

**2020 CRIMINAL & TRAFFIC
EXPUNGEMENT & SEALING
PROCEDURAL GUIDE**



Including information on: Executive Pardons; Criminal Identity Theft; Certificates of Innocence; Certificates of Good Conduct; Certificates of Relief from Disabilities; Certificates of Eligibility for Sealing; and Certificates of Eligibility for Expungement.

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SECTION ONE – Getting Started How Do I Start this Process?

Rap Sheet: If you are filing in Chicago (District 1) you will need a copy of your “rap sheet.” If you are filing in one of our 5 suburban locations, it is still helpful to obtain a copy of your arrest information to ensure you are listing all cases on your petition.

Contact the Chicago Police Department to request your “Criminal History Record Information” (CHRI), commonly known as a “rap sheet.” The Chicago Police Department Access and Review Division is located at 3510 S. Michigan Avenue, Chicago, IL 60653, 8:30 am - 3:30 pm, (312) 745- 5508. Fingerprints are taken from 8:30 am to 12:00 pm Monday through Friday. You can pick up your rap sheet Monday through Friday from 8:30 am to 3:00 pm. The fee is \$16.00.

You may also obtain a rap sheet from the Illinois State Police (ISP), but it will only contain information on convictions: ISP Division of Administration, Bureau of Identification, 260 N. Chicago St., Joliet, IL, 60432 (815) 740-5160 ext. 2743, www.isp.state.il.us. The fee for non-fingerprint conviction information is \$16.00 and the fee for fingerprint conviction information is \$20.00.

Use of an Internet background checking company to obtain your criminal record is not recommended for the purpose of expungement or sealing. The records you receive may be expensive, incomplete, or inaccurate. It is recommended that you instead go directly to the source of the records: the police agencies and the Clerk’s Office.

Certified Copies of Dispositions: If you are filing in Chicago (District 1), or Markham (District 6), you will need to

purchase certified copies of your criminal dispositions from the Clerk’s Office to attach to your petition. The fee is \$9.00 per case.

Do I need a lawyer?

The law was designed to let people clear their criminal records without an attorney. Also, lawyers from Cabrini Green Legal Aid Clinic are available to assist you, for free or for a small fee, in the Criminal Department in Room 1006 of the Daley Center, 50 W. Washington St., Chicago, IL from 9:00 am until 12:00 pm, Monday through Thursday (walk-ins only – the first 20 people are served) or District 6, 16501 S. Kedzie Ave., Room 102 J, Markham, IL from 10:00am until 2:00 pm on Wednesdays (walk-ins only – the first 20 people are served)

In District 2, 5600 Old Orchard Rd., Room 136, Skokie, IL, lawyers from *The James B. Moran Center for Youth Advocacy* are available to assist you, for free or a small fee, on Tuesdays and Thursdays from 10:00 am until 12:00 pm. In District 5, 10220 76th Ave., Room LL-Canteen, Bridgeview, IL, lawyers from the *Southwest Bar Association* are available to assist you, for free or a small fee, on Tuesdays from 9:00 am – 12:00 pm

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It is helpful to complete this chart. List all your criminal charges and dispositions from your rap sheet and your certified copies of dispositions:

Case Number	Charge	Arresting Agency	Date of Arrest	Disposition	(If you were sentenced:) Date of Successful Completion of Sentence



SECTION TWO - Does My Record Qualify for Expungement or Sealing?

Expungement (PART ONE of this Section) and sealing (PART TWO of this Section) can be done on a case by case basis. So, you can ask for certain cases on your record to be expunged or sealed even if there are other case(s) on your record that do not qualify for either remedy.

PART ONE - Do Any of the Cases on My Record Qualify for Expungement?

1. NO FINDING OF GUILT → NO WAITING PERIOD

You can immediately apply for expungement of the cases on your record that meet the following criteria:

- a. You were released without charging (including for a minor traffic offense), you were acquitted, and/or your case(s) were dismissed. Here are examples of what these disposition types look like: FNG (Finding of Not Guilty), SOL (Stricken with Leave to Reinstate), FNPC (Finding of No Probable Cause), NP (Nolle Prosequi), and/or
- b. Your conviction(s) were vacated or reversed, or
- c. You were granted an Executive Pardon from the Governor which specifically authorizes expungement.

For each case that meets the above criteria, you can apply for expungement right away. Go to Section Five to fill out a PETITION TO EXPUNGE AND IMPOUND form (CCCR 0330), a NOTICE OF FILING form, and an ORDER TO EXPUNGE AND IMPOUND form (CCCR 0331). If the above criteria does not apply to any of your cases, or if one or more of your cases meet this criteria but you have more cases on your record, continue to the next Question to see if any of them qualify for expungement.

2. SUPERVISION → FIVE YEAR WAITING PERIOD

You can apply for expungement of cases on your criminal record 5 years after successful completion of supervision if:

- a. There are no supervisions on your record for a sexual offense against a child, Driving Under the Influence (DUI) or reckless driving; and
- b. Your record consists of:
 - i. Domestic Battery supervision;
 - ii. Criminal Sexual Abuse supervision;
 - iii. Retail Theft supervision 5-year waiting period *through 12/31/2011*; 2-year waiting period beginning 1/1/2012;
 - iv. Operation of Uninsured Motor Vehicle supervision;
 - v. Operation of Motor Vehicle when Registration Suspended for Non-Insurance supervision;
 - vi. Display of False Insurance Card supervision; and/or
 - vii. Scrap Processors to Keep Records supervision.

If your entire criminal record meets these criteria, and it has been five years since the successful termination of your supervision, you can skip the rest of this section and go straight to Section Five to fill out a PETITION TO EXPUNGE AND IMPOUND form (CCCR 0330), a NOTICE OF FILING

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form, and an ORDER TO EXPUNGE AND IMPOUND form (CCCR 0331). If your criminal record has other dispositions on it we have not yet discussed, continue to the next Question.

3. SUPERVISION → TWO YEAR WAITING PERIOD

You can apply for expungement of cases on your criminal record 2 years after successful completion of supervision if:

- a. There are no supervisions on your record for a sexual offense against a child, driving under the influence (DUI) or reckless driving; and
- b. Your record consists of order(s) of supervision for offenses that are not listed in Question #3, above.

If your entire criminal record meets these criteria, and it has been two years since the successful termination of your supervision, you can skip the rest of this section and go straight to Section Five to fill out a PETITION TO EXPUNGE AND IMPOUND form (CCCR 0330), a NOTICE OF FILING form, and an ORDER TO EXPUNGE AND IMPOUND form (CCCR 0331). If your criminal record has other dispositions on it we have not yet discussed, continue to the next Question.

4. PROBATION → FIVE YEAR WAITING PERIOD

You can apply for expungement of cases on your criminal record 5 years after successful completion of probation if:

- a. There are no supervisions on your record for a sexual offense against a child, driving under the influence (DUI) or reckless driving; and
- b. Your record consists of:
 - i. Section 10, Cannabis Control Act probation;
 - ii. Section 410, Illinois Controlled Substances Act probation;
 - iii. Section 70, Methamphetamine Control and Community Protection Act probation;
 - iv. Section 40-10, Alcoholism and Other Drug Use Dependency Act probation;
 - v. Section 10 Steroid Control Act probation; and/or
 - vi. Sec. 5-6-3.4 of the Unified Code of Corrections, Second Chance Probation.

If your entire criminal record meets these criteria, and it has been five years since the successful termination of your probation, you can skip the rest of this section and go straight to Section Five to fill out a PETITION TO EXPUNGE AND IMPOUND form (CCCR 0330), a NOTICE OF FILING form, and an ORDER TO EXPUNGE AND IMPOUND form (CCCR 0331). You must attach proof to your Petition that you have passed a drug test taken within 30 days before the filing of your Petition showing the absence within your body of all illegal substances. If your criminal record has other dispositions on it we have not yet discussed, continue to the next Question.

PART TWO - Do Any of the Cases on My Record Qualify for Sealing?

If cases on your record do not qualify for expungement, you may still be able to seal some or all of the cases on your record. Sealing, like expungement, can be done on a case by case basis. So, you can ask for certain cases on your record to be sealed even if there are other case(s) on your record that do not qualify for expungement or sealing.

Pursuant to Public Act 100-024 and the Criminal Identification Act 20 ILCS 26-30/5.2, the Illinois

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Legislature expanded the sealing of criminal records of adults and of minors prosecuted as adults. The new law expands the sealing of all guilty convictions for felony or misdemeanor charges (with four exceptions listed below), as long as it has been 3 years from the completion of the most recent case, or when the petitioner has been removed from the Murder or Violent Offender Against Youth Registry.

5. NO WAITING → PERIOD NO FINDING OF GUILT →

You can immediately apply for sealing of the cases on your record that meet the following criteria:

- a. You were released without charging (including for a minor traffic offense), you were acquitted, and/or your case(s) were dismissed. Here are examples of what these disposition types look like: FNG (Finding of Not Guilty), SOL (Stricken with Leave to Reinstate), FNPC (Finding of No Probable Cause), NP (Nolle Prosequi), and/or
- b. Your conviction(s) were vacated or reversed.
- c. *You were a trafficking victim as defined by paragraph (10) of subsection (a) of Section 10-9 of the Criminal Code of 2012 shall be eligible to petition for immediate sealing of his or her criminal record upon the completion of his or her last sentence if his or her participation in the underlying offense was a direct result of human trafficking under Section 10-9 of the Criminal Code of 2012 or a severe form of trafficking under the federal Trafficking Victims Protection Act.*

For each case that meets the above criteria, you can apply for sealing right away. Go to Section Five to fill out a PETITION TO SEAL form (CCCR 0333), a NOTICE OF FILING form, and an ORDER TO SEAL form (CCCR 0334). If the above criteria does not apply to any of your cases, or if one or more of your cases meet this criteria but you have more cases on your record, continue to the next Question to see if any of them qualify for sealing.

6. SUPERVISION → TWO YEAR WAITING PERIOD UNLESS SEALED UPON TERMINATION OF THE LAST SENTENCE

Did any of the cases on your record result in supervision for the following offenses:

- a. a sexual offense committed against a minor, or
- b. an offense under Section 11-501 of the Illinois Vehicle Code (*driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof*) or a similar provision of a local ordinance, or
- c. an offense under Section 11-503 of the Illinois Vehicle Code (*reckless driving; aggravated reckless driving*) or a similar provision of a local ordinance, or
- d. an offense included in Article 11 of the Criminal Code of 2012 (*indecent solicitation of a child; indecent solicitation of an adult; solicitation to meet a child; adultery; fornication; public indecency; sexual exploitation of a child; custodial sexual misconduct; presence within school zone by child sex offenders prohibited; approaching, contacting, residing, or communicating with a child within certain places; sexual misconduct with a person with a disability; sexual relations within families; bigamy; marrying a bigamist; solicitation of a sexual act; soliciting for a prostitute; soliciting for a juvenile prostitute; pandering; keeping a place of prostitution; keeping a place of juvenile prostitution; patronizing a prostitute; patronizing a juvenile prostitute; pimping; juvenile pimping and aggravated juvenile pimping; exploitation of a child; obscenity; child pornography; duty to report child pornography; aggravated child pornography; harmful*

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- material; tie-in sales of obscene publications to distributors; posting of identifying or graphic information on a pornographic Internet site; child photography by a sex offender; grooming; traveling to meet a minor) or a similar provision of a local ordinance, except Section 11-14 (prostitution) of the Criminal Code of 2012, or a similar provision of a local ordinance, or*
- e. *an offense under Sections 11-1.50 (criminal sexual abuse), 12-3.1 (battery of an unborn child/aggravated battery of an unborn child), 12-3.2 (domestic battery), 12-3.4 (violation of an order of protection), or 48-1 (dog fighting) of the Criminal Code of 2012 or a similar provision of a local ordinance, or*
 - f. *an offense under Section 125 of the Stalking No Contact Order Act (violation of a stalking no contact order) or Section 219 of the Civil No Contact Order Act (violation of a civil no contact order) or a similar provision of a local ordinance, or*
 - g. *an offense which is a Class A misdemeanor under the Humane Care for Animals Act (first offense owner's duties; first offense cruel treatment; first offense depiction of animal cruelty; first offense prohibited acts; first offense teasing, striking or tampering with police animals, service animals, and search and rescue dogs prohibited; first offense lame or disabled horses; first offense horse poling or tripping; first offense poisoning prohibited; first offense confinement or detention during transportation; confinement in motor vehicle; first offense downed animals; first offense guide, hearing, and support dogs); or*
 - h. *any offense or attempted offense that would subject the person to registration under the Sex Offender Registration Act (see list at 730 ILCS 150/2(B)).*

If YES, then those case(s) do not qualify for sealing.

If you have misdemeanor supervisions for case(s) that are not on the above list, then those case(s) qualify for sealing when **2 years** have elapsed since the termination of the last sentence on your record, unless the Court finds that you qualify for sealing upon termination of the last sentence. The cases that qualify for sealing may be sealed upon termination of the last sentence if you earned a high school diploma, associate's degree, career certificate, vocational technical certification, bachelor's degree, or passed the high school level Test of General Educational Development, during the period of the sentence, after release, or mandatory supervised release. If the petition for sealing upon termination of the last sentence is denied by the Court, the 2 year waiting period should apply to any subsequent petitions for sealing. Go to Section Five to fill out a PETITION TO SEAL form (CCCR 0333), a NOTICE OF FILING form, and an ORDER TO SEAL form (CCCR 0334).

If you have other cases on your record, continue to the next Question to see if any of your other cases qualify for sealing.

7. MISDEMEANOR CONVICTION → THREE YEAR WAITING PERIOD UNLESS SEALED UPON TERMINATION OF THE LAST SENTENCE

Did you receive a misdemeanor conviction for any of the following offenses?

- a. a sexual offense committed against a minor, or
- b. an offense under Section 11-501 of the Illinois Vehicle Code (*driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof*) or a similar provision of a local ordinance, or
- c. an offense under Section 11-503 of the Illinois Vehicle Code (*reckless driving; aggravated*

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- reckless driving*) or a similar provision of a local ordinance, or
- d. an offense included in Article 11 of the Criminal Code of 2012 (*indecent solicitation of a child; indecent solicitation of an adult; solicitation to meet a child; adultery; fornication; public indecency; sexual exploitation of a child; custodial sexual misconduct; presence within school zone by child sex offenders prohibited; approaching, contacting, residing, or communicating with a child within certain places; sexual misconduct with a person with a disability; sexual relations within families; bigamy; marrying a bigamist; solicitation of a sexual act; soliciting for a prostitute; soliciting for a juvenile prostitute; pandering; keeping a place of prostitution; keeping a place of juvenile prostitution; patronizing a prostitute; patronizing a juvenile prostitute; pimping; juvenile pimping and aggravated juvenile pimping; exploitation of a child; obscenity; child pornography; duty to report child pornography; aggravated child pornography; harmful material; tie-in sales of obscene publications to distributors; posting of identifying or graphic information on a pornographic Internet site; child photography by a sex offender; grooming; traveling to meet a minor*) or a similar provision of a local ordinance, except Section 11-14 (*prostitution*) of the Criminal Code of 2012, or a similar provision of a local ordinance, or
 - e. an offense under Sections 11-1.50 (*criminal sexual abuse*), 12-3.1 (*battery of an unborn child/aggravated battery of an unborn child*), 12-3.2 (*domestic battery*), 12-3.4 (*violation of an order of protection*), or 48-1 (*dog fighting*) of the Criminal Code of 2012 or a similar provision of a local ordinance, or
 - f. an offense under Section 125 of the Stalking No Contact Order Act (*violation of a stalking no contact order*) or Section 219 of the Civil No Contact Order Act (*violation of a civil no contact order*) or a similar provision of a local ordinance, or
 - g. an offense which is a Class A misdemeanor under the Humane Care for Animals Act (*first offense owner's duties; first offense cruel treatment; first offense depiction of animal cruelty; first offense prohibited acts; first offense teasing, striking or tampering with police animals, service animals, or search and rescue dogs prohibited; first offense lame or disabled horses; first offense horse poling or tripping; first offense poisoning prohibited; first offense confinement or detention during transportation; confinement in motor vehicle; first offense downed animals; first offense guide, hearing, and support dogs*); or
 - h. any offense or attempted offense that would subject the person to registration under the Sex Offender Registration Act (*see list at 730 ILCS 150/2(B)*).

If YES, then those case(s) do not qualify for sealing.

If you have misdemeanor convictions for case(s) that are not on the above list, then those case(s) qualify for sealing when **3 years** have elapsed since the termination of the last sentence on your record, unless the Court finds that you qualify for sealing upon termination of the last sentence. The cases that qualify for sealing may be sealed upon termination of the last sentence if you earned a high school diploma, associate's degree, career certificate, vocational technical certification, bachelor's degree, or passed the high school level Test of General Educational Development, during the period of the sentence, after release, or mandatory supervised release. If the petition for sealing upon termination of the last sentence is denied by the Court, the 3 year waiting period should apply to any subsequent petitions for sealing. Go to Section Five to fill out a PETITION TO SEAL form (CCCR 0333), a NOTICE OF FILING form, and an ORDER TO SEAL form (CCCR 0334).

If you have other cases on your record, continue to the next Question to see if any of your other cases qualify for sealing.



8. PROBATION → THREE YEAR WAITING PERIOD UNLESS SEALED UPON TERMINATION OF THE LAST SENTENCE

Did you receive probation on any of your case(s) for the following?

- a. Section 10, Cannabis Control Act probation;
- b. Section 410, Illinois Controlled Substances Act probation;
- c. Section 70, Methamphetamine Control and Community Protection Act probation; or
- d. Section 5-6-3.3 of the Unified Code of Corrections (730 ILCS 5/5-6-3.3).

If YES, your case(s) qualify for sealing when **3 years** have elapsed since the termination of the last sentence on your record, unless the Court finds that you qualify for sealing upon termination of the last sentence. The cases that qualify for sealing may be sealed upon termination of the last sentence if you earned a high school diploma, associate's degree, career certificate, vocational technical certification, bachelor's degree, or passed the high school level Test of General Educational Development, during the period of the sentence, after release, or mandatory supervised release. If the petition for sealing upon termination of the last sentence is denied by the Court, the 3 year waiting period should apply to any subsequent petitions for sealing. Go to Section Five to fill out a PETITION TO SEAL form (CCCR 0333), a NOTICE OF FILING form, and an ORDER TO SEAL form (CCCR 0334). You must attach proof to your Petition that you have passed a drug test taken within 30 days before the filing of your Petition showing the absence within your body of all illegal substances.

If you have other cases on your record, continue to the next Question to see if any of your other cases qualify for sealing.

9. CLASS FOUR FELONY CONVICTION → THREE YEAR WAITING PERIOD UNLESS SEALED UPON TERMINATION OF THE LAST SENTENCE

Are any of the cases on your record Class 4 felony convictions of the following offenses?

- a. Section 11-14 of the Criminal Code of 2012 (*prostitution*);
- b. Section 4 of the Cannabis Control Act (*possession prohibited*);
- c. Section 402 of the Illinois Controlled Substances Act (*possession of controlled or counterfeit substance*);
- d. The Methamphetamine Precursor Control Act;
- e. The Steroid Control Act;
- f. Theft under Section 16-1 of the Criminal Code of 2012;
- g. Retail theft under paragraph (a) of 16-25 of the Criminal Code of 2012 (effective 1/1/2014);
- h. Deceptive Practices under Section 17-1 of the Criminal Code of 2012 (effective 1/1/2014);
- i. Forgery under Section 17-3 of the Criminal Code of 2012 (effective 1/1/2014); and
- j. Possession of burglary tools under Section 19-2 of the Criminal Code of 2012 (effective 1/1/2014).

If YES, your case(s) qualify for sealing when **3 years** have elapsed since the termination of the last sentence on your record, unless the Court finds that you qualify for sealing upon termination of the last sentence. The cases that qualify for sealing may be sealed upon termination of the last sentence if you earned a high school diploma, associate's degree, career certificate, vocational technical certification,

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bachelor's degree, or passed the high school level Test of General Educational Development, during the period of the sentence, after release, or mandatory supervised release. If the petition for sealing upon termination of the last sentence is denied by the Court, the 3 year waiting period should apply to any subsequent petitions for sealing. Go to Section Five to fill out a PETITION TO SEAL form (CCCR 0333), a NOTICE OF FILING form, and an ORDER TO SEAL form (CCCR 0334). You must attach proof to your Petition that you have passed a drug test taken within 30 days before the filing of your Petition showing the absence within your body of all illegal substances for the following offenses: Illinois Controlled Substances Act, Methamphetamine Control and Community Protection Act, and the Cannabis Control Act.

If your criminal record has other dispositions on it we have not yet discussed, continue to the next Question.

10. CLASS THREE FELONY CONVICTION → THREE YEAR WAITING PERIOD UNLESS SEALED UPON TERMINATION OF THE LAST SENTENCE

Are any of the cases on your record Class 3 felony convictions of the following offenses?

- a. Theft under Section 16-1 of the Criminal Code of 2012 (effective 1/1/2014);
- b. Retail theft under Section 16A-3 or paragraph (a) of 16-25 of the Criminal Code of 1961 or 2012 (effective 1/1/2014);
- c. Deceptive practices under Section 17-1 of the Criminal Code of 2012 (effective 1/1/2014);
- d. Forgery under Section 17-3 of the Criminal Code of 1961 or 2012 (effective 1/1/2014); and
- e. Possession with intent to manufacture or deliver a controlled substance under Section 401 of the Illinois Controlled Substance Act (effective 1/1/2014).

If YES, your case(s) qualify for sealing when **3 years** have elapsed since the termination of the last sentence on your record, unless the Court finds that you qualify for sealing upon termination of the last sentence. The cases that qualify for sealing may be sealed upon termination of the last sentence if you earned a high school diploma, associate's degree, career certificate, vocational technical certification, bachelor's degree, or passed the high school level Test of General Educational Development, during the period of the sentence, after release, or mandatory supervised release. If the petition for sealing upon termination of the last sentence is denied by the Court, the 3 year waiting period should apply to any subsequent petitions for sealing. Go to Section Five to fill out a PETITION TO SEAL form (CCCR 0333), a NOTICE OF FILING form, and an ORDER TO SEAL form (CCCR 0334). You must attach proof to your Petition that you have passed a drug test taken within 30 days before the filing of your Petition showing the absence within your body of all illegal substances for the following offenses: Illinois Controlled Substance Act, Methamphetamine Control and Community Protection Act, and the Cannabis Control Act.

If your criminal record has other dispositions on it we have not yet discussed, continue to the next Question.

11. If you have reviewed all of the questions above and you still have questions about whether one or more cases on your record qualify for expungement or sealing, you may talk with a volunteer lawyer at one of the courthouses during the hours listed on pages 2 and 3 of this procedural guide.



ARE YOU PLANNING ON MOVING?

The law requires you to **promptly notify the Clerk's Office of any change in your address** if you move before your case is over.

If you do not change your address with the Clerk's Office, your copy of the court's order, any notice of a hearing date, if set, or your original criminal records, if returned to you, *will be mailed to your old, incorrect address!*

SECTION THREE – DEFINITIONS

CONVICTION – a final judgment of guilt by the court. A conviction includes terms such as PROBATION (except first-offender drug probation that was terminated satisfactorily, known as 710, 1410, Section 10, Section 410, 40-10, TASC probation or Second Chance Probation), CONDITIONAL DISCHARGE, FINE (without the term “supervision”), TIME CONSIDERED SERVED, JAIL TIME, and FINDING OF GUILTY by a judge or jury (without the term “supervision”). SUPERVISION or first-offender drug PROBATION that was terminated unsatisfactorily is also considered a conviction.

CRIMINAL OFFENSE – a petty offense, business offense, misdemeanor, felony, or municipal ordinance violation. A minor traffic offense is not a criminal offense, but a Class A or B misdemeanor traffic offense is a criminal offense.

CIVIL LAW VIOLATION – A civil violation for possession of up to 10 grams of cannabis or drug paraphernalia seized during the offense, punishable by a minimum fine of \$100 and a maximum of \$200.

DISPOSITION – the result of your criminal case.

EXPUNGE – when the arresting agency and/or the Illinois State Police physically destroys your criminal records or returns the records to you. It also means that the Clerk's Office will erase your name from the Clerk's Office's electronic docket system from that day forward. However, the Clerk's Office always impounds the court file (removes it from public view and access) and is not permitted to destroy it.

FELONY – a crime that may be punished by imprisonment for more than one year in a state prison. A

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felony is more serious than a misdemeanor.

HEARING – If an objection to your petition is filed, you will receive notice in the mail from the Clerk’s Office containing your court hearing date. At this hearing, the parties are in the courtroom with the judge, who hears evidence from you and the other present parties about whether your petition should be granted or denied.

LAST SENTENCE – If you are petitioning to seal your criminal record, “last sentence” means the sentence, order of supervision, or order of qualified probation for a criminal offense that terminates last in time, regardless of whether you have listed that offense on your petition.

MINOR TRAFFIC OFFENSE – a petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance. A minor traffic offense is not a criminal offense and cannot be expunged or sealed unless you were released without charging.

MISDEMEANOR – a crime that may be punished by confinement in a county jail for a term of up to one year.

MOTION TO VACATE, MODIFY OR RECONSIDER – a written motion filed with the Clerk’s Office by you or by the prosecutor, arresting agency, chief legal officer of the unit of local government that arrested you, or Illinois State Police if you or one of these agencies disagrees with the judge’s decision to grant or deny your petition. You must file a motion to vacate, modify, or reconsider within 60 days after you receive your copy of the order granting or denying your petition. The motion to vacate, modify or reconsider will be ruled on by the same judge who granted or denied your petition.

MUNICIPAL ORDINANCE VIOLATION – an offense defined by a city, village, or other local ordinance that is criminal in nature.

NOTICE OF APPEAL – a document you or the prosecutor, arresting agency, chief legal officer of the unit of local government that arrested you, or Illinois State Police files with the Clerk’s Office to begin an appeal of the judge’s decision granting or denying your petition. The order granting or denying your petition does not become a final and appealable order until 30 days after service of the order by the Clerk’s Office on you and the prosecutor, arresting agency, chief legal officer of the unit of local government that arrested you, or Illinois State Police.

OBJECTION – a written protest against your petition made by the prosecutor, arresting agency, chief legal officer of the unit of local government that arrested you, or Illinois State Police. It means that the objector does not want your record to be expunged or sealed. Objections must be filed by the above-listed entities within 60 days after they receive a copy of your petition. Objections must be in writing and must state with specificity the nature of the objection. An objection is not the same as a denial; only a judge can deny your petition.

PARDON - a type of executive clemency granted by the Governor. It is considered to be an extraordinary remedy and is rarely granted. It only applies to cases that have resulted in a conviction. The clemency process is administered by the Prisoner Review Board (even if you never went to prison).

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SEAL – to physically and electronically maintain the records, unless the records would be otherwise destroyed due to age, but to make the records unavailable without a court order, except that the law allows police agencies and prosecutors certain access to your sealed records. See 20 ILCS 2630/12 and If your record is sealed, your name is also unavailable, for sealed cases, from the Clerk’s Office’s electronic docket system from that day forward.

SUPERVISION – a court order holding the case open for a specific period of time, usually between 6 months and 2 years. During that time, no judgment of guilt is entered. If all of the conditions of the supervision are met, the case is dismissed and no conviction is entered against you.

SECTION FOUR – Frequently Asked Questions

1. How much does it cost to file my petition?

The non-refundable filing fee of \$120.00 per District is payable to the Clerk of the Circuit Court by cash, credit card, debit card, money order, certified check, cashier’s check, or personal check. (705 ILCS 105/27.2a) Your Driver’s License, State I.D., or Matricular Consular number, telephone number, and case number must be written on the face of the check.

The Clerk’s Office has six Districts: Chicago, Skokie, Rolling Meadows, Maywood, Bridgeview, and Markham (see answer to Question #5). If you file all of your petitions in one District at the same time, there is only one \$120.00 filing fee. If your cases originate from more than one District, you will pay a separate \$120 filing fee in each District. \$60.00 of the \$120.00 filing fee must be forwarded by the Clerk of the Circuit Court to the Illinois State Police (ISP). When the Illinois State Police receives your payment from us, it will evaluate whether to object to your petition for expungement and, if your petition is granted, it will process the court order and send you a letter notifying you that your Illinois State Police records have been expunged/sealed.

In addition to the \$120.00 filing fee, you are required to pay a \$10.00 mailing fee plus the cost of postage. (705 ILCS 105/27.2a).

If required in the District in which you are filing (see answer to Question #3), you will also be charged \$6.00 per certified copy for each disposition (copy of the Clerk’s Office’s docket for each criminal case on your record). This is also payable to the Clerk of the Circuit Court.

Effective January 1, 2017 until December 31, 2017, the Expungement or Sealing Fee Waiver Program provides that no fee shall be required to be paid if the records sought to be expunged or sealed were arrests in which you were released without being charged (including for a minor traffic offense), you were acquitted, your case(s) were dismissed, and/or your conviction was reversed or vacated. (20 ILCS 2630/5.2 (d) (1.5)). (Please note that if you want photocopies made at the courthouse, the statutory copying fees will apply. See 705 ILCS 105/27.2 a (k) (first page, \$2.00; next 19 pages, 50 cents per page; all remaining pages, 25 cents per page).)

2. What if I can’t afford the filing fee?

You may petition the court for a fee waiver (735 ILCS 5/5-105). If your fee waiver petition is granted by a judge, you will not have to pay the \$120.00 filing fee and several other fees in the case, but you are still required to pay for photocopying fees. Fee waiver petition forms are available at the Clerk’s Office

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or online at www.cookcountyclerkofcourt.org.

3. Do I have to attach a copy of my rap sheet and certified copies of my dispositions to my petition?

If you are filing your petition in District One, Chicago, the Presiding Judge requires that a copy of your rap sheet be attached to your petition, as well as the certified copies of your dispositions you obtain from the Clerk's Office. Districts Two through Six do not require that you attach a copy of your rap sheet to your petition. Districts Two, Three, Four and Five do not require that certified dispositions be included with the petition. However, if you are filing your petition in District 6, Markham, the Presiding Judge requires that you attach the certified copies of your dispositions to your petition.

4. Do I have to attach the results of a drug test to my petition?

Yes, but for certain drug offenses only. If you are filing: (1) a petition to seal arrests or charges not initiated by arrest resulting in orders of first offender probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act and Section 5-6-3.3 of the Unified Code of Corrections; (2) a petition to seal Class 4 felony convictions under Section 4 of the Cannabis Control Act (*possession prohibited*), Section 402 of the Illinois Controlled Substances Act (*possession of controlled or counterfeit substance*), the Methamphetamine Precursor Control Act, or the Steroid Control Act; (3) a petition for a certificate of eligibility for sealing for offenses under the Cannabis Control Act, Illinois Controlled Substances Act, Methamphetamine Control and Community Protection Act, and any other eligible Class 3 or Class 4 Felony drug related offenses; or (4) a petition to expunge an order of qualified probation for an offense under the Cannabis Control Act Section 10, Illinois Controlled Substances Act Section 410, Methamphetamine Control and Community Protection Act Section 70, Alcoholism and Other Drug Abuse and Dependency Act Section 40-10, Steroid Control Act Section 10, or Sec. 5-6-3.4 of the Unified Code of Corrections, Second Chance Probation; then you are required to attach proof to the petition that you have passed a drug test taken within 30 days before the filing of the petition showing the absence within your body of all illegal substances.

5. Where do I file my petition?

The Clerk's Office has 6 Municipal Districts. You must file a separate petition in each District where you have a criminal record and pay a separate filing fee for each petition. If all of your cases originated in a single District, such as District Two Skokie, then you will only have to file one petition and pay one filing fee.

- a. If your Criminal case arose in the City of Chicago, your Petition and Order should be filed in the Criminal Department or in the Criminal Division of the Clerk's Office:
 - DISTRICT 1 -- CRIMINAL DEPARTMENT – CHICAGO, Richard J. Daley Center, 50 W. Washington Street, Room 1006, Chicago, IL 60602, General Information 312-603-4641 or 312-603-7777, Criminal Manager 312-603-5048, Traffic Manager 312-603-2920.
 - DISTRICT 1 -- CRIMINAL DIVISION – CHICAGO, 2650 S. California Avenue, Chicago, IL 60608, General Information 773-674-3147, Division Manager 773-674-2991.
- b. If your Traffic case arose in the City of Chicago, your Petition and Order may be filed in the Traffic Division. You may also file your petition in District 1- Criminal Department, after

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receiving a certified disposition in Traffic and after providing payment in Traffic. The petitioner may file in:

- DISTRICT 1 – TRAFFIC DIVISION – CHICAGO, Richard J. Daley Center, 50W. Washington Street, Room LL-20, Lower Level, Chicago, Illinois 60602, General Information 312-603-2945, Motion Counter 312-603-2937, Criminal Manager 312-603-2959, Traffic Manager 312-603-2924.
 - DISTRICT 1 -- CRIMINAL DEPARTMENT – CHICAGO, Richard J. Daley Center, 50 W. Washington Street, Room 1006, Chicago, IL 60602, General Information 312-603-4641 or 312-603-7777, Criminal Manager 312-603-5048, Traffic Manager 312-603-2920.
- c. If your Criminal or Traffic case arose in any of the five Suburban Districts, the Petition and Order should be filed in the District where your case was heard:
- DISTRICT 2 – SKOKIE, 5600 Old Orchard Road, Skokie, IL 60077, General Information 847-470-7250, Criminal Manager 847-470-7269, Traffic Manager 847-470-5088, Assistant Traffic Manager 847-470-5064.
Cities and Villages within District 2: Deerfield, Des Plaines, Evanston, Glencoe, Glenview, Golf, Kenilworth, Lincolnwood, Morton Grove, Niles, Northbrook, Northfield, Park Ridge, Skokie, Wilmette, Winnetka, Cook County Sheriff, Cook County Forest Preserve, Illinois State Police Districts 3 and 15.
 - DISTRICT 3 – ROLLING MEADOWS, 2121 Euclid Avenue, Rolling Meadows, IL 60008, General Information 847-818-3000, Criminal Manager 847-818-2701, Traffic Manager 847-818-2193, Assistant Traffic Manager 847-818-2578.
Cities and Villages within District 3: Arlington Heights, Barrington, Barrington Hills, Bartlett, Bensenville, Buffalo Grove, Elgin, Elk Grove Village, Hanover Park, Harwood Heights, Hoffman Estates, Inverness, Mount Prospect, Norridge, Prospect Heights, Palatine, Prospect Heights, Rolling Meadows, Roselle, Rosemont, Schaumburg, Schiller Park, South Barrington, Streamwood, Wheeling, Cook County Sheriff, Cook County Forest Preserve, Illinois State Police Districts 2, 3, and 15.
 - DISTRICT 4 – MAYWOOD, 1500 Maybrook Avenue, Maywood, IL 60153, General Information 708-865-6040, Criminal Manager 708-865-4978, Traffic Manager 708-865-5195, Assistant Traffic Manager 708-786-2481.
Cities and Villages within District 4: Animal Control, Bellwood, Berkeley, Berwyn, Broadview, Brookfield, Burlington North/Sante Fe Railroad, Cicero, Cook County Sheriff, Elgin/Joliet, Elmhurst, Elmwood Park, Forest Park, Forest Preserve, Franklin Park, Hillside, Hines Hospital, Illinois Commerce Commission, LaGrange Park, Maywood, Maywood Park District, Melrose Park, Memorial Park, Metra Police Department, Northlake, North Riverside, Public Safety, Oak Park, River Forest, River Grove, Riverside, Secretary of State Police, Stone Park, Triton College, Union Pacific Railroad, Water Reclamation, Westchester.
 - DISTRICT 5 – BRIDGEVIEW, 10220 South 76th Avenue, Bridgeview, IL 60455, General Information 708-974-6500, Criminal Manager 708-974-6387, Traffic Manager 708-974-

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6906, Assistant Traffic Manager 708-974-6520.

Cities and Villages within District 5: Alsip, Bedford Park, Bridgeview, Burbank, Burr Ridge, Chicago Ridge, Countryside, Crestwood, Evergreen Park, Forest View, Hickory Hills, Hinsdale, Hodgkins, Hometown, Indian Head Park, Justice, LaGrange, Lemont, Lyons, Merrionette Park, McCook, Oak Lawn, Orland Hills, Orland Park, Palos Hills, Palos Park, Stickney, Summit, Tinley Park, Western Springs, West Haven, Willow Springs, Worth, Cook County Sheriff, Cook County Forest Preserve, and Illinois State Police Districts 3 and 15.

- DISTRICT 6 – MARKHAM, 16501 S. Kedzie Parkway, Markham, IL 60428, General Information 708-232-4551, Criminal Manager 708-232-4217, Traffic Manager 708-232-4522.

Cities and Villages within District 6: Blue Island, Burnham, Calumet City, Calumet Park, Chicago Heights, Country Club Hills, Crete, Dixmoor, Dolton, East Hazelcrest, Flossmoor, Ford Heights, Glenwood, Harvey, Hazelcrest, Homewood, Lansing, Lynwood, Markham, Matteson, Midlothian, Oak Forest, Olympia Fields, Park Forest, Phoenix, Posen, Richton Park, Riverdale, Robbins, Sauk Village, South-Chicago Heights, South Holland, Steger, Thornton, and Illinois State Police Districts 3 and

6. What information do I need to bring with me to the courthouse to file my petition?

In addition to a copy of your rap sheet (if you are filing in District 1, Chicago, see answer to Question #3), you will need the titles and addresses of all legal entities involved in your case, even if you were never prosecuted. These entities include:

- *The arresting authority:* The law enforcement agency that arrested you. This is usually a police department or sheriff's department. If you were never arrested and were instead only given a notice to appear in court, there will not be an arresting authority. *If you were arrested by the City of Chicago Police Department*, you do not need to locate their address because it is pre-printed on the Notice of Filing form available from the Clerk's Office.
- *The "chief legal officer of the unit of local government that affected the arrest:"* This is usually the attorney who represents the municipality or county that arrested you. (It is NOT the Chief of Police.) This attorney usually is called the "Corporation Counsel," "Village Attorney," or "City Attorney." For example, if you were arrested by the Skokie Police Department, you will need the name and address of the Corporation Counsel for the Village of Skokie. *If you were arrested in the City of Chicago*, you do not need to locate the Corporation Counsel's address because it is pre-printed on the Notice of Filing form available from the Clerk's Office.
- *The State's Attorney or prosecutor that prosecuted your case:* If charges were brought against you, you will need to know the address for the State's Attorney or prosecutor that prosecuted the case. You only need the office and the address – you do not need the name of the particular individual who prosecuted your case. If you are unclear about which office prosecuted your case, check your paperwork from the Clerk's Office. *If you were prosecuted in Cook County*, you do not need to locate the Cook County State's Attorney's address because it is available to you on the Notice of Filing form available from the Clerk's Office.



7. How many copies should I have of the notice of filing and expungement petition?

You will need to bring five copies of your original notice of filing and expungement petition. If you want copies made at the courthouse, the statutory copying fees will apply. *See* 705 ILCS 105/27.2 a (k) (first page, \$2.00; next 19 pages, 50 cents per page; all remaining pages, 25 cents per page). The Office of the Clerk of the Circuit Court of Cook County will serve a copy of the notice of filing and petition to the State's Attorney, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest. The original will remain with the Court and you will retain a copy.

8. Can I expunge or seal an Order of Protection?

No. The expungement statute only applies to certain criminal and traffic records. It does not apply to orders of protection, non-criminal minor traffic tickets (unless you were released without charging), divorces, or other civil matters.

9. Am I eligible for expungement or sealing if there was an order entered for supervision or a conviction of reckless driving?

Yes. If the arrest or charge for reckless driving occurred prior to your 25th birthday, you have no similar convictions for reckless driving or DUI and you are petitioning the Circuit Court for relief after you reach 25 years of age.

10. Can the Clerk's Office help me fill out my petition?

No. Employees of the Clerk's Office are prohibited by law from giving legal advice or assisting customers to fill out court forms. (705 ILCS 110/1; 705 ILCS 205/10; Illinois Supreme Court Rule 756). Only Illinois licensed attorneys are permitted by law to give you legal advice. As the official keeper of the record for the Circuit Court, the Clerk's Office can, however, provide you with copies of your dispositions and provide the expungement forms for you to fill out.

11. What is a conviction?

A conviction is a final judgment of guilt by the court. A conviction includes terms such as PROBATION (except first-offender drug probation that was terminated satisfactorily, known as 710, 1410, Section 10, Section 410, 40-10, or TASC probation), CONDITIONAL DISCHARGE, FINE (without the term "supervision"), TIME CONSIDERED SERVED, JAIL TIME, and FINDING OF GUILTY by a judge or jury (without the term "supervision"). SUPERVISION or first-offender drug PROBATION that was terminated unsatisfactorily is also considered a conviction.

12. What is NOT a conviction?

The following are not considered to be convictions: SUPERVISION completed satisfactorily, NOLLE PROSEQUI (NP), STRICKEN OFF WITH LEAVE TO REINSTATE (SOL), FINDING OF NO PROBABLE CAUSE (FNPC), NON-SUIT, DISMISSED, NOT GUILTY, or successful completion of FIRST-OFFENDER DRUG probation.

13. Someone else was arrested using my identity. How can I clear my record?

If the person that was arrested was not you, and that person stole your identity or otherwise used your identity when s/he was arrested or convicted, causing you to have a criminal record, instead of filing a petition to expunge or seal your record, you should file a PETITION FOR CORRECTION AND

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SEALING OF AN ARREST AND CONVICTION RECORD DUE TO IDENTITY THEFT form (CCCR 0019), along with a NOTICE OF FILING form and an IDENTITY THEFT ORDER form (CCCR 0021). Court forms are available in the Clerk's Office or online at www.cookcountyclerkofcourt.org. The filing fees (See Question #1) and procedure for expungement or sealing petitions described in this packet apply to Identity Theft petitions, as well. If your identity theft petition is granted, the law provides that the judge may order the arresting agency, the Illinois State Police, the prosecutor, the trial court, and any other criminal justice agency(ies) ordered by the court, to correct your arrest or conviction record by removing your name from the record and inserting the name of the real offender, if known. If your petition is granted, the Clerk's Office will seal the court file and remove your name from the electronic docket from that day forward. (20 ILCS 2630/5.2(b)(4).)

14. What if I was charged as a juvenile?

See the Guidelines for Juvenile Expungement available at the Clerk's Office or online at www.cookcountyclerkofcourt.org. There is a separate process for expungement of juvenile records.

15. If I wait long enough, is my record automatically expunged?

No, unless you were issued a Civil Law Violation for possession of small amounts of cannabis and any drug paraphernalia seized at the time of the violation, pursuant to Public Act 99-0697. (See Number 5) Per the statute, the Circuit Clerk will automatically expunge all Civil Law Violations that have a satisfactory final disposition, before January 1 and July 1 of each year. Typically, once you get arrested, you will have an arrest record even if you were never charged, or the case was dismissed, or you were found not guilty, or you successfully completed court supervision. The only way to remove those arrests from your record is to file a petition to expunge or seal your record.

16. If I was found not guilty, do I still need to file a petition?

Yes. Your criminal record contains all your arrests, whether you were found guilty or not.

17. I was pressured into pleading guilty even though I was innocent. Does that qualify me for expungement?

No. Once you plead guilty, any presumption of innocence is waived. Please see Section One to determine whether your record qualifies for expungement or sealing.

18. My case could be expunged but the time period has not passed yet. If it is also eligible for sealing, can I seal it now and expunge it later?

Yes.

19. I live out of town. Can I do this by mail?

Yes, you can mail in your completed court forms and other paperwork. Depending on the requirements of the Presiding Judge in the District in which you are filing (see answer to Question #3), the paperwork may include a rap sheet, certified disposition(s), and the filing fee. However, if you are filing a fee waiver petition, this must be filed in person. You may have to appear for a court date. If so, you will be notified.

20. How do the police agency that arrested me, the prosecutor who prosecuted me, and any other required parties find out that I filed my petition?

The Clerk's Office is responsible for serving copies of the Petition on the State's Attorney or

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Prosecutor(s) charged with the duty of prosecuting each offense; the Department of Illinois State Police; the arresting agency or agencies; and the chief legal officer(s) of the unit(s) of local government where you were arrested, but you must provide the correct addresses for these agencies to the Clerk's Office. The Clerk's Office will provide a "Notice of Filing" form for you to list all of the agencies that must be served. The Clerk will send your Petition to all of them.

21. What happens if an objection to my petition is filed with the court?

If an objection is filed, the law requires that a court hearing be scheduled and that you, the arresting agency, the prosecutor, the Chief legal officer of the unit of local government that arrested you, and the Illinois State Police receive notice of the hearing at least 30 days prior to the hearing date.

On the court hearing date, not prior, the petitioner will find out if the State's Attorney has an objection to the petition for expungement. Also, the petitioner will receive a letter from the Illinois State Police informing the petitioner whether there is an objection to expunging or sealing of petitioner's records. Please note that this letter is not the final order granting or denying your petition. The expungement or sealing petition is granted or denied when the judge signs the final order.

In District 1 – Criminal Department, District 1 – Criminal Division, District 1 – Traffic Division, Municipal District Two, Municipal District Three, and Municipal District Five the petitioner is notified that they need to appear at the court hearing only if an objection is filed. If there is no objection filed, the judge will enter an order granting the expungement, and petitioner will receive the order in the mail.

If you have moved since the filing of your petition, you are required to promptly notify the Clerk's Office of your new address. If you do not change your address with the Clerk's Office, the Clerk's Office will mail the notice of your hearing date (if applicable) to your old address and you may not receive it in time or at all. (20 ILCS 2630/5.2(d)(2), (d)(7) and (a)(1)(D).)

If an objection is filed and a hearing date is set, the judge will hear evidence from you and any other party who received notice and is in attendance on whether your petition should or should not be granted. The judge may consider the following: the strength of the evidence supporting your conviction; the reasons for retention of the conviction records by the State; your age, criminal record history, and employment history; the period of time between your arrest on the charge resulting in the conviction and the filing of the petition; and the specific adverse consequences that you may be subject to if the petition is denied. You need to appear in court or risk having your petition dismissed. Sometimes, a judge will allow an attorney to appear on your behalf.

22. Do I have to appear in court?

In Municipal District Four and Municipal District Six a court date is scheduled upon filing a petition with the Clerk's Office.

In Municipal District Two, Municipal District Three, and Municipal District Five the petitioner is notified that he must appear in the scheduled court hearing only if an objection is filed. If there is no objection, the judge enters an order granting the expungement. The petitioner will receive the order in the mail.

23. How long does it take?

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The period of time from filing your petition to obtaining a final order takes several months. The State’s Attorney or Prosecutor(s) charged with the duty of prosecuting each offense; the Department of Illinois State Police; the arresting agency or agencies; and the chief legal officer(s) of the unit(s) of local government where you were arrested have 60 days from the time that you file your petition to object to your petition. If they object, a hearing date will be scheduled at least 30 days from then. If the judge grants your petition, it could take the law enforcement agencies up to 60 days after that to expunge, seal or impound your records.

24. What is the difference between expungement and sealing?

Expunged records are destroyed or returned to you. Please see the wording on the Order to Expunge and Impound Criminal Records form (CCCR 0331). If the judge grants your expungement petition and orders the Illinois State Police to “expunge” your records, both the Illinois State Police and the arresting agency will destroy your records or return them to you. If the judge grants your expungement petition and orders the Illinois State Police to “impound” your records, only the arresting agency will destroy your records or return them to you, while the Illinois State Police will impound, or seal, your records. The Department of Corrections can access your impounded records if you are convicted of a subsequent offense.

Sealed records are maintained by law enforcement agencies. However, most of the general public does not have access to sealed records. Law enforcement and prosecutors will still have access to your sealed records to carry out the duties of their offices. In addition, the following entities have access to sealed convictions: Department of Children and Family Services if it determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, or the Children and Family Services Act (20 ILCS 2605/2605-315); school boards/regional school superintendents (20 ILCS 2605/2605-325); fire departments (20 ILCS 2605/2605-330); private child services organizations that devote a major portion of their time to the provision of recreational, social, educational, or child safety services to children (20 ILCS 2605/2605-335); private carrier companies that provide public transportation to ascertain whether a job applicant for a driving position has been convicted of a criminal or drug offense listed in the Metropolitan Transit Authority Act (20 ILCS 2605/2605 340); the Department of Corrections upon conviction for any offense; healthcare organizations/hospitals. For both expungement and sealing, the Clerk’s Office impounds the court file and does not destroy it or return it to you. But, your name is unavailable on the Clerk’s Office’s electronic docket system from that day forward and your case file is not accessible to the public.

25. How do I find out if the judge has granted or denied my petition?

After the judge has granted or denied your petition, the Clerk’s Office will mail a copy of the court’s order to you at the address you provided to the Clerk’s Office. If, however, you are in court at a court hearing on your petition when the order is entered, you may be handed a copy of the order at the conclusion of the hearing. The Clerk’s Office will also mail a copy of the order to the State’s Attorney or Prosecutor(s) charged with the duty of prosecuting each offense; the Department of Illinois State Police; the arresting agency or agencies; the chief legal officer(s) of the unit(s) of local government where you were arrested, and to any other criminal justice agencies if ordered by the court.

26. If the court orders my record expunged or sealed, do I have to take any action?

The Clerk’s Office will mail a copy of the court’s order to you and to the law enforcement agencies

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served with the Petition(s). The agencies have 60 days to file a motion to vacate or modify the court's order.

The Illinois State Police (ISP) will process the court order and send you a letter notifying you that your ISP records have been expunged or sealed within 60 days of the date of service of the order. If a motion to vacate, modify, or reconsider is filed, notice of the ISP's compliance with each order to expunge or seal will be sent to you within 60 days of service of the order resolving the motion. In the event of an appeal from the circuit court order, the ISP will send written notice to you of its compliance with an Appellate Court or Supreme Court judgment to expunge or seal records within 60 days of the issuance of the court's mandate. Notice from the ISP is not required while any motion to vacate, modify, or reconsider, or any appeal or petition for discretionary appellate review is pending. The ISP will also forward a copy of the court's final order to the Federal Bureau of Investigations (FBI), so that the FBI may process the order, if it chooses to do so. You will not receive anything from the FBI directly. You may call the ISP to check on the status of your records at (815) 740-5160.

If at any time you want to know what is contained in your FBI criminal history record, you may contact the FBI at U.S. Department of Justice, 1000 Custer Hollow Road, Clarksburg, WV 26306, (304) 625-3878. Requests to the FBI must be made in writing and must specifically mention that you are entitled to a copy of your arrest record under the *Freedom of Information Act*. Be certain to include your name, address, date and place of birth, and rap sheet (fingerprints).

Your records will also be expunged or sealed by the local police agency that arrested you. Depending on the local agency and local unit of government involved, you may have to pay them an additional fee to have your records expunged. It is important to follow the instructions of these police agencies. If the local law enforcement agency does not expunge your records, your records will still be accessible to prospective employers and other members of the public.

27. Once my petition is granted, should I get a certified copy of the court's order?

Since your record will be unavailable to you after it is expunged, it is a good idea to keep a certified copy of your expungement order for your records. A "certified" copy is a copy containing a Clerk's Office seal verifying it to be an authentic court document. For unforeseen reasons, you may need a certified copy of your expungement order. It will save time and money if you already have a certified copy in a secure place. If you do not retain a certified copy of your expungement order, and you need one at a later date, you will have to file a petition with the court to temporarily unseal your case to obtain a certified copy, then re-seal the case. For example, people sometimes need certified copies of their expungement order to provide to the Immigration and Naturalization Service (INS) for naturalization purposes.

There is a \$4.00 fee to certify your expungement order. (705 ILCS 105/27.2a). You may contact the Clerk's Office in person, by mail, or by phone for a certified copy of your Order.

28. Once my record is expunged or sealed, do I have to tell employers about it?

No, you do not. It is against the law for employers or potential employers (except law enforcement, state's attorneys and other prosecutors, the State Police, and the Department of Corrections) to ask you whether you ever had any records expunged or sealed. Once your record has been expunged, it "may not be considered by any private or public entity [other than by law enforcement agencies, the

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Department of Correction, State's Attorneys, or other prosecutors] in employment matters, certification, licensing, revocation of certification or licensure, or registration" (20 ILCS 2630/12).

Also, it is a civil rights violation if a potential employer uses the fact that you had a criminal record expunged or sealed as the reason to refuse to hire you, as a reason to fire you, or as a reason to affect the terms, conditions or privileges of your employment, among other things. (775 ILCS 5/2-103.)

See answer to Question #24 for a description of which employers may have access to your expunged or sealed records.

29. Once my petition is granted, do I have to disclose my expunged or sealed record when I get an occupational license or certificate?

No, unless the law requires it. A list of regulated licenses in the State of Illinois can be found at the Illinois Department of Financial and Professional Regulation's website: www.idfpr.com (This is not a list of licenses which will require disclosure of an expunged or sealed record).

30. What if my petition is denied?

If your Petition(s) is denied, you may ask the Presiding Judge of the Division(s), Department(s), or District(s) in which your case was heard to reconsider your Petition(s). To do this, you can file a *Motion to Reconsider* and a *Notice of Motion* and serve (mail) a copy to the four required agencies (State's Attorney/Prosecutor, the Illinois State Police, the arresting agency, and the chief legal officer of the unit of local government where you were arrested). You must do this within 60 days of service of the order.

Or, you may file a Notice of Appeal with the Clerk's Office. This form is available in the Criminal Department, Criminal Division, Suburban Districts, or online at www.cookcountyclerkofcourt.org. The order denying your petition will not become final for the purposes of appeal until 30 days after service of the order on you and all parties entitled to notice. After filing your Notice of Appeal, you must ask the Clerk's Office to prepare a Record on Appeal, which will contain the documents from your criminal case file. Unless a State Appellate Defender is appointed by the judge to represent you on the appeal, there is a fee for preparation of the Record on Appeal (ROA): Under 100 pages = \$110, Over 100 pages = \$185, Over 200 pages = an additional fee of \$.30 per page. (705 ILCS 105/27.2a(k)). Your case will then be heard before the Illinois Appellate Court.

If you are filing a Notice of Appeal regarding a misdemeanor case in the Criminal Department, your case will be added to the "Appeals Call" and the judge will determine if you qualify for a fee waiver, if applicable, to have your ROA fees waived.

31. What is a pardon?

If you are unable to have your criminal record expunged or sealed, you should see if you qualify for a pardon from the Governor.

A pardon is different from petitioning the court for expungement of your records. It is a type of executive clemency granted by the Governor. There are no statutory requirements describing who qualifies for a pardon – it is left to the judgment of the Governor. It is considered to be an extraordinary remedy and is rarely granted. For more information, contact the Prisoner Review Board (even if you never went to prison) at (217) 782-7273 or visit www.cookcountyclerkofcourt.org.

If a pardon from the Governor states that your criminal record may also be expunged, you would file an

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expungement petition after obtaining the pardon. Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, an objection to the petition may not be filed. If you receive a pardon based on actual innocence, you may petition the Illinois Court of Claims for monetary restitution if you were improperly imprisoned.

32. What is a Certificate of Innocence?

A Certificate of Innocence is available to a person convicted and subsequently imprisoned by the State of Illinois for one or more felonies which he/she did not commit. Certificates of Innocence are issued by a judge. A Certificate of Innocence allows you to petition the Illinois Court of Claims for monetary restitution for your improper conviction without obtaining a pardon from the Governor.

To receive a Certificate of Innocence, you must prove by a preponderance of the evidence that the judgment of conviction was reversed or vacated and that the indictment or information was dismissed - - or if a new trial had been ordered, that you were found not guilty at the new trial. Also, you must prove that you did not, by your own conduct, voluntarily cause or bring about your conviction. If the court grants a certificate of innocence, it must also enter an order expunging the conviction for which you have been determined to be innocent as provided in subsection (h) of Section 2-702 of the Code of Civil Procedure.

Certificate of Innocence court forms are available at the Clerk's Office or on the Clerk's website at www.cookcountyclerkofcourt.org.

33. What is a Certificate of Eligibility for Sealing?

A Certificate of Eligibility for Sealing is available to a person who has been convicted of a Class 3 or Class 4 felony who meets certain criteria. See 730 ILCS 5/3-3-2 (a)(10), *et. seq.* These certificates are issued by the Prisoner Review Board and can only be granted once in a person's lifetime. A Certificate of Eligibility for Sealing allows you to petition the Illinois Circuit Court to have an order granted for your record to be sealed. By granting the Certificate, the Board recommends that the Court order the sealing of all official records of the arresting authority, the Clerk of the Circuit Court, and the Department of State Police concerning the arrest and conviction.

To receive a Certificate, you must receive a unanimous vote from a three member panel of the Prisoner Review Board. A person may petition the Board if at least five years has elapsed since the expiration of the sentence or since the arrest (Note: time requirement does not apply for petty, traffic, conservation, or local ordinance offenses). Additionally, if a person is seeking to have convictions for drug possession sealed, the person must demonstrate that he or she has completed a drug abuse program for the offense sought and provide proof that he or she has completed the program successfully.

If you have been convicted of the following offenses, you are **ineligible** to apply for a Certificate of Eligibility for Sealing:

- a. A sex offense described in Article 11 or Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of the Criminal Code of 2012
- b. Aggravated assault
- c. Aggravated battery
- d. Aggravated domestic battery
- e. Violation of an order of protection

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- f. An offense under the Criminal Code of 2012 involving a firearm
- g. Driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof
- h. Aggravated driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof
- i. Any crime defined as a crime of violence under Section 2 of the Crime Victims Compensation Act

If a person has applied to the Board for a Certificate of Eligibility for Sealing and was denied, he or she must wait at least four years before reapplying or filing for pardon from the Governor unless the Chairman of the Prisoner Review Boards grants a waiver.

Certificate of Eligibility for Sealing court forms are available at the Clerk's Office or on the Clerk's website at www.cookcountyclerkofcourt.org.

34. What is a Certificate of Eligibility for Expungement?

A Certificate of Eligibility for Expungement is available to a person who has been convicted of a Class 3 or Class 4 felony and subsequently served in the United States Armed Forces or National Guard or who at the time of filing the petition is enlisted in the United States Armed Forces or National Guard of this or any other state **and** served one tour of duty and who meets the requirements of this paragraph. See 730 ILCS 5/3-3-2 (11), *et. seq.* A Certificate of Eligibility for Expungement allows you to petition the Illinois Circuit Court to have an order granted for your record to be expunged. To receive a Certificate, you must receive a unanimous vote from a three member panel of the Prisoner Review Board. By granting the Certificate, the Board recommends that the Court order expungement of all official records of the arresting authority, the Clerk of the Circuit Court, and the Department of State Police concerning the arrest and conviction for the Class 3 or 4 felony.

If you have been convicted of the following offenses, you are ineligible to apply for a Certificate of Eligibility for Expungement:

- a. A sex offense described in Article 11 or Sections 11-1.20, 11-1.30, 11-1.40, 11- 1.50, or 11-1.60 of the Criminal Code of 2012;
- b. An offense under the Criminal Code of 2012 involving a firearm; or
- c. A crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; or
- d. If the person has not served in the United States Armed Forces or National Guard of this or any other state or has not received an honorable discharge from the United States Armed Forces or National Guard of this or any other state or who at the time of the filing of the petition is serving in the United States Armed Forces or National Guard of this or any other state and has not completed one tour of duty.

If a person has applied to the Board for a Certificate of Eligibility for Expungement and was denied, he or she must wait at least four years before reapplying or filing for pardon from the Governor unless the Chairman of the Prisoner Review Boards grants a waiver.

35. What is a Certificate of Good Conduct?

If you are unable to have your criminal record expunged or sealed, you should see if you qualify for a Certificate of Good Conduct. Certificates of Good Conduct are issued by a judge.

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An employer cannot be held civilly or criminally liable for an act or omission by an employee who has been issued a Certificate of Good Conduct. So, even if you have a criminal record, an employer may be more likely to hire you if you have a Certificate of Good Conduct. See 730 ILCS 5/5-5.5-30.

Certificates of Good Conduct are not considered to be expungements, sealings or pardons. A Certificate of Good Conduct does not limit the prospective employer from accessing criminal background information, as it does not hide, alter, or expunge the criminal record.

A person is eligible for a Certificate of Good Conduct if s/he has demonstrated that s/he is a fully rehabilitated, law-abiding citizen and was not convicted of the following:

- a. An offense of or attempted offense under the Sex Offender Registration Act
- b. An offense of or an attempted offense under the Arsonist Registration Act
- c. An offense of or an attempted offense under the Child Murderer and Violent Offender Against Youth Registration Act
- d. An offense of arson or aggravated arson
- e. An offense of kidnapping or aggravated kidnapping
- f. An offense of aggravated DUI
- g. An offense of aggravated domestic battery

Certificates of Good Conduct are issued by a judge and can be revoked by the Circuit Court upon any subsequent conviction. The Court must make a specific finding of rehabilitation with the force and effect of a final judgment on the merits when the court is satisfied that:

- a. You have conducted yourself in a manner warranting issuance
- b. Relief is consistent with your rehabilitation
- c. Relief is consistent with the public interest.

In order to be issued a Certificate of Good Conduct, applicants must conduct themselves in a manner warranting the issuance of the Certificate for the following minimum time periods:

- a. One year if your most serious crime was a misdemeanor; or
- b. Two years if your most serious crime was a felony.

Certificate of Good Conduct court forms are available at the Clerk's Office or on the Clerk's website at www.cookcountyclerkofcourt.org.

36. What is a Certificate of Relief from Disabilities?

If you are unable to have your criminal record expunged or sealed, and you want to obtain a professional license listed below, you should see if you qualify for a Certificate of Relief from Disabilities. Certificates of Relief from Disabilities are issued by a judge.

Even if you have a criminal record, you can still obtain or renew your professional license, and an employer may be more likely to hire you if you have a Certificate of Relief from Disabilities. See 730 ILCS 5/5-5.5-5 *et seq.* The court may issue a Certificate of Relief from Disabilities at the time sentence is pronounced, or at any time thereafter upon verified application to the court.

You are eligible for a Certificate of Relief from Disabilities if you were not convicted in Illinois or another jurisdiction of the following:

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- a. An offense of or attempted offense under the Sex Offender Registration Act
- b. An offense of or attempted offense under the Arsonist Registration Act
- c. An offense of or attempted offense under the Child Murderer and Violent Offender Against Youth Registration Act
- d. An offense of arson or aggravated arson
- e. An offense of kidnapping or aggravated kidnapping
- f. An offense of aggravated DUI
- g. An offense of aggravated domestic battery

The court may issue a Certificate of Relief from Disabilities when

- a. The relief sought is consistent with rehabilitation, and
- b. The relief sought is consistent with the public interest.

The licenses and certifications covered by the Certificate are as follows:

1. The Animal Welfare Act – Animal Welfare Inspector (except for violations of Section 3 Owner’s Duties, 3.01 Cruel Treatment, 3.02 Aggravated Cruelty, 3.03 Animal Torture, 3.03- 1 Depiction of Animal Cruelty, or 4.01 Animals in Entertainment of the Humane Care for Animals Act (510 ILCS 70/3, 510 ILCS 70/3.01, 510 ILCS 70/3.02, 510 ILCS 70/3.03, 510 ILCS 70/3.03-1, or 510 ILCS 70/4.01); or Section 26-5 of the Criminal Code of 2012 Dog Fighting (720 ILCS 5/48-1));
2. The Illinois Athletic Trainers Practice Act – Athletic Trainer (225 ILCS 5/1 *et seq.*)
3. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 (225 ILCS 410/1-1 *et seq.*);
4. The Boiler and Pressure Vessel Repairer Regulation Act – Boiler & Pressure Vessel Repairperson (225 ILCS 203/1 *et seq.*);
5. The Boxing and Full-Contact Martial Arts Act (225 ILCS 105/1 *et seq.*);
6. The Illinois Certified Shorthand Reporters Act of 1984 – Certified Shorthand Reporter (225 ILCS 415/1 *et seq.*);
7. The Illinois Farm Labor Contractor Certification Act (225 ILCS 505/1 *et seq.*);
8. The Interior Design Title Act – Interior Designer (225 ILCS 310/1 *et seq.*);
9. The Illinois Professional Land Surveyor Act of 1989 – Land Surveyor (225 ILCS 330/1 *et seq.*);
10. The Illinois Landscape Architecture Act of 1989 – Landscape Architect (225 ILCS 315/1 *et seq.*);
11. The Marriage and Family Therapy Licensing Act – Marriage & Family Therapist (225 ILCS 55/1 *et seq.*);
12. The Private Employment Agency Act – Counselor for an Employment Agency (225 ILCS 515/0.01 *et seq.*);
13. The Professional Counselor and Clinical Professional Counselor Licensing Act -- Counselor (225 ILCS 107/1 *et seq.*);
14. The Real Estate License Act of 2000 – Real Estate Agent (225 ILCS 454/1-1 *et seq.*);
15. The Illinois Roofing Industry Licensing Act -- Roofer (225 ILCS 335/1 *et seq.*); Professional Engineering Practice Act – Engineer (225 ILCS 325/1 *et. seq.*);
16. Water Well and Pump Installation Contractors License Act (225 ILCS 345/1 *et. seq.*);
17. Electrologist Licensing Act (225 ILCS 412/1 *et seq.*);

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18. The Auction License Act (225 ILCS 407/5-1 *et. seq.*);
19. Illinois Architecture Practice Act of 1989 (225 ILCS 305/1 *et. seq.*);
20. The Dietician Nutritionist Practice Act (225 ILCS 30/1 *et. seq.*);
21. The Environmental Health Practitioner Licensing Act (225 ILCS 37/1 *et. seq.*);
22. The Funeral Directors and Embalmers Licensing Code (225 ILCS 41/1-1 *et. seq.*);
23. The Land Sales Registration Act of 1999 (765 ILCS 86/1-1 *et. seq.*);
24. The Professional Geologist Licensing Act (225 ILCS 745/1 *et. seq.*);
25. The Illinois Public Accounting Act of 1989 (225 ILCS 340/1 *et seq.*); and
26. The Structural Engineering Practice Act of 1989 (225 ILCS 340/1 *et. seq.*).

For the purposes of determining whether to issue a Certificate of Relief from Disabilities, the court may request that the probation or court services department conduct an investigation of you, and that they submit a confidential report of the investigation. 730 ILCS 5/5-5.5-15(c).

Once issued, no application for one of the above qualified licenses shall be denied because the person with the Certificate of Relief from Disabilities was previously convicted of one or more criminal offenses, or has a “lack of good moral character” because of those convictions, unless:

- a. There is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or
- b. The issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

Certificate of Relief from Disabilities court forms are available at the Clerk’s Office or on the Clerk’s website at www.cookcountyclerkofcourt.org.

37. What is the Offender Initiative Program?

The Offender Initiative Program was created to reduce recidivism. The Program allows the Court to suspend the trial and upon the person’s successful completion of the Program, to dismiss the case against the person. See 730 ILCS 5/5-6-3.3 *et seq.* The Program entails that a person refrain from criminal activity, obtain employment and attend educational courses among other requirements that the Court deems necessary. A person qualifies for the Program with the consent of the State’s Attorney and if he or she meets the following requirements. The individual has never been convicted of or placed on probation or conditional discharge for, any felony offense in this State, any other state or under the laws of the United States and is currently charged with one of the following probationable felony offenses:

- a. Theft
- b. Retail theft
- c. Forgery
- d. Possession of a stolen motor vehicle
- e. Burglary
- f. Possession of burglary tools
- g. Possession of cannabis
- h. Possession of a controlled substance
- i. Possession of methamphetamine

A person will be deemed ineligible to participate in the Program if he or she is charged with a violent

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offense. When a defendant is placed in the program, the preliminary hearing is waived and the Court enters an order specifying that the proceedings shall be suspended while the defendant participates in the program for at least one year. Upon successful completion of the Program, the State's Attorney will dismiss the case or the Court will discharge the person and dismiss the proceedings. If the terms and conditions of the program are not satisfied, the Court will enter an order that the Program was not completed and continue the case for arraignment.