



Rep. Annazette Collins

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09700HB0083ham001

LRB097 05047 RLC 52183 a

1 AMENDMENT TO HOUSE BILL 83

2 AMENDMENT NO. _____. Amend House Bill 83 by replacing
3 everything after the enacting clause with the following:

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

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

7 Sec. 5. Arrest reports. All policing bodies of this State
8 shall furnish to the Department, daily, in the form and detail
9 the Department requires, fingerprints and descriptions of all
10 persons over the age of 18 who are arrested on charges of
11 violating any penal statute of this State for offenses that are
12 classified as felonies and Class A or B misdemeanors ~~and of all~~
13 ~~minors of the age of 10 and over who have been arrested for an~~
14 ~~offense which would be a felony if committed by an adult, and~~
15 ~~may forward such fingerprints and descriptions for minors~~
16 ~~arrested for Class A or B misdemeanors.~~ Moving or nonmoving

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

13 (Source: P.A. 95-955, eff. 1-1-09; 96-328, eff. 8-11-09;
14 96-409, eff. 1-1-10; 96-707, eff. 1-1-10; 96-1000, eff.
15 7-2-10.)

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

18 (705 ILCS 405/5-301)

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

1 (A) The seriousness of the alleged offense.

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

3 (C) The age of the minor.

4 (D) The culpability of the minor in committing the alleged
5 offense.

6 (E) Whether the offense was committed in an aggressive or
7 premeditated manner.

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

10 (1) Informal station adjustment.

11 (a) An informal station adjustment is defined as a
12 procedure when a juvenile police officer determines that
13 there is probable cause to believe that the minor has
14 committed an offense.

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

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

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

26 (e) The juvenile police officer may make reasonable

1 conditions of an informal station adjustment which may
2 include but are not limited to:

3 (i) Curfew.

4 (ii) Conditions restricting entry into designated
5 geographical areas.

6 (iii) No contact with specified persons.

7 (iv) School attendance.

8 (v) Performing up to 25 hours of community service
9 work.

10 (vi) Community mediation.

11 (vii) Teen court or a peer court.

12 (viii) Restitution limited to 90 days.

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

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

24 (2) Formal station adjustment.

25 (a) A formal station adjustment is defined as a
26 procedure when a juvenile police officer determines that

1 there is probable cause to believe the minor has committed
2 an offense and an admission by the minor of involvement in
3 the offense.

4 (b) The minor and parent, guardian, or legal custodian
5 must agree in writing to the formal station adjustment and
6 must be advised of the consequences of violation of any
7 term of the agreement.

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

11 (i) The offense which formed the basis of the
12 formal station adjustment.

13 (ii) An acknowledgment that the terms of the formal
14 station adjustment and the consequences for violation
15 have been explained.

16 (iii) An acknowledgment that the formal station
17 adjustments record may be expunged under Section 5-915
18 of this Act.

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

22 (v) A statement that all parties understand the
23 terms and conditions of formal station adjustment and
24 agree to the formal station adjustment process.

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

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

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

3 (iii) The juvenile police officer may require the
4 minor to comply with additional conditions for the
5 formal station adjustment which may include but are not
6 limited to:

7 (a) Attending school.

8 (b) Abiding by a set curfew.

9 (c) Payment of restitution.

10 (d) Refraining from possessing a firearm or
11 other weapon.

12 (e) Reporting to a police officer at
13 designated times and places, including reporting
14 and verification that the minor is at home at
15 designated hours.

16 (f) Performing up to 25 hours of community
17 service work.

18 (g) Refraining from entering designated
19 geographical areas.

20 (h) Participating in community mediation.

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

22 (j) Refraining from contact with specified
23 persons.

24 (e) A formal station adjustment does not constitute an
25 adjudication of delinquency or a criminal conviction.
26 Beginning January 1, 2000, a record shall be maintained

1 with the Department of State Police for formal station
2 adjustments.

3 (f) A minor or the minor's parent, guardian, or legal
4 custodian, or both the minor and the minor's parent,
5 guardian, or legal custodian, may refuse a formal station
6 adjustment and have the matter referred for court action or
7 other appropriate action.

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

16 (h) The admission of the minor as to involvement in the
17 offense shall be admissible at further court hearings as
18 long as the statement would be admissible under the rules
19 of evidence.

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

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

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

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

7 (iv) Terminate the formal station adjustment
8 unsatisfactorily and take no other action.

9 (v) Terminate the formal station adjustment
10 unsatisfactorily and refer the matter to the juvenile
11 court.

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

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

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

21 (m) If the minor is arrested in a jurisdiction where
22 the minor does not reside, the formal station adjustment
23 may be transferred to the jurisdiction where the minor does
24 reside upon written agreement of that jurisdiction to
25 monitor the formal station adjustment.

26 (3) (Blank). ~~Beginning January 1, 2000, the juvenile police~~

1 ~~officer making a station adjustment shall assure that~~
2 ~~information about any offense which would constitute a felony~~
3 ~~if committed by an adult and may assure that information about~~
4 ~~a misdemeanor is transmitted to the Department of State Police.~~

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

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

9 (705 ILCS 405/5-305)

10 Sec. 5-305. Probation adjustment.

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

23 (1-b) In any case of a minor who is in custody, the holding
24 of a probation adjustment conference does not operate to
25 prolong temporary custody beyond the period permitted by

1 Section 5-415.

2 (2) This Section does not authorize any probation officer
3 to compel any person to appear at any conference, produce any
4 papers, or visit any place.

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

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

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

15 (a) up to 6 months informal supervision within the
16 family;

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

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

22 (d) referral to special educational, counseling, or
23 other rehabilitative social or educational programs;

24 (e) referral to residential treatment programs;

25 (f) participation in a public or community service
26 program or activity; and

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

3 (6) The factors to be considered by the probation officer
4 in formulating a non-judicial probation adjustment plan shall
5 be the same as those limited in subsection (4) of Section
6 5-405.

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

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

14 (705 ILCS 405/5-915)

15 Sec. 5-915. Expungement of juvenile law enforcement and
16 court records.

17 (0.05) For purposes of this Section ~~and Section 5-622:~~

18 "Expunge" means to physically destroy the records and
19 to obliterate the minor's name from any official index or
20 public record, or both. Nothing in this Act shall require
21 the physical destruction of the internal office records,
22 files, or databases maintained by a State's Attorney's
23 Office or other prosecutor.

24 "Law enforcement record" includes but is not limited to
25 records of arrest, station adjustments, fingerprints,

1 probation adjustments, the issuance of a notice to appear,
2 or any other records maintained by a law enforcement agency
3 relating to a minor suspected of committing an offense.

4 (1) (a) Any person may petition the court, at any time, to
5 expunge all law enforcement and juvenile court records relating
6 to any incidents occurring before the person's 18th birthday.
7 The court may order the expungement of law enforcement and
8 juvenile court records if it finds that expungement would be
9 consistent with the public welfare after considering the
10 following factors:

11 (i) The type of offense;

12 (ii) The person's age, history of employment, and
13 history of criminal activity;

14 (iii) Adverse consequences that the person may suffer
15 if the law enforcement and juvenile court records are not
16 expunged; and

17 (iv) Whether retention of the records is required for
18 purposes of protection of the public safety.

19 (b) Notwithstanding paragraph (a) of this subsection (1),
20 the court shall presume that expungement would be consistent
21 with the public welfare if:

22 (i) The minor was arrested and no petition for
23 delinquency was filed with the clerk of the circuit court;
24 or

25 (ii) The minor was charged with an offense and was
26 found not delinquent of that offense.

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

8 ~~(a) the minor was arrested and no petition for~~
9 ~~delinquency was filed with the clerk of the circuit court;~~
10 ~~or~~

11 ~~(b) the minor was charged with an offense and was found~~
12 ~~not delinquent of that offense; or~~

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

16 ~~(d) the minor was adjudicated for an offense which~~
17 ~~would be a Class B misdemeanor, Class C misdemeanor, or a~~
18 ~~petty or business offense if committed by an adult.~~

19 (2) All policing bodies of this State maintaining law
20 enforcement records pertaining to a minor who has been arrested
21 shall automatically expunge those records if:

22 (a) The minor has been arrested but no petition for
23 delinquency was filed with the clerk of the circuit court;

24 (b) The minor has attained the age of 18; and

25 (c) Since the date of the minor's most recent arrest, at
26 least 2 years have elapsed without an additional arrest. Any

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

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

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

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

17 (2.5) If a minor is arrested and no petition for
18 delinquency is filed with the clerk of the circuit court ~~as~~
19 ~~provided in paragraph (a) of subsection (1)~~ at the time the
20 minor is released from custody, the youth officer, if
21 applicable, or other designated person from the arresting
22 agency, shall notify verbally and in writing to the minor or
23 the minor's parents or guardians that if the State's Attorney
24 does not file a petition for delinquency, the minor has a right
25 to petition to have his or her law enforcement ~~arrest~~ record
26 expunged as provided in subsection (1) ~~when the minor attains~~

1 ~~the age of 17 or when all juvenile court proceedings relating~~
2 ~~to that minor have been terminated~~ and that unless a petition
3 to expunge is filed or the minor's law enforcement records are
4 automatically expunged pursuant to subsection (2), the minor
5 will shall have a law enforcement an arrest record. The youth
6 officer, if applicable, or other designated person from the
7 arresting agency and shall provide the minor and the minor's
8 parents or guardians with an expungement information packet,
9 written in plain language, including a petition to expunge
10 juvenile records obtained from the clerk of the circuit court,
11 a sample completed petition, information about the adverse
12 consequences of having a law enforcement record, and
13 expungement instructions. These instructions shall include
14 information informing the minor that (i) the minor may apply to
15 have petition fees waived if he or she files a petition
16 pursuant to subsection (1), (ii) the minor may file the
17 petition on his or her own or with the assistance of an
18 attorney, (iii) once the arrest is expunged pursuant to either
19 subsection (1) or subsection (2), it shall be treated as if it
20 never occurred, and (iv) once the minor obtains an expungement
21 pursuant to either subsection (1) or subsection (2), the minor
22 shall not be required to disclose that he or she had a law
23 enforcement record.

24 (2.6) If a minor is charged with an offense, then upon
25 completion of the minor's sentence or upon disposition of the
26 charge, whichever is later ~~and is found not delinquent of that~~

1 ~~offense; or if a minor is placed under supervision under~~
2 ~~Section 5-615, and the order of supervision is successfully~~
3 ~~terminated; or if a minor is adjudicated for an offense that~~
4 ~~would be a Class B misdemeanor, a Class C misdemeanor, or a~~
5 ~~business or petty offense if committed by an adult; or if a~~
6 ~~minor has incidents occurring before his or her 17th birthday~~
7 ~~that have not resulted in proceedings in criminal court, or~~
8 ~~resulted in proceedings in juvenile court, and the~~
9 ~~adjudications were not based upon first degree murder or sex~~
10 ~~offenses that would be felonies if committed by an adult; then~~
11 ~~at the time of sentencing or dismissal of the case, the judge~~
12 shall inform the ~~delinquent~~ minor of his or her right to
13 petition for expungement as provided by law, and the clerk of
14 the circuit court shall provide an expungement information
15 packet to the ~~delinquent~~ minor, written in plain language,
16 including a petition for expungement, a sample of a completed
17 petition, information about the adverse consequences of having
18 a law enforcement and juvenile court record, and expungement
19 instructions. These instructions ~~that~~ shall include
20 information informing the minor that (i) the minor may apply to
21 have petition fees waived, (ii) the minor may file the petition
22 on his or her own or with the assistance of an attorney, (iii)
23 once the case is expunged, it shall be treated as if it never
24 occurred, and (iv) once the minor obtains an expungement, the
25 court shall provide a certified copy of the expungement order,
26 and the minor shall not be required to disclose that he or she

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

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

23 (2.8) The petition for expungement for subsection (1) may
24 include multiple offenses on the same petition and shall be
25 substantially in the following form:

26 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~

1

~~..... JUDICIAL CIRCUIT~~

2

~~IN THE INTEREST OF) NO.~~

3

~~_____)~~

4

~~_____)~~

5

~~.....)~~

6

~~(Name of Petitioner)~~

7

~~PETITION TO EXPUNGE JUVENILE RECORDS~~

8

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

9

~~(Please prepare a separate petition for each offense)~~

10

~~Now comes, petitioner, and respectfully requests~~

11

~~that this Honorable Court enter an order expunging all juvenile~~

12

~~law enforcement and court records of petitioner and in support~~

13

~~thereof states that: Petitioner has attained the age of 17,~~

14

~~his/her birth date being, or all Juvenile Court~~

15

~~proceedings terminated as of, whichever occurred later.~~

16

~~Petitioner was arrested on by the Police~~

17

~~Department for the offense of, and:~~

18

~~(Check One:)~~

19

~~() a. no petition was filed with the Clerk of the Circuit~~

20

~~Court.~~

21

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

22

~~the offense.~~

23

~~() c. a petition was filed and the petition was dismissed~~

24

~~without a finding of delinquency on~~

1 ~~() d. on placed under supervision pursuant to Section~~
2 ~~5-615 of the Juvenile Court Act of 1987 and such order of~~
3 ~~supervision successfully terminated on~~

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

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

11 ~~Charge(s) :~~

12 ~~Arresting Agency or Agencies:~~

13 ~~Disposition/Result: (choose from a. through e., 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 to this incident, and (2) to order the~~
17 ~~Clerk of the Court to expunge all records concerning the~~
18 ~~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 ~~The Petition for Expungement for subsection (2) shall be~~
11 ~~substantially in the following form:~~

12 IN THE CIRCUIT COURT OF, ILLINOIS
13 JUDICIAL CIRCUIT

14 IN THE INTEREST OF) NO.
15)
16)
17)
18 (Name of Petitioner)

19 PETITION TO EXPUNGE JUVENILE RECORDS
20 (705 ILCS 405/5-915 (SUBSECTION 1 ~~2~~))

1 (If this is a petition for multiple offenses, please attach an
 2 Appendix listing each offense ~~Please prepare a separate~~
 3 ~~petition for each offense)~~

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

8 The incident for which the Petitioner seeks expungement
 9 occurred before the Petitioner's 18th ~~17th~~ birthday. ~~and did~~
 10 ~~not result in proceedings in criminal court and the Petitioner~~
 11 ~~has not had any convictions for any crime since his/her 17th~~
 12 ~~birthday; and~~

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

19 Expungement is consistent with the public welfare.

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

22 ~~(Check whichever one occurred the latest:)~~

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

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

10 Charge(s):

11 Arresting Agency or Agencies:

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

13 WHEREFORE, the Petitioner ~~petitioner~~ respectfully requests
 14 this Honorable Court ~~to~~ (1) to order all law enforcement
 15 agencies to expunge all records of Petitioner ~~petitioner~~
 16 related to this incident, and (2) to order the Clerk of the
 17 Court to expunge all records concerning the Petitioner
 18 ~~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 and ~~7~~ the clerk of the circuit court ~~and the~~
 18 ~~Department of State Police~~. The person whose records are to be
 19 expunged shall petition the court using the appropriate form
 20 containing his or her current address and shall promptly notify
 21 the clerk of the circuit court of any change of address. Notice
 22 of the petition shall be served upon the State's Attorney or
 23 prosecutor charged with the duty of prosecuting the offense, ~~7~~
 24 ~~the Department of State Police,~~ and the arresting agency or
 25 agencies by the clerk of the circuit court. If an objection is

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

3 PROOF OF SERVICE

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

7 (Check One:)

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

10 or

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

15

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

ORDER OF EXPUNGEMENT

(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

Law Enforcement Agencies:

20
 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:

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
15 expunged;

16 ~~() Department of Illinois State Police; or~~

17 () Arresting Agency or Agencies.

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

21 DATED:

22 Name:

23 Attorney For:

24 Address:

25 City/State/Zip:

26 Telephone:

1 Attorney No.:

2 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

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

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

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

14 () Attorney, Public Defender or Minor;

15 () State's Attorney's Office;

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

19 ~~() Department of Illinois State Police; and~~

20 () Arresting agency or agencies.

21 Date:

22 Initials of Clerk completing this section:

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

1 record or file exists with respect to the person. The person
2 whose records are expunged shall not have to disclose the fact
3 of the records or any matter relating thereto on an application
4 for employment, credit, or other type of application.

5 (5) Records which have not been expunged are sealed, and
6 may be obtained only under the provisions of Sections 5-901,
7 5-905 and 5-915.

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

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

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

22 (i) An explanation of the State's juvenile expungement
23 process;

24 (ii) The circumstances under which juvenile
25 expungement may occur;

26 ~~(iii) The juvenile offenses that may be expunged;~~

1 (iii) ~~(iv)~~ The steps necessary to initiate and complete
2 the juvenile expungement process; and

3 (iv) ~~(v)~~ Directions on how to contact the State
4 Appellate Defender.

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

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

20 (e) This Section shall be implemented from funds
21 appropriated by the General Assembly to the State Appellate
22 Defender for this purpose. The State Appellate Defender shall
23 employ the necessary staff and adopt the necessary rules for
24 implementation of this Section.

25 (8) (a) Except with respect to law enforcement agencies, the
26 Department of Corrections, State's Attorneys, or other

1 prosecutors, an expunged juvenile record may not be considered
2 by any private or public entity in employment matters,
3 certification, licensing, revocation of certification or
4 licensure, or registration. Applications for employment must
5 contain specific language that states that the applicant is not
6 obligated to disclose expunged juvenile records of conviction
7 or arrest. Employers may not ask if an applicant has had a
8 juvenile record expunged. Effective January 1, 2005, the
9 Department of Labor shall develop a link on the Department's
10 website to inform employers that employers may not ask if an
11 applicant had a juvenile record expunged and that application
12 for employment must contain specific language that states that
13 the applicant is not obligated to disclose expunged juvenile
14 records of arrest or conviction.

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

21 (c) The expungement of juvenile records under this Section
22 ~~5-622~~ shall be funded by the additional fine imposed under
23 Section 5-9-1.17 of the Unified Code of Corrections and
24 additional appropriations made by the General Assembly for such
25 purpose.

26 (Source: P.A. 95-861, eff. 1-1-09; 96-707, eff. 1-1-10.)

1 Section 15. The Unified Code of Corrections is amended by
2 changing Section 5-9-1.17 as follows:

3 (730 ILCS 5/5-9-1.17)

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

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

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

20 (Source: P.A. 96-707, eff. 1-1-10; 96-1000, eff. 7-2-10.)

21 (705 ILCS 405/5-622 rep.)

22 Section 20. The Juvenile Court Act of 1987 is amended by
23 repealing Section 5-622.

1 Section 25. The Illinois Human Rights Act is amended by
2 changing Section 2-103 as follows:

3 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

4 Sec. 2-103. Arrest Record.

5 (A) Unless otherwise authorized by law, it is a civil
6 rights violation for any employer, employment agency or labor
7 organization to inquire into or to use the fact of an arrest or
8 criminal history record information ordered expunged, sealed
9 or impounded under Section 5.2 of the Criminal Identification
10 Act or expunged under Section 5-915 of the Juvenile Court Act
11 of 1987 as a basis to refuse to hire, to segregate, or to act
12 with respect to recruitment, hiring, promotion, renewal of
13 employment, selection for training or apprenticeship,
14 discharge, discipline, tenure or terms, privileges or
15 conditions of employment. This Section does not prohibit a
16 State agency, unit of local government or school district, or
17 private organization from requesting or utilizing sealed
18 felony conviction information obtained from the Department of
19 State Police under the provisions of Section 3 of the Criminal
20 Identification Act or under other State or federal laws or
21 regulations that require criminal background checks in
22 evaluating the qualifications and character of an employee or a
23 prospective employee.

24 (B) The prohibition against the use of the fact of an

1 arrest contained in this Section shall not be construed to
2 prohibit an employer, employment agency, or labor organization
3 from obtaining or using other information which indicates that
4 a person actually engaged in the conduct for which he or she
5 was arrested.

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