

1 AN ACT concerning criminal law.

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

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

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

7 Sec. 5. Arrest reports; expungement.

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

1 their 17th birthday, or minors arrested for a non-felony
2 offense, if committed by an adult, prior to their 18th
3 birthday, shall not be forwarded to the Federal Bureau of
4 Investigation unless those records relate to an arrest in which
5 a minor was charged as an adult under any of the transfer
6 provisions of the Juvenile Court Act of 1987.

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

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

1 local ordinance, shall not be expunged. All records set out
2 above may be ordered by the court to be expunged from the
3 records of the arresting authority and impounded by the court
4 after 5 years, but shall not be expunged by the Department, but
5 shall, on court order be sealed by the Department and may be
6 disseminated by the Department only as required by law or to
7 the arresting authority, the State's Attorney, and the court
8 upon a later arrest for the same or a similar offense or for
9 the purpose of sentencing for any subsequent felony. Upon
10 conviction for any offense, the Department of Corrections shall
11 have access to all sealed records of the Department pertaining
12 to that individual.

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

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

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

21 (c) Whenever a person who has been convicted of an offense
22 is granted a pardon by the Governor which specifically
23 authorizes expungement, he may, upon verified petition to the
24 chief judge of the circuit where the person had been convicted,
25 any judge of the circuit designated by the Chief Judge, or in
26 counties of less than 3,000,000 inhabitants, the presiding

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

23 (c-5) Whenever a person has been convicted of criminal
24 sexual assault, aggravated criminal sexual assault, predatory
25 criminal sexual assault of a child, criminal sexual abuse, or
26 aggravated criminal sexual abuse, the victim of that offense

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

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

18 (d) Notice of the petition for subsections (a), (b), and
19 (c) shall be served by the clerk upon the State's Attorney or
20 prosecutor charged with the duty of prosecuting the offense,
21 the Department of State Police, the arresting agency and the
22 chief legal officer of the unit of local government affecting
23 the arrest. Unless the State's Attorney or prosecutor, the
24 Department of State Police, the arresting agency or such chief
25 legal officer objects to the petition within 30 days from the
26 date of the notice, the court shall enter an order granting or

1 denying the petition. The clerk of the court shall promptly
2 mail a copy of the order to the person, the arresting agency,
3 the prosecutor, the Department of State Police and such other
4 criminal justice agencies as may be ordered by the judge.

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

16 (f) No court order issued under the expungement provisions
17 of this Section shall become final for purposes of appeal until
18 30 days after notice is received by the Department. Any court
19 order contrary to the provisions of this Section is void.

20 (g) Except as otherwise provided in subsection (c-5) of
21 this Section, the court shall not order the sealing or
22 expungement of the arrest records and records of the circuit
23 court clerk of any person granted supervision for or convicted
24 of any sexual offense committed against a minor under 18 years
25 of age. For the purposes of this Section, "sexual offense
26 committed against a minor" includes but is not limited to the

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

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

8 (2) Sealable offenses. The following offenses may be
9 sealed:

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

12 (i) violations of Section 11-501 of the Illinois
13 Vehicle Code or a similar provision of a local
14 ordinance;

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

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

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

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

1 (vi) any offense or attempted offense that would
2 subject a person to registration under the Sex Offender
3 Registration Act.

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

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

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

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

9 (iv) Section 60 of the Methamphetamine Control and
10 Community Protection Act.

11 However, for purposes of this subsection (h), a
12 sentence of first offender probation under Section 10 of
13 the Cannabis Control Act, Section 410 of the Illinois
14 Controlled Substances Act, or Section 70 of the
15 Methamphetamine Control and Community Protection Act shall
16 be treated as a Class 4 felony conviction.

17 (3) Requirements for sealing. Records identified as
18 sealable under clause (h) (2) may be sealed when the individual
19 was:

20 (A) Acquitted of the offense or offenses or released
21 without being convicted.

22 (B) Convicted of the offense or offenses and the
23 conviction or convictions were reversed.

24 (C) Placed on misdemeanor supervision for an offense or
25 offenses; and

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

1 completion of the term of supervision, or terms of
2 supervision, if more than one term has been ordered;
3 and

4 (ii) the individual has not been convicted of a
5 felony or misdemeanor or placed on supervision for a
6 misdemeanor or felony during the period specified in
7 clause (i).

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

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

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

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

1 the completion of the last sentence or the end of supervision,
2 probation, or parole, whichever is last in time.

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

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

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

26 (A) Contents of petition. The petition shall contain

1 the petitioner's name, date of birth, current address, each
2 charge, each case number, the date of each charge, the
3 identity of the arresting authority, and such other
4 information as the court may require. During the pendency
5 of the proceeding, the petitioner shall promptly notify the
6 clerk of the court of any change of address.

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

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

23 (D) Entry of order. Unless the State's Attorney or
24 prosecutor, the Department of State Police, the arresting
25 agency or such chief legal officer objects to sealing of
26 the records within 90 days of notice the court shall enter

1 an order sealing the defendant's records.

2 (E) Hearing upon objection. If an objection is filed,
3 the court shall set a date for a hearing and notify the
4 petitioner and the parties on whom the petition had been
5 served, and shall hear evidence on whether the sealing of
6 the records should or should not be granted, and shall make
7 a determination on whether to issue an order to seal the
8 records based on the evidence presented at the hearing.

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

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

25 (i) Subject to available funding, the Illinois Department
26 of Corrections shall conduct a study of the impact of sealing,

1 especially on employment and recidivism rates, utilizing a
2 random sample of those who apply for the sealing of their
3 criminal records under Public Act 93-211, in accordance to
4 rules adopted by the Department. At the request of the Illinois
5 Department of Corrections, records of the Illinois Department
6 of Employment Security shall be utilized as appropriate to
7 assist in the study. The study shall not disclose any data in a
8 manner that would allow the identification of any particular
9 individual or employing unit. The study shall be made available
10 to the General Assembly no later than September 1, 2006.

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

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

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

3 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

4 Sec. 4-2002. State's attorney fees in counties under
5 3,000,000 population. This Section applies only to counties
6 with fewer than 3,000,000 inhabitants.

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

10 For each conviction in prosecutions on indictments for
11 first degree murder, second degree murder, involuntary
12 manslaughter, criminal sexual assault, aggravated criminal
13 sexual assault, aggravated criminal sexual abuse, kidnapping,
14 arson and forgery, \$30. All other cases punishable by
15 imprisonment in the penitentiary, \$30.

16 For each conviction in other cases tried before judges of
17 the circuit court, \$15; except that if the conviction is in a
18 case which may be assigned to an associate judge, whether or
19 not it is in fact assigned to an associate judge, the fee shall
20 be \$10.

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

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

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

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

4 For each case of appeal taken from his county or from the
5 county to which a change of venue is taken to his county to the
6 Supreme or Appellate Court when prosecuted or defended by him,
7 \$50.

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

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

19 For assisting in a trial of each case on an indictment for
20 felony brought by change of venue to their respective counties,
21 the same fees they would be entitled to if such indictment had
22 been found for an offense committed in his county, and it shall
23 be the duty of the State's attorney of the county to which such
24 cause is taken by change of venue to assist in the trial
25 thereof.

26 For each case of forfeited recognizance where the

1 forfeiture is set aside at the instance of the defense, in
2 addition to the ordinary costs, \$10 for each defendant.

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

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

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

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

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

22 Ten per cent of all moneys except revenue, collected by
23 them and paid over to the authorities entitled thereto, which
24 per cent together with the fees provided for herein that are
25 not collected from the parties tried or examined, shall be paid
26 out of any fines and forfeited recognizances collected by them,

1 provided however, that in proceedings to foreclose the lien of
2 delinquent real estate taxes State's attorneys shall receive a
3 fee, to be credited to the earnings of their office, of 10% of
4 the total amount realized from the sale of real estate sold in
5 such proceedings. Such fees shall be paid from the total amount
6 realized from the sale of the real estate sold in such
7 proceedings.

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

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

15 The Circuit Court may direct that of all monies received,
16 by restitution or otherwise, which monies are ordered paid to
17 the Department of Healthcare and Family Services (formerly
18 Department of Public Aid) or the Department of Human Services
19 (acting as successor to the Department of Public Aid under the
20 Department of Human Services Act) as a direct result of the
21 efforts of the State's attorney and which payments arise from
22 Civil or Criminal prosecutions involving the Illinois Public
23 Aid Code or the Criminal Code, the following amounts shall be
24 paid quarterly by the Department of Healthcare and Family
25 Services or the Department of Human Services to the General
26 Corporate Fund of the County in which the prosecution or cause

1 of action took place:

2 (1) where the monies result from child support
3 obligations, not more than 25% of the federal share of the
4 monies received,

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

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

12 (b) A municipality shall be entitled to a \$10 prosecution
13 fee for each conviction for a violation of the Illinois Vehicle
14 Code prosecuted by the municipal attorney pursuant to Section
15 16-102 of that Code which is tried before a circuit or
16 associate judge and shall be entitled to a \$10 prosecution fee
17 for each conviction for a violation of a municipal vehicle
18 ordinance or nontraffic ordinance prosecuted by the municipal
19 attorney which is tried before a circuit or associate judge.
20 Such fee shall be taxed as costs to be collected from the
21 defendant, if possible, upon conviction. A municipality shall
22 have a lien for such prosecution fees on all judgments or fines
23 procured by the municipal attorney from prosecutions for
24 violations of the Illinois Vehicle Code and municipal vehicle
25 ordinances or nontraffic ordinances.

26 For the purposes of this subsection (b), "municipal vehicle

1 ordinance" means any ordinance enacted pursuant to Sections
2 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois
3 Municipal Code or any ordinance enacted by a municipality which
4 is similar to a provision of Chapter 11 of the Illinois Vehicle
5 Code.

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

7 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

8 Sec. 4-2002.1. State's attorney fees in counties of
9 3,000,000 or more population. This Section applies only to
10 counties with 3,000,000 or more inhabitants.

11 (a) State's attorneys shall be entitled to the following
12 fees:

13 For each conviction in prosecutions on indictments for
14 first degree murder, second degree murder, involuntary
15 manslaughter, criminal sexual assault, aggravated criminal
16 sexual assault, aggravated criminal sexual abuse, kidnapping,
17 arson and forgery, \$60. All other cases punishable by
18 imprisonment in the penitentiary, \$60.

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

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

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

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

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

6 For each case of appeal taken from his county or from the
7 county to which a change of venue is taken to his county to the
8 Supreme or Appellate Court when prosecuted or defended by him,
9 \$100.

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

14 For each day actually employed in the trial of cases of
15 felony arising in their respective counties and taken by change
16 of venue to another county, \$50; and the court before whom the
17 case is tried shall make an order specifying the number of days
18 for which said per diem shall be allowed; and it is hereby made
19 the duty of each State's attorney to prepare and try each case
20 of felony arising when so taken by change of venue.

21 For assisting in a trial of each case on an indictment for
22 felony brought by change of venue to their respective counties,
23 the same fees they would be entitled to if such indictment had
24 been found for an offense committed in his county, and it shall
25 be the duty of the State's attorney of the county to which such
26 cause is taken by change of venue to assist in the trial

1 thereof.

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

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

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

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

11 All the foregoing fees shall be taxed as costs to be
12 collected from the defendant, if possible, upon conviction. But
13 in cases of inquiry into the mental illness of any person
14 alleged to be mentally ill, in cases on a charge of paternity
15 and in cases of appeal in the Supreme or Appellate Court, where
16 judgment is in favor of the accused, the fees allowed the
17 State's attorney therein shall be retained out of the fines and
18 forfeitures collected by them in other cases.

19 Ten per cent of all moneys except revenue, collected by
20 them and paid over to the authorities entitled thereto, which
21 per cent together with the fees provided for herein that are
22 not collected from the parties tried or examined, shall be paid
23 out of any fines and forfeited recognizances collected by them,
24 provided however, that in proceedings to foreclose the lien of
25 delinquent real estate taxes State's attorneys shall receive a
26 fee, to be credited to the earnings of their office, of 10% of

1 the total amount realized from the sale of real estate sold in
2 such proceedings. Such fees shall be paid from the total amount
3 realized from the sale of the real estate sold in such
4 proceedings.

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

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

12 The Circuit Court may direct that of all monies received,
13 by restitution or otherwise, which monies are ordered paid to
14 the Department of Healthcare and Family Services (formerly
15 Department of Public Aid) or the Department of Human Services
16 (acting as successor to the Department of Public Aid under the
17 Department of Human Services Act) as a direct result of the
18 efforts of the State's attorney and which payments arise from
19 Civil or Criminal prosecutions involving the Illinois Public
20 Aid Code or the Criminal Code, the following amounts shall be
21 paid quarterly by the Department of Healthcare and Family
22 Services or the Department of Human Services to the General
23 Corporate Fund of the County in which the prosecution or cause
24 of action took place:

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

1 monies received,

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

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

9 (b) A municipality shall be entitled to a \$10 prosecution
10 fee for each conviction for a violation of the Illinois Vehicle
11 Code prosecuted by the municipal attorney pursuant to Section
12 16-102 of that Code which is tried before a circuit or
13 associate judge and shall be entitled to a \$10 prosecution fee
14 for each conviction for a violation of a municipal vehicle
15 ordinance prosecuted by the municipal attorney which is tried
16 before a circuit or associate judge. Such fee shall be taxed as
17 costs to be collected from the defendant, if possible, upon
18 conviction. A municipality shall have a lien for such
19 prosecution fees on all judgments or fines procured by the
20 municipal attorney from prosecutions for violations of the
21 Illinois Vehicle Code and municipal vehicle ordinances.

22 For the purposes of this subsection (b), "municipal vehicle
23 ordinance" means any ordinance enacted pursuant to Sections
24 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois
25 Municipal Code or any ordinance enacted by a municipality which
26 is similar to a provision of Chapter 11 of the Illinois Vehicle

1 Code.

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

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

5 (705 ILCS 405/5-622 new)

6 Sec. 5-622. Expungement review. Any minor charged with a
7 misdemeanor offense as a first offense, regardless of the
8 disposition of the charge, is eligible for expungement review
9 by the court upon his or her 18th birthday or upon completion
10 of the minor's sentence or disposition of the charge against
11 the minor, whichever is later. Upon motion by counsel filed
12 within 30 days after entry of the judgment of the court, the
13 court shall set a time for an expungement review hearing within
14 a month of the minor's 18th birthday or within a month of
15 completion of the minor's sentence or disposition of the charge
16 against the minor, whichever is later. No hearing shall be held
17 if the minor fails to appear, and no penalty shall attach to
18 the minor. If the minor appears in person or by counsel the
19 court shall hold a hearing to determine whether to expunge the
20 law enforcement and court records of the minor. Objections to
21 expungement shall be limited to the following:

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

24 (b) that the minor is a potential witness in an

1 upcoming court proceeding and that such arrest record is
2 relevant to that proceeding;

3 (c) that the arrest at issue was for one of the
4 following offenses:

5 (i) any homicide;

6 (ii) an offense involving a deadly weapon;

7 (iii) a sex offense as defined in the Sex Offender
8 Registration Act;

9 (iv) aggravated domestic battery.

10 In the absence of an objection, or if the objecting party
11 fails to prove one of the above-listed objections, the court
12 shall enter an order granting expungement. The clerk shall
13 forward a certified copy of the order to the Department of
14 State Police and the arresting agency. The Department and the
15 arresting agency shall comply with such order to expunge within
16 60 days of receipt. An objection or a denial of an expungement
17 order under this subsection does not operate to bar the filing
18 of a Petition to Expunge by the minor under subsection (2) of
19 Section 5-915 where applicable.

20 (705 ILCS 405/5-915)

21 Sec. 5-915. Expungement of juvenile law enforcement and
22 court records.

23 (0.05) For purposes of this Section and Section 5-622:

24 "Expunge" means to physically destroy the records and
25 to obliterate the minor's name from any official index or

1 public record, or both. Nothing in this Act shall require
2 the physical destruction of the internal office records,
3 files, or databases maintained by a State's Attorney's
4 Office or other prosecutor.

5 "Law enforcement record" includes but is not limited to
6 records of arrest, station adjustments, fingerprints,
7 probation adjustments, the issuance of a notice to appear,
8 or any other records maintained by a law enforcement agency
9 relating to a minor suspected of committing an offense.

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

17 (a) the minor was arrested and no petition for
18 delinquency was filed with the clerk of the circuit court;
19 or

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

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

25 (d) the minor was adjudicated for an offense which
26 would be a Class B misdemeanor, Class C misdemeanor, or a

1 petty or business offense if committed by an adult.

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

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

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

15 whichever is later of (a) or (b). Nothing in this Section 5-915
16 precludes a minor from obtaining expungement under Section
17 5-622.

18 (2.5) If a minor is arrested and no petition for
19 delinquency is filed with the clerk of the circuit court as
20 provided in paragraph (a) of subsection (1) at the time the
21 minor is released from custody, the youth officer, if
22 applicable, or other designated person from the arresting
23 agency, shall notify verbally and in writing to the minor or
24 the minor's parents or guardians that if the State's Attorney
25 does not file a petition for delinquency, the minor has a right
26 to petition to have his or her arrest record expunged when the

1 minor attains the age of 17 or when all juvenile court
2 proceedings relating to that minor have been terminated and
3 that unless a petition to expunge is filed, the minor shall
4 have an arrest record and shall provide the minor and the
5 minor's parents or guardians with an expungement information
6 packet, including a petition to expunge juvenile records
7 obtained from the clerk of the circuit court.

8 (2.6) If a minor is charged with an offense and is found
9 not delinquent of that offense; or if a minor is placed under
10 supervision under Section 5-615, and the order of supervision
11 is successfully terminated; or if a minor is adjudicated for an
12 offense that would be a Class B misdemeanor, a Class C
13 misdemeanor, or a business or petty offense if committed by an
14 adult; or if a minor has incidents occurring before his or her
15 17th birthday that have not resulted in proceedings in criminal
16 court, or resulted in proceedings in juvenile court, and the
17 adjudications were not based upon first degree murder or sex
18 offenses that would be felonies if committed by an adult; then
19 at the time of sentencing or dismissal of the case, the judge
20 shall inform the delinquent minor of his or her right to
21 petition for expungement as provided by law, and the clerk of
22 the circuit court shall provide an expungement information
23 packet to the delinquent minor, written in plain language,
24 including a petition for expungement, a sample of a completed
25 petition, expungement instructions that shall include
26 information informing the minor that (i) once the case is

1 expunged, it shall be treated as if it never occurred, (ii) he
2 or she may apply to have petition fees waived, (iii) once he or
3 she obtains an expungement, he or she may not be required to
4 disclose that he or she had a juvenile record, and (iv) he or
5 she may file the petition on his or her own or with the
6 assistance of an attorney. The failure of the judge to inform
7 the delinquent minor of his or her right to petition for
8 expungement as provided by law does not create a substantive
9 right, nor is that failure grounds for: (i) a reversal of an
10 adjudication of delinquency, (ii) a new trial; or (iii) an
11 appeal.

12 (2.7) For counties with a population over 3,000,000, the
13 clerk of the circuit court shall send a "Notification of a
14 Possible Right to Expungement" post card to the minor at the
15 address last received by the clerk of the circuit court on the
16 date that the minor attains the age of 17 based on the
17 birthdate provided to the court by the minor or his or her
18 guardian in cases under paragraphs (b), (c), and (d) of
19 subsection (1); and when the minor attains the age of 21 based
20 on the birthdate provided to the court by the minor or his or
21 her guardian in cases under subsection (2).

22 (2.8) The petition for expungement for subsection (1) shall
23 be substantially in 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)

PETITION TO EXPUNGE JUVENILE RECORDS

(705 ILCS 405/5-915 (SUBSECTION 1))

(Please prepare a separate petition for each offense)

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

17 (Check One:)

18 () a. no petition was filed with the Clerk of the Circuit
 19 Court.

20 () b. was charged with and was found not delinquent of
 21 the offense.

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

24 () d. on placed under supervision pursuant to Section
 25 5-615 of the Juvenile Court Act of 1987 and such order of

1 supervision successfully terminated on

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

5 Petitioner has has not been arrested on charges in
6 this or any county other than the charges listed above. If
7 petitioner has been arrested on additional charges, please list
8 the charges below:

9 Charge(s):

10 Arresting Agency or Agencies:

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

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

17

18 Petitioner (Signature)

19

20 Petitioner's Street Address

21

22 City, State, Zip Code

1
2

Petitioner's Telephone Number

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

7
8

Petitioner (Signature)

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

11 IN THE CIRCUIT COURT OF, ILLINOIS

12 JUDICIAL CIRCUIT

13 IN THE INTEREST OF) NO.

14)

15)

16)

17 (Name of Petitioner)

18 PETITION TO EXPUNGE JUVENILE RECORDS

19 (705 ILCS 405/5-915 (SUBSECTION 2))

20 (Please prepare a separate petition for each offense)

21 Now comes, petitioner, and respectfully requests

1 that this Honorable Court enter an order expunging all Juvenile
2 Law Enforcement and Court records of petitioner and in support
3 thereof states that:

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

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

15 Petitioner was arrested on by the Police
16 Department for the offense of, and:

17 (Check whichever one occurred the latest:)

18 () a. The Petitioner has attained the age of 21 years, his/her
19 birthday being

20 () b. 5 years have elapsed since all juvenile court
21 proceedings relating to the Petitioner have been terminated; or
22 the Petitioner's commitment to the Department of Juvenile
23 Justice pursuant to the expungement of juvenile law enforcement
24 and court records provisions of the Juvenile Court Act of 1987
25 has been terminated. Petitioner ...has ...has not been arrested
26 on charges in this or any other county other than the charge

1 listed above. If petitioner has been arrested on additional
2 charges, please list the charges below:

3 Charge(s):

4 Arresting Agency or Agencies:

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

6 WHEREFORE, the petitioner respectfully requests this Honorable
7 Court to (1) order all law enforcement agencies to expunge all
8 records of petitioner related to this incident, and (2) to
9 order the Clerk of the Court to expunge all records concerning
10 the petitioner regarding this incident.

11
12 Petitioner (Signature)

13
14 Petitioner's Street Address

15
16 City, State, Zip Code

17
18 Petitioner's Telephone Number

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

1
2

3 Petitioner (Signature)

4 (3) The chief judge of the circuit in which an arrest was
5 made or a charge was brought or any judge of that circuit
6 designated by the chief judge may, upon verified petition of a
7 person who is the subject of an arrest or a juvenile court
8 proceeding under subsection (1) or (2) of this Section, order
9 the law enforcement records or official court file, or both, to
10 be expunged from the official records of the arresting
11 authority, the clerk of the circuit court and the Department of
12 State Police. The person whose records are to be expunged shall
13 petition the court using the appropriate form containing his or
14 her current address and shall promptly notify the clerk of the
15 circuit court of any change of address. Notice of the petition
16 shall be served upon the State's Attorney or prosecutor charged
17 with the duty of prosecuting the offense, the Department of
18 State Police, and the arresting agency or agencies by the clerk
19 of the circuit court. If an objection is filed within 45 days
20 of the notice of the petition, the clerk of the circuit court
21 shall set a date for hearing after the 45 day objection period.
22 At the hearing the court shall hear evidence on whether the
23 expungement should or should not be granted. Unless the State's
24 Attorney or prosecutor, the Department of State Police, or an
25 arresting agency objects to the expungement within 45 days of
26 the notice, the court may enter an order granting expungement.
The person whose records are to be expunged shall pay the clerk

1 of the circuit court a fee equivalent to the cost associated
 2 with expungement of records by the clerk and the Department of
 3 State Police. The clerk shall forward a certified copy of the
 4 order to the Department of State Police, the appropriate
 5 portion of the fee to the Department of State Police for
 6 processing, and deliver a certified copy of the order to the
 7 arresting agency.

8 (3.1) The Notice of Expungement shall be in substantially
 9 the following form:

10 IN THE CIRCUIT COURT OF, ILLINOIS
 11 JUDICIAL CIRCUIT

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

17 NOTICE

18 TO: State's Attorney

19 TO: Arresting Agency

20

21

22

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3 TO: Illinois State Police
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9 ATTENTION: Expungement

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

15
16 Petitioner's Signature

17
18 Petitioner's Street Address

19
20 City, State, Zip Code

21
22 Petitioner's Telephone Number

23 PROOF OF SERVICE

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

(Check One:)

delivering copies personally to each entity to whom they are

1 directed;
 2 or
 3 by mailing copies to each entity to whom they are directed by
 4 depositing the same in the U.S. Mail, proper postage fully
 5 prepaid, before the hour of 5:00 p.m., at the United States
 6 Postal Depository located at
 7
 8

9 Signature

10 Clerk of the Circuit Court or Deputy Clerk

11 Printed Name of Delinquent Minor/Petitioner:

12 Address:

13 Telephone Number:

14 (3.2) The Order of Expungement shall be in substantially
 15 the following form:

16 IN THE CIRCUIT COURT OF, ILLINOIS

17 JUDICIAL CIRCUIT

18 IN THE INTEREST OF) NO.

19)

20)

21)

22 (Name of Petitioner)

23 DOB

24 Arresting Agency/Agencies

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ORDER OF EXPUNGEMENT

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

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

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

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

Law Enforcement Agencies:

.....
.....

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

ENTER:

JUDGE

DATED:

Name:

Attorney for:

Address: City/State/Zip:

Attorney Number:

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

1 following form:

2 IN THE CIRCUIT COURT OF, ILLINOIS
3 JUDICIAL CIRCUIT

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

9 NOTICE OF OBJECTION

10 TO: (Attorney, Public Defender, Minor)
11

12

13 TO: (Illinois State Police)

14

15

16 TO: (Clerk of the Court)

17

18

19 TO: (Judge)

20

21

22 TO: (Arresting Agency/Agencies)

23

24

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

- 4 () State's Attorney's Office;
- 5 () Prosecutor (other than State's Attorney's Office) charged
- 6 with the duty of prosecuting the offense sought to be expunged;
- 7 () Department of Illinois State Police; or
- 8 () Arresting Agency or Agencies.

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

12 DATED:

13 Name:

14 Attorney For:

15 Address:

16 City/State/Zip:

17 Telephone:

18 Attorney No.:

19 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

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

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

25 A copy of this completed Notice of Objection containing the
26 court date, time, and location, has been sent via regular U.S.

1 Mail to the following entities. (If more than one Notice of
2 Objection is received on the same case, each one must be
3 completed with the court date, time and location and mailed to
4 the following entities):

5 () Attorney, Public Defender or Minor;

6 () State's Attorney's Office;

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

9 () Department of Illinois State Police; and

10 () Arresting agency or agencies.

11 Date:

12 Initials of Clerk completing this section:

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

18 (5) Records which have not been expunged are sealed, and
19 may be obtained only under the provisions of Sections 5-901,
20 5-905 and 5-915.

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

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

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

9 (i) An explanation of the State's juvenile expungement
10 process;

11 (ii) The circumstances under which juvenile
12 expungement may occur;

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

14 (iv) The steps necessary to initiate and complete the
15 juvenile expungement process; and

16 (v) Directions on how to contact the State Appellate
17 Defender.

18 (c) The State Appellate Defender shall establish and
19 maintain a statewide toll-free telephone number that a person
20 may use to receive information or assistance concerning the
21 expungement of juvenile records. The State Appellate Defender
22 shall advertise the toll-free telephone number statewide. The
23 State Appellate Defender shall develop an expungement
24 information packet that may be sent to eligible persons seeking
25 expungement of their juvenile records, which may include, but
26 is not limited to, a pre-printed expungement petition with

1 instructions on how to complete the petition and a pamphlet
2 containing information that would assist individuals through
3 the juvenile expungement process.

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

7 (e) This Section shall be implemented from funds
8 appropriated by the General Assembly to the State Appellate
9 Defender for this purpose. The State Appellate Defender shall
10 employ the necessary staff and adopt the necessary rules for
11 implementation of this Section.

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

1 records of arrest or conviction.

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

8 (c) The expungement of juvenile records under Section 5-622
9 shall be funded by the additional fine imposed under Section
10 5-9-1.17 of the Unified Code of Corrections and additional
11 appropriations made by the General Assembly for such purpose.
12 (Source: P.A. 94-696, eff. 6-1-06; 95-861, eff. 1-1-09.)

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

15 (730 ILCS 5/5-9-1.17 new)

16 Sec. 5-9-1.17. Additional fine to fund expungement of
17 juvenile records.

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

22 (b) Ten dollars of each such additional fine shall be
23 remitted to the State Treasurer for deposit into the State
24 Police Services Fund to be used to implement the expungement of

1 juvenile records as provided in Section 5-622 of the Juvenile
2 Court Act of 1987, \$10 shall be paid to the State's Attorney's
3 Office that prosecuted the criminal offense, and \$10 shall be
4 retained by the Circuit Clerk for administrative costs
5 associated with the expungement of juvenile records and shall
6 be deposited into the Circuit Court Clerk Operation and
7 Administrative Fund.