



Sen. Kwame Raoul

Filed: 2/28/2012

09700SB3637sam001

LRB097 19976 RLC 66123 a

1 AMENDMENT TO SENATE BILL 3637

2 AMENDMENT NO. _____. Amend Senate Bill 3637 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 (1) If a person does not petition to expunge his or her law
18 enforcement or court records, or both, under subsection (0.07),
19 whenever ~~whenever~~ any person has attained the age of 18 ~~17~~ or
20 whenever all juvenile court proceedings relating to that person
21 have been terminated, whichever is later, the person may
22 petition the court to expunge law enforcement records relating
23 to incidents occurring before his or her 18th ~~17th~~ birthday or
24 his or her juvenile court records, or both, ~~but only~~ in the
25 following circumstances:

26 (a) the minor was arrested and no petition for

1 delinquency was filed with the clerk of the circuit court;

2 or

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

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

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

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

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

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

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

1 ~~5-622.~~

2 (2.5) If a minor is arrested and no petition for
3 delinquency is filed with the clerk of the circuit court ~~as~~
4 ~~provided in paragraph (a) of subsection (1)~~ at the time the
5 minor is released from custody, the youth officer, if
6 applicable, or other designated person from the arresting
7 agency, shall notify verbally and in writing to the minor or
8 the minor's parents or guardians that if the State's Attorney
9 does not file a petition for delinquency (i) ~~τ~~ the minor has a
10 right under subsection (0.07) to petition at any time to have
11 his or her law enforcement arrest record expunged, (ii) if the
12 minor does not petition to have his or her law enforcement
13 record expunged under subsection (0.07), the minor has a right,
14 when the minor attains the age of 18 ~~17~~ or when all juvenile
15 court proceedings relating to that minor have been terminated,
16 to petition to have his or her record expunged under subsection
17 (1), and (iii) that unless a petition to expunge is filed, the
18 minor will ~~shall~~ have a law enforcement ~~an arrest~~ record. The
19 youth officer, if applicable, or other designated person from
20 the arresting agency and shall provide the minor and the
21 minor's parents or guardians with an expungement information
22 packet, written in plain language, including a petition to
23 expunge juvenile records obtained from the clerk of the circuit
24 court, a sample completed petition, information about the
25 adverse consequences of having a law enforcement record, and
26 expungement instructions. These instructions shall include

1 information informing the minor that (i) the minor may file a
2 petition on his or her own or with the assistance of an
3 attorney, (ii) once the arrest is expunged under either
4 subsection (0.07) or subsection (1), it shall be treated as if
5 it never occurred, and (iii) once the minor obtains an
6 expungement under either subsection (0.07) or subsection (1),
7 the minor shall not be required to disclose that he or she had
8 a law enforcement record.

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

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

20 (2.7) For counties with a population over 3,000,000, the
21 clerk of the circuit court shall send a "Notification of a
22 Possible Right to Expungement" post card to the minor at the
23 address last received by the clerk of the circuit court on the
24 date that the minor attains the age of 18 ~~17~~ based on the
25 birthdate provided to the court by the minor or his or her
26 guardian in cases under paragraphs (b), (c), and (d) of

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

4 (2.8) The petition for expungement for subsection (0.07)
5 and (1) may include multiple offenses on the same petition and
6 shall be substantially in the following form:

7 IN THE CIRCUIT COURT OF, ILLINOIS
8 JUDICIAL CIRCUIT

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

14 PETITION TO EXPUNGE JUVENILE RECORDS

15 (705 ILCS 405/5-915 (SUBSECTIONS (0.07) and ~~SUBSECTION 1~~))

16 (If this is a petition for multiple offenses, please attach an
17 Appendix listing each offense ~~Please prepare a separate~~
18 ~~petition for each offense~~)

19 Now comes, Petitioner ~~petitioner~~, and
20 respectfully requests that this Honorable Court enter an order
21 expunging all juvenile law enforcement and court records of
22 Petitioner ~~petitioner~~ and in support thereof states that:

23 () 1. This petition is being filed under subsection (0.07)
24 and:

1 (Check One:)

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

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

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

7 Petitioner has attained the age of 18 ~~17~~, his/her birth date
8 being, or all Juvenile Court proceedings terminated as
9 of, whichever occurred later. Petitioner was arrested on
10 by the Police Department for the offense of
11 , and:

12 (Check One:)

13 () a. no petition was filed with the Clerk of the Circuit
14 Court.

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

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

19 () d. on placed under supervision pursuant to Section
20 5-615 of the Juvenile Court Act of 1987 and such order of
21 supervision successfully terminated on

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

25 Petitioner has has not been arrested on charges in
26 this or any county other than the charges listed above. If

1 petitioner has been arrested on additional charges, please list
2 the charges below:

3 Charge(s):

4 Arresting Agency or Agencies:

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

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

11
12 Petitioner (Signature)

13
14 Petitioner's Street Address

15
16 City, State, Zip Code

17
18 Petitioner's Telephone Number

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

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

2

3 Petitioner (Signature)

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

6 IN THE CIRCUIT COURT OF, ILLINOIS
7 JUDICIAL CIRCUIT

8 IN THE INTEREST OF) NO.

9)

10)

11)

12 (Name of Petitioner)

13 PETITION TO EXPUNGE JUVENILE RECORDS

14 (705 ILCS 405/5-915 (SUBSECTION 2))

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

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

17 ~~petition for each offense)~~

18 Now comes, Petitioner ~~petitioner~~, and

19 respectfully requests that this Honorable Court enter an order

20 expunging all Juvenile Law Enforcement and Court records of

21 Petitioner ~~petitioner~~ and in support thereof states that:

22 The incident for which the Petitioner seeks expungement

1 occurred before the Petitioner's 18th ~~17th~~ birthday and did not
2 result in proceedings in criminal court and the Petitioner has
3 not had any convictions for any crime since his/her 18th ~~17th~~
4 birthday; and

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

11 Petitioner was arrested on by the Police
12 Department for the offense of, and:

13 (Check whichever one occurred the latest:)

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

16 () b. 5 years have elapsed since all juvenile court
17 proceedings relating to the Petitioner have been terminated; or
18 the Petitioner's commitment to the Department of Juvenile
19 Justice pursuant to the expungement of juvenile law enforcement
20 and court records provisions of the Juvenile Court Act of 1987
21 has been terminated. Petitioner ...has ...has not been arrested
22 on charges in this or any other county other than the charge
23 listed above. If Petitioner ~~petitioner~~ has been arrested on
24 additional charges, please list the charges below:

25 Charge(s):

26 Arresting Agency or Agencies:

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

2 WHEREFORE, the Petitioner ~~petitioner~~ respectfully requests
3 this Honorable Court to (1) order all law enforcement agencies
4 to expunge all records of petitioner related to this incident,
5 and (2) to order the Clerk of the Court to expunge all records
6 concerning the Petitioner ~~petitioner~~ regarding this incident.

7

8 Petitioner (Signature)

9

10 Petitioner's Street Address

11

12 City, State, Zip Code

13

14 Petitioner's Telephone Number

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

19

20 Petitioner (Signature)

21 (3) The chief judge of the circuit in which an arrest was
22 made or a charge was brought or any judge of that circuit

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

1 Department of State Police, ~~the appropriate portion of the fee~~
 2 ~~to the Department of State Police for processing,~~ and deliver a
 3 certified copy of the order to the arresting agency.

4 (3.1) The Notice of Expungement shall be in substantially
 5 the following form:

6 IN THE CIRCUIT COURT OF, ILLINOIS
 7 JUDICIAL CIRCUIT

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

13 NOTICE

14 TO: State's Attorney
 15 TO: Arresting Agency
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 22 TO: Illinois State Police
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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

.....

Petitioner's Telephone Number

PROOF OF SERVICE

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

(Check One:)

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

or

by mailing copies to each entity to whom they are directed by
depositing the same in the U.S. Mail, proper postage fully

1 prepaid, before the hour of 5:00 p.m., at the United States
2 Postal Depository located at

3

4
5 Signature
6 Clerk of the Circuit Court or Deputy Clerk

7 Printed Name of Delinquent Minor/Petitioner:

8 Address:

9 Telephone Number:

10 (3.2) The Order of Expungement shall be in substantially
11 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 DOB

20 Arresting Agency/Agencies

21 ORDER OF EXPUNGEMENT

22 (705 ILCS 405/5-915 (SUBSECTION 3))

23 This matter having been heard on the petitioner's motion and
24 the court being fully advised in the premises does find that

1 the petitioner is indigent or has presented reasonable cause to
2 waive all costs in this matter, IT IS HEREBY ORDERED that:

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

5 () 1. ~~2.~~ The Illinois State Police Bureau of
6 Identification and the following law enforcement agencies
7 expunge all records of petitioner relating to an arrest dated
8 for the offense of

9 Law Enforcement Agencies:
10
11

12 () 2. ~~3.~~ IT IS FURTHER ORDERED that the Clerk of the
13 Circuit Court expunge all records regarding the
14 above-captioned case.

15 ENTER:

16
17 JUDGE

18 DATED:

19 Name:

20 Attorney for:

21 Address: City/State/Zip:

22 Attorney Number:

23 (3.3) The Notice of Objection shall be in substantially the
24 following form:

25 IN THE CIRCUIT COURT OF, ILLINOIS
26 JUDICIAL CIRCUIT

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

NOTICE OF OBJECTION

7 TO:(Attorney, Public Defender, Minor)

8

9

10 TO:(Illinois State Police)

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13 TO:(Clerk of the Court)

14

15

16 TO:(Judge)

17

18

19 TO:(Arresting Agency/Agencies)

20

21

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

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

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

9 DATED:

10 Name:

11 Attorney For:

12 Address:

13 City/State/Zip:

14 Telephone:

15 Attorney No.:

16 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

17 This matter has been set for hearing on the foregoing
18 objection, on in room, located at, before the
19 Honorable, Judge, or any judge sitting in his/her stead.
20 (Only one hearing shall be set, regardless of the number of
21 Notices of Objection received on the same case).

22 A copy of this completed Notice of Objection containing the
23 court date, time, and location, has been sent via regular U.S.
24 Mail to the following entities. (If more than one Notice of
25 Objection is received on the same case, each one must be
26 completed with the court date, time and location and mailed to

1 the following entities):

2 () Attorney, Public Defender or Minor;

3 () State's Attorney's Office;

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

6 () Department of Illinois State Police; and

7 () Arresting agency or agencies.

8 Date:

9 Initials of Clerk completing this section:

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

19 (5) Records which have not been expunged remain ~~are~~ sealed,
20 and may be obtained only under the provisions of Sections
21 5-901, 5-905 and 5-915.

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

1 used for statistical and bona fide research purposes.

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

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

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

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

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

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

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

19 (c) The State Appellate Defender shall establish and
20 maintain a statewide toll-free telephone number that a person
21 may use to receive information or assistance concerning the
22 expungement of juvenile records. The State Appellate Defender
23 shall advertise the toll-free telephone number statewide. The
24 State Appellate Defender shall develop an expungement
25 information packet that may be sent to eligible persons seeking
26 expungement of their juvenile records, which may include, but

1 is not limited to, a pre-printed expungement petition with
2 instructions on how to complete the petition and a pamphlet
3 containing information that would assist individuals through
4 the juvenile expungement process.

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

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

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

1 the applicant is not obligated to disclose expunged juvenile
2 records of arrest or conviction.

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

9 (c) The expungement of juvenile records under this Section
10 ~~5-622~~ shall be funded by the additional fine imposed under
11 Section 5-9-1.17 of the Unified Code of Corrections and
12 additional appropriations made by the General Assembly for such
13 purpose.

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

15 (705 ILCS 405/5-622 rep.)

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

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

20 (730 ILCS 5/5-9-1.17)

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

23 (a) There shall be added to every penalty imposed in

1 sentencing for a criminal offense an additional fine of \$30 to
2 be imposed upon a plea of guilty or finding of guilty resulting
3 in a judgment of conviction.

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

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

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

17 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

18 Sec. 2-103. Arrest Record.

19 (A) Unless otherwise authorized by law, it is a civil
20 rights violation for any employer, employment agency or labor
21 organization to inquire into or to use the fact of an arrest or
22 criminal history record information ordered expunged, sealed
23 or impounded under Section 5.2 of the Criminal Identification
24 Act or expunged under Section 5-915 of the Juvenile Court Act

1 of 1987 as a basis to refuse to hire, to segregate, or to act
2 with respect to recruitment, hiring, promotion, renewal of
3 employment, selection for training or apprenticeship,
4 discharge, discipline, tenure or terms, privileges or
5 conditions of employment. This Section does not prohibit a
6 State agency, unit of local government or school district, or
7 private organization from requesting or utilizing sealed
8 felony conviction information obtained from the Department of
9 State Police under the provisions of Section 3 of the Criminal
10 Identification Act or under other State or federal laws or
11 regulations that require criminal background checks in
12 evaluating the qualifications and character of an employee or a
13 prospective employee.

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

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