

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 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have
10 the meanings set forth in this subsection, except when a
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings
13 ascribed to them in the Unified Code of Corrections,
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),
2 (xi) Petty Offense (730 ILCS 5/5-1-17),
3 (xii) Probation (730 ILCS 5/5-1-18),
4 (xiii) Sentence (730 ILCS 5/5-1-19),
5 (xiv) Supervision (730 ILCS 5/5-1-21), and
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated
8 by arrest" means a charge (as defined by 730 ILCS
9 5/5-1-3) brought against a defendant where the
10 defendant is not arrested prior to or as a direct
11 result of the charge.

12 (C) "Conviction" means a judgment of conviction or
13 sentence entered upon a plea of guilty or upon a
14 verdict or finding of guilty of an offense, rendered by
15 a legally constituted jury or by a court of competent
16 jurisdiction authorized to try the case without a jury.
17 An order of supervision successfully completed by the
18 petitioner is not a conviction. An order of qualified
19 probation (as defined in subsection (a)(1)(J))
20 successfully completed by the petitioner is not a
21 conviction. An order of supervision or an order of
22 qualified probation that is terminated
23 unsatisfactorily is a conviction, unless the
24 unsatisfactory termination is reversed, vacated, or
25 modified and the judgment of conviction, if any, is
26 reversed or vacated.

1 (D) "Criminal offense" means a petty offense,
2 business offense, misdemeanor, felony, or municipal
3 ordinance violation (as defined in subsection
4 (a)(1)(H)). As used in this Section, a minor traffic
5 offense (as defined in subsection (a)(1)(G)) shall not
6 be considered a criminal offense.

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

16 (F) As used in this Section, "last sentence" means
17 the sentence, order of supervision, or order of
18 qualified probation (as defined by subsection
19 (a)(1)(J)), for a criminal offense (as defined by
20 subsection (a)(1)(D)) that terminates last in time in
21 any jurisdiction, regardless of whether the petitioner
22 has included the criminal offense for which the
23 sentence or order of supervision or qualified
24 probation was imposed in his or her petition. If
25 multiple sentences, orders of supervision, or orders
26 of qualified probation terminate on the same day and

1 are last in time, they shall be collectively considered
2 the "last sentence" regardless of whether they were
3 ordered to run concurrently.

4 (G) "Minor traffic offense" means a petty offense,
5 business offense, or Class C misdemeanor under the
6 Illinois Vehicle Code or a similar provision of a
7 municipal or local ordinance.

8 (H) "Municipal ordinance violation" means an
9 offense defined by a municipal or local ordinance that
10 is criminal in nature and with which the petitioner was
11 charged or for which the petitioner was arrested and
12 released without charging.

13 (I) "Petitioner" means an adult or a minor
14 prosecuted as an adult who has applied for relief under
15 this Section.

16 (J) "Qualified probation" means an order of
17 probation under Section 10 of the Cannabis Control Act,
18 Section 410 of the Illinois Controlled Substances Act,
19 Section 70 of the Methamphetamine Control and
20 Community Protection Act, Section 12-4.3(b) (1) and (2)
21 of the Criminal Code of 1961 (as those provisions
22 existed before their deletion by Public Act 89-313),
23 Section 10-102 of the Illinois Alcoholism and Other
24 Drug Dependency Act, Section 40-10 of the Alcoholism
25 and Other Drug Abuse and Dependency Act, or Section 10
26 of the Steroid Control Act. For the purpose of this

1 Section, "successful completion" of an order of
2 qualified probation under Section 10-102 of the
3 Illinois Alcoholism and Other Drug Dependency Act and
4 Section 40-10 of the Alcoholism and Other Drug Abuse
5 and Dependency Act means that the probation was
6 terminated satisfactorily and the judgment of
7 conviction was vacated.

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

18 (L) "Sexual offense committed against a minor"
19 includes but is not limited to the offenses of indecent
20 solicitation of a child or criminal sexual abuse when
21 the victim of such offense is under 18 years of age.

22 (M) "Terminate" as it relates to a sentence or
23 order of supervision or qualified probation includes
24 either satisfactory or unsatisfactory termination of
25 the sentence, unless otherwise specified in this
26 Section.

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

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

8 (A) the sealing or expungement of the records of
9 arrests or charges not initiated by arrest that result
10 in an order of supervision for or conviction of: (i)
11 any sexual offense committed against a minor; (ii)
12 Section 11-501 of the Illinois Vehicle Code or a
13 similar provision of a local ordinance; or (iii)
14 Section 11-503 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance, unless the
16 arrest or charge is for a misdemeanor violation of
17 subsection (a) of Section 11-503 or a similar provision
18 of a local ordinance, that occurred prior to the
19 offender reaching the age of 25 years and the offender
20 has no other conviction for violating Section 11-501 or
21 11-503 of the Illinois Vehicle Code or a similar
22 provision of a local ordinance.

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

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

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

11 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30, or
12 26-5 of the Criminal Code of 1961 or a similar
13 provision of a local ordinance;

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

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

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

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

26 (i) the charge is amended to a misdemeanor and

1 is otherwise eligible to be sealed pursuant to
2 subsection (c);

3 (ii) the charge is brought along with another
4 charge as a part of one case and the charge results
5 in acquittal, dismissal, or conviction when the
6 conviction was reversed or vacated, and another
7 charge brought in the same case results in a
8 disposition for a misdemeanor offense that is
9 eligible to be sealed pursuant to subsection (c) or
10 a disposition listed in paragraph (i), (iii), or
11 (iv) of this subsection;

12 (iii) the charge results in first offender
13 probation as set forth in subsection (c) (2) (E);

14 (iv) the charge is for a Class 4 felony offense
15 listed in subsection (c) (2) (F) or the charge is
16 amended to a Class 4 felony offense listed in
17 subsection (c) (2) (F). Records of arrests which
18 result in the petitioner being charged with a Class
19 4 felony offense listed in subsection (c) (2) (F),
20 records of charges not initiated by arrest for
21 Class 4 felony offenses listed in subsection
22 (c) (2) (F), and records of charges amended to a
23 Class 4 felony offense listed in (c) (2) (F) may be
24 sealed, regardless of the disposition, subject to
25 any waiting periods set forth in subsection
26 (c) (3);

1 (v) the charge results in acquittal,
2 dismissal, or the petitioner's release without
3 conviction; or

4 (vi) the charge results in a conviction, but
5 the conviction was reversed or vacated.

6 (b) Expungement.

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

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

12 (B) Each arrest or charge not initiated by arrest
13 sought to be expunged resulted in: (i) acquittal,
14 dismissal, or the petitioner's release without
15 charging, unless excluded by subsection (a)(3)(B);
16 (ii) a conviction which was vacated or reversed, unless
17 excluded by subsection (a)(3)(B); (iii) an order of
18 supervision and such supervision was successfully
19 completed by the petitioner, unless excluded by
20 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
21 qualified probation (as defined in subsection
22 (a)(1)(J)) and such probation was successfully
23 completed by the petitioner.

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

25 (A) When the arrest or charge not initiated by
26 arrest sought to be expunged resulted in an acquittal,

1 dismissal, the petitioner's release without charging,
2 or the reversal or vacation of a conviction, there is
3 no waiting period to petition for the expungement of
4 such records.

5 (B) When the arrest or charge not initiated by
6 arrest sought to be expunged resulted in an order of
7 supervision, successfully completed by the petitioner,
8 the following time frames will apply:

9 (i) Those arrests or charges that resulted in
10 orders of supervision under Section 3-707, 3-708,
11 3-710, or 5-401.3 of the Illinois Vehicle Code or a
12 similar provision of a local ordinance, or under
13 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
14 Code of 1961 or a similar provision of a local
15 ordinance, shall not be eligible for expungement
16 until 5 years have passed following the
17 satisfactory termination of the supervision.

18 (i-5) Those arrests or charges that resulted
19 in orders of supervision for a misdemeanor
20 violation of subsection (a) of Section 11-503 of
21 the Illinois Vehicle Code or a similar provision of
22 a local ordinance, that occurred prior to the
23 offender reaching the age of 25 years and the
24 offender has no other conviction for violating
25 Section 11-501 or 11-503 of the Illinois Vehicle
26 Code or a similar provision of a local ordinance

1 shall not be eligible for expungement until the
2 petitioner has reached the age of 25 years.

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

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

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

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

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

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

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

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

16 (7) Nothing in this Section shall prevent the
17 Department of State Police from maintaining all records of
18 any person who is admitted to probation upon terms and
19 conditions and who fulfills those terms and conditions
20 pursuant to Section 10 of the Cannabis Control Act, Section
21 410 of the Illinois Controlled Substances Act, Section 70
22 of the Methamphetamine Control and Community Protection
23 Act, Section 12-4.3 or subdivision (b)(1) of Section
24 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
25 Illinois Alcoholism and Other Drug Dependency Act, Section
26 40-10 of the Alcoholism and Other Drug Abuse and Dependency

1 Act, or Section 10 of the Steroid Control Act.

2 (c) Sealing.

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

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

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

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

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

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

23 (E) Arrests or charges not initiated by arrest
24 resulting in orders of first offender probation under
25 Section 10 of the Cannabis Control Act, Section 410 of
26 the Illinois Controlled Substances Act, or Section 70

1 of the Methamphetamine Control and Community
2 Protection Act; and

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

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

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

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

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

12 (v) the Steroid Control Act.

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

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

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

1 ever been convicted of a criminal offense (as defined
2 in subsection (a) (1) (D)).

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

8 (D) Records identified in subsection
9 (a) (3) (A) (iii) may be sealed after the petitioner has
10 reached the age of 25 years.

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

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

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

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

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

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

1 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is
2 petitioning to expunge felony records of a qualified
3 probation pursuant to clause (b) (1) (B) (iv).

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

10 (5) Objections.

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

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

19 (6) Entry of order.

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

1 (B) Unless the State's Attorney or prosecutor, the
2 Department of State Police, the arresting agency, or
3 the chief legal officer files an objection to the
4 petition to expunge or seal within 60 days from the
5 date of service of the petition, the court shall enter
6 an order granting or denying the petition.

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

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

24 (9) Effect of order.

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

1 (i) the records shall be expunged (as defined
2 in subsection (a)(1)(E)) by the arresting agency,
3 the Department, and any other agency as ordered by
4 the court, within 60 days of the date of service of
5 the order, unless a motion to vacate, modify, or
6 reconsider the order is filed pursuant to
7 paragraph (12) of subsection (d) of this Section;

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

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

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

24 (i) the records shall be expunged (as defined
25 in subsection (a)(1)(E)) by the arresting agency
26 and any other agency as ordered by the court,

1 within 60 days of the date of service of the order,
2 unless a motion to vacate, modify, or reconsider
3 the order is filed pursuant to paragraph (12) of
4 subsection (d) of this Section;

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

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

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

1 (v) in response to an inquiry for such records
2 from anyone not authorized by law to access such
3 records the court, the Department, or the agency
4 receiving such inquiry shall reply as it does in
5 response to inquiries when no records ever
6 existed.

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

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

1 additional duties required to serve the petition to seal or
2 expunge on all parties. The circuit court clerk shall
3 collect and forward the Department of State Police portion
4 of the fee to the Department and it shall be deposited in
5 the State Police Services Fund.

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

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

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

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

18 (f) Subject to available funding, the Illinois Department
19 of Corrections shall conduct a study of the impact of sealing,
20 especially on employment and recidivism rates, utilizing a
21 random sample of those who apply for the sealing of their
22 criminal records under Public Act 93-211. At the request of the
23 Illinois Department of Corrections, records of the Illinois
24 Department of Employment Security shall be utilized as
25 appropriate to assist in the study. The study shall not
26 disclose any data in a manner that would allow the

1 identification of any particular individual or employing unit.
2 The study shall be made available to the General Assembly no
3 later than September 1, 2010.

4 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;
5 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.
6 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,
7 eff. 8-19-11; revised 9-6-11.)

8 Section 10. The Criminal Code of 1961 is amended by
9 changing Sections 11-9.3 and 11-9.4-1 as follows:

10 (720 ILCS 5/11-9.3)

11 Sec. 11-9.3. Presence within school zone by child sex
12 offenders prohibited; approaching, contacting, residing with,
13 or communicating with a child within certain places by child
14 sex offenders prohibited.

15 (a) It is unlawful for a child sex offender to knowingly be
16 present in any school building, on real property comprising any
17 school, or in any conveyance owned, leased, or contracted by a
18 school to transport students to or from school or a school
19 related activity when persons under the age of 18 are present
20 in the building, on the grounds or in the conveyance, unless
21 the offender is a parent or guardian of a student attending the
22 school and the parent or guardian is: (i) attending a
23 conference at the school with school personnel to discuss the
24 progress of his or her child academically or socially, (ii)

1 participating in child review conferences in which evaluation
2 and placement decisions may be made with respect to his or her
3 child regarding special education services, or (iii) attending
4 conferences to discuss other student issues concerning his or
5 her child such as retention and promotion and notifies the
6 principal of the school of his or her presence at the school or
7 unless the offender has permission to be present from the
8 superintendent or the school board or in the case of a private
9 school from the principal. In the case of a public school, if
10 permission is granted, the superintendent or school board
11 president must inform the principal of the school where the sex
12 offender will be present. Notification includes the nature of
13 the sex offender's visit and the hours in which the sex
14 offender will be present in the school. The sex offender is
15 responsible for notifying the principal's office when he or she
16 arrives on school property and when he or she departs from
17 school property. If the sex offender is to be present in the
18 vicinity of children, the sex offender has the duty to remain
19 under the direct supervision of a school official.

20 (a-5) It is unlawful for a child sex offender to knowingly
21 be present within 100 feet of a site posted as a pick-up or
22 discharge stop for a conveyance owned, leased, or contracted by
23 a school to transport students to or from school or a school
24 related activity when one or more persons under the age of 18
25 are present at the site.

26 (a-10) It is unlawful for a child sex offender to knowingly

1 be present in any public park building or on real property
2 comprising any public park when persons under the age of 18 are
3 present in the building or on the grounds and to approach,
4 contact, or communicate with a child under 18 years of age,
5 unless the offender is a parent or guardian of a person under
6 18 years of age present in the building or on the grounds.

7 (b) It is unlawful for a child sex offender to knowingly
8 loiter within 500 feet of a school building or real property
9 comprising any school while persons under the age of 18 are
10 present in the building or on the grounds, unless the offender
11 is a parent or guardian of a student attending the school and
12 the parent or guardian is: (i) attending a conference at the
13 school with school personnel to discuss the progress of his or
14 her child academically or socially, (ii) participating in child
15 review conferences in which evaluation and placement decisions
16 may be made with respect to his or her child regarding special
17 education services, or (iii) attending conferences to discuss
18 other student issues concerning his or her child such as
19 retention and promotion and notifies the principal of the
20 school of his or her presence at the school or has permission
21 to be present from the superintendent or the school board or in
22 the case of a private school from the principal. In the case of
23 a public school, if permission is granted, the superintendent
24 or school board president must inform the principal of the
25 school where the sex offender will be present. Notification
26 includes the nature of the sex offender's visit and the hours

1 in which the sex offender will be present in the school. The
2 sex offender is responsible for notifying the principal's
3 office when he or she arrives on school property and when he or
4 she departs from school property. If the sex offender is to be
5 present in the vicinity of children, the sex offender has the
6 duty to remain under the direct supervision of a school
7 official.

8 (b-2) It is unlawful for a child sex offender to knowingly
9 loiter on a public way within 500 feet of a public park
10 building or real property comprising any public park while
11 persons under the age of 18 are present in the building or on
12 the grounds and to approach, contact, or communicate with a
13 child under 18 years of age, unless the offender is a parent or
14 guardian of a person under 18 years of age present in the
15 building or on the grounds.

16 (b-5) It is unlawful for a child sex offender to knowingly
17 reside within 500 feet of a school building or the real
18 property comprising any school that persons under the age of 18
19 attend. Nothing in this subsection (b-5) prohibits a child sex
20 offender from residing within 500 feet of a school building or
21 the real property comprising any school that persons under 18
22 attend if the property is owned by the child sex offender and
23 was purchased before July 7, 2000 (the effective date of Public
24 Act 91-911) ~~this amendatory Act of the 91st General Assembly.~~

25 (b-10) It is unlawful for a child sex offender to knowingly
26 reside within 500 feet of a playground, child care institution,

1 day care center, part day child care facility, day care home,
2 group day care home, or a facility providing programs or
3 services exclusively directed toward persons under 18 years of
4 age. Nothing in this subsection (b-10) prohibits a child sex
5 offender from residing within 500 feet of a playground or a
6 facility providing programs or services exclusively directed
7 toward persons under 18 years of age if the property is owned
8 by the child sex offender and was purchased before July 7,
9 2000. Nothing in this subsection (b-10) prohibits a child sex
10 offender from residing within 500 feet of a child care
11 institution, day care center, or part day child care facility
12 if the property is owned by the child sex offender and was
13 purchased before June 26, 2006. Nothing in this subsection
14 (b-10) prohibits a child sex offender from residing within 500
15 feet of a day care home or group day care home if the property
16 is owned by the child sex offender and was purchased before
17 August 14, 2008 (the effective date of Public Act 95-821).

18 (b-15) It is unlawful for a child sex offender to knowingly
19 reside within 500 feet of the victim of the sex offense.
20 Nothing in this subsection (b-15) prohibits a child sex
21 offender from residing within 500 feet of the victim if the
22 property in which the child sex offender resides is owned by
23 the child sex offender and was purchased before August 22,
24 2002.

25 This subsection (b-15) does not apply if the victim of the
26 sex offense is 21 years of age or older.

1 (b-20) It is unlawful for a child sex offender to knowingly
2 communicate, other than for a lawful purpose under Illinois
3 law, using the Internet or any other digital media, with a
4 person under 18 years of age or with a person whom he or she
5 believes to be a person under 18 years of age, unless the
6 offender is a parent or guardian of the person under 18 years
7 of age.

8 (c) It is unlawful for a child sex offender to knowingly
9 operate, manage, be employed by, volunteer at, be associated
10 with, or knowingly be present at any: (i) facility providing
11 programs or services exclusively directed toward persons under
12 the age of 18; (ii) day care center; (iii) part day child care
13 facility; (iv) child care institution; (v) school providing
14 before and after school programs for children under 18 years of
15 age; (vi) day care home; or (vii) group day care home. This
16 does not prohibit a child sex offender from owning the real
17 property upon which the programs or services are offered or
18 upon which the day care center, part day child care facility,
19 child care institution, or school providing before and after
20 school programs for children under 18 years of age is located,
21 provided the child sex offender refrains from being present on
22 the premises for the hours during which: (1) the programs or
23 services are being offered or (2) the day care center, part day
24 child care facility, child care institution, or school
25 providing before and after school programs for children under
26 18 years of age, day care home, or group day care home is

1 operated.

2 (c-5) It is unlawful for a child sex offender to knowingly
3 operate, manage, be employed by, or be associated with any
4 county fair when persons under the age of 18 are present.

5 (c-6) It is unlawful for a child sex offender who owns and
6 resides at residential real estate to knowingly rent any
7 residential unit within the same building in which he or she
8 resides to a person who is the parent or guardian of a child or
9 children under 18 years of age. This subsection shall apply
10 only to leases or other rental arrangements entered into after
11 January 1, 2009 (the effective date of Public Act 95-820).

12 (c-7) It is unlawful for a child sex offender to knowingly
13 offer or provide any programs or services to persons under 18
14 years of age in his or her residence or the residence of
15 another or in any facility for the purpose of offering or
16 providing such programs or services, whether such programs or
17 services are offered or provided by contract, agreement,
18 arrangement, or on a volunteer basis.

19 (c-8) It is unlawful for a child sex offender to knowingly
20 operate, whether authorized to do so or not, any of the
21 following vehicles: (1) a vehicle which is specifically
22 designed, constructed or modified and equipped to be used for
23 the retail sale of food or beverages, including but not limited
24 to an ice cream truck; (2) an authorized emergency vehicle; or
25 (3) a rescue vehicle.

26 (d) Definitions. In this Section:

1 (1) "Child sex offender" means any person who:

2 (i) has been charged under Illinois law, or any
3 substantially similar federal law or law of another
4 state, with a sex offense set forth in paragraph (2) of
5 this subsection (d) or the attempt to commit an
6 included sex offense, and the victim is a person under
7 18 years of age at the time of the offense; and:

8 (A) is convicted of such offense or an attempt
9 to commit such offense; or

10 (B) is found not guilty by reason of insanity
11 of such offense or an attempt to commit such
12 offense; or

13 (C) is found not guilty by reason of insanity
14 pursuant to subsection (c) of Section 104-25 of the
15 Code of Criminal Procedure of 1963 of such offense
16 or an attempt to commit such offense; or

17 (D) is the subject of a finding not resulting
18 in an acquittal at a hearing conducted pursuant to
19 subsection (a) of Section 104-25 of the Code of
20 Criminal Procedure of 1963 for the alleged
21 commission or attempted commission of such
22 offense; or

23 (E) is found not guilty by reason of insanity
24 following a hearing conducted pursuant to a
25 federal law or the law of another state
26 substantially similar to subsection (c) of Section

1 104-25 of the Code of Criminal Procedure of 1963 of
2 such offense or of the attempted commission of such
3 offense; or

4 (F) is the subject of a finding not resulting
5 in an acquittal at a hearing conducted pursuant to
6 a federal law or the law of another state
7 substantially similar to subsection (a) of Section
8 104-25 of the Code of Criminal Procedure of 1963
9 for the alleged violation or attempted commission
10 of such offense; or

11 (ii) is certified as a sexually dangerous person
12 pursuant to the Illinois Sexually Dangerous Persons
13 Act, or any substantially similar federal law or the
14 law of another state, when any conduct giving rise to
15 such certification is committed or attempted against a
16 person less than 18 years of age; or

17 (iii) is subject to the provisions of Section 2 of
18 the Interstate Agreements on Sexually Dangerous
19 Persons Act.

20 Convictions that result from or are connected with the
21 same act, or result from offenses committed at the same
22 time, shall be counted for the purpose of this Section as
23 one conviction. Any conviction set aside pursuant to law is
24 not a conviction for purposes of this Section.

25 (2) Except as otherwise provided in paragraph (2.5),
26 "sex offense" means:

1 (i) A violation of any of the following Sections of
2 the Criminal Code of 1961: 10-4 (forcible detention),
3 10-7 (aiding or abetting child abduction under Section
4 10-5(b)(10)), 10-5(b)(10) (child luring), 11-1.40
5 (predatory criminal sexual assault of a child), 11-6
6 (indecent solicitation of a child), 11-6.5 (indecent
7 solicitation of an adult), 11-9.1 (sexual exploitation
8 of a child), 11-9.2 (custodial sexual misconduct),
9 11-9.5 (sexual misconduct with a person with a
10 disability), 11-11 (sexual relations within families),
11 11-14.3(a)(1) (promoting prostitution by advancing
12 prostitution), 11-14.3(a)(2)(A) (promoting
13 prostitution by profiting from prostitution by
14 compelling a person to be a prostitute),
15 11-14.3(a)(2)(C) (promoting prostitution by profiting
16 from prostitution by means other than as described in
17 subparagraphs (A) and (B) of paragraph (2) of
18 subsection (a) of Section 11-14.3), 11-14.4 (promoting
19 juvenile prostitution), 11-18.1 (patronizing a
20 juvenile prostitute), 11-20.1 (child pornography),
21 11-20.1B (aggravated child pornography), 11-21
22 (harmful material), 11-25 (grooming), 11-26 (traveling
23 to meet a minor), 12-33 (ritualized abuse of a child),
24 11-20 (obscenity) (when that offense was committed in
25 any school, on real property comprising any school, in
26 any conveyance owned, leased, or contracted by a school

1 to transport students to or from school or a school
2 related activity, or in a public park), 11-30 (public
3 indecency) (when committed in a school, on real
4 property comprising a school, in any conveyance owned,
5 leased, or contracted by a school to transport students
6 to or from school or a school related activity, or in a
7 public park). An attempt to commit any of these
8 offenses.

9 (ii) A violation of any of the following Sections
10 of the Criminal Code of 1961, when the victim is a
11 person under 18 years of age: 11-1.20 (criminal sexual
12 assault), 11-1.30 (aggravated criminal sexual
13 assault), 11-1.50 (criminal sexual abuse), 11-1.60
14 (aggravated criminal sexual abuse). An attempt to
15 commit any of these offenses.

16 (iii) A violation of any of the following Sections
17 of the Criminal Code of 1961, when the victim is a
18 person under 18 years of age and the defendant is not a
19 parent of the victim:

20 10-1 (kidnapping),

21 10-2 (aggravated kidnapping),

22 10-3 (unlawful restraint),

23 10-3.1 (aggravated unlawful restraint) ~~10-3.1~~

24 11-9.1(A) (permitting sexual abuse of a child).

25 An attempt to commit any of these offenses.

26 (iv) A violation of any former law of this State

1 substantially equivalent to any offense listed in
2 clause (2) (i) of subsection (d) of this Section.

3 (2.5) For the purposes of subsections (b-5) and (b-10)
4 only, a sex offense means:

5 (i) A violation of any of the following Sections of
6 the Criminal Code of 1961:

7 10-5(b)(10) (child luring), 10-7 (aiding or
8 abetting child abduction under Section 10-5(b)(10)),
9 11-1.40 (predatory criminal sexual assault of a
10 child), 11-6 (indecent solicitation of a child),
11 11-6.5 (indecent solicitation of an adult), 11-9.2
12 (custodial sexual misconduct), 11-9.5 (sexual
13 misconduct with a person with a disability), 11-11
14 (sexual relations within families), 11-14.3(a)(1)
15 (promoting prostitution by advancing prostitution),
16 11-14.3(a)(2)(A) (promoting prostitution by profiting
17 from prostitution by compelling a person to be a
18 prostitute), 11-14.3(a)(2)(C) (promoting prostitution
19 by profiting from prostitution by means other than as
20 described in subparagraphs (A) and (B) of paragraph (2)
21 of subsection (a) of Section 11-14.3), 11-14.4
22 (promoting juvenile prostitution), 11-18.1
23 (patronizing a juvenile prostitute), 11-20.1 (child
24 pornography), 11-20.1B (aggravated child pornography),
25 11-25 (grooming), 11-26 (traveling to meet a minor), or
26 12-33 (ritualized abuse of a child). An attempt to

1 commit any of these offenses.

2 (ii) A violation of any of the following Sections
3 of the Criminal Code of 1961, when the victim is a
4 person under 18 years of age: 11-1.20 (criminal sexual
5 assault), 11-1.30 (aggravated criminal sexual
6 assault), 11-1.60 (aggravated criminal sexual abuse),
7 and subsection (a) of Section 11-1.50 (criminal sexual
8 abuse). An attempt to commit any of these offenses.

9 (iii) A violation of any of the following Sections
10 of the Criminal Code of 1961, when the victim is a
11 person under 18 years of age and the defendant is not a
12 parent of the victim:

13 10-1 (kidnapping),
14 10-2 (aggravated kidnapping),
15 10-3 (unlawful restraint),
16 10-3.1 (aggravated unlawful restraint),
17 11-9.1(A) (permitting sexual abuse of a child).

18 An attempt to commit any of these offenses.

19 (iv) A violation of any former law of this State
20 substantially equivalent to any offense listed in this
21 paragraph (2.5) of this subsection.

22 (3) A conviction for an offense of federal law or the
23 law of another state that is substantially equivalent to
24 any offense listed in paragraph (2) of subsection (d) of
25 this Section shall constitute a conviction for the purpose
26 of this Section. A finding or adjudication as a sexually

1 dangerous person under any federal law or law of another
2 state that is substantially equivalent to the Sexually
3 Dangerous Persons Act shall constitute an adjudication for
4 the purposes of this Section.

5 (4) "Authorized emergency vehicle", "rescue vehicle",
6 and "vehicle" have the meanings ascribed to them in
7 Sections 1-105, 1-171.8 and 1-217, respectively, of the
8 Illinois Vehicle Code.

9 (5) "Child care institution" has the meaning ascribed
10 to it in Section 2.06 of the Child Care Act of 1969.

11 (6) "Day care center" has the meaning ascribed to it in
12 Section 2.09 of the Child Care Act of 1969.

13 (7) "Day care home" has the meaning ascribed to it in
14 Section 2.18 of the Child Care Act of 1969.

15 (8) "Facility providing programs or services directed
16 towards persons under the age of 18" means any facility
17 providing programs or services exclusively directed
18 towards persons under the age of 18.

19 (9) "Group day care home" has the meaning ascribed to
20 it in Section 2.20 of the Child Care Act of 1969.

21 (10) "Internet" has the meaning set forth in Section
22 16J-5 of this Code.

23 (11) "Loiter" means:

24 (i) Standing, sitting idly, whether or not the
25 person is in a vehicle, or remaining in or around
26 school or public park property.

1 (ii) Standing, sitting idly, whether or not the
2 person is in a vehicle, or remaining in or around
3 school or public park property, for the purpose of
4 committing or attempting to commit a sex offense.

5 (iii) Entering or remaining in a building in or
6 around school property, other than the offender's
7 residence.

8 (12) "Part day child care facility" has the meaning
9 ascribed to it in Section 2.10 of the Child Care Act of
10 1969.

11 (13) "Playground" means a piece of land owned or
12 controlled by a unit of local government that is designated
13 by the unit of local government for use solely or primarily
14 for children's recreation.

15 (14) "Public park" includes a park, forest preserve,
16 bikeway, trail, or conservation area under the
17 jurisdiction of the State or a unit of local government.

18 (15) "School" means a public or private preschool or
19 elementary or secondary school.

20 (16) "School official" means the principal, a teacher,
21 or any other certified employee of the school, the
22 superintendent of schools or a member of the school board.

23 (e) For the purposes of this Section, the 500 feet distance
24 shall be measured from: (1) the edge of the property of the
25 school building or the real property comprising the school that
26 is closest to the edge of the property of the child sex

1 offender's residence or where he or she is loitering, and (2)
2 the edge of the property comprising the public park building or
3 the real property comprising the public park, playground, child
4 care institution, day care center, part day child care
5 facility, or facility providing programs or services
6 exclusively directed toward persons under 18 years of age, or a
7 victim of the sex offense who is under 21 years of age, to the
8 edge of the child sex offender's place of residence or place
9 where he or she is loitering.

10 (f) Sentence. A person who violates this Section is guilty
11 of a Class 4 felony.

12 (Source: P.A. 95-331, eff. 8-21-07; 95-440, eff. 8-27-07;
13 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff. 8-21-08;
14 96-328, eff. 8-11-09; 96-710, eff. 1-1-10; 96-1551, eff.
15 7-1-11.)

16 (720 ILCS 5/11-9.4-1)

17 Sec. 11-9.4-1. Sexual predator and child sex offender;
18 presence or loitering in or near public parks prohibited.

19 (a) For the purposes of this Section:

20 "Child sex offender" has the meaning ascribed to it in
21 subsection (d) of Section 11-9.3 ~~11-9.4~~ of this Code, but
22 does not include as a sex offense under paragraph (2) of
23 subsection (d) of Section 11-9.3 ~~11-9.4~~, the offenses under
24 subsections (b) and (c) of Section 11-1.50 or subsections
25 (b) and (c) of Section 12-15 of this Code.

1 "Public park" includes a park, forest preserve,
2 bikeway, trail, or conservation area under the
3 jurisdiction of the State or a unit of local government.

4 "Loiter" means:

5 (i) Standing, sitting idly, whether or not the
6 person is in a vehicle or remaining in or around public
7 park property.

8 (ii) Standing, sitting idly, whether or not the
9 person is in a vehicle or remaining in or around public
10 park property, for the purpose of committing or
11 attempting to commit a sex offense.

12 "Sexual predator" has the meaning ascribed to it in
13 subsection (E) of Section 2 of the Sex Offender
14 Registration Act.

15 (b) It is unlawful for a sexual predator or a child sex
16 offender to knowingly be present in any public park building or
17 on real property comprising any public park.

18 (c) It is unlawful for a sexual predator or a child sex
19 offender to knowingly loiter on a public way within 500 feet of
20 a public park building or real property comprising any public
21 park. For the purposes of this subsection (c), the 500 feet
22 distance shall be measured from the edge of the property
23 comprising the public park building or the real property
24 comprising the public park.

25 (d) Sentence. A person who violates this Section is guilty
26 of a Class A misdemeanor, except that a second or subsequent

1 violation is a Class 4 felony.

2 (Source: P.A. 96-1099, eff. 1-1-11; revised 10-12-11.)