

What if I Have Outstanding Fines/Fees Owed on a Case?

Bill HB 5341 states that outstanding financial legal obligations (except for restitution which must be paid) shall not be a basis for a Judge to deny a petition to seal as case. The fine does not go away but is only viewable by the Circuit Clerk's office.

What Cannot Be Expunged or Sealed?

Besides the offenses listed earlier that cannot be sealed or expunged, minor traffic offenses such as speeding, no insurance, civil cases (such as orders of protection), and ordinance violations that are not defined under the law as being criminal cannot be sealed or expunged.

How Do You Petition the Court to Seal or Expunge a Record?

- Request to Seal/Expunge Criminal Records
- Notice of Filing: The Clerk's office provides notice to State's Attorney, Illinois State Police, Arresting Agency and Village Prosecutor. All parties are allowed 60-days to object.
- Order Granting & Order Denying

What Happens After a Court Order is Granted?

Searches in the court system will reveal "no record" as if the cases did not occur. A person is not required to disclose a past conviction and employers cannot ask about arrests, sealed, or expunged records. Private employers are prohibited under the Illinois Human Rights Act from considering expunged or sealed records.

Expunged records are destroyed by the arresting agency and Illinois State Police (ISP). Only "qualified probation" cases are available to law enforcement (eg. 710-1410 probation, Second Chance Program).

Sealed records are not destroyed by the ISP and are fully available to law enforcement. Only sealed felony conviction records are available to employers authorized by law to conduct fingerprint-based background checks through the ISP. No private entities have access.

Note:

The information in this brochure is based on Illinois and US laws and regulations. This information is intended to only be a brief overview of your rights. Since individual cases may vary, you should not rely on this information as substitute for an attorney.

SEALING & EXPUNGEMENT OF CRIMINAL RECORDS



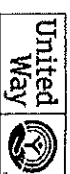
Breaking Barriers to Justice

for assistance, call:

(855) 601-9474

Monday - Thursday
9:00 a.m. - 4:00 p.m.

Friday
9:00 a.m. - 1:30 p.m.



What Records Qualify for Expungement?

Expungement is for records that resulted in a non-conviction, meaning you were not found guilty. Terms used to define a non-conviction include acquittal, dismissal, nolle prosequi, finding of not guilty, released with charging (not filed, such as an arrest record), finding of no probable cause, and stricken off with leave to reinstate. There are also types of sentences that can qualify for expungement IF completed satisfactorily. These include court supervision, 710-1410 Probation, TASC Probation, Second Chance Program and Offender Initiative Program (*except for supervision, these are known as "qualified probations"*).

What Types of Charges Can Be Expunged?

All non-convictions can be expunged EXCEPT for sentences of supervision for the following offenses:

- Driving Under the Influence
- Reckless Driving (*except youthful offenders defined under the law*)
- Sex Offense Involving a Minor

What Records Qualify for Sealing?

Sealing is for records that resulted in a conviction, meaning you were found guilty of the offense. Terms used to define a conviction include jail, boot camp, probation, conditional discharge, prison, time considered served, and fines (for ordinance violations).

What Types of Convictions Can Be Sealed?

All felony and misdemeanor convictions/supervisions can be sealed EXCEPT for the following offenses:

- Domestic Battery & Violations of Orders of Protection
- Violations of the Humane Care for Animal Act
- Sex Crimes Under Article 11 (*except for prostitution and misdemeanor public indecency*)

- Driving Under the Influence and Reckless Driving (*except youthful offenders as defined under the law*)

****Note: FELONY drug convictions do require at least a 5-panel drug test attached to the court petition.****

When Does a Person Qualify for Relief?

- Acquittals & Dismissals: no waiting period (*except Stricken Off with Leave to Reinstate, which is 120-160 days to allow for reinstatement period to pass*);

- "Qualified Probations": 5 years from successful completion of sentence to expunge OR 3 years to seal.

- Supervision: 2 years must pass from the successful completion of the sentence for expungement.

- Convictions: 3 years from completion of the LAST sentence. Any new convictions will extend a waiting period to seal. If required to register, cannot petition for that case until off public registry.

Are There Exceptions to a Waiting Period to Seal?

There is no waiting period if the individual earns a high school diploma, associate's degree, career certificate, vocational technical certification, bachelor's degree or GED while serving the sentence, or during aftercare release or mandatory supervised release for the offense. Proof MUST be provided to the court with petition.