



Sen. Kwame Raoul

**Filed: 3/26/2012**

09700SB2777sam001

LRB097 16187 RLC 68022 a

1 AMENDMENT TO SENATE BILL 2777

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2777 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Section 5-915 as follows:

6 (705 ILCS 405/5-915)

7 Sec. 5-915. Expungement of juvenile law enforcement and  
8 court records.

9 (0.05) For purposes of this Section ~~and Section 5-622~~:

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

16 "Law enforcement record" includes but is not limited to

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

5 (0.06) Expungement proceedings shall be initiated by the  
6 filing of a petition requesting an order of expungement, in  
7 juvenile court. No filing fee shall be required.

8 (0.07) There shall be no waiting period to petition for the  
9 expungement of law enforcement or juvenile court records  
10 relating to incidents occurring before a person's 18th birthday  
11 in the following circumstances:

12 (a) the minor was arrested and no petition for  
13 delinquency was filed with the clerk of the circuit court;  
14 or

15 (b) the minor was charged with an offense and was found  
16 not delinquent of that offense.

17 The notice and objection provisions found in subsection (3)  
18 shall apply to a petition filed under this subsection (0.07).

19 If an objection is filed, the court may hear evidence as to  
20 whether or not expungement shall be granted.

21 No more than 3 offenses may be expunged under this  
22 subsection (0.07).

23 (1) Notwithstanding any other provision of law, whenever  
24 ~~whenever~~ any person has attained the age of 18 ~~17~~ or whenever  
25 all juvenile court proceedings relating to that person have  
26 been terminated, whichever is later, the person may petition

1 the court to expunge law enforcement records relating to  
2 incidents occurring before his or her 18th ~~17th~~ birthday or his  
3 or her juvenile court records, or both, ~~but only~~ in the  
4 following circumstances:

5 (a) the minor was arrested and no petition for  
6 delinquency or criminal charge was filed with the clerk of  
7 the circuit court; or

8 (b) the minor was charged with an offense in juvenile  
9 court and was found not delinquent of that offense; or

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

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

16 (2) Any person may petition the court to expunge all law  
17 enforcement records relating to any incidents occurring before  
18 his or her 18th ~~17th~~ birthday which did not result in  
19 proceedings in criminal court and all juvenile court records  
20 with respect to any adjudications except those based upon first  
21 degree murder and sex offenses which would be felonies if  
22 committed by an adult, if the person for whom expungement is  
23 sought has had no convictions for any crime since his or her  
24 18th ~~17th~~ birthday and:

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

26 (b) 5 years have elapsed since all juvenile court

1 proceedings relating to him or her have been terminated or  
2 his or her commitment to the Department of Juvenile Justice  
3 pursuant to this Act has been terminated;

4 whichever is later of (a) or (b). ~~Nothing in this Section 5-915~~  
5 ~~precludes a minor from obtaining expungement under Section~~  
6 ~~5-622.~~

7 (2.5) If a minor is arrested and no petition for  
8 delinquency is filed with the clerk of the circuit court ~~as~~  
9 ~~provided in paragraph (a) of subsection (1)~~ at the time the  
10 minor is released from custody, the youth officer, if  
11 applicable, or other designated person from the arresting  
12 agency, shall notify verbally and in writing to the minor or  
13 the minor's parents or guardians that if the State's Attorney  
14 does not file a petition for delinquency or criminal charge (i)  
15 the minor has a right under subsection (0.07) to petition at  
16 any time to have his or her law enforcement arrest record  
17 expunged, (ii) if the minor does not petition to have his or  
18 her law enforcement record expunged under subsection (0.07),  
19 the minor has a right, when the minor attains the age of 18 17  
20 or when all juvenile court proceedings relating to that minor  
21 have been terminated, to petition to have his or her record  
22 expunged under subsection (1), and (iii) that unless a petition  
23 to expunge is filed, the minor will shall have a law  
24 enforcement an arrest record. The youth officer, if applicable,  
25 or other designated person from the arresting agency and shall  
26 provide the minor and the minor's parents or guardians with an

1 expungement information packet, written in plain language,  
2 including a petition to expunge juvenile records obtained from  
3 the clerk of the circuit court, a sample completed petition,  
4 information about the adverse consequences of having a law  
5 enforcement record, and expungement instructions. These  
6 instructions shall include information informing the minor  
7 that (i) the minor may file a petition on his or her own or with  
8 the assistance of an attorney, (ii) once the arrest is expunged  
9 under either subsection (0.07) or subsection (1), it shall be  
10 treated as if it never occurred, and (iii) once the minor  
11 obtains an expungement under either subsection (0.07) or  
12 subsection (1), the minor shall not be required to disclose  
13 that he or she had a law enforcement record.

14 (2.6) If a minor is charged with an offense and is found  
15 not delinquent of that offense; or if a minor is placed under  
16 supervision under Section 5-615, and the order of supervision  
17 is successfully terminated; or if a minor is adjudicated for an  
18 offense that would be a Class B misdemeanor, a Class C  
19 misdemeanor, or a business or petty offense if committed by an  
20 adult; or if a minor has incidents occurring before his or her  
21 18th ~~17th~~ birthday that have not resulted in proceedings in  
22 criminal court, or resulted in proceedings in juvenile court,  
23 and the adjudications were not based upon first degree murder  
24 or sex offenses that would be felonies if committed by an  
25 adult; then at the time of sentencing or dismissal of the case,  
26 the judge shall inform the ~~delinquent~~ minor of his or her right

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

25 (2.7) For counties with a population over 3,000,000, the  
26 clerk of the circuit court shall send a "Notification of a

1 Possible Right to Expungement" post card to the minor at the  
 2 address last received by the clerk of the circuit court on the  
 3 date that the minor attains the age of 18 ~~17~~ based on the  
 4 birthdate provided to the court by the minor or his or her  
 5 guardian in cases under paragraphs (b), (c), and (d) of  
 6 subsection (1); and when the minor attains the age of 21 based  
 7 on the birthdate provided to the court by the minor or his or  
 8 her guardian in cases under subsection (2).

9 (2.8) The petition for expungement for subsection (0.07)  
 10 and (1) may include multiple offenses on the same petition and  
 11 shall be 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 (SUBSECTIONS (0.07) and SUBSECTION 1))  
 21 (If this is a petition for multiple offenses, please attach an  
 22 Appendix listing each offense ~~Please prepare a separate~~  
 23 ~~petition for each offense~~)

24 Now comes ....., Petitioner ~~petitioner~~, and

1 respectfully requests that this Honorable Court enter an order  
2 expunging all juvenile law enforcement and court records of  
3 Petitioner ~~petitioner~~ and in support thereof states that:

4 ( ) 1. This petition is being filed under subsection (0.07)

5 and:

6 (Check One:)

7 ( ) a. no petition was filed with the Clerk of the Circuit  
8 Court.

9 ( ) b. was charged with .... and was found not delinquent of  
10 the offense; or

11 ( ) 2. This petition is being filed under subsection (1),

12 Petitioner has attained the age of 18 ~~17~~, his/her birth date  
13 being ....., or all Juvenile Court proceedings terminated as  
14 of ....., whichever occurred later. Petitioner was arrested on  
15 ..... by the ..... Police Department for the offense of  
16 ....., 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  
26 supervision successfully terminated on .....



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

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

8 Charge(s): .....

9 Arresting Agency or Agencies: .....

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

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

16 .....

17 Petitioner (Signature)

18 .....

19 Petitioner's Street Address

20 .....

21 City, State, Zip Code

22 .....

1 Petitioner's Telephone Number

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

6 .....

7 Petitioner (Signature)

8 The Petition for Expungement for subsection (2) shall be  
9 substantially in 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 PETITION TO EXPUNGE JUVENILE RECORDS

18 (705 ILCS 405/5-915 (SUBSECTION 2))

19 (If this is a petition for multiple offenses, please attach an

20 Appendix listing each offense ~~Please prepare a separate~~

21 ~~petition for each offense)~~

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

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

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

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

18 (Check whichever one occurred the latest:)

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

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

1 on charges in this or any other county other than the charge  
2 listed above. If Petitioner ~~petitioner~~ has been arrested on  
3 additional charges, please list the charges below:

4 Charge(s): .....

5 Arresting Agency or Agencies: .....

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

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

12 .....  
13 Petitioner (Signature)

14 .....  
15 Petitioner's Street Address

16 .....  
17 City, State, Zip Code

18 .....  
19 Petitioner's Telephone Number

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

1 information and belief I believe the same to be true.

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 (0.07), (1), or (2) of this  
9 Section, order the law enforcement records or official court  
10 file, or both, to be expunged from the official records of the  
11 arresting authority, the clerk of the circuit court and the  
12 Department of State Police. The person whose records are to be  
13 expunged shall petition the court using the appropriate form  
14 containing his or her current address and shall promptly notify  
15 the clerk of the circuit court of any change of address. Notice  
16 of the petition shall be served upon the State's Attorney or  
17 prosecutor charged with the duty of prosecuting the offense,  
18 the Department of State Police, and the arresting agency or  
19 agencies by the clerk of the circuit court. If an objection is  
20 filed within 45 days of the notice of the petition, the clerk  
21 of the circuit court shall set a date for hearing after the 45  
22 day objection period. At the hearing the court shall hear  
23 evidence on whether the expungement should or should not be  
24 granted. Unless the State's Attorney or prosecutor, the  
25 Department of State Police, or an arresting agency objects to  
26 the expungement within 45 days of the notice, the court may

1 enter an order granting expungement. ~~The person whose records~~  
 2 ~~are to be expunged shall pay the clerk of the circuit court a~~  
 3 ~~fee equivalent to the cost associated with expungement of~~  
 4 ~~records by the clerk and the Department of State Police.~~ The  
 5 clerk shall forward a certified copy of the order to the  
 6 Department of State Police, ~~the appropriate portion of the fee~~  
 7 ~~to the Department of State Police for processing,~~ and deliver a  
 8 certified copy of the order to the arresting agency.

9 (3.1) The Notice of Expungement shall be in substantially  
 10 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 NOTICE

19 TO: State's Attorney  
 20 TO: Arresting Agency  
 21  
 22 .....  
 23 .....

1 .....

2 .....

3 TO: Illinois State Police

4 .....

5 .....

6 .....

7 .....

8 ATTENTION: Expungement

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

14 .....

15 Petitioner's Signature

16 .....

17 Petitioner's Street Address

18 .....

19 City, State, Zip Code

20 .....

21 Petitioner's Telephone Number

22 PROOF OF SERVICE

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

26 (Check One:)

1 delivering copies personally to each entity to whom they are  
2 directed;

3 or

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

8 .....

9

10 Signature

Clerk of the Circuit Court or Deputy Clerk

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

13 Address: .....

14 Telephone Number: .....

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

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

18 ..... JUDICIAL CIRCUIT

19 IN THE INTEREST OF ) NO.

20 )

21 )

22 .....)

23 (Name of Petitioner)

24 DOB .....



1 Arresting Agency/Agencies .....

2 ORDER OF EXPUNGEMENT

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

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

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

10 ( ) 1. ~~2.~~ The Illinois State Police Bureau of  
11 Identification and the following law enforcement agencies  
12 expunge all records of petitioner relating to an arrest dated  
13 ..... for the offense of .....

14 Law Enforcement Agencies:

15 .....

16 .....

17 ( ) 2. ~~3.~~ IT IS FURTHER ORDERED that the Clerk of the  
18 Circuit Court expunge all records regarding the  
19 above-captioned case.

20 ENTER: .....

21

22 JUDGE

23 DATED: .....

24 Name:

25 Attorney for:

26 Address: City/State/Zip:

1 Attorney Number:

2 (3.3) The Notice of Objection shall be in substantially the  
3 following form:

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

6 IN THE INTEREST OF ) NO.  
7 )  
8 )  
9 .....)  
10 (Name of Petitioner)

11 NOTICE OF OBJECTION

12 TO:(Attorney, Public Defender, Minor)

13 .....

14 .....

15 TO:(Illinois State Police)

16 .....

17 .....

18 TO:(Clerk of the Court)

19 .....

20 .....

21 TO:(Judge)

22 .....

23 .....

24 TO:(Arresting Agency/Agencies)

1 .....

2 .....

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

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; or

10 ( ) Arresting Agency or Agencies.

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

14 DATED: .....

15 Name:

16 Attorney For:

17 Address:

18 City/State/Zip:

19 Telephone:

20 Attorney No.:

21 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

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

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

1 A copy of this completed Notice of Objection containing the  
2 court date, time, and location, has been sent via regular U.S.  
3 Mail to the following entities. (If more than one Notice of  
4 Objection is received on the same case, each one must be  
5 completed with the court date, time and location and mailed to  
6 the following entities):

7 ( ) Attorney, Public Defender or Minor;

8 ( ) State's Attorney's Office;

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

11 ( ) Department of Illinois State Police; and

12 ( ) Arresting agency or agencies.

13 Date: .....

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

15 (4) Upon entry of an order expunging records or files, the  
16 offense, which the records or files concern shall be treated as  
17 if it never occurred. Law enforcement officers and other public  
18 offices and agencies shall properly reply on inquiry that no  
19 record or file exists with respect to the person. The person  
20 whose records are expunged shall not have to disclose the fact  
21 of the records or any matter relating to the record on an  
22 application for employment, credit, or other type of  
23 application.

24 (5) Records which have not been expunged remain ~~are~~ sealed,  
25 and may be obtained only under the provisions of Sections  
26 5-901, 5-905 and 5-915.

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

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

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

15           (i) An explanation of the State's juvenile expungement  
16 process;

17           (ii) The circumstances under which juvenile  
18 expungement may occur;

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

20           (iv) The steps necessary to initiate and complete the  
21 juvenile expungement process; and

22           (v) Directions on how to contact the State Appellate  
23 Defender.

24           (c) The State Appellate Defender shall establish and  
25 maintain a statewide toll-free telephone number that a person  
26 may use to receive information or assistance concerning the

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

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

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

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

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

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

14 (c) The expungement of juvenile records under this Section  
15 ~~5-622~~ shall be funded by the additional fine imposed under  
16 Section 5-9-1.17 of the Unified Code of Corrections and  
17 additional appropriations made by the General Assembly for such  
18 purpose.

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

20 (705 ILCS 405/5-622 rep.)

21 Section 10. The Juvenile Court Act of 1987 is amended by  
22 repealing Section 5-622.

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

1 (730 ILCS 5/5-9-1.17)

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

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

8 (b) Ten dollars of each such additional fine shall be  
9 remitted to the State Treasurer for deposit into the State  
10 Police Services Fund to be used to implement the expungement of  
11 juvenile records as provided in Section 5-915 ~~5-622~~ of the  
12 Juvenile Court Act of 1987, \$10 shall be paid to the State's  
13 Attorney's Office that prosecuted the criminal offense, and \$10  
14 shall be retained by the Circuit Clerk for administrative costs  
15 associated with the expungement of juvenile records and shall  
16 be deposited into the Circuit Court Clerk Operation and  
17 Administrative Fund.

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

19 Section 20. The Illinois Human Rights Act is amended by  
20 changing Section 2-103 as follows:

21 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

22 Sec. 2-103. Arrest Record.

23 (A) Unless otherwise authorized by law, it is a civil



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

19 (B) The prohibition against the use of the fact of an  
20 arrest contained in this Section shall not be construed to  
21 prohibit an employer, employment agency, or labor organization  
22 from obtaining or using other information which indicates that  
23 a person actually engaged in the conduct for which he or she  
24 was arrested.

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