

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 5-6-3.3 or 5-6-3.4  
21          of the Unified Code of Corrections, Section  
22          12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as  
23          those provisions existed before their deletion by  
24          Public Act 89-313), Section 10-102 of the Illinois  
25          Alcoholism and Other Drug Dependency Act, Section  
26          40-10 of the Alcoholism and Other Drug Abuse and

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

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

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

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

1 Section.

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

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

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

24 (B) the sealing or expungement of records of minor  
25 traffic offenses (as defined in subsection (a) (1) (G)),  
26 unless the petitioner was arrested and released

1 without charging.

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

7 (i) offenses included in Article 11 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012  
9 or a similar provision of a local ordinance, except  
10 Section 11-14 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012, or a similar provision of a  
12 local ordinance;

13 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
14 26-5, or 48-1 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, or a similar provision of a  
16 local ordinance;

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

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

22 (v) any offense or attempted offense that  
23 would subject a person to registration under the  
24 Sex Offender Registration Act.

25 (D) the sealing of the records of an arrest which  
26 results in the petitioner being charged with a felony

1 offense or records of a charge not initiated by arrest  
2 for a felony offense unless:

3 (i) the charge is amended to a misdemeanor and  
4 is otherwise eligible to be sealed pursuant to  
5 subsection (c);

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

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

17 (iv) the charge is for a Class 4 felony offense  
18 listed in subsection (c)(2)(F) or the charge is  
19 amended to a Class 4 felony offense listed in  
20 subsection (c)(2)(F). Records of arrests which  
21 result in the petitioner being charged with a Class  
22 4 felony offense listed in subsection (c)(2)(F),  
23 records of charges not initiated by arrest for  
24 Class 4 felony offenses listed in subsection  
25 (c)(2)(F), and records of charges amended to a  
26 Class 4 felony offense listed in (c)(2)(F) may be



1 sealed, regardless of the disposition, subject to  
2 any waiting periods set forth in subsection  
3 (c) (3);

4 (v) the charge results in acquittal,  
5 dismissal, or the petitioner's release without  
6 conviction; or

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

9 (b) Expungement.

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

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

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

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

2 (A) When the arrest or charge not initiated by  
3 arrest sought to be expunged resulted in an acquittal,  
4 dismissal, the petitioner's release without charging,  
5 or the reversal or vacation of a conviction, there is  
6 no waiting period to petition for the expungement of  
7 such records.

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

12 (i) Those arrests or charges that resulted in  
13 orders of supervision under Section 3-707, 3-708,  
14 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
15 similar provision of a local ordinance, or under  
16 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
17 Code of 1961 or the Criminal Code of 2012, or a  
18 similar provision of a local ordinance, shall not  
19 be eligible for expungement until 5 years have  
20 passed following the satisfactory termination of  
21 the supervision.

22 (i-5) Those arrests or charges that resulted  
23 in orders of supervision for a misdemeanor  
24 violation of subsection (a) of Section 11-503 of  
25 the Illinois Vehicle Code or a similar provision of  
26 a local ordinance, that occurred prior to the

1           offender reaching the age of 25 years and the  
2           offender has no other conviction for violating  
3           Section 11-501 or 11-503 of the Illinois Vehicle  
4           Code or a similar provision of a local ordinance  
5           shall not be eligible for expungement until the  
6           petitioner has reached the age of 25 years.

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

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

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

22          (4) Whenever a person has been arrested for or  
23          convicted of any offense, in the name of a person whose  
24          identity he or she has stolen or otherwise come into  
25          possession of, the aggrieved person from whom the identity  
26          was stolen or otherwise obtained without authorization,

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

24 (5) Whenever a person has been convicted of criminal  
25 sexual assault, aggravated criminal sexual assault,  
26 predatory criminal sexual assault of a child, criminal

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

14 (6) If a conviction has been set aside on direct review  
15 or on collateral attack and the court determines by clear  
16 and convincing evidence that the petitioner was factually  
17 innocent of the charge, the court shall enter an  
18 expungement order as provided in subsection (b) of Section  
19 5-5-4 of the Unified Code of Corrections.

20 (7) Nothing in this Section shall prevent the  
21 Department of State Police from maintaining all records of  
22 any person who is admitted to probation upon terms and  
23 conditions and who fulfills those terms and conditions  
24 pursuant to Section 10 of the Cannabis Control Act, Section  
25 410 of the Illinois Controlled Substances Act, Section 70  
26 of the Methamphetamine Control and Community Protection

1 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
2 Corrections, Section 12-4.3 or subdivision (b)(1) of  
3 Section 12-3.05 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, Section 10-102 of the Illinois  
5 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
6 the Alcoholism and Other Drug Abuse and Dependency Act, or  
7 Section 10 of the Steroid Control Act.

8 (c) Sealing.

9 (1) Applicability. Notwithstanding any other provision  
10 of this Act to the contrary, and cumulative with any rights  
11 to expungement of criminal records, this subsection  
12 authorizes the sealing of criminal records of adults and of  
13 minors prosecuted as adults.

14 (2) Eligible Records. The following records may be  
15 sealed:

16 (A) All arrests resulting in release without  
17 charging;

18 (B) Arrests or charges not initiated by arrest  
19 resulting in acquittal, dismissal, or conviction when  
20 the conviction was reversed or vacated, except as  
21 excluded by subsection (a) (3) (B);

22 (C) Arrests or charges not initiated by arrest  
23 resulting in orders of supervision successfully  
24 completed by the petitioner, unless excluded by  
25 subsection (a) (3);

26 (D) Arrests or charges not initiated by arrest

1 resulting in convictions unless excluded by subsection  
2 (a) (3);

3 (E) Arrests or charges not initiated by arrest  
4 resulting in orders of first offender probation under  
5 Section 10 of the Cannabis Control Act, Section 410 of  
6 the Illinois Controlled Substances Act, Section 70 of  
7 the Methamphetamine Control and Community Protection  
8 Act, or Section 5-6-3.3 of the Unified Code of  
9 Corrections; and

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

13 (i) Section 11-14 of the Criminal Code of 1961  
14 or the Criminal Code of 2012;

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

16 (iii) Section 402 of the Illinois Controlled  
17 Substances Act;

18 (iv) the Methamphetamine Precursor Control  
19 Act; and

20 (v) the Steroid Control Act.

21 (3) When Records Are Eligible to Be Sealed. Records  
22 identified as eligible under subsection (c) (2) may be  
23 sealed as follows:

24 (A) Records identified as eligible under  
25 subsection (c) (2) (A) and (c) (2) (B) may be sealed at any  
26 time.

1           (B) Records identified as eligible under  
2 subsection (c)(2)(C) may be sealed (i) 3 years after  
3 the termination of petitioner's last sentence (as  
4 defined in subsection (a)(1)(F)) if the petitioner has  
5 never been convicted of a criminal offense (as defined  
6 in subsection (a)(1)(D)); or (ii) 4 years after the  
7 termination of the petitioner's last sentence (as  
8 defined in subsection (a)(1)(F)) if the petitioner has  
9 ever been convicted of a criminal offense (as defined  
10 in subsection (a)(1)(D)).

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

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

19           (4) Subsequent felony convictions. A person may not  
20 have subsequent felony conviction records sealed as  
21 provided in this subsection (c) if he or she is convicted  
22 of any felony offense after the date of the sealing of  
23 prior felony convictions as provided in this subsection  
24 (c). The court may, upon conviction for a subsequent felony  
25 offense, order the unsealing of prior felony conviction  
26 records previously ordered sealed by the court.



1           (5) Notice of eligibility for sealing. Upon entry of a  
2 disposition for an eligible record under this subsection  
3 (c), the petitioner shall be informed by the court of the  
4 right to have the records sealed and the procedures for the  
5 sealing of the records.

6           (d) Procedure. The following procedures apply to  
7 expungement under subsections (b) and (e), and sealing under  
8 subsections (c) and (e-5):

9           (1) Filing the petition. Upon becoming eligible to  
10 petition for the expungement or sealing of records under  
11 this Section, the petitioner shall file a petition  
12 requesting the expungement or sealing of records with the  
13 clerk of the court where the arrests occurred or the  
14 charges were brought, or both. If arrests occurred or  
15 charges were brought in multiple jurisdictions, a petition  
16 must be filed in each such jurisdiction. The petitioner  
17 shall pay the applicable fee, if not waived.

18           (2) Contents of petition. The petition shall be  
19 verified and shall contain the petitioner's name, date of  
20 birth, current address and, for each arrest or charge not  
21 initiated by arrest sought to be sealed or expunged, the  
22 case number, the date of arrest (if any), the identity of  
23 the arresting authority, and such other information as the  
24 court may require. During the pendency of the proceeding,  
25 the petitioner shall promptly notify the circuit court  
26 clerk of any change of his or her address. If the

1 petitioner has received a certificate of eligibility for  
2 sealing from the Prisoner Review Board under paragraph (10)  
3 of subsection (a) of Section 3-3-2 of the Unified Code of  
4 Corrections, the certificate shall be attached to the  
5 petition.

6 (3) Drug test. The petitioner must attach to the  
7 petition proof that the petitioner has passed a test taken  
8 within 30 days before the filing of the petition showing  
9 the absence within his or her body of all illegal  
10 substances as defined by the Illinois Controlled  
11 Substances Act, the Methamphetamine Control and Community  
12 Protection Act, and the Cannabis Control Act if he or she  
13 is petitioning to seal felony records pursuant to clause  
14 (c) (2) (E), (c) (2) (F) (ii)-(v), or (e-5) or if he or she is  
15 petitioning to expunge felony records of a qualified  
16 probation pursuant to clause (b) (1) (B) (iv).

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

23 (5) Objections.

24 (A) Any party entitled to notice of the petition  
25 may file an objection to the petition. All objections  
26 shall be in writing, shall be filed with the circuit

1 court clerk, and shall state with specificity the basis  
2 of the objection.

3 (B) Objections to a petition to expunge or seal  
4 must be filed within 60 days of the date of service of  
5 the petition.

6 (6) Entry of order.

7 (A) The Chief Judge of the circuit wherein the  
8 charge was brought, any judge of that circuit  
9 designated by the Chief Judge, or in counties of less  
10 than 3,000,000 inhabitants, the presiding trial judge  
11 at the petitioner's trial, if any, shall rule on the  
12 petition to expunge or seal as set forth in this  
13 subsection (d) (6).

14 (B) Unless the State's Attorney or prosecutor, the  
15 Department of State Police, the arresting agency, or  
16 the chief legal officer files an objection to the  
17 petition to expunge or seal within 60 days from the  
18 date of service of the petition, the court shall enter  
19 an order granting or denying the petition.

20 (7) Hearings. If an objection is filed, the court shall  
21 set a date for a hearing and notify the petitioner and all  
22 parties entitled to notice of the petition of the hearing  
23 date at least 30 days prior to the hearing, and shall hear  
24 evidence on whether the petition should or should not be  
25 granted, and shall grant or deny the petition to expunge or  
26 seal the records based on the evidence presented at the

1 hearing.

2 (8) Service of order. After entering an order to  
3 expunge or seal records, the court must provide copies of  
4 the order to the Department, in a form and manner  
5 prescribed by the Department, to the petitioner, to the  
6 State's Attorney or prosecutor charged with the duty of  
7 prosecuting the offense, to the arresting agency, to the  
8 chief legal officer of the unit of local government  
9 effecting the arrest, and to such other criminal justice  
10 agencies as may be ordered by the court.

11 (9) Effect of order.

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

14 (i) the records shall be expunged (as defined  
15 in subsection (a) (1) (E)) by the arresting agency,  
16 the Department, and any other agency as ordered by  
17 the court, within 60 days of the date of service of  
18 the order, unless a motion to vacate, modify, or  
19 reconsider the order is filed pursuant to  
20 paragraph (12) of subsection (d) of this Section;

21 (ii) the records of the circuit court clerk  
22 shall be impounded until further order of the court  
23 upon good cause shown and the name of the  
24 petitioner obliterated on the official index  
25 required to be kept by the circuit court clerk  
26 under Section 16 of the Clerks of Courts Act, but

1           the order shall not affect any index issued by the  
2           circuit court clerk before the entry of the order;  
3           and

4           (iii) in response to an inquiry for expunged  
5           records, the court, the Department, or the agency  
6           receiving such inquiry, shall reply as it does in  
7           response to inquiries when no records ever  
8           existed.

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

11          (i) the records shall be expunged (as defined  
12          in subsection (a) (1) (E)) by the arresting agency  
13          and any other agency as ordered by the court,  
14          within 60 days of the date of service of the order,  
15          unless a motion to vacate, modify, or reconsider  
16          the order is filed pursuant to paragraph (12) of  
17          subsection (d) of this Section;

18          (ii) the records of the circuit court clerk  
19          shall be impounded until further order of the court  
20          upon good cause shown and the name of the  
21          petitioner obliterated on the official index  
22          required to be kept by the circuit court clerk  
23          under Section 16 of the Clerks of Courts Act, but  
24          the order shall not affect any index issued by the  
25          circuit court clerk before the entry of the order;

26          (iii) the records shall be impounded by the

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

6 (iv) records impounded by the Department may  
7 be disseminated by the Department only as required  
8 by law or to the arresting authority, the State's  
9 Attorney, and the court upon a later arrest for the  
10 same or a similar offense or for the purpose of  
11 sentencing for any subsequent felony, and to the  
12 Department of Corrections upon conviction for any  
13 offense; and

14 (v) in response to an inquiry for such records  
15 from anyone not authorized by law to access such  
16 records the court, the Department, or the agency  
17 receiving such inquiry shall reply as it does in  
18 response to inquiries when no records ever  
19 existed.

20 (C) Upon entry of an order to seal records under  
21 subsection (c), the arresting agency, any other agency  
22 as ordered by the court, the Department, and the court  
23 shall seal the records (as defined in subsection  
24 (a)(1)(K)). In response to an inquiry for such records  
25 from anyone not authorized by law to access such  
26 records the court, the Department, or the agency

1 receiving such inquiry shall reply as it does in  
2 response to inquiries when no records ever existed.

3 (10) Fees. The Department may charge the petitioner a  
4 fee equivalent to the cost of processing any order to  
5 expunge or seal records. Notwithstanding any provision of  
6 the Clerks of Courts Act to the contrary, the circuit court  
7 clerk may charge a fee equivalent to the cost associated  
8 with the sealing or expungement of records by the circuit  
9 court clerk. From the total filing fee collected for the  
10 petition to seal or expunge, the circuit court clerk shall  
11 deposit \$10 into the Circuit Court Clerk Operation and  
12 Administrative Fund, to be used to offset the costs  
13 incurred by the circuit court clerk in performing the  
14 additional duties required to serve the petition to seal or  
15 expunge on all parties. The circuit court clerk shall  
16 collect and forward the Department of State Police portion  
17 of the fee to the Department and it shall be deposited in  
18 the State Police Services Fund.

19 (11) Final Order. No court order issued under the  
20 expungement or sealing provisions of this Section shall  
21 become final for purposes of appeal until 30 days after  
22 service of the order on the petitioner and all parties  
23 entitled to notice of the petition.

24 (12) Motion to Vacate, Modify, or Reconsider. The  
25 petitioner or any party entitled to notice may file a  
26 motion to vacate, modify, or reconsider the order granting

1           or denying the petition to expunge or seal within 60 days  
2           of service of the order.

3           (e) Whenever a person who has been convicted of an offense  
4           is granted a pardon by the Governor which specifically  
5           authorizes expungement, he or she may, upon verified petition  
6           to the Chief Judge of the circuit where the person had been  
7           convicted, any judge of the circuit designated by the Chief  
8           Judge, or in counties of less than 3,000,000 inhabitants, the  
9           presiding trial judge at the defendant's trial, have a court  
10          order entered expunging the record of arrest from the official  
11          records of the arresting authority and order that the records  
12          of the circuit court clerk and the Department be sealed until  
13          further order of the court upon good cause shown or as  
14          otherwise provided herein, and the name of the defendant  
15          obliterated from the official index requested to be kept by the  
16          circuit court clerk under Section 16 of the Clerks of Courts  
17          Act in connection with the arrest and conviction for the  
18          offense for which he or she had been pardoned but the order  
19          shall not affect any index issued by the circuit court clerk  
20          before the entry of the order. All records sealed by the  
21          Department may be disseminated by the Department only to the  
22          arresting authority, the State's Attorney, and the court upon a  
23          later arrest for the same or similar offense or for the purpose  
24          of sentencing for any subsequent felony. Upon conviction for  
25          any subsequent offense, the Department of Corrections shall  
26          have access to all sealed records of the Department pertaining



1 to that individual. Upon entry of the order of expungement, the  
2 circuit court clerk shall promptly mail a copy of the order to  
3 the person who was pardoned.

4 (e-5) Whenever a person who has been convicted of an  
5 offense is granted a certificate of eligibility for sealing by  
6 the Prisoner Review Board which specifically authorizes  
7 sealing, he or she may, upon verified petition to the Chief  
8 Judge of the circuit where the person had been convicted, any  
9 judge of the circuit designated by the Chief Judge, or in  
10 counties of less than 3,000,000 inhabitants, the presiding  
11 trial judge at the petitioner's trial, have a court order  
12 entered sealing the record of arrest from the official records  
13 of the arresting authority and order that the records of the  
14 circuit court clerk and the Department be sealed until further  
15 order of the court upon good cause shown or as otherwise  
16 provided herein, and the name of the petitioner obliterated  
17 from the official index requested to be kept by the circuit  
18 court clerk under Section 16 of the Clerks of Courts Act in  
19 connection with the arrest and conviction for the offense for  
20 which he or she had been granted the certificate but the order  
21 shall not affect any index issued by the circuit court clerk  
22 before the entry of the order. All records sealed by the  
23 Department may be disseminated by the Department only as  
24 required by this Act or to the arresting authority, a law  
25 enforcement agency, the State's Attorney, and the court upon a  
26 later arrest for the same or similar offense or for the purpose

1 of sentencing for any subsequent felony. Upon conviction for  
2 any subsequent offense, the Department of Corrections shall  
3 have access to all sealed records of the Department pertaining  
4 to that individual. Upon entry of the order of sealing, the  
5 circuit court clerk shall promptly mail a copy of the order to  
6 the person who was granted the certificate of eligibility for  
7 sealing.

8 (f) Subject to available funding, the Illinois Department  
9 of Corrections shall conduct a study of the impact of sealing,  
10 especially on employment and recidivism rates, utilizing a  
11 random sample of those who apply for the sealing of their  
12 criminal records under Public Act 93-211. At the request of the  
13 Illinois Department of Corrections, records of the Illinois  
14 Department of Employment Security shall be utilized as  
15 appropriate to assist in the study. The study shall not  
16 disclose any data in a manner that would allow the  
17 identification of any particular individual or employing unit.  
18 The study shall be made available to the General Assembly no  
19 later than September 1, 2010.

20 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;  
21 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.  
22 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,  
23 eff. 8-19-11; 97-698, eff. 1-1-13; 97-1026, eff. 1-1-13;  
24 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1118, eff.  
25 1-1-13; 97-1120, eff. 1-1-13; 97-1150, eff. 1-25-13.)

1           Section 10. The Criminal Code of 2012 is amended by  
2 changing Section 11-14 as follows:

3           (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

4           Sec. 11-14. Prostitution.

5           (a) Any person who knowingly performs, offers or agrees to  
6 perform any act of sexual penetration as defined in Section  
7 11-0.1 of this Code for anything of value, or any touching or  
8 fondling of the sex organs of one person by another person, for  
9 anything of value, for the purpose of sexual arousal or  
10 gratification commits an act of prostitution.

11           (b) Sentence.

12           A violation of this Section is a Class A misdemeanor,  
13 unless committed within 1,000 feet of real property comprising  
14 a school, in which case it is a Class 4 felony. A second or  
15 subsequent violation of this Section, or any combination of  
16 convictions under this Section and Section 11-14.1  
17 (solicitation of a sexual act), 11-14.3 (promoting  
18 prostitution), 11-14.4 (promoting juvenile prostitution),  
19 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a  
20 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a  
21 place of prostitution), 11-17.1 (keeping a place of juvenile  
22 prostitution), 11-18 (patronizing a prostitute), 11-18.1  
23 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1  
24 (juvenile pimping or aggravated juvenile pimping), or 11-19.2  
25 (exploitation of a child), is a Class 4 felony.

1 (c) First offender; felony prostitution.

2 (1) Whenever any person who has not previously been  
3 convicted of or placed on probation for felony prostitution  
4 or any law of the United States or of any other state  
5 relating to felony prostitution pleads guilty to or is  
6 found guilty of felony prostitution, the court, without  
7 entering a judgment and with the consent of such person,  
8 may sentence the person to probation.

9 (2) When a person is placed on probation, the court  
10 shall enter an order specifying a period of probation of 24  
11 months and shall defer further proceedings in the case  
12 until the conclusion of the period or until the filing of a  
13 petition alleging violation of a term or condition of  
14 probation.

15 (3) The conditions of probation shall be that the  
16 person: (i) not violate any criminal statute of any  
17 jurisdiction; (ii) refrain from possessing a firearm or  
18 other dangerous weapon; (iii) submit to periodic drug  
19 testing at a time and in a manner as ordered by the court,  
20 but no less than 3 times during the period of the  
21 probation, with the cost of the testing to be paid by the  
22 probationer; and (iv) perform no less than 30 hours of  
23 community service, provided community service is available  
24 in the jurisdiction and is funded and approved by the  
25 county board.

26 (4) The court may, in addition to other conditions,

1 require that the person:

2 (A) make a report to and appear in person before or  
3 participate with the court or such courts, person, or  
4 social service agency as directed by the court in the  
5 order of probation;

6 (B) pay a fine and costs;

7 (C) work or pursue a course of study or vocational  
8 training;

9 (D) undergo medical or psychiatric treatment; or  
10 treatment or rehabilitation by a provider approved by  
11 the Illinois Department of Human Services;

12 (E) attend or reside in a facility established for  
13 the instruction or residence of defendants on  
14 probation;

15 (F) support his or her dependents;

16 (G) refrain from having in his or her body the  
17 presence of any illicit drug prohibited by the Cannabis  
18 Control Act or the Illinois Controlled Substances Act,  
19 unless prescribed by a physician, and submit samples of  
20 his or her blood or urine or both for tests to  
21 determine the presence of any illicit drug.

22 (5) Upon violation of a term or condition of probation,  
23 the court may enter a judgment on its original finding of  
24 guilt and proceed as otherwise provided.

25 (6) Upon fulfillment of the terms and conditions of  
26 probation, the court shall discharge the person and dismiss

1 the proceedings against him or her.

2 (7) A disposition of probation is considered to be a  
3 conviction for the purposes of imposing the conditions of  
4 probation and for appeal, however, discharge and dismissal  
5 under this subsection is not a conviction for purposes of  
6 this Code or for purposes of disqualifications or  
7 disabilities imposed by law upon conviction of a crime.

8 (8) There may be only one discharge and dismissal under  
9 this Section, Section 410 of the Illinois Controlled  
10 Substances Act, Section 70 of the Methamphetamine Control  
11 and Community Protection Act, Section 10 of the Cannabis  
12 Control Act, or Section 5-6-3.3 or 5-6-3.4 of the Unified  
13 Code of Corrections.

14 (9) If a person is convicted of prostitution within 5  
15 years subsequent to a discharge and dismissal under this  
16 subsection, the discharge and dismissal under this  
17 subsection shall be admissible in the sentencing  
18 proceeding for that conviction as evidence in aggravation.

19 (d) Notwithstanding the foregoing, if it is determined,  
20 after a reasonable detention for investigative purposes, that a  
21 person suspected of or charged with a violation of this Section  
22 is a person under the age of 18, that person shall be immune  
23 from prosecution for a prostitution offense under this Section,  
24 and shall be subject to the temporary protective custody  
25 provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of  
26 1987. Pursuant to the provisions of Section 2-6 of the Juvenile

1 Court Act of 1987, a law enforcement officer who takes a person  
2 under 18 years of age into custody under this Section shall  
3 immediately report an allegation of a violation of Section 10-9  
4 of this Code to the Illinois Department of Children and Family  
5 Services State Central Register, which shall commence an  
6 initial investigation into child abuse or child neglect within  
7 24 hours pursuant to Section 7.4 of the Abused and Neglected  
8 Child Reporting Act.

9 (Source: P.A. 96-1464, eff. 8-20-10; 96-1551, eff. 7-1-11;  
10 97-1118, eff. 1-1-13.)

11 Section 15. The Cannabis Control Act is amended by changing  
12 Section 10 as follows:

13 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

14 Sec. 10. (a) Whenever any person who has not previously  
15 been convicted of, or placed on probation or court supervision  
16 for, any offense under this Act or any law of the United States  
17 or of any State relating to cannabis, or controlled substances  
18 as defined in the Illinois Controlled Substances Act, pleads  
19 guilty to or is found guilty of violating Sections 4(a), 4(b),  
20 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court may, without  
21 entering a judgment and with the consent of such person,  
22 sentence him to probation.

23 (b) When a person is placed on probation, the court shall  
24 enter an order specifying a period of probation of 24 months,

1 and shall defer further proceedings in the case until the  
2 conclusion of the period or until the filing of a petition  
3 alleging violation of a term or condition of probation.

4 (c) The conditions of probation shall be that the person:

5 (1) not violate any criminal statute of any jurisdiction; (2)  
6 refrain from possession of a firearm or other dangerous weapon;  
7 (3) submit to periodic drug testing at a time and in a manner  
8 as ordered by the court, but no less than 3 times during the  
9 period of the probation, with the cost of the testing to be  
10 paid by the probationer; and (4) perform no less than 30 hours  
11 of community service, provided community service is available  
12 in the jurisdiction and is funded and approved by the county  
13 board.

14 (d) The court may, in addition to other conditions, require  
15 that the person:

16 (1) make a report to and appear in person before or  
17 participate with the court or such courts, person, or  
18 social service agency as directed by the court in the order  
19 of probation;

20 (2) pay a fine and costs;

21 (3) work or pursue a course of study or vocational  
22 training;

23 (4) undergo medical or psychiatric treatment; or  
24 treatment for drug addiction or alcoholism;

25 (5) attend or reside in a facility established for the  
26 instruction or residence of defendants on probation;



1           (6) support his dependents;

2           (7) refrain from possessing a firearm or other  
3 dangerous weapon;

4           (7-5) refrain from having in his or her body the  
5 presence of any illicit drug prohibited by the Cannabis  
6 Control Act, the Illinois Controlled Substances Act, or the  
7 Methamphetamine Control and Community Protection Act,  
8 unless prescribed by a physician, and submit samples of his  
9 or her blood or urine or both for tests to determine the  
10 presence of any illicit drug;

11           (8) and in addition, if a minor:

12                   (i) reside with his parents or in a foster home;

13                   (ii) attend school;

14                   (iii) attend a non-residential program for youth;

15                   (iv) contribute to his own support at home or in a  
16 foster home.

17           (e) Upon violation of a term or condition of probation, the  
18 court may enter a judgment on its original finding of guilt and  
19 proceed as otherwise provided.

20           (f) Upon fulfillment of the terms and conditions of  
21 probation, the court shall discharge such person and dismiss  
22 the proceedings against him.

23           (g) A disposition of probation is considered to be a  
24 conviction for the purposes of imposing the conditions of  
25 probation and for appeal, however, discharge and dismissal  
26 under this Section is not a conviction for purposes of

1 disqualification or disabilities imposed by law upon  
2 conviction of a crime (including the additional penalty imposed  
3 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)  
4 of this Act).

5 (h) Discharge and dismissal under this Section, Section 410  
6 of the Illinois Controlled Substances Act, Section 70 of the  
7 Methamphetamine Control and Community Protection Act, Section  
8 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or  
9 subsection (c) of Section 11-14 of the Criminal Code of 1961 or  
10 the Criminal Code of 2012 may occur only once with respect to  
11 any person.

12 (i) If a person is convicted of an offense under this Act,  
13 the Illinois Controlled Substances Act, or the Methamphetamine  
14 Control and Community Protection Act within 5 years subsequent  
15 to a discharge and dismissal under this Section, the discharge  
16 and dismissal under this Section shall be admissible in the  
17 sentencing proceeding for that conviction as a factor in  
18 aggravation.

19 (Source: P.A. 97-1118, eff. 1-1-13; 97-1150, eff. 1-25-13.)

20 Section 20. The Illinois Controlled Substances Act is  
21 amended by changing Section 410 as follows:

22 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

23 Sec. 410. (a) Whenever any person who has not previously  
24 been convicted of, or placed on probation or court supervision

1 for any offense under this Act or any law of the United States  
2 or of any State relating to cannabis or controlled substances,  
3 pleads guilty to or is found guilty of possession of a  
4 controlled or counterfeit substance under subsection (c) of  
5 Section 402 or of unauthorized possession of prescription form  
6 under Section 406.2, the court, without entering a judgment and  
7 with the consent of such person, may sentence him or her to  
8 probation.

9 (b) When a person is placed on probation, the court shall  
10 enter an order specifying a period of probation of 24 months  
11 and shall defer further proceedings in the case until the  
12 conclusion of the period or until the filing of a petition  
13 alleging violation of a term or condition of probation.

14 (c) The conditions of probation shall be that the person:  
15 (1) not violate any criminal statute of any jurisdiction; (2)  
16 refrain from possessing a firearm or other dangerous weapon;  
17 (3) submit to periodic drug testing at a time and in a manner  
18 as ordered by the court, but no less than 3 times during the  
19 period of the probation, with the cost of the testing to be  
20 paid by the probationer; and (4) perform no less than 30 hours  
21 of community service, provided community service is available  
22 in the jurisdiction and is funded and approved by the county  
23 board.

24 (d) The court may, in addition to other conditions, require  
25 that the person:

26 (1) make a report to and appear in person before or

1 participate with the court or such courts, person, or  
2 social service agency as directed by the court in the order  
3 of probation;

4 (2) pay a fine and costs;

5 (3) work or pursue a course of study or vocational  
6 training;

7 (4) undergo medical or psychiatric treatment; or  
8 treatment or rehabilitation approved by the Illinois  
9 Department of Human Services;

10 (5) attend or reside in a facility established for the  
11 instruction or residence of defendants on probation;

12 (6) support his or her dependents;

13 (6-5) refrain from having in his or her body the  
14 presence of any illicit drug prohibited by the Cannabis  
15 Control Act, the Illinois Controlled Substances Act, or the  
16 Methamphetamine Control and Community Protection Act,  
17 unless prescribed by a physician, and submit samples of his  
18 or her blood or urine or both for tests to determine the  
19 presence of any illicit drug;

20 (7) and in addition, if a minor:

21 (i) reside with his or her parents or in a foster  
22 home;

23 (ii) attend school;

24 (iii) attend a non-residential program for youth;

25 (iv) contribute to his or her own support at home  
26 or in a foster home.

1           (e) Upon violation of a term or condition of probation, the  
2 court may enter a judgment on its original finding of guilt and  
3 proceed as otherwise provided.

4           (f) Upon fulfillment of the terms and conditions of  
5 probation, the court shall discharge the person and dismiss the  
6 proceedings against him or her.

7           (g) A disposition of probation is considered to be a  
8 conviction for the purposes of imposing the conditions of  
9 probation and for appeal, however, discharge and dismissal  
10 under this Section is not a conviction for purposes of this Act  
11 or for purposes of disqualifications or disabilities imposed by  
12 law upon conviction of a crime.

13           (h) There may be only one discharge and dismissal under  
14 this Section, Section 10 of the Cannabis Control Act, Section  
15 70 of the Methamphetamine Control and Community Protection Act,  
16 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,  
17 or subsection (c) of Section 11-14 of the Criminal Code of 1961  
18 or the Criminal Code of 2012 with respect to any person.

19           (i) If a person is convicted of an offense under this Act,  
20 the Cannabis Control Act, or the Methamphetamine Control and  
21 Community Protection Act within 5 years subsequent to a  
22 discharge and dismissal under this Section, the discharge and  
23 dismissal under this Section shall be admissible in the  
24 sentencing proceeding for that conviction as evidence in  
25 aggravation.

26           (Source: P.A. 97-334, eff. 1-1-12; 97-1118, eff. 1-1-13;

1 97-1150, eff. 1-25-13.)

2 Section 25. The Methamphetamine Control and Community  
3 Protection Act is amended by changing Section 70 as follows:

4 (720 ILCS 646/70)

5 Sec. 70. Probation.

6 (a) Whenever any person who has not previously been  
7 convicted of, or placed on probation or court supervision for  
8 any offense under this Act, the Illinois Controlled Substances  
9 Act, the Cannabis Control Act, or any law of the United States  
10 or of any state relating to cannabis or controlled substances,  
11 pleads guilty to or is found guilty of possession of less than  
12 15 grams of methamphetamine under paragraph (1) or (2) of  
13 subsection (b) of Section 60 of this Act, the court, without  
14 entering a judgment and with the consent of the person, may  
15 sentence him or her to probation.

16 (b) When a person is placed on probation, the court shall  
17 enter an order specifying a period of probation of 24 months  
18 and shall defer further proceedings in the case until the  
19 conclusion of the period or until the filing of a petition  
20 alleging violation of a term or condition of probation.

21 (c) The conditions of probation shall be that the person:

22 (1) not violate any criminal statute of any  
23 jurisdiction;

24 (2) refrain from possessing a firearm or other

1 dangerous weapon;

2 (3) submit to periodic drug testing at a time and in a  
3 manner as ordered by the court, but no less than 3 times  
4 during the period of the probation, with the cost of the  
5 testing to be paid by the probationer; and

6 (4) perform no less than 30 hours of community service,  
7 if community service is available in the jurisdiction and  
8 is funded and approved by the county board.

9 (d) The court may, in addition to other conditions, require  
10 that the person take one or more of the following actions:

11 (1) make a report to and appear in person before or  
12 participate with the court or such courts, person, or  
13 social service agency as directed by the court in the order  
14 of probation;

15 (2) pay a fine and costs;

16 (3) work or pursue a course of study or vocational  
17 training;

18 (4) undergo medical or psychiatric treatment; or  
19 treatment or rehabilitation approved by the Illinois  
20 Department of Human Services;

21 (5) attend or reside in a facility established for the  
22 instruction or residence of defendants on probation;

23 (6) support his or her dependents;

24 (7) refrain from having in his or her body the presence  
25 of any illicit drug prohibited by this Act, the Cannabis  
26 Control Act, or the Illinois Controlled Substances Act,

1 unless prescribed by a physician, and submit samples of his  
2 or her blood or urine or both for tests to determine the  
3 presence of any illicit drug; or

4 (8) if a minor:

5 (i) reside with his or her parents or in a foster  
6 home;

7 (ii) attend school;

8 (iii) attend a non-residential program for youth;

9 or

10 (iv) contribute to his or her own support at home  
11 or in a foster home.

12 (e) Upon violation of a term or condition of probation, the  
13 court may enter a judgment on its original finding of guilt and  
14 proceed as otherwise provided.

15 (f) Upon fulfillment of the terms and conditions of  
16 probation, the court shall discharge the person and dismiss the  
17 proceedings against the person.

18 (g) A disposition of probation is considered to be a  
19 conviction for the purposes of imposing the conditions of  
20 probation and for appeal, however, discharge and dismissal  
21 under this Section is not a conviction for purposes of this Act  
22 or for purposes of disqualifications or disabilities imposed by  
23 law upon conviction of a crime.

24 (h) There may be only one discharge and dismissal under  
25 this Section, Section 410 of the Illinois Controlled Substances  
26 Act, Section 10 of the Cannabis Control Act, Section 5-6-3.3 or



1 5-6-3.4 of the Unified Code of Corrections, or subsection (c)  
2 of Section 11-14 of the Criminal Code of 1961 or the Criminal  
3 Code of 2012 with respect to any person.

4 (i) If a person is convicted of an offense under this Act,  
5 the Cannabis Control Act, or the Illinois Controlled Substances  
6 Act within 5 years subsequent to a discharge and dismissal  
7 under this Section, the discharge and dismissal under this  
8 Section are admissible in the sentencing proceeding for that  
9 conviction as evidence in aggravation.

10 (Source: P.A. 97-1118, eff. 1-1-13; 97-1150, eff. 1-25-13.)

11 Section 30. The Unified Code of Corrections is amended by  
12 adding Section 5-6-3.4 as follows:

13 (730 ILCS 5/5-6-3.4 new)

14 Sec. 5-6-3.4. Second Chance Probation.

15 (a) Whenever any person who has not previously been  
16 convicted of, or placed on probation or conditional discharge  
17 for, any felony offense under the laws of this State, the laws  
18 of any other state, or the laws of the United States, including  
19 probation under Section 410 of the Illinois Controlled  
20 Substances Act, Section 70 of the Methamphetamine Control and  
21 Community Protection Act, Section 10 of the Cannabis Control  
22 Act, subsection (c) of Section 11-14 of the Criminal Code of  
23 2012, Treatment Alternatives for Criminal Justice Clients  
24 (TASC) under Article 40 of the Alcoholism and Other Drug Abuse

1 and Dependency Act, or prior successful completion of the  
2 Offender Initiative Program under Section 5-6-3.3 of this Code,  
3 and pleads guilty to, or is found guilty of, a probationable  
4 felony offense of possession of a controlled substance that is  
5 punishable as a Class 4 felony; possession of methamphetamine  
6 that is punishable as a Class 4 felony; theft that is  
7 punishable as a Class 3 felony based on the value of the  
8 property or punishable as a Class 4 felony if the theft was  
9 committed in a school or place of worship or if the theft was  
10 of governmental property; retail theft that is punishable as a  
11 Class 3 felony based on the value of the property; criminal  
12 damage to property that is punishable as a Class 4 felony;  
13 criminal damage to government supported property that is  
14 punishable as a Class 4 felony; deceptive practices; forgery;  
15 possession of cannabis which is punishable as a Class 4 felony;  
16 or possession or use of another's credit or debit card, the  
17 court, with the consent of the defendant and the State's  
18 Attorney, may, without entering a judgment, sentence the  
19 defendant to probation under this Section.

20 (a-1) Exemptions. A defendant is not eligible for this  
21 probation if the offense he or she pleads guilty to, or is  
22 found guilty of, is a violent offense, or he or she has  
23 previously been convicted of a violent offense. For purposes of  
24 this probation, a "violent offense" is any offense where bodily  
25 harm was inflicted or where force was used against any person  
26 or threatened against any person, any offense involving sexual

1 conduct, sexual penetration, or sexual exploitation, any  
2 offense of domestic violence, domestic battery, violation of an  
3 order of protection, stalking, hate crime, driving under the  
4 influence of drugs or alcohol, and any offense involving the  
5 possession of a firearm or dangerous weapon. A defendant shall  
6 not be eligible for this probation if he or she has previously  
7 been adjudicated a delinquent minor for the commission of a  
8 violent offense as defined in this subsection.

9 (b) When a defendant is placed on probation, the court  
10 shall enter an order specifying a period of probation of not  
11 less than 24 months and shall defer further proceedings in the  
12 case until the conclusion of the period or until the filing of  
13 a petition alleging violation of a term or condition of  
14 probation.

15 (c) The conditions of probation shall be that the  
16 defendant:

17 (1) not violate any criminal statute of this State or  
18 any other jurisdiction;

19 (2) refrain from possessing a firearm or other  
20 dangerous weapon;

21 (3) make full restitution to the victim or property  
22 owner under Section 5-5-6 of this Code;

23 (4) obtain employment or perform not less than 30 hours  
24 of community service, provided community service is  
25 available in the county and is funded and approved by the  
26 county board;

1           (5) pay fines and costs;

2           (6) attend educational courses designed to prepare the  
3 defendant for obtaining a high school diploma or to work  
4 toward passing the high school level test of General  
5 Educational Development (G.E.D.) or to work toward  
6 completing a vocational training program;

7           (7) submit to periodic drug testing at a time and in a  
8 manner as ordered by the court, but no less than 3 times  
9 during the period of probation, with the cost of the  
10 testing to be paid by the defendant; and

11           (8) perform a minimum of 30 hours of community service.

12           (d) The court may, in addition to other conditions, require  
13 that the defendant:

14           (1) make a report to and appear in person before or  
15 participate with the court or such courts, person, or  
16 social service agency as directed by the court in the order  
17 of probation;

18           (2) undergo medical or psychiatric treatment, or  
19 treatment or rehabilitation approved by the Illinois  
20 Department of Human Services;

21           (3) attend or reside in a facility established for the  
22 instruction or residence of defendants on probation;

23           (4) support his or her dependents; or

24           (5) refrain from having in his or her body the presence  
25 of any illicit drug prohibited by the Methamphetamine  
26 Control and Community Protection Act, the Cannabis Control

1 Act, or the Illinois Controlled Substances Act, unless  
2 prescribed by a physician, and submit samples of his or her  
3 blood or urine or both for tests to determine the presence  
4 of any illicit drug.

5 (e) Upon violation of a term or condition of probation, the  
6 court may enter a judgment on its original finding of guilt and  
7 proceed as otherwise provided by law.

8 (f) Upon fulfillment of the terms and conditions of  
9 probation, the court shall discharge the person and dismiss the  
10 proceedings against the person.

11 (g) A disposition of probation is considered to be a  
12 conviction for the purposes of imposing the conditions of  
13 probation and for appeal; however, a discharge and dismissal  
14 under this Section is not a conviction for purposes of this  
15 Code or for purposes of disqualifications or disabilities  
16 imposed by law upon conviction of a crime.

17 (h) There may be only one discharge and dismissal under  
18 this Section, Section 410 of the Illinois Controlled Substances  
19 Act, Section 70 of the Methamphetamine Control and Community  
20 Protection Act, Section 10 of the Cannabis Control Act,  
21 Treatment Alternatives for Criminal Justice Clients (TASC)  
22 under Article 40 of the Alcoholism and Other Drug Abuse and  
23 Dependency Act, the Offender Initiative Program under Section  
24 5-6-3.3 of this Code, and subsection (c) of Section 11-14 of  
25 the Criminal Code of 2012 with respect to any person.

26 (i) If a person is convicted of any offense which occurred

1 within 5 years subsequent to a discharge and dismissal under  
2 this Section, the discharge and dismissal under this Section  
3 shall be admissible in the sentencing proceeding for that  
4 conviction as evidence in aggravation.

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 2630/5.2

4 720 ILCS 5/11-14 from Ch. 38, par. 11-14

5 720 ILCS 550/10 from Ch. 56 1/2, par. 710

6 720 ILCS 570/410 from Ch. 56 1/2, par. 1410

7 720 ILCS 646/70

8 730 ILCS 5/5-6-3.4 new