



Rep. Elgie R. Sims, Jr.

Filed: 5/30/2015

09900SB1747ham005

LRB099 07934 MRW 36445 a

1 AMENDMENT TO SENATE BILL 1747

2 AMENDMENT NO. _____. Amend Senate Bill 1747 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Gun
5 Violence Intervention Court Act.

6 Section 5. Purpose. The General Assembly recognizes the
7 effectiveness of nationally-recognized gun violence
8 intervention programs targeting and identifying high-risk,
9 potentially violent offenders, and more importantly, those who
10 play a leadership role in collective groups of high-risk,
11 potentially violent offenders in reducing violent crime and
12 creating a positive impact upon recidivism. Collaboration
13 between local, State and federal law enforcement and
14 prosecutorial agencies, as well as social service groups,
15 community organizations, job training agencies, and
16 educational partnerships to communicate to certain instigators

1 of violence that the behavior will not be tolerated, and
2 evoking an immediate and intense response in which those
3 admonishments are not adhered to. In addition, and most
4 importantly, offering clear alternatives to promote and
5 incentivize job training and education programming to diminish
6 violence in communities across Illinois. To monitor the
7 progress of the offenders, this Act hereby creates a
8 specialized gun violence intervention court model for local
9 jurisdictions in this State to identify and communicate a zero
10 tolerance policy for violent gun crime, while offering social
11 service and community outreach to promote education and job
12 training, positively affecting recidivism rates, and long-term
13 anti-violence goals.

14 Section 10. Definitions. As used in this Act:

15 "Call-in" means targeted communication on behalf of a law
16 enforcement agency participating in gun violence intervention
17 court with a high-risk, potentially violent offender or group
18 of offenders, advising the persons of the consequences of
19 continued illegal behavior while offering alternatives to
20 promote non-criminal behavior.

21 "Combination gun court program" means a gun court program
22 that involves a pre-adjudicatory gun court program and a
23 post-adjudicatory gun court program.

24 "Department" means the Department of Corrections.

25 "Gun violence intervention court", "gun court", or

1 "program" means an immediate and highly structured criminal
2 justice process by which law enforcement agencies collaborate
3 with local community organizations to identify particularly
4 high-risk violent offenders, and high-risk violent offenders
5 within groups of violent offenders, and communicate potential
6 sanctions for the continuance of certain illegal behaviors. As
7 part of the intervention, alternatives to violent behavior are
8 presented, such as job training, education, and counseling
9 services. If violent behaviors continue resulting in violation
10 of gun court program conditions, the offender is entered into
11 an intensive and specialized prosecution and court call, in
12 which prior warnings of criminal sanction are carried out. If
13 incarceration is entered as part of the disposition, social
14 service and educational programs are offered in order to
15 promote positive behavioral change, along with continued
16 monitoring and services during periods of mandatory supervised
17 release.

18 "Gun violence intervention professional" means a member of
19 the gun court team, including, but not limited to, a judge,
20 prosecutor, defense attorney, probation officer, coordinator,
21 treatment provider, educator, or behavioral or mental health
22 counselor.

23 "Post-adjudicatory gun court program" means a program in
24 which the defendant has admitted guilt, or has been found
25 guilty, and the court agrees to permit the defendant to receive
26 specialized programming while serving his or her sentence.

1 "Pre-adjudicatory gun court program" means a program that
2 allows the defendant, with the consent of the prosecution, to
3 expedite the defendant's criminal case before conviction or
4 before filing of a criminal case and requires successful
5 completion of individualized programming as part of the
6 agreement.

7 Section 15. Authorization. The Chief Judge of each judicial
8 circuit may establish a gun violence intervention court, and if
9 the gun court is established, shall implement the gun court and
10 enter dispositions under this Act.

11 Section 20. Eligibility.

12 (a) A defendant may be admitted into a pre-adjudicatory gun
13 court program at the recommendation of a local, State, or
14 federal law enforcement agency which has participated in a
15 call-in with the defendant, with the agreement of the
16 prosecutor and with the approval of the court, for any
17 violation under Article 24 of the Criminal Code of 2012, upon
18 agreement of the defendant to enter into a pre-adjudicatory gun
19 court program.

20 (b) A defendant may be admitted into a post-adjudicatory
21 gun court program at the recommendation of a local, State, or
22 federal law enforcement agency which has participated in a
23 call-in with the defendant, with the agreement of the
24 prosecutor and with the approval of the court, for a violation

1 under Section 24-1.8, subsection (a) of Section 24-1.1,
2 paragraph (2), (3), (4), (5), or (6) of subsection (a) of
3 Section 24-1.2, or a Class 2 or greater felony under Section
4 24-1.6 of the Criminal Code of 2012, whether or not the
5 defendant agrees to be entered into a post-adjudicatory gun
6 court program.

7 (c) A defendant may be admitted into a combination gun
8 court program if during a pre-adjudicatory gun court program
9 under subsection (a) of this Section, he or she commits an
10 offense under subsection (b) of this Section.

11 Section 25. Pre-adjudicatory gun court program procedure.

12 (a) The court shall order an eligibility screening and an
13 assessment of the defendant by a team of gun court
14 professionals. The assessment shall include an individualized
15 risk assessment of the offender. The assessment shall also
16 identify community cooperatives that can assist with job
17 training, job placement, educational opportunities, or mental
18 health and behavioral counseling, if appropriate. The gun court
19 professionals shall submit a series of recommendations for
20 programming, and individualized monitoring and court
21 scheduling to ensure compliance with the recommended
22 programming.

23 (b) The court shall inform the defendant that if he or she
24 fails to meet the conditions of the gun court program,
25 eligibility to participate in the program may be revoked and

1 the prosecution shall continue for the underlying violation.

2 (c) The defendant shall execute a written and oral
3 agreement as to his or her participation in the program and
4 shall agree to all conditions of the program, including, but
5 not limited to, compliance with monitoring, court appearances,
6 job training, education training, or substance abuse,
7 behavioral health or mental health counseling as an outpatient,
8 inpatient, residential, or jail-based custodial treatment
9 program, and including, but not limited to, sanctions or
10 incarceration for failing to abide or comply with the terms of
11 the program.

12 (d) The gun court program shall include a regimen of
13 graduated requirements and rewards and sanctions, including,
14 but not limited to: fines, fees, costs, restitution,
15 incarceration of up to 180 days, individual and group therapy,
16 drug analysis testing, close monitoring by the court at a
17 minimum of once every 30 days and supervision of progress,
18 educational or vocational counseling as appropriate, and other
19 requirements necessary to fulfill the gun court program at the
20 recommendation of the gun court professionals.

21 (e) If the court finds from the evidence presented
22 including, but not limited, to the reports or proffers of proof
23 from the gun court professionals that:

24 (1) the defendant is not performing satisfactorily in
25 the assigned program;

26 (2) the defendant is not benefitting from education,

1 treatment, or rehabilitation;

2 (3) the defendant has engaged in criminal conduct
3 rendering him or her unsuitable for the program; or

4 (4) the defendant has otherwise violated the terms and
5 conditions of the program or his or her sentence or is for
6 any reason unable to participate; the court may impose
7 reasonable sanctions under prior written agreement of the
8 defendant, including, but not limited to, imprisonment or
9 dismissal of the defendant from the program and the court
10 may conduct criminal proceedings against him or her or
11 proceed under Section 5-6-4 of the Unified Code of
12 Corrections for a violation of probation, conditional
13 discharge, or supervision hearing.

14 (f) If the defendant successfully completes the
15 pre-adjudicatory gun court program, the court may consider this
16 at sentencing.

17 Section 30. Post-adjudicatory gun court program.

18 (a) The gun court may permit the prosecution for any
19 violation under subsection (b) of Section 20 of this Act to
20 proceed under this Act.

21 (b) If a person is found guilty of a violation under
22 subsection (b) of Section 20 of this Act, the court may order
23 an eligibility screening and assessment of the defendant. The
24 assessment shall include an individualized risk assessment of
25 the offender. The assessment shall also identify community

1 cooperatives that can assist with job training, job placement,
2 educational opportunities, or mental health and behavioral
3 counseling, when appropriate. The gun court professionals
4 shall submit a series of recommendations for programming, and
5 individualized monitoring and court scheduling to ensure
6 compliance with the recommended programming. The assessment
7 shall include programming recommendations for the defendant
8 while incarcerated, and upon release and reentry into society.

9 Section 35. Education seminars for judges. The
10 Administrative Office of the Illinois Courts may conduct
11 education seminars throughout this State on how to operate gun
12 court programs under this Act.

13 Section 105. The Department of State Police Law of the
14 Civil Administrative Code of Illinois is amended by adding
15 Section 2605-51 as follows:

16 (20 ILCS 2605/2605-51 new)

17 Sec. 2605-51. Sex Offenses and Sex Offender Registration
18 Task Force.

19 (a) The General Assembly acknowledges that numerous
20 criminal offenses that are categorized as sex offenses are
21 serious crimes that affect some of the most vulnerable victims.

22 (1) The Sex Offender Database was created as a
23 statewide database for the purpose of making information

1 regarding sex offenders publicly available so that victims
2 may be aware of released offenders and law enforcement may
3 have a tool to identify potential perpetrators of current
4 offenses. In addition to the Registry, sex offenders may be
5 subject to specific conditions and prohibitions for a
6 period after the person's release from imprisonment that
7 restricts where the person may reside, travel, and work.

8 (2) The General Assembly recognizes that the current
9 Sex Offender Database and sex offender restrictions do not
10 assess or differentiate based upon the specific risks of
11 each offender, potential threat to public safety, or an
12 offender's likelihood of reoffending.

13 (3) The General Assembly believes that a Task Force
14 should be created to ensure that law enforcement and
15 communities are able to identify the high-risk sex
16 offenders and focus on monitoring those offenders to
17 protect victims, improve public safety, and maintain the
18 seriousness of each offense.

19 (b) Sex Offenses and Sex Offender Registration Task Force.

20 (1) The Sex Offenses and Sex Offender Registration Task
21 Force is created to examine current offenses that require
22 offenders to register as sex offenders, conditions and
23 restrictions for registered sex offenders, and the
24 registration process.

25 (2) The Task Force shall hold public hearings at the
26 call of the co-chairpersons to receive testimony from the

1 public and make recommendations to the General Assembly
2 regarding legislative changes to more effectively classify
3 sex offenders based on their level of risk of re-offending,
4 better direct resources to monitor the most violent and
5 high risk offenders, and to ensure public safety.

6 (3) The Task Force shall be an independent Task Force
7 under the Department of State Police for administrative
8 purposes, and shall consist of the following members:

9 (A) the Director of Corrections, or his or her
10 designee;

11 (B) 2 members of the House of Representatives
12 appointed by the Speaker of the House of
13 Representatives, one of whom shall serve as
14 co-chairperson;

15 (C) 2 members of the Senate appointed by the
16 President of the Senate, one of whom shall serve as a
17 co-chairperson;

18 (D) a member of the Senate appointed by the
19 Minority Leader of the Senate;

20 (E) a member of the House of Representatives
21 appointed by the Minority Leader of the House of
22 Representatives;

23 (F) the Director of State Police, or his or her
24 designee;

25 (G) the Superintendent of the Chicago Police
26 Department, or his or her designee;

1 (H) the Chairperson of the Juvenile Justice
2 Commission, or his or her designee;

3 (I) a representative of a statewide organization
4 against sexual assault, appointed by the Director of
5 State Police;

6 (J) a representative of a statewide organization
7 representing probation and court services agencies in
8 Illinois, appointed by the Director of State Police;
9 and

10 (K) a representative of a statewide organization
11 representing Illinois sheriffs, appointed by the
12 Director of State Police;

13 (L) a representative of a statewide organization
14 representing Illinois police chiefs, appointed by the
15 Director of State Police;

16 (M) 2 State's Attorneys to be appointed by the
17 members of the Task Force; and

18 (N) 2 sex offender treatment providers, appointed
19 by the Director of State Police.

20 (c) The Task Force shall submit a written report of its
21 findings and recommendations to the General Assembly on or
22 before January 1, 2017.

23 (d) This Section is repealed on January 1, 2018.

24 Section 110. The Criminal Identification Act is amended by
25 changing Sections 3.1 and 5.2 as follows:

1 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

2 Sec. 3.1. (a) The Department may furnish, pursuant to
3 positive identification, records of convictions to the
4 Department of Financial and Professional Regulation for the
5 purpose of meeting registration or licensure requirements
6 under the Private Detective, Private Alarm, Private Security,
7 Fingerprint Vendor, and Locksmith Act of 2004 or the Pharmacy
8 Practice Act.

9 (b) The Department may furnish, pursuant to positive
10 identification, records of convictions to policing bodies of
11 this State for the purpose of assisting local liquor control
12 commissioners in carrying out their duty to refuse to issue
13 licenses to persons specified in paragraphs (4), (5) and (6) of
14 Section 6-2 of the Liquor Control Act of 1934.

15 (c) The Department shall charge an application fee, based
16 on actual costs, for the dissemination of records pursuant to
17 this Section. Fees received for the dissemination of records
18 pursuant to this Section shall be deposited in the State Police
19 Services Fund. The Department is empowered to establish this
20 fee and to prescribe the form and manner for requesting and
21 furnishing conviction information pursuant to this Section.

22 (d) Any dissemination of any information obtained pursuant
23 to this Section to any person not specifically authorized
24 hereby to receive or use it for the purpose for which it was
25 disseminated shall constitute a violation of Section 7.

1 (Source: P.A. 95-613, eff. 9-11-07.)

2 (20 ILCS 2630/5.2)

3 Sec. 5.2. Expungement and sealing.

4 (a) General Provisions.

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

8 (A) The following terms shall have the meanings
9 ascribed to them in the Unified Code of Corrections,
10 730 ILCS 5/5-1-2 through 5/5-1-22:

- 11 (i) Business Offense (730 ILCS 5/5-1-2),
12 (ii) Charge (730 ILCS 5/5-1-3),
13 (iii) Court (730 ILCS 5/5-1-6),
14 (iv) Defendant (730 ILCS 5/5-1-7),
15 (v) Felony (730 ILCS 5/5-1-9),
16 (vi) Imprisonment (730 ILCS 5/5-1-10),
17 (vii) Judgment (730 ILCS 5/5-1-12),
18 (viii) Misdemeanor (730 ILCS 5/5-1-14),
19 (ix) Offense (730 ILCS 5/5-1-15),
20 (x) Parole (730 ILCS 5/5-1-16),
21 (xi) Petty Offense (730 ILCS 5/5-1-17),
22 (xii) Probation (730 ILCS 5/5-1-18),
23 (xiii) Sentence (730 ILCS 5/5-1-19),
24 (xiv) Supervision (730 ILCS 5/5-1-21), and
25 (xv) Victim (730 ILCS 5/5-1-22).

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

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

21 (D) "Criminal offense" means a petty offense,
22 business offense, misdemeanor, felony, or municipal
23 ordinance violation (as defined in subsection
24 (a)(1)(H)). As used in this Section, a minor traffic
25 offense (as defined in subsection (a)(1)(G)) shall not
26 be considered a criminal offense.

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

10 (F) As used in this Section, "last sentence" means
11 the sentence, order of supervision, or order of
12 qualified probation (as defined by subsection
13 (a)(1)(J)), for a criminal offense (as defined by
14 subsection (a)(1)(D)) that terminates last in time in
15 any jurisdiction, regardless of whether the petitioner
16 has included the criminal offense for which the
17 sentence or order of supervision or qualified
18 probation was imposed in his or her petition. If
19 multiple sentences, orders of supervision, or orders
20 of qualified probation terminate on the same day and
21 are last in time, they shall be collectively considered
22 the "last sentence" regardless of whether they were
23 ordered to run concurrently.

24 (G) "Minor traffic offense" means a petty offense,
25 business offense, or Class C misdemeanor under the
26 Illinois Vehicle Code or a similar provision of a

1 municipal or local ordinance.

2 (H) "Municipal ordinance violation" means an
3 offense defined by a municipal or local ordinance that
4 is criminal in nature and with which the petitioner was
5 charged or for which the petitioner was arrested and
6 released without charging.

7 (I) "Petitioner" means an adult or a minor
8 prosecuted as an adult who has applied for relief under
9 this Section.

10 (J) "Qualified probation" means an order of
11 probation under Section 10 of the Cannabis Control Act,
12 Section 410 of the Illinois Controlled Substances Act,
13 Section 70 of the Methamphetamine Control and
14 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
15 of the Unified Code of Corrections, Section
16 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
17 those provisions existed before their deletion by
18 Public Act 89-313), Section 10-102 of the Illinois
19 Alcoholism and Other Drug Dependency Act, Section
20 40-10 of the Alcoholism and Other Drug Abuse and
21 Dependency Act, or Section 10 of the Steroid Control
22 Act. For the purpose of this Section, "successful
23 completion" of an order of qualified probation under
24 Section 10-102 of the Illinois Alcoholism and Other
25 Drug Dependency Act and Section 40-10 of the Alcoholism
26 and Other Drug Abuse and Dependency Act means that the

1 probation was terminated satisfactorily and the
2 judgment of conviction was vacated.

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

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

17 (M) "Terminate" as it relates to a sentence or
18 order of supervision or qualified probation includes
19 either satisfactory or unsatisfactory termination of
20 the sentence, unless otherwise specified in this
21 Section.

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

26 (3) Exclusions. Except as otherwise provided in

1 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
2 of this Section, the court shall not order:

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

18 (B) the sealing or expungement of records of minor
19 traffic offenses (as defined in subsection (a) (1) (G)),
20 unless the petitioner was arrested and released
21 without charging.

22 (C) the sealing of the records of arrests or
23 charges not initiated by arrest which result in an
24 order of supervision or a conviction for the following
25 offenses:

26 (i) offenses included in Article 11 of the

1 Criminal Code of 1961 or the Criminal Code of 2012
2 or a similar provision of a local ordinance, except
3 Section 11-14 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, or a similar provision of a
5 local ordinance;

6 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
7 26-5, or 48-1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, or a similar provision of a
9 local ordinance;

10 (iii) Sections 12-3.1 or 12-3.2 of the
11 Criminal Code of 1961 or the Criminal Code of 2012,
12 or Section 125 of the Stalking No Contact Order
13 Act, or Section 219 of the Civil No Contact Order
14 Act, or a similar provision of a local ordinance;

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

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

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

24 (i) the charge is amended to a misdemeanor and
25 is otherwise eligible to be sealed pursuant to
26 subsection (c);

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

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

12 (iv) the charge is for a felony offense listed
13 in subsection (c) (2) (F) or the charge is amended to
14 a felony offense listed in subsection (c) (2) (F);

15 (v) the charge results in acquittal,
16 dismissal, or the petitioner's release without
17 conviction; or

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

20 (b) Expungement.

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

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

26 (B) Each arrest or charge not initiated by arrest

1 sought to be expunged resulted in: (i) acquittal,
2 dismissal, or the petitioner's release without
3 charging, unless excluded by subsection (a)(3)(B);
4 (ii) a conviction which was vacated or reversed, unless
5 excluded by subsection (a)(3)(B); (iii) an order of
6 supervision and such supervision was successfully
7 completed by the petitioner, unless excluded by
8 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
9 qualified probation (as defined in subsection
10 (a)(1)(J)) and such probation was successfully
11 completed by the petitioner.

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

13 (A) When the arrest or charge not initiated by
14 arrest sought to be expunged resulted in an acquittal,
15 dismissal, the petitioner's release without charging,
16 or the reversal or vacation of a conviction, there is
17 no waiting period to petition for the expungement of
18 such records.

19 (B) When the arrest or charge not initiated by
20 arrest sought to be expunged resulted in an order of
21 supervision, successfully completed by the petitioner,
22 the following time frames will apply:

23 (i) Those arrests or charges that resulted in
24 orders of supervision under Section 3-707, 3-708,
25 3-710, or 5-401.3 of the Illinois Vehicle Code or a
26 similar provision of a local ordinance, or under

1 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
2 Code of 1961 or the Criminal Code of 2012, or a
3 similar provision of a local ordinance, shall not
4 be eligible for expungement until 5 years have
5 passed following the satisfactory termination of
6 the supervision.

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

18 (ii) Those arrests or charges that resulted in
19 orders of supervision for any other offenses shall
20 not be eligible for expungement until 2 years have
21 passed following the satisfactory termination of
22 the supervision.

23 (C) When the arrest or charge not initiated by
24 arrest sought to be expunged resulted in an order of
25 qualified probation, successfully completed by the
26 petitioner, such records shall not be eligible for

1 expungement until 5 years have passed following the
2 satisfactory termination of the probation.

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

7 (4) Whenever a person has been arrested for or
8 convicted of any offense, in the name of a person whose
9 identity he or she has stolen or otherwise come into
10 possession of, the aggrieved person from whom the identity
11 was stolen or otherwise obtained without authorization,
12 upon learning of the person having been arrested using his
13 or her identity, may, upon verified petition to the chief
14 judge of the circuit wherein the arrest was made, have a
15 court order entered nunc pro tunc by the Chief Judge to
16 correct the arrest record, conviction record, if any, and
17 all official records of the arresting authority, the
18 Department, other criminal justice agencies, the
19 prosecutor, and the trial court concerning such arrest, if
20 any, by removing his or her name from all such records in
21 connection with the arrest and conviction, if any, and by
22 inserting in the records the name of the offender, if known
23 or ascertainable, in lieu of the aggrieved's name. The
24 records of the circuit court clerk shall be sealed until
25 further order of the court upon good cause shown and the
26 name of the aggrieved person obliterated on the official

1 index required to be kept by the circuit court clerk under
2 Section 16 of the Clerks of Courts Act, but the order shall
3 not affect any index issued by the circuit court clerk
4 before the entry of the order. Nothing in this Section
5 shall limit the Department of State Police or other
6 criminal justice agencies or prosecutors from listing
7 under an offender's name the false names he or she has
8 used.

9 (5) Whenever a person has been convicted of criminal
10 sexual assault, aggravated criminal sexual assault,
11 predatory criminal sexual assault of a child, criminal
12 sexual abuse, or aggravated criminal sexual abuse, the
13 victim of that offense may request that the State's
14 Attorney of the county in which the conviction occurred
15 file a verified petition with the presiding trial judge at
16 the petitioner's trial to have a court order entered to
17 seal the records of the circuit court clerk in connection
18 with the proceedings of the trial court concerning that
19 offense. However, the records of the arresting authority
20 and the Department of State Police concerning the offense
21 shall not be sealed. The court, upon good cause shown,
22 shall make the records of the circuit court clerk in
23 connection with the proceedings of the trial court
24 concerning the offense available for public inspection.

25 (6) If a conviction has been set aside on direct review
26 or on collateral attack and the court determines by clear

1 and convincing evidence that the petitioner was factually
2 innocent of the charge, the court that finds the petitioner
3 factually innocent of the charge shall enter an expungement
4 order for the conviction for which the petitioner has been
5 determined to be innocent as provided in subsection (b) of
6 Section 5-5-4 of the Unified Code of Corrections.

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

21 (8) If the petitioner has been granted a certificate of
22 innocence under Section 2-702 of the Code of Civil
23 Procedure, the court that grants the certificate of
24 innocence shall also enter an order expunging the
25 conviction for which the petitioner has been determined to
26 be innocent as provided in subsection (h) of Section 2-702

1 of the Code of Civil Procedure.

2 (c) Sealing.

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

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

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

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

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

21 (D) Arrests or charges not initiated by arrest
22 resulting in convictions, including convictions on
23 municipal ordinance violations, unless excluded by
24 subsection (a) (3);

25 (E) Arrests or charges not initiated by arrest
26 resulting in orders of first offender probation under

1 Section 10 of the Cannabis Control Act, Section 410 of
2 the Illinois Controlled Substances Act, Section 70 of
3 the Methamphetamine Control and Community Protection
4 Act, or Section 5-6-3.3 of the Unified Code of
5 Corrections; and

6 (F) Arrests or charges not initiated by arrest
7 resulting in felony convictions for the following
8 offenses:

9 (i) Class 4 felony convictions for:

10 Prostitution under Section 11-14 of the
11 Criminal Code of 1961 or the Criminal Code of
12 2012.

13 Possession of cannabis under Section 4 of
14 the Cannabis Control Act.

15 Possession with intent to manufacture or
16 deliver cannabis under Section 5 of the
17 Cannabis Control Act.

18 Possession of a controlled substance under
19 Section 402 of the Illinois Controlled
20 Substances Act.

21 Offenses under the Methamphetamine
22 Precursor Control Act.

23 Offenses under the Steroid Control Act.

24 Theft under Section 16-1 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 Retail theft under Section 16A-3 or

1 paragraph (a) of 16-25 of the Criminal Code of
2 1961 or the Criminal Code of 2012.

3 Deceptive practices under Section 17-1 of
4 the Criminal Code of 1961 or the Criminal Code
5 of 2012.

6 Forgery under Section 17-3 of the Criminal
7 Code of 1961 or the Criminal Code of 2012.

8 Possession of burglary tools under Section
9 19-2 of the Criminal Code of 1961 or the
10 Criminal Code of 2012.

11 (ii) Class 3 felony convictions for:

12 Theft under Section 16-1 of the Criminal
13 Code of 1961 or the Criminal Code of 2012.

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

17 Deceptive practices under Section 17-1 of
18 the Criminal Code of 1961 or the Criminal Code
19 of 2012.

20 Forgery under Section 17-3 of the Criminal
21 Code of 1961 or the Criminal Code of 2012.

22 Possession with intent to manufacture or
23 deliver a controlled substance under Section
24 401 of the Illinois Controlled Substances Act.

25 (3) When Records Are Eligible to Be Sealed. Records
26 identified as eligible under subsection (c)(2) may be

1 sealed as follows:

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

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

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

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

23 (4) Subsequent felony convictions. A person may not
24 have subsequent felony conviction records sealed as
25 provided in this subsection (c) if he or she is convicted
26 of any felony offense after the date of the sealing of

1 prior felony convictions as provided in this subsection
2 (c). The court may, upon conviction for a subsequent felony
3 offense, order the unsealing of prior felony conviction
4 records previously ordered sealed by the court.

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

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

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

22 (2) Contents of petition. The petition shall be
23 verified and shall contain the petitioner's name, date of
24 birth, current address and, for each arrest or charge not
25 initiated by arrest sought to be sealed or expunged, the
26 case number, the date of arrest (if any), the identity of

1 the arresting authority, and such other information as the
2 court may require. During the pendency of the proceeding,
3 the petitioner shall promptly notify the circuit court
4 clerk of any change of his or her address. If the
5 petitioner has received a certificate of eligibility for
6 sealing from the Prisoner Review Board under paragraph (10)
7 of subsection (a) of Section 3-3-2 of the Unified Code of
8 Corrections, the certificate shall be attached to the
9 petition.

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

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

19 (B) seal felony records for a violation of the
20 Illinois Controlled Substances Act, the
21 Methamphetamine Control and Community Protection Act,
22 or the Cannabis Control Act under clause (c) (2) (F);

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

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

26 (4) Service of petition. The circuit court clerk shall

1 promptly serve a copy of the petition and documentation to
2 support the petition under subsection (e-5) or (e-6) on the
3 State's Attorney or prosecutor charged with the duty of
4 prosecuting the offense, the Department of State Police,
5 the arresting agency and the chief legal officer of the
6 unit of local government effecting the arrest.

7 (5) Objections.

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

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

19 (6) Entry of order.

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

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

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

19 (A) the strength of the evidence supporting the
20 defendant's conviction;

21 (B) the reasons for retention of the conviction
22 records by the State;

23 (C) the petitioner's age, criminal record history,
24 and employment history;

25 (D) the period of time between the petitioner's
26 arrest on the charge resulting in the conviction and

1 the filing of the petition under this Section; and

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

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

13 (9) Implementation of order.

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

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

23 (ii) the records of the circuit court clerk
24 shall be impounded until further order of the court
25 upon good cause shown and the name of the
26 petitioner obliterated on the official index

1 required to be kept by the circuit court clerk
2 under Section 16 of the Clerks of Courts Act, but
3 the order shall not affect any index issued by the
4 circuit court clerk before the entry of the order;
5 and

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

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

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

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

1 circuit court clerk before the entry of the order;

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

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

16 (v) 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
21 existed.

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

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

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

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

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

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

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

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

16 (D) The Department shall send written notice to the
17 petitioner of its compliance with each order to expunge
18 or seal records within 60 days of the date of service
19 of that order or, if a motion to vacate, modify, or
20 reconsider is filed, within 60 days of service of the
21 order resolving the motion, if that order requires the
22 Department to expunge or seal records. In the event of
23 an appeal from the circuit court order, the Department
24 shall send written notice to the petitioner of its
25 compliance with an Appellate Court or Supreme Court
26 judgment to expunge or seal records within 60 days of

1 the issuance of the court's mandate. The notice is not
2 required while any motion to vacate, modify, or
3 reconsider, or any appeal or petition for
4 discretionary appellate review, is pending.

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

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

26 (12) Motion to Vacate, Modify, or Reconsider. Under

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

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

21 (14) Compliance with Order Granting Petition to Seal
22 Records. Unless a court has entered a stay of an order
23 granting a petition to seal, all parties entitled to notice
24 of the petition must fully comply with the terms of the
25 order within 60 days of service of the order even if a
26 party is seeking relief from the order through a motion

1 filed under paragraph (12) of this subsection (d) or is
2 appealing the order.

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

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

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

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

18 (e-5) Whenever a person who has been convicted of an
19 offense is granted a certificate of eligibility for sealing by
20 the Prisoner Review Board which specifically authorizes
21 sealing, he or she may, upon verified petition to the Chief
22 Judge of the circuit where the person had been convicted, any
23 judge of the circuit designated by the Chief Judge, or in
24 counties of less than 3,000,000 inhabitants, the presiding
25 trial judge at the petitioner's trial, have a court order
26 entered sealing the record of arrest from the official records

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

22 (e-6) Whenever a person who has been convicted of an
23 offense is granted a certificate of eligibility for expungement
24 by the Prisoner Review Board which specifically authorizes
25 expungement, he or she may, upon verified petition to the Chief
26 Judge of the circuit where the person had been convicted, any

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

26 (f) Subject to available funding, the Illinois Department

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

12 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;
13 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
14 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,
15 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
16 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,
17 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;
18 98-1009, eff. 1-1-15; revised 9-30-14.)

19 Section 115. The Pharmacy Practice Act is amended by
20 changing Sections 6, 9, and 9.5 as follows:

21 (225 ILCS 85/6) (from Ch. 111, par. 4126)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 6. Each individual seeking licensure as a registered
24 pharmacist shall make application to the Department and shall

1 provide evidence of the following:

2 1. that he or she is a United States citizen or legally
3 admitted alien;

4 2. that he or she has not engaged in conduct or behavior
5 determined to be grounds for discipline under this Act;

6 3. that he or she is a graduate of a first professional
7 degree program in pharmacy of a university recognized and
8 approved by the Department;

9 4. that he or she has successfully completed a program of
10 practice experience under the direct supervision of a
11 pharmacist in a pharmacy in this State, or in any other State;
12 ~~and~~

13 5. that he or she has passed an examination recommended by
14 the Board of Pharmacy and authorized by the Department; ~~and~~ -

15 6. that he or she has submitted his or her fingerprints to
16 the Department of State Police in the form and manner
17 prescribed by the Department of State Police; these
18 fingerprints shall be transmitted through a live scan
19 fingerprint vendor licensed by the Department and shall be
20 checked against the fingerprint records now and hereafter filed
21 in the Department of State Police and Federal Bureau of
22 Investigation criminal history records databases; the
23 Department of State Police shall charge a fee for conducting
24 the criminal history records check, which shall be deposited
25 into the State Police Services Fund and shall not exceed the
26 actual cost of the State and national criminal history records

1 check; the Department of State Police shall furnish, pursuant
2 to positive identification, all Illinois conviction
3 information and national criminal history records information
4 to the Department; the Department may adopt any rules necessary
5 to implement this subsection 6.

6 The Department shall issue a license as a registered
7 pharmacist to any applicant who has qualified as aforesaid and
8 who has filed the required applications and paid the required
9 fees in connection therewith; and such registrant shall have
10 the authority to practice the profession of pharmacy in this
11 State.

12 (Source: P.A. 95-689, eff. 10-29-07.)

13 (225 ILCS 85/9) (from Ch. 111, par. 4129)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 9. Registration as pharmacy technician. Any person
16 shall be entitled to registration as a registered pharmacy
17 technician who is of the age of 16 or over, has not engaged in
18 conduct or behavior determined to be grounds for discipline
19 under this Act, is attending or has graduated from an
20 accredited high school or comparable school or educational
21 institution or received a high school equivalency certificate,
22 ~~and~~ has filed a written application for registration on a form
23 to be prescribed and furnished by the Department for that
24 purpose, and has submitted his or her fingerprints to the
25 Department of State Police in the form and manner prescribed by

1 the Department of State Police. These fingerprints shall be
2 transmitted through a live scan fingerprint vendor licensed by
3 the Department and shall be checked against the fingerprint
4 records now and hereafter filed in the Department of State
5 Police and Federal Bureau of Investigation criminal history
6 records databases. The Department of State Police shall charge
7 a fee for conducting the criminal history records check, which
8 shall be deposited into the State Police Services Fund and
9 shall not exceed the actual cost of the State and national
10 criminal history records check. The Department of State Police
11 shall furnish, pursuant to positive identification, all
12 Illinois conviction information and national criminal history
13 records information to the Department. The Department may adopt
14 any rules necessary to implement the background checks required
15 under this Section. The Department shall issue a certificate of
16 registration as a registered pharmacy technician to any
17 applicant who has qualified as aforesaid, and such registration
18 shall be the sole authority required to assist licensed
19 pharmacists in the practice of pharmacy, under the supervision
20 of a licensed pharmacist. A registered pharmacy technician may,
21 under the supervision of a pharmacist, assist in the practice
22 of pharmacy and perform such functions as assisting in the
23 dispensing process, offering counseling, receiving new verbal
24 prescription orders, and having prescriber contact concerning
25 prescription drug order clarification. A registered pharmacy
26 technician may not engage in patient counseling, drug regimen

1 review, or clinical conflict resolution.

2 Beginning on January 1, 2010, within 2 years after initial
3 registration as a registered technician, a pharmacy technician
4 must become certified by successfully passing the Pharmacy
5 Technician Certification Board (PTCB) examination or another
6 Board-approved pharmacy technician examination and register as
7 a certified pharmacy technician with the Department in order to
8 continue to perform pharmacy technician's duties. This
9 requirement does not apply to pharmacy technicians registered
10 prior to January 1, 2008.

11 Any person registered as a pharmacy technician who is also
12 enrolled in a first professional degree program in pharmacy in
13 a school or college of pharmacy or a department of pharmacy of
14 a university approved by the Department or has graduated from
15 such a program within the last 18 months, shall be considered a
16 "student pharmacist" and entitled to use the title "student
17 pharmacist". A student pharmacist must meet all of the
18 requirements for registration as a pharmacy technician set
19 forth in this Section excluding the requirement of
20 certification prior to the second registration renewal and pay
21 the required pharmacy technician registration fees. A student
22 pharmacist may, under the supervision of a pharmacist, assist
23 in the practice of pharmacy and perform any and all functions
24 delegated to him or her by the pharmacist.

25 Any person seeking licensure as a pharmacist who has
26 graduated from a pharmacy program outside the United States

1 must register as a pharmacy technician and shall be considered
2 a "student pharmacist" and be entitled to use the title
3 "student pharmacist" while completing the 1,200 clinical hours
4 of training approved by the Board of Pharmacy described and for
5 no more than 18 months after completion of these hours. These
6 individuals are not required to become certified pharmacy
7 technicians while completing their Board approved clinical
8 training, but must become licensed as a pharmacist or become a
9 certified pharmacy technician before the second pharmacy
10 technician registration renewal following completion of the
11 Board approved clinical training.

12 The Department shall not renew the pharmacy technician
13 license of any person who has been registered as a "student
14 pharmacist" and has dropped out of or been expelled from an
15 ACPE accredited college of pharmacy, who has failed to complete
16 his or her 1,200 hours of Board approved clinical training
17 within 24 months or who has failed the pharmacist licensure
18 examination 3 times and shall require these individuals to meet
19 the requirements of and become registered a certified pharmacy
20 technician.

21 The Department may take any action set forth in Section 30
22 of this Act with regard to registrations pursuant to this
23 Section.

24 Any person who is enrolled in a non-traditional Pharm.D.
25 program at an ACPE accredited college of pharmacy and is a
26 licensed pharmacist under the laws of another United States

1 jurisdiction shall be permitted to engage in the program of
2 practice experience required in the academic program by virtue
3 of such license. Such person shall be exempt from the
4 requirement of registration as a registered pharmacy
5 technician while engaged in the program of practice experience
6 required in the academic program.

7 An applicant for registration as a pharmacy technician may
8 assist a pharmacist in the practice of pharmacy for a period of
9 up to 60 days prior to the issuance of a certificate of
10 registration if the applicant has submitted the required fee
11 and an application for registration to the Department. The
12 applicant shall keep a copy of the submitted application on the
13 premises where the applicant is assisting in the practice of
14 pharmacy. The Department shall forward confirmation of receipt
15 of the application with start and expiration dates of practice
16 pending registration.

17 (Source: P.A. 98-718, eff. 1-1-15.)

18 (225 ILCS 85/9.5)

19 (Section scheduled to be repealed on January 1, 2018)

20 Sec. 9.5. Certified pharmacy technician.

21 (a) An individual registered as a pharmacy technician under
22 this Act may be registered as a certified pharmacy technician,
23 if he or she meets all of the following requirements:

24 (1) He or she has submitted a written application in
25 the form and manner prescribed by the Department.

1 (2) He or she has attained the age of 18.

2 (3) He or she is of good moral character, as determined
3 by the Department.

4 (4) He or she has (i) graduated from pharmacy
5 technician training meeting the requirements set forth in
6 subsection (a) of Section 17.1 of this Act or (ii) obtained
7 documentation from the pharmacist-in-charge of the
8 pharmacy where the applicant is employed verifying that he
9 or she has successfully completed a training program and
10 has successfully completed an objective assessment
11 mechanism prepared in accordance with rules established by
12 the Department.

13 (5) He or she has successfully passed an examination
14 accredited by the National Organization of Certifying
15 Agencies, as approved and required by the Board.

16 (6) He or she has paid the required certification fees.

17 (7) He or she has submitted his or her fingerprints to
18 the Department of State Police in the form and manner
19 prescribed by the Department of State Police. These
20 fingerprints shall be transmitted through a live scan
21 fingerprint vendor licensed by the Department and shall be
22 checked against the fingerprint records now and hereafter
23 filed in the Department of State Police and Federal Bureau
24 of Investigation criminal history records databases. The
25 Department of State Police shall charge a fee for
26 conducting the criminal history records check, which shall

1 be deposited into the State Police Services Fund and shall
2 not exceed the actual cost of the State and national
3 criminal history records check. The Department of State
4 Police shall furnish, pursuant to positive identification,
5 all Illinois conviction information and national criminal
6 history records information to the Department. The
7 Department may adopt any rules necessary to implement this
8 paragraph (7).

9 (b) No pharmacist whose license has been denied, revoked,
10 suspended, or restricted for disciplinary purposes may be
11 eligible to be registered as a certified pharmacy technician.

12 (c) The Department may, by rule, establish any additional
13 requirements for certification under this Section.

14 (d) A person who is not a registered pharmacy technician
15 and meets the requirements of this Section may register as a
16 certified pharmacy technician without first registering as a
17 pharmacy technician.

18 (Source: P.A. 95-689, eff. 10-29-07; 96-673, eff. 1-1-10.)

19 Section 120. The Cannabis Control Act is amended by
20 changing Section 5.2 as follows:

21 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

22 Sec. 5.2. Delivery of cannabis on school grounds.

23 (a) Any person who violates subsection (e) of Section 5 in
24 any school, on the real property comprising any school, or any

1 conveyance owned, leased or contracted by a school to transport
2 students to or from school or a school related activity, or on
3 any public way within 1,000 feet of the real property
4 comprising any school, or any conveyance owned, leased or
5 contracted by a school to transport students to or from school
6 or a school related activity, and at the time of the violation
7 persons under the age 18 are present, other than the person who
8 committed the offense, the offense is committed during school
9 hours, or the offense is committed at times when persons under
10 the age of 18 are reasonably expected to be present in the
11 school, in the conveyance, on the real property, or on the
12 public way, such as when after-school activities are occurring,
13 is guilty of a Class 1 felony, the fine for which shall not
14 exceed \$200,000;

15 (b) Any person who violates subsection (d) of Section 5 in
16 any school, on the real property comprising any school, or any
17 conveyance owned, leased or contracted by a school to transport
18 students to or from school or a school related activity, or on
19 any public way within 1,000 feet of the real property
20 comprising any school, or any conveyance owned, leased or
21 contracted by a school to transport students to or from school
22 or a school related activity, and at the time of the violation
23 persons under the age 18 are present, other than the person who
24 committed the offense, the offense is committed during school
25 hours, or the offense is committed at times when persons under
26 the age of 18 are reasonably expected to be present in the

1 school, in the conveyance, on the real property, or on the
2 public way, such as when after-school activities are occurring,
3 is guilty of a Class 2 felony, the fine for which shall not
4 exceed \$100,000;

5 (c) Any person who violates subsection (c) of Section 5 in
6 any school, on the real property comprising any school, or any
7 conveyance owned, leased or contracted by a school to transport
8 students to or from school or a school related activity, or on
9 any public way within 1,000 feet of the real property
10 comprising any school, or any conveyance owned, leased or
11 contracted by a school to transport students to or from school
12 or a school related activity, and at the time of the violation
13 persons under the age 18 are present, other than the person who
14 committed the offense, the offense is committed during school
15 hours, or the offense is committed at times when persons under
16 the age of 18 are reasonably expected to be present in the
17 school, in the conveyance, on the real property, or on the
18 public way, such as when after-school activities are occurring,
19 is guilty of a Class 3 felony, the fine for which shall not
20 exceed \$50,000;

21 (d) Any person who violates subsection (b) of Section 5 in
22 any school, on the real property comprising any school, or any
23 conveyance owned, leased or contracted by a school to transport
24 students to or from school or a school related activity, or on
25 any public way within 1,000 feet of the real property
26 comprising any school, or any conveyance owned, leased or

1 contracted by a school to transport students to or from school
2 or a school related activity, and at the time of the violation
3 persons under the age 18 are present, other than the person who
4 committed the offense, the offense is committed during school
5 hours, or the offense is committed at times when persons under
6 the age of 18 are reasonably expected to be present in the
7 school, in the conveyance, on the real property, or on the
8 public way, such as when after-school activities are occurring,
9 is guilty of a Class 4 felony, the fine for which shall not
10 exceed \$25,000;

11 (e) Any person who violates subsection (a) of Section 5 in
12 any school, on the real property comprising any school, or any
13 conveyance owned, leased or contracted by a school to transport
14 students to or from school or a school related activity, on any
15 public way within 1,000 feet of the real property comprising
16 any school, or any conveyance owned, leased or contracted by a
17 school to transport students to or from school or a school
18 related activity, and at the time of the violation persons
19 under the age 18 are present, other than the person who
20 committed the offense, the offense is committed during school
21 hours, or the offense is committed at times when persons under
22 the age of 18 are reasonably expected to be present in the
23 school, in the conveyance, on the real property, or on the
24 public way, such as when after-school activities are occurring,
25 is guilty of a Class A misdemeanor.

26 (Source: P.A. 87-544.)

1 Section 125. The Illinois Controlled Substances Act is
2 amended by changing Section 407 as follows:

3 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

4 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
5 violates any subsection of Section 401 or subsection (b) of
6 Section 404 by delivering a controlled, counterfeit or
7 look-alike substance to a person under 18 years of age may be
8 sentenced to imprisonment for a term up to twice the maximum
9 term and fined an amount up to twice that amount otherwise
10 authorized by the pertinent subsection of Section 401 and
11 Subsection (b) of Section 404.

12 (B) (Blank).

13 (2) Except as provided in paragraph (3) of this subsection,
14 any person who violates:

15 (A) subsection (c) of Section 401 by delivering or
16 possessing with intent to deliver a controlled,
17 counterfeit, or look-alike substance in or on, or within
18 1,000 feet of, a truck stop or safety rest area, is guilty
19 of a Class 1 felony, the fine for which shall not exceed
20 \$250,000;

21 (B) subsection (d) of Section 401 by delivering or
22 possessing with intent to deliver a controlled,
23 counterfeit, or look-alike substance in or on, or within
24 1,000 feet of, a truck stop or safety rest area, is guilty

1 of a Class 2 felony, the fine for which shall not exceed
2 \$200,000;

3 (C) subsection (e) of Section 401 or subsection (b) of
4 Section 404 by delivering or possessing with intent to
5 deliver a controlled, counterfeit, or look-alike substance
6 in or on, or within 1,000 feet of, a truck stop or safety
7 rest area, is guilty of a Class 3 felony, the fine for
8 which shall not exceed \$150,000;

9 (D) subsection (f) of Section 401 by delivering or
10 possessing with intent to deliver a controlled,
11 counterfeit, or look-alike substance in or on, or within
12 1,000 feet of, a truck stop or safety rest area, is guilty
13 of a Class 3 felony, the fine for which shall not exceed
14 \$125,000;

15 (E) subsection (g) of Section 401 by delivering or
16 possessing with intent to deliver a controlled,
17 counterfeit, or look-alike substance in or on, or within
18 1,000 feet of, a truck stop or safety rest area, is guilty
19 of a Class 3 felony, the fine for which shall not exceed
20 \$100,000;

21 (F) subsection (h) of Section 401 by delivering or
22 possessing with intent to deliver a controlled,
23 counterfeit, or look-alike substance in or on, or within
24 1,000 feet of, a truck stop or safety rest area, is guilty
25 of a Class 3 felony, the fine for which shall not exceed
26 \$75,000;

1 (3) Any person who violates paragraph (2) of this
2 subsection (a) by delivering or possessing with intent to
3 deliver a controlled, counterfeit, or look-alike substance in
4 or on, or within 1,000 feet of a truck stop or a safety rest
5 area, following a prior conviction or convictions of paragraph
6 (2) of this subsection (a) may be sentenced to a term of
7 imprisonment up to 2 times the maximum term and fined an amount
8 up to 2 times the amount otherwise authorized by Section 401.

9 (4) For the purposes of this subsection (a):

10 (A) "Safety rest area" means a roadside facility
11 removed from the roadway with parking and facilities
12 designed for motorists' rest, comfort, and information
13 needs; and

14 (B) "Truck stop" means any facility (and its parking
15 areas) used to provide fuel or service, or both, to any
16 commercial motor vehicle as defined in Section 18b-101 of
17 the Illinois Vehicle Code.

18 (b) Any person who violates:

19 (1) subsection (c) of Section 401 is guilty of a Class
20 X felony the fine for which shall not exceed \$500,000 if he
21 or she commits the violation:

22 (A) in any school, or any conveyance owned, leased
23 or contracted by a school to transport students to or
24 from school or a school related activity, or on the
25 real property comprising any school, or within 1,000
26 feet of the real property comprising any school, and at

1 the time of the violation persons under the age 18 are
2 present, other than the person who committed the
3 offense, the offense is committed during school hours,
4 or the offense is committed at times when persons under
5 the age of 18 are reasonably expected to be present in
6 the school, in the conveyance, or on the real property,
7 such as when after-school activities are occurring,

8 (B) on residential property owned, operated or
9 managed by a public housing agency or leased by a
10 public housing agency as part of a scattered site or
11 mixed-income development, or public park, on the real
12 property comprising any ~~school or~~ residential property
13 owned, operated or managed by a public housing agency
14 or leased by a public housing agency as part of a
15 scattered site or mixed-income development, or public
16 park or within 1,000 feet of the real property
17 comprising any ~~school or~~ residential property owned,
18 operated or managed by a public housing agency or
19 leased by a public housing agency as part of a
20 scattered site or mixed-income development, or public
21 park,

22 (C) on the real property comprising any church,
23 synagogue, or other building, structure, or place used
24 primarily for religious worship, or within 1,000 feet
25 of the real property comprising any church, synagogue,
26 or other building, structure, or place used primarily

1 for religious worship, or

2 (D) on the real property comprising any of the
3 following places, buildings, or structures used
4 primarily for housing or providing space for
5 activities for senior citizens: nursing homes,
6 assisted-living centers, senior citizen housing
7 complexes, or senior centers oriented toward daytime
8 activities, or within 1,000 feet of the real property
9 comprising any of the following places, buildings, or
10 structures used primarily for housing or providing
11 space for activities for senior citizens: nursing
12 homes, assisted-living centers, senior citizen housing
13 complexes, or senior centers oriented toward daytime
14 activities ~~is guilty of a Class X felony, the fine for~~
15 ~~which shall not exceed \$500,000;~~

16 (2) subsection (d) of Section 401 is guilty of a Class
17 1 felony the fine for which shall not exceed \$250,000 if he
18 or she commits the violation:

19 (A) in any school, or any conveyance owned, leased
20 or contracted by a school to transport students to or
21 from school or a school related activity, or on the
22 real property comprising any school, or within 1,000
23 feet of the real property comprising any school, and at
24 the time of the violation persons under the age 18 are
25 present, other than the person who committed the
26 offense, the offense is committed during school hours,

1 or the offense is committed at times when persons under
2 the age of 18 are reasonably expected to be present in
3 the school, in the conveyance, or on the real property,
4 such as when after-school activities are occurring,

5 (B) on residential property owned, operated or
6 managed by a public housing agency or leased by a
7 public housing agency as part of a scattered site or
8 mixed-income development, or public park, on the real
9 property comprising any ~~school or~~ residential property
10 owned, operated or managed by a public housing agency
11 or leased by a public housing agency as part of a
12 scattered site or mixed-income development, or public
13 park or within 1,000 feet of the real property
14 comprising any ~~school or~~ residential property owned,
15 operated or managed by a public housing agency or
16 leased by a public housing agency as part of a
17 scattered site or mixed-income development, or public
18 park,

19 (C) on the real property comprising any church,
20 synagogue, or other building, structure, or place used
21 primarily for religious worship, or within 1,000 feet
22 of the real property comprising any church, synagogue,
23 or other building, structure, or place used primarily
24 for religious worship, or

25 (D) on the real property comprising any of the
26 following places, buildings, or structures used

1 primarily for housing or providing space for
2 activities for senior citizens: nursing homes,
3 assisted-living centers, senior citizen housing
4 complexes, or senior centers oriented toward daytime
5 activities, or within 1,000 feet of the real property
6 comprising any of the following places, buildings, or
7 structures used primarily for housing or providing
8 space for activities for senior citizens: nursing
9 homes, assisted-living centers, senior citizen housing
10 complexes, or senior centers oriented toward daytime
11 activities ~~is guilty of a Class 1 felony, the fine for~~
12 ~~which shall not exceed \$250,000;~~

13 (3) subsection (e) of Section 401 or Subsection (b) of
14 Section 404 is guilty of a Class 2 felony the fine for
15 which shall not exceed \$200,000 if he or she commits the
16 violation:

17 (A) in any school, or any conveyance owned, leased
18 or contracted by a school to transport students to or
19 from school or a school related activity, or on the
20 real property comprising any school, or within 1,000
21 feet of the real property comprising any school, and at
22 the time of the violation persons under the age 18 are
23 present, other than the person who committed the
24 offense, the offense is committed during school hours,
25 or the offense is committed at times when persons under
26 the age of 18 are reasonably expected to be present in

1 the school, in the conveyance, or on the real property,
2 such as when after-school activities are occurring,

3 (B) on residential property owned, operated or
4 managed by a public housing agency or leased by a
5 public housing agency as part of a scattered site or
6 mixed-income development, or public park, on the real
7 property comprising any ~~school or~~ residential property
8 owned, operated or managed by a public housing agency
9 or leased by a public housing agency as part of a
10 scattered site or mixed-income development, or public
11 park or within 1,000 feet of the real property
12 comprising any ~~school or~~ residential property owned,
13 operated or managed by a public housing agency or
14 leased by a public housing agency as part of a
15 scattered site or mixed-income development, or public
16 park,

17 (C) on the real property comprising any church,
18 synagogue, or other building, structure, or place used
19 primarily for religious worship, or within 1,000 feet
20 of the real property comprising any church, synagogue,
21 or other building, structure, or place used primarily
22 for religious worship, or

23 (D) on the real property comprising any of the
24 following places, buildings, or structures used
25 primarily for housing or providing space for
26 activities for senior citizens: nursing homes,

1 assisted-living centers, senior citizen housing
2 complexes, or senior centers oriented toward daytime
3 activities, or within 1,000 feet of the real property
4 comprising any of the following places, buildings, or
5 structures used primarily for housing or providing
6 space for activities for senior citizens: nursing
7 homes, assisted-living centers, senior citizen housing
8 complexes, or senior centers oriented toward daytime
9 activities ~~is guilty of a Class 2 felony, the fine for~~
10 ~~which shall not exceed \$200,000;~~

11 (4) subsection (f) of Section 401 is guilty of a Class
12 2 felony the fine for which shall not exceed \$150,000 if he
13 or she commits the violation:

14 (A) in any school, or any conveyance owned, leased
15 or contracted by a school to transport students to or
16 from school or a school related activity, or on the
17 real property comprising any school, or within 1,000
18 feet of the real property comprising any school, and at
19 the time of the violation persons under the age 18 are
20 present, other than the person who committed the
21 offense, the offense is committed during school hours,
22 or the offense is committed at times when persons under
23 the age of 18 are reasonably expected to be present in
24 the school, in the conveyance, or on the real property,
25 such as when after-school activities are occurring,

26 (B) on residential property owned, operated or

1 managed by a public housing agency or leased by a
2 public housing agency as part of a scattered site or
3 mixed-income development, or public park, on the real
4 property comprising any ~~school or~~ residential property
5 owned, operated or managed by a public housing agency
6 or leased by a public housing agency as part of a
7 scattered site or mixed-income development, or public
8 park or within 1,000 feet of the real property
9 comprising any ~~school or~~ residential property owned,
10 operated or managed by a public housing agency or
11 leased by a public housing agency as part of a
12 scattered site or mixed-income development, or public
13 park,

14 (C) on the real property comprising any church,
15 synagogue, or other building, structure, or place used
16 primarily for religious worship, or within 1,000 feet
17 of the real property comprising any church, synagogue,
18 or other building, structure, or place used primarily
19 for religious worship, or

20 (D) on the real property comprising any of the
21 following places, buildings, or structures used
22 primarily for housing or providing space for
23 activities for senior citizens: nursing homes,
24 assisted-living centers, senior citizen housing
25 complexes, or senior centers oriented toward daytime
26 activities, or within 1,000 feet of the real property

1 comprising any of the following places, buildings, or
2 structures used primarily for housing or providing
3 space for activities for senior citizens: nursing
4 homes, assisted-living centers, senior citizen housing
5 complexes, or senior centers oriented toward daytime
6 activities ~~is guilty of a Class 2 felony, the fine for~~
7 ~~which shall not exceed \$150,000;~~

8 (5) subsection (g) of Section 401 is guilty of a Class
9 2 felony the fine for which shall not exceed \$125,000 if he
10 or she commits the violation:

11 (A) in any school, or any conveyance owned, leased
12 or contracted by a school to transport students to or
13 from school or a school related activity, or on the
14 real property comprising any school, or within 1,000
15 feet of the real property comprising any school, and at
16 the time of the violation persons under the age 18 are
17 present, other than the person who committed the
18 offense, the offense is committed during school hours,
19 or the offense is committed at times when persons under
20 the age of 18 are reasonably expected to be present in
21 the school, in the conveyance, or on the real property,
22 such as when after-school activities are occurring,

23 (B) on residential property owned, operated or
24 managed by a public housing agency or leased by a
25 public housing agency as part of a scattered site or
26 mixed-income development, or public park, on the real

1 property comprising any ~~school or~~ residential property
2 owned, operated or managed by a public housing agency
3 or leased by a public housing agency as part of a
4 scattered site or mixed-income development, or public
5 park or within 1,000 feet of the real property
6 comprising any ~~school or~~ residential property owned,
7 operated or managed by a public housing agency or
8 leased by a public housing agency as part of a
9 scattered site or mixed-income development, or public
10 park,

11 (C) on the real property comprising any church,
12 synagogue, or other building, structure, or place used
13 primarily for religious worship, or within 1,000 feet
14 of the real property comprising any church, synagogue,
15 or other building, structure, or place used primarily
16 for religious worship, or

17 (D) on the real property comprising any of the
18 following places, buildings, or structures used
19 primarily for housing or providing space for
20 activities for senior citizens: nursing homes,
21 assisted-living centers, senior citizen housing
22 complexes, or senior centers oriented toward daytime
23 activities, or within 1,000 feet of the real property
24 comprising any of the following places, buildings, or
25 structures used primarily for housing or providing
26 space for activities for senior citizens: nursing

1 homes, assisted-living centers, senior citizen housing
2 complexes, or senior centers oriented toward daytime
3 activities ~~is guilty of a Class 2 felony, the fine for~~
4 ~~which shall not exceed \$125,000; or~~

5 (6) subsection (h) of Section 401 is guilty of a Class
6 2 felony the fine for which shall not exceed \$100,000 if he
7 or she commits the violation:

8 (A) in any school, or any conveyance owned, leased
9 or contracted by a school to transport students to or
10 from school or a school related activity, or on the
11 real property comprising any school, or within 1,000
12 feet of the real property comprising any school, and at
13 the time of the violation persons under the age 18 are
14 present, other than the person who committed the
15 offense, the offense is committed during school hours,
16 or the offense is committed at times when persons under
17 the age of 18 are reasonably expected to be present in
18 the school, in the conveyance, or on the real property,
19 such as when after-school activities are occurring,

20 (B) on residential property owned, operated or
21 managed by a public housing agency or leased by a
22 public housing agency as part of a scattered site or
23 mixed-income development, or public park, on the real
24 property comprising any ~~school or~~ residential property
25 owned, operated or managed by a public housing agency
26 or leased by a public housing agency as part of a

1 scattered site or mixed-income development, or public
2 park or within 1,000 feet of the real property
3 comprising any ~~school or~~ residential property owned,
4 operated or managed by a public housing agency or
5 leased by a public housing agency as part of a
6 scattered site or mixed-income development, or public
7 park,

8 (C) on the real property comprising any church,
9 synagogue, or other building, structure, or place used
10 primarily for religious worship, or within 1,000 feet
11 of the real property comprising any church, synagogue,
12 or other building, structure, or place used primarily
13 for religious worship, or

14 (D) on the real property comprising any of the
15 following places, buildings, or structures used
16 primarily for housing or providing space for
17 activities for senior citizens: nursing homes,
18 assisted-living centers, senior citizen housing
19 complexes, or senior centers oriented toward daytime
20 activities, or within 1,000 feet of the real property
21 comprising any of the following places, buildings, or
22 structures used primarily for housing or providing
23 space for activities for senior citizens: nursing
24 homes, assisted-living centers, senior citizen housing
25 complexes, or senior centers oriented toward daytime
26 activities ~~is guilty of a Class 2 felony, the fine for~~

1 ~~which shall not exceed \$100,000.~~

2 (c) (Blank). ~~Regarding penalties prescribed in subsection~~
3 ~~(b) for violations committed in a school or on or within 1,000~~
4 ~~feet of school property, the time of day, time of year and~~
5 ~~whether classes were currently in session at the time of the~~
6 ~~offense is irrelevant.~~

7 (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)

8 Section 130. The Methamphetamine Control and Community
9 Protection Act is amended by changing Section 55 as follows:

10 (720 ILCS 646/55)

11 Sec. 55. Methamphetamine delivery.

12 (a) Delivery or possession with intent to deliver
13 methamphetamine or a substance containing methamphetamine.

14 (1) It is unlawful knowingly to engage in the delivery
15 or possession with intent to deliver methamphetamine or a
16 substance containing methamphetamine.

17 (2) A person who violates paragraph (1) of this
18 subsection (a) is subject to the following penalties:

19 (A) A person who delivers or possesses with intent
20 to deliver less than 5 grams of methamphetamine or a
21 substance containing methamphetamine is guilty of a
22 Class 2 felony.

23 (B) A person who delivers or possesses with intent
24 to deliver 5 or more grams but less than 15 grams of

1 methamphetamine or a substance containing
2 methamphetamine is guilty of a Class 1 felony.

3 (C) A person who delivers or possesses with intent
4 to deliver 15 or more grams but less than 100 grams of
5 methamphetamine or a substance containing
6 methamphetamine is guilty of a Class X felony, subject
7 to a term of imprisonment of not less than 6 years and
8 not more than 30 years, and subject to a fine not to
9 exceed \$100,000 or the street value of the
10 methamphetamine, whichever is greater.

11 (D) A person who delivers or possesses with intent
12 to deliver 100 or more grams but less than 400 grams of
13 methamphetamine or a substance containing
14 methamphetamine is guilty of a Class X felony, subject
15 to a term of imprisonment of not less than 9 years and
16 not more than 40 years, and subject to a fine not to
17 exceed \$200,000 or the street value of the
18 methamphetamine, whichever is greater.

19 (E) A person who delivers or possesses with intent
20 to deliver 400 or more grams but less than 900 grams of
21 methamphetamine or a substance containing
22 methamphetamine is guilty of a Class X felony, subject
23 to a term of imprisonment of not less than 12 years and
24 not more than 50 years, and subject to a fine not to
25 exceed \$300,000 or the street value of the
26 methamphetamine, whichever is greater.

1 (F) A person who delivers or possesses with intent
2 to deliver 900 or more grams of methamphetamine or a
3 substance containing methamphetamine is guilty of a
4 Class X felony, subject to a term of imprisonment of
5 not less than 15 years and not more than 60 years, and
6 subject to a fine not to exceed \$400,000 or the street
7 value of the methamphetamine, whichever is greater.

8 (b) Aggravated delivery or possession with intent to
9 deliver methamphetamine or a substance containing
10 methamphetamine.

11 (1) It is unlawful to engage in the aggravated delivery
12 or possession with intent to deliver methamphetamine or a
13 substance containing methamphetamine. A person engages in
14 the aggravated delivery or possession with intent to
15 deliver methamphetamine or a substance containing
16 methamphetamine when the person violates paragraph (1) of
17 subsection (a) of this Section and:

18 (A) the person is at least 18 years of age and
19 knowingly delivers or possesses with intent to deliver
20 the methamphetamine or substance containing
21 methamphetamine to a person under 18 years of age;

22 (B) the person is at least 18 years of age and
23 knowingly uses, engages, employs, or causes another
24 person to use, engage, or employ a person under 18
25 years of age to deliver the methamphetamine or
26 substance containing methamphetamine;

1 (C) the person knowingly delivers or possesses
2 with intent to deliver the methamphetamine or
3 substance containing methamphetamine in any structure
4 or vehicle protected by one or more firearms, explosive
5 devices, booby traps, alarm systems, surveillance
6 systems, guard dogs, or dangerous animals;

7 (D) the person knowingly delivers or possesses
8 with intent to deliver the methamphetamine or
9 substance containing methamphetamine in any school, on
10 any real property comprising any school, or in any
11 conveyance owned, leased, or contracted by a school to
12 transport students to or from school or a
13 school-related activity, and at the time of the
14 violation persons under the age 18 are present, other
15 than the person who committed the offense, the offense
16 is committed during school hours, or the offense is
17 committed at times when persons under the age of 18 are
18 reasonably expected to be present in the school, in the
19 conveyance, or on the real property, such as when
20 after-school activities are occurring;

21 (E) the person delivers or causes another person to
22 deliver the methamphetamine or substance containing
23 methamphetamine to a woman that the person knows to be
24 pregnant; or

25 (F) (blank).

26 (2) A person who violates paragraph (1) of this

1 subsection (b) is subject to the following penalties:

2 (A) A person who delivers or possesses with intent
3 to deliver less than 5 grams of methamphetamine or a
4 substance containing methamphetamine is guilty of a
5 Class 1 felony.

6 (B) A person who delivers or possesses with intent
7 to deliver 5 or more grams but less than 15 grams of
8 methamphetamine or a substance containing
9 methamphetamine is guilty of a Class X felony, subject
10 to a term of imprisonment of not less than 6 years and
11 not more than 30 years, and subject to a fine not to
12 exceed \$100,000 or the street value of the
13 methamphetamine, whichever is greater.

14 (C) A person who delivers or possesses with intent
15 to deliver 15 or more grams but less than 100 grams of
16 methamphetamine or a substance containing
17 methamphetamine is guilty of a Class X felony, subject
18 to a term of imprisonment of not less than 8 years and
19 not more than 40 years, and subject to a fine not to
20 exceed \$200,000 or the street value of the
21 methamphetamine, whichever is greater.

22 (D) A person who delivers or possesses with intent
23 to deliver 100 or more grams of methamphetamine or a
24 substance containing methamphetamine is guilty of a
25 Class X felony, subject to a term of imprisonment of
26 not less than 10 years and not more than 50 years, and

1 subject to a fine not to exceed \$300,000 or the street
2 value of the methamphetamine, whichever is greater.
3 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

4 Section 135. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 124A-15 as follows:

6 (725 ILCS 5/124A-15)

7 Sec. 124A-15. Reversal of conviction; refund of fines,
8 fees, and costs.

9 (a) A defendant convicted in a criminal prosecution whose
10 conviction is reversed by a finding of factual innocence in a
11 collateral proceeding such as habeas corpus or post-conviction
12 relief under Article 122 of this Code is not liable for any
13 costs or fees of the court or circuit clerk's office, or for
14 any charge of subsistence while detained in custody. If the
15 defendant has paid any costs, fine, or fees, in the case, a
16 refund of those costs shall be determined by the judge and paid
17 by the clerk of the court. The timing of the refund payment
18 shall be determined by the clerk of the court based upon the
19 availability of funds in the subject fund account ~~the clerk or~~
20 ~~judge shall give him or her a certificate of the payment of~~
21 ~~those costs, fine, or fees with the items of those expenses,~~
22 ~~which, when audited and approved according to law, shall be~~
23 ~~refunded to the defendant.~~

24 (b) To receive a refund under this Section, a defendant

1 must submit a request for the refund to the clerk of the court
2 on a form and in a manner prescribed by the clerk. The
3 defendant must attach to the form an order from the court
4 demonstrating the defendant's right to the refund and the
5 amount of the refund.

6 (Source: P.A. 98-943, eff. 1-1-15.)

7 Section 140. The Unified Code of Corrections is amended by
8 changing Section 5-8-1.2 as follows:

9 (730 ILCS 5/5-8-1.2)

10 Sec. 5-8-1.2. County impact incarceration.

11 (a) Legislative intent. It is the finding of the General
12 Assembly that certain non-violent offenders eligible for
13 sentences of incarceration may benefit from the rehabilitative
14 aspects of a county impact incarceration program. It is the
15 intent of the General Assembly that such programs be
16 implemented as provided by this Section. This Section shall not
17 be construed to allow violent offenders to participate in a
18 county impact incarceration program.

19 (b) Under the direction of the Sheriff and with the
20 approval of the County Board of Commissioners, the Sheriff, in
21 any county with more than 3,000,000 inhabitants, may establish
22 and operate a county impact incarceration program for eligible
23 offenders. If the court finds under Section 5-4-1 that an
24 offender convicted of a felony meets the eligibility

1 requirements of the Sheriff's county impact incarceration
2 program, the court may sentence the offender to the county
3 impact incarceration program. If the court finds a person
4 charged with a felony meets the eligibility requirements of the
5 Sheriff's county impact incarceration program, the court may
6 order the person's participation in the county impact
7 incarceration program. The Sheriff shall be responsible for
8 monitoring all offenders who are sentenced to or ordered to the
9 county impact incarceration program, including the mandatory
10 period of monitored release following the 120 to 180 days of
11 impact incarceration. Offenders assigned to the county impact
12 incarceration program under an intergovernmental agreement
13 between the county and the Illinois Department of Corrections
14 are exempt from the provisions of this mandatory period of
15 monitored release. In the event the convicted offender is not
16 accepted for placement in the county impact incarceration
17 program, the court shall proceed to sentence the offender to
18 any other disposition authorized by this Code. If the offender
19 does not successfully complete the program, the offender's
20 failure to do so shall constitute a violation of the sentence
21 or order to the county impact incarceration program.

22 (c) In order to be eligible to be sentenced to or ordered
23 to a county impact incarceration program by the court, the
24 person shall meet all of the following requirements:

- 25 (1) the person must be not less than 17 years of age
26 nor more than 35 years of age;

1 (2) The person has not previously participated in the
2 impact incarceration program and has not previously served
3 more than one prior sentence of imprisonment for a felony
4 in an adult correctional facility;

5 (3) The person has not been convicted of a Class X
6 felony, first or second degree murder, armed violence,
7 aggravated kidnapping, criminal sexual assault, aggravated
8 criminal sexual abuse or a subsequent conviction for
9 criminal sexual abuse, forcible detention, or arson and has
10 not been convicted previously of any of those offenses.

11 (4) The person has been found in violation of probation
12 for an offense that is a Class 2, 3, or 4 felony that is not
13 a forcible felony as defined in Section 2-8 of the Criminal
14 Code of 2012 or a violent crime as defined in subsection
15 (c) of Section 3 of the Rights of Crime Victims and
16 Witnesses Act who otherwise could be sentenced to a term of
17 incarceration; or the person is convicted of an offense
18 that is a Class 2, 3, or 4 felony that is not a forcible
19 felony as defined in Section 2-8 of the Criminal Code of
20 2012 or a violent crime as defined in subsection (c) of
21 Section 3 of the Rights of Crime Victims and Witnesses Act
22 who has previously served a sentence of probation for any
23 felony offense and who otherwise could be sentenced to a
24 term of incarceration.

25 (5) The person must be physically able to participate
26 in strenuous physical activities or labor.

1 (6) The person must not have any mental disorder or
2 disability that would prevent participation in a county
3 impact incarceration program.

4 (7) The person was recommended and approved for
5 placement in the county impact incarceration program by the
6 Sheriff and consented in writing to participation in the
7 county impact incarceration program and to the terms and
8 conditions of the program. The Sheriff may consider, among
9 other matters, whether the person has any outstanding
10 detainers or warrants, whether the person has a history of
11 escaping or absconding, whether participation in the
12 county impact incarceration program may pose a risk to the
13 safety or security of any person and whether space is
14 available.

15 (c) The county impact incarceration program shall include,
16 among other matters, mandatory physical training and labor,
17 military formation and drills, regimented activities,
18 uniformity of dress and appearance, education and counseling,
19 including drug counseling where appropriate.

20 (d) Privileges including visitation, commissary, receipt
21 and retention of property and publications and access to
22 television, radio, and a library may be suspended or
23 restricted, notwithstanding provisions to the contrary in this
24 Code.

25 (e) The Sheriff shall issue written rules and requirements
26 for the program. Persons shall be informed of rules of behavior

1 and conduct. Persons participating in the county impact
2 incarceration program shall adhere to all rules and all
3 requirements of the program.

4 (f) Participation in the county impact incarceration
5 program shall be for a period of 120 to 180 days followed by a
6 mandatory term of monitored release for at least 8 months and
7 no more than 12 months supervised by the Sheriff. The period of
8 time a person shall serve in the impact incarceration program
9 shall not be reduced by the accumulation of good time. The
10 court may also sentence the person to a period of probation to
11 commence at the successful completion of the county impact
12 incarceration program.

13 (f-1) Persons who are charged with eligible offenses may be
14 ordered by the court to participate in the county impact
15 incarceration program for the period of 120 to 180 days. If the
16 offender is convicted of the eligible offense, the court may
17 sentence the offender to the remaining days required to
18 complete a total participation period of 120 to 180 days and
19 the mandatory term of monitored release.

20 (g) If the person successfully completes the county impact
21 incarceration program, the Sheriff shall certify the person's
22 successful completion of the program to the court and to the
23 county's State's Attorney. Upon successful completion of the
24 county impact incarceration program and mandatory term of
25 monitored release and if there is an additional period of
26 probation given, the person shall at that time begin his or her

1 probationary sentence under the supervision of the Adult
2 Probation Department.

3 (h) A person may be removed from the county impact
4 incarceration program for a violation of the terms or
5 conditions of the program or in the event he or she is for any
6 reason unable to participate. The failure to complete the
7 program for any reason, including the 8 to 12 month monitored
8 release period, shall be deemed a violation of the county
9 impact incarceration sentence. The Sheriff shall give notice to
10 the State's Attorney of the person's failure to complete the
11 program. The Sheriff shall file a petition for violation of the
12 county impact incarceration sentence with the court and the
13 State's Attorney may proceed on the petition under Section
14 5-6-4 of this Code. The Sheriff shall promulgate rules and
15 regulations governing conduct which could result in removal
16 from the program or in a determination that the person has not
17 successfully completed the program.

18 The mandatory conditions of every county impact
19 incarceration sentence shall include that the person either
20 while in the program or during the period of monitored release:

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

23 (2) report or appear in person before any such person
24 or agency as directed by the court or the Sheriff;

25 (3) refrain from possessing a firearm or other
26 dangerous weapon;

1 (4) not leave the State without the consent of the
2 court or, in circumstances in which the reason for the
3 absence is of such an emergency nature that prior consent
4 by the court is not possible, without the prior
5 notification and approval of the Sheriff; and

6 (5) permit representatives of the Sheriff to visit at
7 the person's home or elsewhere to the extent necessary for
8 the Sheriff to monitor compliance with the program. Persons
9 shall have access to such rules, which shall provide that a
10 person shall receive notice of any such violation.

11 (i) The Sheriff may terminate the county impact
12 incarceration program at any time.

13 (j) The Sheriff shall report to the county board on or
14 before September 30th of each year on the county impact
15 incarceration program, including the composition of the
16 program by the offenders, by county of commitment, sentence,
17 age, offense, and race.

18 (Source: P.A. 97-1150, eff. 1-25-13.)

19 Section 999. Effective date. This Act takes effect upon
20 becoming law."