrary, the clerk may charge a fee equivalent to  
21 the cost associated with the sealing or expungement of records  
22 by the clerk. From the total filing fee collected for the  
23 Petition to seal or expunge, the clerk shall deposit \$10 into  
24 the Circuit Court Clerk Operation and Administrative Fund, to  
25 be used to offset the costs incurred by the Circuit Court Clerk  
26 in performing the additional duties required to serve the

1 Petition to Seal or Expunge on all parties. The clerk shall  
2 also charge a filing fee equivalent to the cost of sealing or  
3 expunging the record by the Department of State Police. The  
4 clerk shall collect and forward the Department of State Police  
5 portion of the fee to the Department and it shall be deposited  
6 in the State Police Services Fund.

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

9 Section 7. The Counties Code is amended by changing  
10 Sections 4-2002 and 4-2002.1 as follows:

11 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

12 Sec. 4-2002. State's attorney fees in counties under  
13 3,000,000 population. This Section applies only to counties  
14 with fewer than 3,000,000 inhabitants.

15 (a) State's attorneys shall be entitled to the following  
16 fees, however, the fee requirement of this subsection does not  
17 apply to county boards:

18 For each conviction in prosecutions on indictments for  
19 first degree murder, second degree murder, involuntary  
20 manslaughter, criminal sexual assault, aggravated criminal  
21 sexual assault, aggravated criminal sexual abuse, kidnapping,  
22 arson and forgery, \$30. All other cases punishable by  
23 imprisonment in the penitentiary, \$30.

24 For each conviction in other cases tried before judges of



1 the circuit court, \$15; except that if the conviction is in a  
2 case which may be assigned to an associate judge, whether or  
3 not it is in fact assigned to an associate judge, the fee shall  
4 be \$10.

5 For preliminary examinations for each defendant held to  
6 bail or recognizance, \$10.

7 For each examination of a party bound over to keep the  
8 peace, \$10.

9 For each defendant held to answer in a circuit court on a  
10 charge of paternity, \$10.

11 For each trial on a charge of paternity, \$30.

12 For each case of appeal taken from his county or from the  
13 county to which a change of venue is taken to his county to the  
14 Supreme or Appellate Court when prosecuted or defended by him,  
15 \$50.

16 For each day actually employed in the trial of a case, \$25;  
17 in which case the court before whom the case is tried shall  
18 make an order specifying the number of days for which a per  
19 diem shall be allowed.

20 For each day actually employed in the trial of cases of  
21 felony arising in their respective counties and taken by change  
22 of venue to another county, \$25; and the court before whom the  
23 case is tried shall make an order specifying the number of days  
24 for which said per diem shall be allowed; and it is hereby made  
25 the duty of each State's attorney to prepare and try each case  
26 of felony arising when so taken by change of venue.

1           For assisting in a trial of each case on an indictment for  
2 felony brought by change of venue to their respective counties,  
3 the same fees they would be entitled to if such indictment had  
4 been found for an offense committed in his county, and it shall  
5 be the duty of the State's attorney of the county to which such  
6 cause is taken by change of venue to assist in the trial  
7 thereof.

8           For each case of forfeited recognizance where the  
9 forfeiture is set aside at the instance of the defense, in  
10 addition to the ordinary costs, \$10 for each defendant.

11           For each proceeding in a circuit court to inquire into the  
12 alleged mental illness of any person, \$10 for each defendant.

13           For each proceeding in a circuit court to inquire into the  
14 alleged dependency or delinquency of any child, \$10.

15           For each day actually employed in the hearing of a case of  
16 habeas corpus in which the people are interested, \$25.

17           For each violation of the Criminal Code of 1961 and the  
18 Illinois Vehicle Code in which a defendant has entered a plea  
19 of guilty or a defendant has stipulated to the facts supporting  
20 the charge or a finding of guilt and the court has entered an  
21 order of supervision, \$10.

22           All the foregoing fees shall be taxed as costs to be  
23 collected from the defendant, if possible, upon conviction. But  
24 in cases of inquiry into the mental illness of any person  
25 alleged to be mentally ill, in cases on a charge of paternity  
26 and in cases of appeal in the Supreme or Appellate Court, where

1 judgment is in favor of the accused, the fees allowed the  
2 State's attorney therein shall be retained out of the fines and  
3 forfeitures collected by them in other cases.

4 Ten per cent of all moneys except revenue, collected by  
5 them and paid over to the authorities entitled thereto, which  
6 per cent together with the fees provided for herein that are  
7 not collected from the parties tried or examined, shall be paid  
8 out of any fines and forfeited recognizances collected by them,  
9 provided however, that in proceedings to foreclose the lien of  
10 delinquent real estate taxes State's attorneys shall receive a  
11 fee, to be credited to the earnings of their office, of 10% of  
12 the total amount realized from the sale of real estate sold in  
13 such proceedings. Such fees shall be paid from the total amount  
14 realized from the sale of the real estate sold in such  
15 proceedings.

16 State's attorneys shall have a lien for their fees on all  
17 judgments for fines or forfeitures procured by them and on  
18 moneys except revenue received by them until such fees and  
19 earnings are fully paid.

20 No fees shall be charged on more than 10 counts in any one  
21 indictment or information on trial and conviction; nor on more  
22 than 10 counts against any one defendant on pleas of guilty.

23 The Circuit Court may direct that of all monies received,  
24 by restitution or otherwise, which monies are ordered paid to  
25 the Department of Healthcare and Family Services (formerly  
26 Department of Public Aid) or the Department of Human Services

1 (acting as successor to the Department of Public Aid under the  
2 Department of Human Services Act) as a direct result of the  
3 efforts of the State's attorney and which payments arise from  
4 Civil or Criminal prosecutions involving the Illinois Public  
5 Aid Code or the Criminal Code, the following amounts shall be  
6 paid quarterly by the Department of Healthcare and Family  
7 Services or the Department of Human Services to the General  
8 Corporate Fund of the County in which the prosecution or cause  
9 of action took place:

10 (1) where the monies result from child support  
11 obligations, not more than 25% of the federal share of the  
12 monies received,

13 (2) where the monies result from other than child  
14 support obligations, not more than 25% of the State's share  
15 of the monies received.

16 In addition to any other amounts to which State's Attorneys  
17 are entitled under this Section, State's Attorneys are entitled  
18 to \$10 of the fine that is imposed under Section 5-9-1.17 of  
19 the Unified Code of Corrections, as set forth in that Section.

20 (b) A municipality shall be entitled to a \$10 prosecution  
21 fee for each conviction for a violation of the Illinois Vehicle  
22 Code prosecuted by the municipal attorney pursuant to Section  
23 16-102 of that Code which is tried before a circuit or  
24 associate judge and shall be entitled to a \$10 prosecution fee  
25 for each conviction for a violation of a municipal vehicle  
26 ordinance or nontraffic ordinance prosecuted by the municipal

1 attorney which is tried before a circuit or associate judge.  
2 Such fee shall be taxed as costs to be collected from the  
3 defendant, if possible, upon conviction. A municipality shall  
4 have a lien for such prosecution fees on all judgments or fines  
5 procured by the municipal attorney from prosecutions for  
6 violations of the Illinois Vehicle Code and municipal vehicle  
7 ordinances or nontraffic ordinances.

8 For the purposes of this subsection (b), "municipal vehicle  
9 ordinance" means any ordinance enacted pursuant to Sections  
10 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois  
11 Municipal Code or any ordinance enacted by a municipality which  
12 is similar to a provision of Chapter 11 of the Illinois Vehicle  
13 Code.

14 (Source: P.A. 95-331, eff. 8-21-07; 95-385, eff. 1-1-08.)

15 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

16 Sec. 4-2002.1. State's attorney fees in counties of  
17 3,000,000 or more population. This Section applies only to  
18 counties with 3,000,000 or more inhabitants.

19 (a) State's attorneys shall be entitled to the following  
20 fees:

21 For each conviction in prosecutions on indictments for  
22 first degree murder, second degree murder, involuntary  
23 manslaughter, criminal sexual assault, aggravated criminal  
24 sexual assault, aggravated criminal sexual abuse, kidnapping,  
25 arson and forgery, \$60. All other cases punishable by

1 imprisonment in the penitentiary, \$60.

2 For each conviction in other cases tried before judges of  
3 the circuit court, \$30; except that if the conviction is in a  
4 case which may be assigned to an associate judge, whether or  
5 not it is in fact assigned to an associate judge, the fee shall  
6 be \$20.

7 For preliminary examinations for each defendant held to  
8 bail or recognizance, \$20.

9 For each examination of a party bound over to keep the  
10 peace, \$20.

11 For each defendant held to answer in a circuit court on a  
12 charge of paternity, \$20.

13 For each trial on a charge of paternity, \$60.

14 For each case of appeal taken from his county or from the  
15 county to which a change of venue is taken to his county to the  
16 Supreme or Appellate Court when prosecuted or defended by him,  
17 \$100.

18 For each day actually employed in the trial of a case, \$50;  
19 in which case the court before whom the case is tried shall  
20 make an order specifying the number of days for which a per  
21 diem shall be allowed.

22 For each day actually employed in the trial of cases of  
23 felony arising in their respective counties and taken by change  
24 of venue to another county, \$50; and the court before whom the  
25 case is tried shall make an order specifying the number of days  
26 for which said per diem shall be allowed; and it is hereby made

1 the duty of each State's attorney to prepare and try each case  
2 of felony arising when so taken by change of venue.

3 For assisting in a trial of each case on an indictment for  
4 felony brought by change of venue to their respective counties,  
5 the same fees they would be entitled to if such indictment had  
6 been found for an offense committed in his county, and it shall  
7 be the duty of the State's attorney of the county to which such  
8 cause is taken by change of venue to assist in the trial  
9 thereof.

10 For each case of forfeited recognizance where the  
11 forfeiture is set aside at the instance of the defense, in  
12 addition to the ordinary costs, \$20 for each defendant.

13 For each proceeding in a circuit court to inquire into the  
14 alleged mental illness of any person, \$20 for each defendant.

15 For each proceeding in a circuit court to inquire into the  
16 alleged dependency or delinquency of any child, \$20.

17 For each day actually employed in the hearing of a case of  
18 habeas corpus in which the people are interested, \$50.

19 All the foregoing fees shall be taxed as costs to be  
20 collected from the defendant, if possible, upon conviction. But  
21 in cases of inquiry into the mental illness of any person  
22 alleged to be mentally ill, in cases on a charge of paternity  
23 and in cases of appeal in the Supreme or Appellate Court, where  
24 judgment is in favor of the accused, the fees allowed the  
25 State's attorney therein shall be retained out of the fines and  
26 forfeitures collected by them in other cases.

1           Ten per cent of all moneys except revenue, collected by  
2 them and paid over to the authorities entitled thereto, which  
3 per cent together with the fees provided for herein that are  
4 not collected from the parties tried or examined, shall be paid  
5 out of any fines and forfeited recognizances collected by them,  
6 provided however, that in proceedings to foreclose the lien of  
7 delinquent real estate taxes State's attorneys shall receive a  
8 fee, to be credited to the earnings of their office, of 10% of  
9 the total amount realized from the sale of real estate sold in  
10 such proceedings. Such fees shall be paid from the total amount  
11 realized from the sale of the real estate sold in such  
12 proceedings.

13           State's attorneys shall have a lien for their fees on all  
14 judgments for fines or forfeitures procured by them and on  
15 moneys except revenue received by them until such fees and  
16 earnings are fully paid.

17           No fees shall be charged on more than 10 counts in any one  
18 indictment or information on trial and conviction; nor on more  
19 than 10 counts against any one defendant on pleas of guilty.

20           The Circuit Court may direct that of all monies received,  
21 by restitution or otherwise, which monies are ordered paid to  
22 the Department of Healthcare and Family Services (formerly  
23 Department of Public Aid) or the Department of Human Services  
24 (acting as successor to the Department of Public Aid under the  
25 Department of Human Services Act) as a direct result of the  
26 efforts of the State's attorney and which payments arise from



1 Civil or Criminal prosecutions involving the Illinois Public  
2 Aid Code or the Criminal Code, the following amounts shall be  
3 paid quarterly by the Department of Healthcare and Family  
4 Services or the Department of Human Services to the General  
5 Corporate Fund of the County in which the prosecution or cause  
6 of action took place:

7 (1) where the monies result from child support  
8 obligations, not less than 25% of the federal share of the  
9 monies received,

10 (2) where the monies result from other than child  
11 support obligations, not less than 25% of the State's share  
12 of the monies received.

13 In addition to any other amounts to which State's Attorneys  
14 are entitled under this Section, State's Attorneys are entitled  
15 to \$10 of the fine that is imposed under Section 5-9-1.17 of  
16 the Unified Code of Corrections, as set forth in that Section.

17 (b) A municipality shall be entitled to a \$10 prosecution  
18 fee for each conviction for a violation of the Illinois Vehicle  
19 Code prosecuted by the municipal attorney pursuant to Section  
20 16-102 of that Code which is tried before a circuit or  
21 associate judge and shall be entitled to a \$10 prosecution fee  
22 for each conviction for a violation of a municipal vehicle  
23 ordinance prosecuted by the municipal attorney which is tried  
24 before a circuit or associate judge. Such fee shall be taxed as  
25 costs to be collected from the defendant, if possible, upon  
26 conviction. A municipality shall have a lien for such

1 prosecution fees on all judgments or fines procured by the  
2 municipal attorney from prosecutions for violations of the  
3 Illinois Vehicle Code and municipal vehicle ordinances.

4 For the purposes of this subsection (b), "municipal vehicle  
5 ordinance" means any ordinance enacted pursuant to Sections  
6 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois  
7 Municipal Code or any ordinance enacted by a municipality which  
8 is similar to a provision of Chapter 11 of the Illinois Vehicle  
9 Code.

10 (Source: P.A. 95-331, eff. 8-21-07.)

11 Section 10. The Juvenile Court Act of 1987 is amended by  
12 changing Section 5-915 and by adding Section 5-622 as follows:

13 (705 ILCS 405/5-622 new)

14 Sec. 5-622. Expungement review. Any minor charged with a  
15 misdemeanor offense as a first offense, regardless of the  
16 disposition of the charge, is eligible for expungement review  
17 by the court upon his or her 18th birthday or upon completion  
18 of the minor's sentence or disposition of the charge against  
19 the minor, whichever is later. Upon motion by counsel filed  
20 within 30 days after entry of the judgment of the court, the  
21 court shall set a time for an expungement review hearing within  
22 a month of the minor's 18th birthday or within a month of  
23 completion of the minor's sentence or disposition of the charge  
24 against the minor, whichever is later. No hearing shall be held

1 if the minor fails to appear, and no penalty shall attach to  
2 the minor. If the minor appears in person or by counsel the  
3 court shall hold a hearing to determine whether to expunge the  
4 law enforcement and court records of the minor. Objections to  
5 expungement shall be limited to the following:

6 (a) that the offense for which the minor was arrested  
7 is still under active investigation;

8 (b) that the minor is a potential witness in an  
9 upcoming court proceeding and that such arrest record is  
10 relevant to that proceeding;

11 (c) that the arrest at issue was for one of the  
12 following offenses:

13 (i) any homicide;

14 (ii) an offense involving a deadly weapon;

15 (iii) a sex offense as defined in the Sex Offender  
16 Registration Act;

17 (iv) aggravated domestic battery.

18 In the absence of an objection, or if the objecting party  
19 fails to prove one of the above-listed objections, the court  
20 shall enter an order granting expungement. The clerk shall  
21 forward a certified copy of the order to the Department of  
22 State Police and the arresting agency. The Department and the  
23 arresting agency shall comply with such order to expunge within  
24 60 days of receipt. An objection or a denial of an expungement  
25 order under this subsection does not operate to bar the filing  
26 of a Petition to Expunge by the minor under subsection (2) of

1 Section 5-915 where applicable.

2 (705 ILCS 405/5-915)

3 Sec. 5-915. Expungement of juvenile law enforcement and  
4 court records.

5 (0.05) For purposes of this Section and Section 5-622:

6 "Expunge" means to physically destroy the records and  
7 to obliterate the minor's name from any official index or  
8 public record, or both. Nothing in this Act shall require  
9 the physical destruction of the internal office records,  
10 files, or databases maintained by a State's Attorney's  
11 Office or other prosecutor.

12 "Law enforcement record" includes but is not limited to  
13 records of arrest, station adjustments, fingerprints,  
14 probation adjustments, the issuance of a notice to appear,  
15 or any other records maintained by a law enforcement agency  
16 relating to a minor suspected of committing an offense.

17 (1) Whenever any person has attained the age of 17 or  
18 whenever all juvenile court proceedings relating to that person  
19 have been terminated, whichever is later, the person may  
20 petition the court to expunge law enforcement records relating  
21 to incidents occurring before his or her 17th birthday or his  
22 or her juvenile court records, or both, but only in the  
23 following circumstances:

24 (a) the minor was arrested and no petition for  
25 delinquency was filed with the clerk of the circuit court;

1 or

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

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

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

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

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

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

23 whichever is later of (a) or (b). Nothing in this Section 5-915  
24 precludes a minor from obtaining expungement under Section  
25 5-622.

26 (2.5) If a minor is arrested and no petition for

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

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

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

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

1 subsection (1); and when the minor attains the age of 21 based  
2 on the birthdate provided to the court by the minor or his or  
3 her guardian in cases under subsection (2).

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

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

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

13 PETITION TO EXPUNGE JUVENILE RECORDS  
14 (705 ILCS 405/5-915 (SUBSECTION 1))

15 (Please prepare a separate petition for each offense)

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

24 (Check One:)



1 ( ) a. no petition was filed with the Clerk of the Circuit  
2 Court.

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

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

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

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

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

17 Charge(s): .....

18 Arresting Agency or Agencies: .....

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

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

25 .....

1 Petitioner (Signature)

2 .....

3 Petitioner's Street Address

4 .....

5 City, State, Zip Code

6 .....

7 Petitioner's Telephone Number

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

12 .....

13 Petitioner (Signature)

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

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

17 ..... JUDICIAL CIRCUIT

18 IN THE INTEREST OF ) NO.

19 )

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

4 PETITION TO EXPUNGE JUVENILE RECORDS  
 5 (705 ILCS 405/5-915 (SUBSECTION 2))

6 (Please prepare a separate petition for each offense)

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

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

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

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

24 (Check whichever one occurred the latest:)

25 ( ) a. The Petitioner has attained the age of 21 years, his/her

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

11 Charge(s): .....  
 12 Arresting Agency or Agencies: .....  
 13 Disposition/Result: (choose from a or b, above): .....

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

19 .....  
 20 Petitioner (Signature)

21 .....  
 22 Petitioner's Street Address

23 .....

1 City, State, Zip Code  
 2 .....  
 3 Petitioner's Telephone Number

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

8 .....  
 9 Petitioner (Signature)

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

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

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

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

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

NOTICE

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TO: State's Attorney

TO: Arresting Agency

.....

.....

.....

.....

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

1 .....  
2

3 Petitioner's Telephone Number

4 PROOF OF SERVICE

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

8 (Check One:)

9 delivering copies personally to each entity to whom they are  
10 directed;

11 or

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

16 .....

17 Signature

18 Clerk of the Circuit Court or Deputy Clerk

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

20 Address: .....

21 Telephone Number: .....

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

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

25 ..... JUDICIAL CIRCUIT



1 IN THE INTEREST OF ) NO.  
 2 )  
 3 )  
 4 .....)  
 5 (Name of Petitioner)

6 DOB .....

7 Arresting Agency/Agencies .....

8 ORDER OF EXPUNGEMENT

9 (705 ILCS 405/5-915 (SUBSECTION 3))

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

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

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

20 Law Enforcement Agencies:

21 .....

22 .....

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

25 ENTER: .....

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JUDGE

DATED: .....

Name:

Attorney for:

Address: City/State/Zip:

Attorney Number:

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

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

IN THE INTEREST OF ) NO.  
 )  
 )  
 .....)  
(Name of Petitioner)

NOTICE OF OBJECTION

TO:(Attorney, Public Defender, Minor)

.....

.....

TO:(Illinois State Police)

.....

.....

TO:(Clerk of the Court)

1 .....

2 .....

3 TO: (Judge)

4 .....

5 .....

6 TO: (Arresting Agency/Agencies)

7 .....

8 .....

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

12 ( ) State's Attorney's Office;

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

15 ( ) Department of Illinois State Police; or

16 ( ) Arresting Agency or Agencies.

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

20 DATED: .....

21 Name:

22 Attorney For:

23 Address:

24 City/State/Zip:

25 Telephone:

26 Attorney No.:

1                   FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

2       This matter has been set for hearing on the foregoing  
3       objection, on ..... in room ....., located at ....., before the  
4       Honorable ....., Judge, or any judge sitting in his/her stead.

5       (Only one hearing shall be set, regardless of the number of  
6       Notices of Objection received on the same case).

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

13      ( ) Attorney, Public Defender or Minor;

14      ( ) State's Attorney's Office;

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

17      ( ) Department of Illinois State Police; and

18      ( ) Arresting agency or agencies.

19      Date: .....

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

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

26           (5) Records which have not been expunged are sealed, and

1 may be obtained only under the provisions of Sections 5-901,  
2 5-905 and 5-915.

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

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

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

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

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

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

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

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

26 (c) The State Appellate Defender shall establish and

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

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

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

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

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

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

16 (c) The expungement of juvenile records under Section 5-622  
17 shall be funded by the additional fine imposed under Section  
18 5-9-1.17 of the Unified Code of Corrections and additional  
19 appropriations made by the General Assembly for such purpose.

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

21 Section 15. The Unified Code of Corrections is amended by  
22 adding Section 5-9-1.17 as follows:

23 (730 ILCS 5/5-9-1.17 new)

24 Sec. 5-9-1.17. Additional fine to fund expungement of

1 juvenile records.

2 (a) There shall be added to every penalty imposed in  
3 sentencing for a criminal offense an additional fine of \$30 to  
4 be imposed upon a plea of guilty or finding of guilty resulting  
5 in a judgment of conviction.

6 (b) Ten dollars of each such additional fine shall be  
7 remitted to the State Treasurer for deposit into the State  
8 Police Services Fund to be used to implement the expungement of  
9 juvenile records as provided in Section 5-622 of the Juvenile  
10 Court Act of 1987, \$10 shall be paid to the State's Attorney's  
11 Office that prosecuted the criminal offense, and \$10 shall be  
12 retained by the Circuit Clerk for administrative costs  
13 associated with the expungement of juvenile records and shall  
14 be deposited into the Circuit Court Clerk Operation and  
15 Administrative Fund."