

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. If and only if House Bill 218 of the 99th  
5 General Assembly becomes law in the form in which it passed the  
6 House on April 23, 2015, then the Criminal Identification Act  
7 is amended by changing Section 5.2 as follows:

8 (20 ILCS 2630/5.2)

9 Sec. 5.2. Expungement and sealing.

10 (a) General Provisions.

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

14 (A) The following terms shall have the meanings  
15 ascribed to them in the Unified Code of Corrections,  
16 730 ILCS 5/5-1-2 through 5/5-1-22:

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

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

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

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

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

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

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

1 (viii) Misdemeanor (730 ILCS 5/5-1-14),  
2 (ix) Offense (730 ILCS 5/5-1-15),  
3 (x) Parole (730 ILCS 5/5-1-16),  
4 (xi) Petty Offense (730 ILCS 5/5-1-17),  
5 (xii) Probation (730 ILCS 5/5-1-18),  
6 (xiii) Sentence (730 ILCS 5/5-1-19),  
7 (xiv) Supervision (730 ILCS 5/5-1-21), and  
8 (xv) Victim (730 ILCS 5/5-1-22).

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

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

1 modified and the judgment of conviction, if any, is  
2 reversed or vacated.

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

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

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

1 multiple sentences, orders of supervision, or orders  
2 of qualified probation terminate on the same day and  
3 are last in time, they shall be collectively considered  
4 the "last sentence" regardless of whether they were  
5 ordered to run concurrently.

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

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

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

18 (J) "Qualified probation" means an order of  
19 probation under Section 10 of the Cannabis Control Act,  
20 Section 410 of the Illinois Controlled Substances Act,  
21 Section 70 of the Methamphetamine Control and  
22 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
23 of the Unified Code of Corrections, Section  
24 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as  
25 those provisions existed before their deletion by  
26 Public Act 89-313), Section 10-102 of the Illinois

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

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

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

25 (M) "Terminate" as it relates to a sentence or  
26 order of supervision or qualified probation includes

1           either satisfactory or unsatisfactory termination of  
2           the sentence, unless otherwise specified in this  
3           Section.

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

8           (2.5) Commencing 180 days after the effective date of  
9           this amendatory Act of the 99th General Assembly, the law  
10          enforcement agency issuing the citation shall  
11          automatically expunge, on or before January 1 and July 1 of  
12          each year, the law enforcement records of a person found to  
13          have committed a civil law violation of subsection (a) of  
14          Section 4 of the Cannabis Control Act or subsection (c) of  
15          Section 3.5 of the Drug Paraphernalia Control Act in the  
16          law enforcement agency's possession or control and which  
17          contains the final satisfactory disposition which pertain  
18          to the person issued a citation for that offense. The law  
19          enforcement agency shall provide by rule the process for  
20          access, review, and to confirm the automatic expungement by  
21          the law enforcement agency issuing the citation.  
22          Commencing 180 days after the effective date of this  
23          amendatory Act of the 99th General Assembly, the clerk of  
24          the circuit court shall ~~automatically~~ expunge, upon order  
25          of the court, or in the absence of a court order on or  
26          before January 1 and July 1 of each year, the court records

1 of a person found in the circuit court to have committed a  
2 civil law violation of subsection (a) of Section 4 of the  
3 Cannabis Control Act or subsection (c) of Section 3.5 of  
4 the Drug Paraphernalia Control Act in the clerk's  
5 possession or control and which contains the final  
6 satisfactory disposition which pertain to the person  
7 issued a citation for any of those offenses.

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

11 (A) the sealing or expungement of the records of  
12 arrests or charges not initiated by arrest that result  
13 in an order of supervision for or conviction of: (i)  
14 any sexual offense committed against a minor; (ii)  
15 Section 11-501 of the Illinois Vehicle Code or a  
16 similar provision of a local ordinance; or (iii)  
17 Section 11-503 of the Illinois Vehicle Code or a  
18 similar provision of a local ordinance, unless the  
19 arrest or charge is for a misdemeanor violation of  
20 subsection (a) of Section 11-503 or a similar provision  
21 of a local ordinance, that occurred prior to the  
22 offender reaching the age of 25 years and the offender  
23 has no other conviction for violating Section 11-501 or  
24 11-503 of the Illinois Vehicle Code or a similar  
25 provision of a local ordinance.

26 (B) the sealing or expungement of records of minor

1 traffic offenses (as defined in subsection (a)(1)(G)),  
2 unless the petitioner was arrested and released  
3 without charging.

4 (C) the sealing of the records of arrests or  
5 charges not initiated by arrest which result in an  
6 order of supervision or a conviction for the following  
7 offenses:

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

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

18 (iii) Sections 12-3.1 or 12-3.2 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012,  
20 or Section 125 of the Stalking No Contact Order  
21 Act, or Section 219 of the Civil No Contact Order  
22 Act, or a similar provision of a local ordinance;

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

25 (v) any offense or attempted offense that  
26 would subject a person to registration under the



1 Sex Offender Registration Act.

2 (D) the sealing of the records of an arrest which  
3 results in the petitioner being charged with a felony  
4 offense or records of a charge not initiated by arrest  
5 for a felony offense unless:

6 (i) the charge is amended to a misdemeanor and  
7 is otherwise eligible to be sealed pursuant to  
8 subsection (c);

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

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

20 (iv) the charge is for a felony offense listed  
21 in subsection (c) (2) (F) or the charge is amended to  
22 a felony offense listed in subsection (c) (2) (F);

23 (v) the charge results in acquittal,  
24 dismissal, or the petitioner's release without  
25 conviction; or

26 (vi) the charge results in a conviction, but

1           the conviction was reversed or vacated.

2           (b) Expungement.

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

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

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

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

21           (A) When the arrest or charge not initiated by  
22 arrest sought to be expunged resulted in an acquittal,  
23 dismissal, the petitioner's release without charging,  
24 or the reversal or vacation of a conviction, there is  
25 no waiting period to petition for the expungement of  
26 such records.

1 (B) When the arrest or charge not initiated by  
2 arrest sought to be expunged resulted in an order of  
3 supervision, successfully completed by the petitioner,  
4 the following time frames will apply:

5 (i) Those arrests or charges that resulted in  
6 orders of supervision under Section 3-707, 3-708,  
7 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
8 similar provision of a local ordinance, or under  
9 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
10 Code of 1961 or the Criminal Code of 2012, or a  
11 similar provision of a local ordinance, shall not  
12 be eligible for expungement until 5 years have  
13 passed following the satisfactory termination of  
14 the supervision.

15 (i-5) Those arrests or charges that resulted  
16 in orders of supervision for a misdemeanor  
17 violation of subsection (a) of Section 11-503 of  
18 the Illinois Vehicle Code or a similar provision of  
19 a local ordinance, that occurred prior to the  
20 offender reaching the age of 25 years and the  
21 offender has no other conviction for violating  
22 Section 11-501 or 11-503 of the Illinois Vehicle  
23 Code or a similar provision of a local ordinance  
24 shall not be eligible for expungement until the  
25 petitioner has reached the age of 25 years.

26 (ii) Those arrests or charges that resulted in

1 orders of supervision for any other offenses shall  
2 not be eligible for expungement until 2 years have  
3 passed following the satisfactory termination of  
4 the supervision.

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

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

15 (4) Whenever a person has been arrested for or  
16 convicted of any offense, in the name of a person whose  
17 identity he or she has stolen or otherwise come into  
18 possession of, the aggrieved person from whom the identity  
19 was stolen or otherwise obtained without authorization,  
20 upon learning of the person having been arrested using his  
21 or her identity, may, upon verified petition to the chief  
22 judge of the circuit wherein the arrest was made, have a  
23 court order entered nunc pro tunc by the Chief Judge to  
24 correct the arrest record, conviction record, if any, and  
25 all official records of the arresting authority, the  
26 Department, other criminal justice agencies, the

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

17 (5) Whenever a person has been convicted of criminal  
18 sexual assault, aggravated criminal sexual assault,  
19 predatory criminal sexual assault of a child, criminal  
20 sexual abuse, or aggravated criminal sexual abuse, the  
21 victim of that offense may request that the State's  
22 Attorney of the county in which the conviction occurred  
23 file a verified petition with the presiding trial judge at  
24 the petitioner's trial to have a court order entered to  
25 seal the records of the circuit court clerk in connection  
26 with the proceedings of the trial court concerning that

1 offense. However, the records of the arresting authority  
2 and the Department of State Police concerning the offense  
3 shall not be sealed. The court, upon good cause shown,  
4 shall make the records of the circuit court clerk in  
5 connection with the proceedings of the trial court  
6 concerning the offense available for public inspection.

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

15 (7) Nothing in this Section shall prevent the  
16 Department of State Police from maintaining all records of  
17 any person who is admitted to probation upon terms and  
18 conditions and who fulfills those terms and conditions  
19 pursuant to Section 10 of the Cannabis Control Act, Section  
20 410 of the Illinois Controlled Substances Act, Section 70  
21 of the Methamphetamine Control and Community Protection  
22 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
23 Corrections, Section 12-4.3 or subdivision (b)(1) of  
24 Section 12-3.05 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012, Section 10-102 of the Illinois  
26 Alcoholism and Other Drug Dependency Act, Section 40-10 of

1 the Alcoholism and Other Drug Abuse and Dependency Act, or  
2 Section 10 of the Steroid Control Act.

3 (8) If the petitioner has been granted a certificate of  
4 innocence under Section 2-702 of the Code of Civil  
5 Procedure, the court that grants the certificate of  
6 innocence shall also enter an order expunging the  
7 conviction for which the petitioner has been determined to  
8 be innocent as provided in subsection (h) of Section 2-702  
9 of the Code of Civil Procedure.

10 (c) Sealing.

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

16 (2) Eligible Records. The following records may be  
17 sealed:

18 (A) All arrests resulting in release without  
19 charging;

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

24 (C) Arrests or charges not initiated by arrest  
25 resulting in orders of supervision, including orders  
26 of supervision for municipal ordinance violations,





1 Precursor Control Act.

2 Offenses under the Steroid Control Act.

3 Theft under Section 16-1 of the Criminal  
4 Code of 1961 or the Criminal Code of 2012.

5 Retail theft under Section 16A-3 or  
6 paragraph (a) of 16-25 of the Criminal Code of  
7 1961 or the Criminal Code of 2012.

8 Deceptive practices under Section 17-1 of  
9 the Criminal Code of 1961 or the Criminal Code  
10 of 2012.

11 Forgery under Section 17-3 of the Criminal  
12 Code of 1961 or the Criminal Code of 2012.

13 Possession of burglary tools under Section  
14 19-2 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012.

16 (ii) Class 3 felony convictions for:

17 Theft under Section 16-1 of the Criminal  
18 Code of 1961 or the Criminal Code of 2012.

19 Retail theft under Section 16A-3 or  
20 paragraph (a) of 16-25 of the Criminal Code of  
21 1961 or the Criminal Code of 2012.

22 Deceptive practices under Section 17-1 of  
23 the Criminal Code of 1961 or the Criminal Code  
24 of 2012.

25 Forgery under Section 17-3 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012.

1                    Possession with intent to manufacture or  
2                    deliver a controlled substance under Section  
3                    401 of the Illinois Controlled Substances Act.

4                    (3) When Records Are Eligible to Be Sealed. Records  
5                    identified as eligible under subsection (c)(2) may be  
6                    sealed as follows:

7                    (A) Records identified as eligible under  
8                    subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
9                    time.

10                    (B) Records identified as eligible under  
11                    subsection (c)(2)(C) may be sealed (i) 3 years after  
12                    the termination of petitioner's last sentence (as  
13                    defined in subsection (a)(1)(F)) if the petitioner has  
14                    never been convicted of a criminal offense (as defined  
15                    in subsection (a)(1)(D)); or (ii) 4 years after the  
16                    termination of the petitioner's last sentence (as  
17                    defined in subsection (a)(1)(F)) if the petitioner has  
18                    ever been convicted of a criminal offense (as defined  
19                    in subsection (a)(1)(D)).

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

25                    (D) Records identified in subsection  
26                    (a)(3)(A)(iii) may be sealed after the petitioner has

1 reached the age of 25 years.

2 (4) Subsequent felony convictions. A person may not  
3 have subsequent felony conviction records sealed as  
4 provided in this subsection (c) if he or she is convicted  
5 of any felony offense after the date of the sealing of  
6 prior felony convictions as provided in this subsection  
7 (c). The court may, upon conviction for a subsequent felony  
8 offense, order the unsealing of prior felony conviction  
9 records previously ordered sealed by the court.

10 (5) Notice of eligibility for sealing. Upon entry of a  
11 disposition for an eligible record under this subsection  
12 (c), the petitioner shall be informed by the court of the  
13 right to have the records sealed and the procedures for the  
14 sealing of the records.

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

18 (1) Filing the petition. Upon becoming eligible to  
19 petition for the expungement or sealing of records under  
20 this Section, the petitioner shall file a petition  
21 requesting the expungement or sealing of records with the  
22 clerk of the court where the arrests occurred or the  
23 charges were brought, or both. If arrests occurred or  
24 charges were brought in multiple jurisdictions, a petition  
25 must be filed in each such jurisdiction. The petitioner  
26 shall pay the applicable fee, if not waived.

1           (2) Contents of petition. The petition shall be  
2           verified and shall contain the petitioner's name, date of  
3           birth, current address and, for each arrest or charge not  
4           initiated by arrest sought to be sealed or expunged, the  
5           case number, the date of arrest (if any), the identity of  
6           the arresting authority, and such other information as the  
7           court may require. During the pendency of the proceeding,  
8           the petitioner shall promptly notify the circuit court  
9           clerk of any change of his or her address. If the  
10          petitioner has received a certificate of eligibility for  
11          sealing from the Prisoner Review Board under paragraph (10)  
12          of subsection (a) of Section 3-3-2 of the Unified Code of  
13          Corrections, the certificate shall be attached to the  
14          petition.

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

23                   (A) seal felony records under clause (c) (2) (E);

24                   (B) seal felony records for a violation of the  
25                   Illinois Controlled Substances Act, the  
26                   Methamphetamine Control and Community Protection Act,

1 or the Cannabis Control Act under clause (c) (2) (F);

2 (C) seal felony records under subsection (e-5); or

3 (D) expunge felony records of a qualified  
4 probation under clause (b) (1) (B) (iv).

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

12 (5) Objections.

13 (A) Any party entitled to notice of the petition  
14 may file an objection to the petition. All objections  
15 shall be in writing, shall be filed with the circuit  
16 court clerk, and shall state with specificity the basis  
17 of the objection. Whenever a person who has been  
18 convicted of an offense is granted a pardon by the  
19 Governor which specifically authorizes expungement, an  
20 objection to the petition may not be filed.

21 (B) Objections to a petition to expunge or seal  
22 must be filed within 60 days of the date of service of  
23 the petition.

24 (6) Entry of order.

25 (A) The Chief Judge of the circuit wherein the  
26 charge was brought, any judge of that circuit

1 designated by the Chief Judge, or in counties of less  
2 than 3,000,000 inhabitants, the presiding trial judge  
3 at the petitioner's trial, if any, shall rule on the  
4 petition to expunge or seal as set forth in this  
5 subsection (d) (6).

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

12 (7) Hearings. If an objection is filed, the court shall  
13 set a date for a hearing and notify the petitioner and all  
14 parties entitled to notice of the petition of the hearing  
15 date at least 30 days prior to the hearing. Prior to the  
16 hearing, the State's Attorney shall consult with the  
17 Department as to the appropriateness of the relief sought  
18 in the petition to expunge or seal. At the hearing, the  
19 court shall hear evidence on whether the petition should or  
20 should not be granted, and shall grant or deny the petition  
21 to expunge or seal the records based on the evidence  
22 presented at the hearing. The court may consider the  
23 following:

24 (A) the strength of the evidence supporting the  
25 defendant's conviction;

26 (B) the reasons for retention of the conviction

1 records by the State;

2 (C) the petitioner's age, criminal record history,  
3 and employment history;

4 (D) the period of time between the petitioner's  
5 arrest on the charge resulting in the conviction and  
6 the filing of the petition under this Section; and

7 (E) the specific adverse consequences the  
8 petitioner may be subject to if the petition is denied.

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

18 (9) Implementation of order.

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

21 (i) the records shall be expunged (as defined  
22 in subsection (a) (1) (E)) by the arresting agency,  
23 the Department, and any other agency as ordered by  
24 the court, within 60 days of the date of service of  
25 the order, unless a motion to vacate, modify, or  
26 reconsider the order is filed pursuant to

1 paragraph (12) of subsection (d) of this Section;

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

11 (iii) in response to an inquiry for expunged  
12 records, the court, the Department, or the agency  
13 receiving such inquiry, shall reply as it does in  
14 response to inquiries when no records ever  
15 existed.

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

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

25 (ii) the records of the circuit court clerk  
26 shall be impounded until further order of the court



1           upon good cause shown and the name of the  
2           petitioner obliterated on the official index  
3           required to be kept by the circuit court clerk  
4           under Section 16 of the Clerks of Courts Act, but  
5           the order shall not affect any index issued by the  
6           circuit court clerk before the entry of the order;

7           (iii) the records shall be impounded by the  
8           Department within 60 days of the date of service of  
9           the order as ordered by the court, unless a motion  
10          to vacate, modify, or reconsider the order is filed  
11          pursuant to paragraph (12) of subsection (d) of  
12          this Section;

13          (iv) records impounded by the Department may  
14          be disseminated by the Department only as required  
15          by law or to the arresting authority, the State's  
16          Attorney, and the court upon a later arrest for the  
17          same or a similar offense or for the purpose of  
18          sentencing for any subsequent felony, and to the  
19          Department of Corrections upon conviction for any  
20          offense; and

21          (v) in response to an inquiry for such records  
22          from anyone not authorized by law to access such  
23          records, the court, the Department, or the agency  
24          receiving such inquiry shall reply as it does in  
25          response to inquiries when no records ever  
26          existed.

1           (B-5) Upon entry of an order to expunge records  
2 under subsection (e-6):

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

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

18           (iii) the records shall be impounded by the  
19 Department within 60 days of the date of service of  
20 the order as ordered by the court, unless a motion  
21 to vacate, modify, or reconsider the order is filed  
22 under paragraph (12) of subsection (d) of this  
23 Section;

24           (iv) records impounded by the Department may  
25 be disseminated by the Department only as required  
26 by law or to the arresting authority, the State's

1 Attorney, and the court upon a later arrest for the  
2 same or a similar offense or for the purpose of  
3 sentencing for any subsequent felony, and to the  
4 Department of Corrections upon conviction for any  
5 offense; and

6 (v) in response to an inquiry for these records  
7 from anyone not authorized by law to access the  
8 records, the court, the Department, or the agency  
9 receiving the inquiry shall reply as it does in  
10 response to inquiries when no records ever  
11 existed.

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

21 (D) The Department shall send written notice to the  
22 petitioner of its compliance with each order to expunge  
23 or seal records within 60 days of the date of service  
24 of that order or, if a motion to vacate, modify, or  
25 reconsider is filed, within 60 days of service of the  
26 order resolving the motion, if that order requires the

1 Department to expunge or seal records. In the event of  
2 an appeal from the circuit court order, the Department  
3 shall send written notice to the petitioner of its  
4 compliance with an Appellate Court or Supreme Court  
5 judgment to expunge or seal records within 60 days of  
6 the issuance of the court's mandate. The notice is not  
7 required while any motion to vacate, modify, or  
8 reconsider, or any appeal or petition for  
9 discretionary appellate review, is pending.

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

26 (11) Final Order. No court order issued under the

1 expungement or sealing provisions of this Section shall  
2 become final for purposes of appeal until 30 days after  
3 service of the order on the petitioner and all parties  
4 entitled to notice of the petition.

5 (12) Motion to Vacate, Modify, or Reconsider. Under  
6 Section 2-1203 of the Code of Civil Procedure, the  
7 petitioner or any party entitled to notice may file a  
8 motion to vacate, modify, or reconsider the order granting  
9 or denying the petition to expunge or seal within 60 days  
10 of service of the order. If filed more than 60 days after  
11 service of the order, a petition to vacate, modify, or  
12 reconsider shall comply with subsection (c) of Section  
13 2-1401 of the Code of Civil Procedure. Upon filing of a  
14 motion to vacate, modify, or reconsider, notice of the  
15 motion shall be served upon the petitioner and all parties  
16 entitled to notice of the petition.

17 (13) Effect of Order. An order granting a petition  
18 under the expungement or sealing provisions of this Section  
19 shall not be considered void because it fails to comply  
20 with the provisions of this Section or because of any error  
21 asserted in a motion to vacate, modify, or reconsider. The  
22 circuit court retains jurisdiction to determine whether  
23 the order is voidable and to vacate, modify, or reconsider  
24 its terms based on a motion filed under paragraph (12) of  
25 this subsection (d).

26 (14) Compliance with Order Granting Petition to Seal

1 Records. Unless a court has entered a stay of an order  
2 granting a petition to seal, all parties entitled to notice  
3 of the petition must fully comply with the terms of the  
4 order within 60 days of service of the order even if a  
5 party is seeking relief from the order through a motion  
6 filed under paragraph (12) of this subsection (d) or is  
7 appealing the order.

8 (15) Compliance with Order Granting Petition to  
9 Expunge Records. While a party is seeking relief from the  
10 order granting the petition to expunge through a motion  
11 filed under paragraph (12) of this subsection (d) or is  
12 appealing the order, and unless a court has entered a stay  
13 of that order, the parties entitled to notice of the  
14 petition must seal, but need not expunge, the records until  
15 there is a final order on the motion for relief or, in the  
16 case of an appeal, the issuance of that court's mandate.

17 (16) The changes to this subsection (d) made by Public  
18 Act 98-163 apply to all petitions pending on August 5, 2013  
19 (the effective date of Public Act 98-163) and to all orders  
20 ruling on a petition to expunge or seal on or after August  
21 5, 2013 (the effective date of Public Act 98-163).

22 (e) Whenever a person who has been convicted of an offense  
23 is granted a pardon by the Governor which specifically  
24 authorizes expungement, he or she may, upon verified petition  
25 to the Chief Judge of the circuit where the person had been  
26 convicted, any judge of the circuit designated by the Chief

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

23 (e-5) Whenever a person who has been convicted of an  
24 offense is granted a certificate of eligibility for sealing by  
25 the Prisoner Review Board which specifically authorizes  
26 sealing, he or she may, upon verified petition to the Chief

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



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

1 pertaining to that individual. Upon entry of the order of  
2 expungement, the circuit court clerk shall promptly mail a copy  
3 of the order to the person who was granted the certificate of  
4 eligibility for expungement.

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

17 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;  
18 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
19 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,  
20 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,  
21 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,  
22 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;  
23 98-1009, eff. 1-1-15; 99HB0218eng.)

24 Section 10. If and only if House Bill 218 of the 99th  
25 General Assembly becomes law in the form in which it passed the

1 House on April 23, 2015, then the Illinois Vehicle Code is  
2 amended by changing Section 11-507 as follows:

3 (625 ILCS 5/11-507)

4 Sec. 11-507. Supervising a minor driver while under the  
5 influence of alcohol, other drug or drugs, intoxicating  
6 compound or compounds or any combination thereof.

7 (a) A person shall not accompany or provide instruction,  
8 pursuant to subsection (a) of Section 6-107.1 of this Code, to  
9 a driver who is a minor and driving a motor vehicle pursuant to  
10 an instruction permit under Section 6-107.1 of this Code,  
11 while:

12 (1) the alcohol concentration in the person's blood,  
13 other bodily substance, or breath is 0.08 or more based on  
14 the definition of blood and breath units in Section  
15 11-501.2 of this Code;

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound or  
18 combination of intoxicating compounds to a degree that  
19 renders the person incapable of properly supervising or  
20 providing instruction to the minor driver;

21 (4) under the influence of any other drug or  
22 combination of drugs to a degree that renders the person  
23 incapable of properly supervising or providing instruction  
24 to the minor driver;

25 (5) under the combined influence of alcohol, other drug

1 or drugs, or intoxicating compound or compounds to a degree  
2 that renders the person incapable of properly supervising  
3 or providing instruction to the minor driver;

4 (5.3) (blank); ~~the person who is not a CDL holder has,~~  
5 ~~within 2 hours of accompanying or providing instruction, a~~  
6 ~~tetrahydrocannabinol concentration in the person's whole~~  
7 ~~blood or other bodily substance as defined in paragraph 6~~  
8 ~~of subsection (a) of Section 11-501.2 of this Code;~~

9 (5.5) (blank); ~~or the person who is a CDL holder has~~  
10 ~~any amount of a drug, substance, or compound in the~~  
11 ~~person's breath, blood, other bodily substance, or urine~~  
12 ~~resulting from the unlawful use or consumption of cannabis~~  
13 ~~listed in the Cannabis Control Act; or~~

14 (6) there is any amount of a drug, substance, or  
15 compound in the person's breath, blood, other bodily  
16 substance, or urine resulting from the unlawful use or  
17 consumption of cannabis listed in the Cannabis Control Act,  
18 a controlled substance listed in the Illinois Controlled  
19 Substances Act, an intoxicating compound listed in the Use  
20 of Intoxicating Compounds Act, or methamphetamine as  
21 listed in the Methamphetamine Control and Community  
22 Protection Act.

23 (b) A person found guilty of violating this Section is  
24 guilty of an offense against the regulations governing the  
25 movement of vehicles.

26 (Source: P.A. 96-1237, eff. 1-1-11; 99HB0218eng.)

1           Section 15. If and only if House Bill 218 of the 99th  
2           General Assembly becomes law in the form in which it passed the  
3           House on April 23, 2015, then the Cannabis Control Act is  
4           amended by changing Section 4 as follows:

5           (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

6           Sec. 4. It is unlawful for any person knowingly to possess  
7           cannabis. Any person who violates this section with respect to:

8           (a) not more than 15 grams of any substance containing  
9           cannabis is guilty of a civil law violation punishable by a  
10          minimum fine of \$55 and a maximum fine of \$125. The  
11          proceeds of the fine shall be payable to the clerk of the  
12          circuit court ~~who shall deposit the moneys from the fine~~  
13          ~~into a special fund in the county treasury.~~ Within 30 days  
14          after the deposit of the fine ~~into the special fund~~, the  
15          clerk ~~county treasurer~~ shall distribute the proceeds of the  
16          fine as follows:

17                 (1) \$10 of the fine to the circuit clerk and \$10 of  
18                 the fine to the law enforcement agency that issued the  
19                 citation; the proceeds of each \$10 fine distributed to  
20                 the circuit clerk and each \$10 fine distributed to the  
21                 law enforcement agency that issued the citation for the  
22                 violation shall be used to defer the cost of automatic  
23                 expungements under paragraph (2.5) of subsection (a)  
24                 of Section 5.2 of the Criminal Identification Act;

1           (2) \$15 to the county to fund drug addiction  
2 services;

3           (3) \$10 to the Office of the State's Attorneys  
4 Appellate Prosecutor for use in training programs;

5           (4) \$10 to the State's Attorney; and

6           (5) any remainder of the fine to the law  
7 enforcement agency that issued the citation for the  
8 violation.

9           With respect to funds designated for the Department of  
10 State Police, the moneys shall be remitted by the circuit  
11 court clerk to the Department of State Police within one  
12 month after receipt for deposit into the State Police  
13 Operations Assistance Fund. With respect to funds  
14 designated for the Department of Natural Resources, the  
15 Department of Natural Resources shall deposit the moneys  
16 into the Conservation Police Operations Assistance Fund;

17           (b) more than 15 grams but not more than 30 grams of  
18 any substance containing cannabis is guilty of a Class B  
19 misdemeanor;

20           (c) more than 30 grams but not more than 100 grams of  
21 any substance containing cannabis is guilty of a Class A  
22 misdemeanor; provided, that if any offense under this  
23 subsection (c) is a subsequent offense, the offender shall  
24 be guilty of a Class 4 felony;

25           (d) more than 100 grams but not more than 500 grams of  
26 any substance containing cannabis is guilty of a Class 4

1           felony; provided that if any offense under this subsection  
2           (d) is a subsequent offense, the offender shall be guilty  
3           of a Class 3 felony;

4           (e) more than 500 grams but not more than 2,000 grams  
5           of any substance containing cannabis is guilty of a Class 3  
6           felony;

7           (f) more than 2,000 grams but not more than 5,000 grams  
8           of any substance containing cannabis is guilty of a Class 2  
9           felony;

10          (g) more than 5,000 grams of any substance containing  
11          cannabis is guilty of a Class 1 felony.

12          (Source: P.A. 90-397, eff. 8-15-97; 99HB0218eng.)

13          Section 20. If and only if House Bill 218 of the 99th  
14          General Assembly becomes law in the form in which it passed the  
15          House on April 23, 2015, then the Drug Paraphernalia Control  
16          Act is amended by changing Section 3.5 as follows:

17                 (720 ILCS 600/3.5)

18                 Sec. 3.5. Possession of drug paraphernalia.

19                 (a) A person who knowingly possesses an item of drug  
20                 paraphernalia with the intent to use it in ingesting, inhaling,  
21                 or otherwise introducing cannabis or a controlled substance  
22                 into the human body, or in preparing cannabis or a controlled  
23                 substance for that use, is guilty of a Class A misdemeanor for  
24                 which the court shall impose a minimum fine of \$750 in addition

1 to any other penalty prescribed for a Class A misdemeanor. This  
2 subsection (a) does not apply to a person who is legally  
3 authorized to possess hypodermic syringes or needles under the  
4 Hypodermic Syringes and Needles Act.

5 (b) In determining intent under subsection (a), the trier  
6 of fact may take into consideration the proximity of the  
7 cannabis or controlled substances to drug paraphernalia or the  
8 presence of cannabis or a controlled substance on the drug  
9 paraphernalia.

10 (c) If a person violates subsection (a) of Section 4 of the  
11 Cannabis Control Act, the penalty for possession of any drug  
12 paraphernalia seized during the violation for that offense  
13 shall be a civil law violation punishable by a minimum fine of  
14 \$55 and a maximum fine of \$125. The proceeds of the fine shall  
15 be payable to the clerk of the circuit court ~~who shall deposit~~  
16 ~~the moneys from the fine into a special fund in the county~~  
17 ~~treasury~~. Within 30 days after the deposit of the fine ~~into the~~  
18 ~~special fund~~, the clerk ~~county treasurer~~ shall distribute the  
19 proceeds of the fine as follows:

20 (1) \$10 of the fine to the circuit clerk and \$10 of the  
21 fine to the law enforcement agency that issued the  
22 citation; the proceeds of each \$10 fine distributed to the  
23 circuit clerk and each \$10 fine distributed to the law  
24 enforcement agency that issued the citation for the  
25 violation shall be used to defer the cost of automatic  
26 expungements under paragraph (2.5) of subsection (a) of



1 Section 5.2 of the Criminal Identification Act;  
2 (2) \$15 to the county to fund drug addiction services;  
3 (3) \$10 to the Office of the State's Attorneys  
4 Appellate Prosecutor for use in training programs;  
5 (4) \$10 to the State's Attorney; and  
6 (5) any remainder of the fine to the law enforcement  
7 agency that issued the citation for the violation.

8 With respect to funds designated for the Department of  
9 State Police, the moneys shall be remitted by the circuit court  
10 clerk to the Department of State Police within one month after  
11 receipt for deposit into the State Police Operations Assistance  
12 Fund. With respect to funds designated for the Department of  
13 Natural Resources, the Department of Natural Resources shall  
14 deposit the moneys into the Conservation Police Operations  
15 Assistance Fund.

16 (Source: P.A. 93-392, eff. 7-25-03; 99HB0218eng.)

17 Section 99. Effective date. This Act takes effect January  
18 1, 2016 or on the date House Bill 218 of the 99th General  
19 Assembly takes effect, whichever is later.