

Basic Expungement and Sealing:

A person can expunge their record if they have never been convicted

<p><u>CONVICTIONS include the following:</u></p> <ul style="list-style-type: none"> • Probation • Conditional Discharge • Time Considered Served • Prison or Jail Time • Fines (municipal ordinance violations) 	<p>Even ONE conviction makes an entire record ineligible for expungement!</p>
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A record is eligible for expungement if it is made up of a combination of the following:

<p><u>The following can be expunged if there are no convictions on the record:</u></p> <ul style="list-style-type: none"> • Finding of Not Guilty (FNG) • Stricken Off with Leave to Reinstate (SOL) • Non-Suit • Nolle Prosequi (Nolle) • Finding of No Probable Cause (FNPC) • <u>Supervision</u> • <u>710-1410 Probation</u> 	<p><u>Waiting Periods to EXPUNGE:</u></p> <p><u>120 - 160 days:</u> SOL and Non-Suits</p> <p><u>2 years</u> after completion of supervision, unless listed below.</p> <p><u>5 years</u> after completion of supervision for: domestic battery; criminal sexual abuse; and 710-1410 probation.*</p> <p><i>*Requires proof of clean drug test taken within 30 days of filing petition.</i></p>
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If a person has been convicted, they can possibly SEAL their record.

<p><u>The following can be sealed:</u></p> <ul style="list-style-type: none"> • Misdemeanor acquittals and dismissals. • Misdemeanor convictions and supervisions (unless listed as exception) • Felony acquittals, dismissals. • Felony convictions for the following (<i>*Requires proof of clean drug test taken within 30 days of filing petition</i>): <ol style="list-style-type: none"> (1) Prostitution (Class 4) (2) Possession of Cannabis (Class 4)* (3) Possession of Controlled Substance (Class 4)* (4) Carry/Possession of Firearm (between 1995 and 1999) (Class 4) (5) Methamphetamine Precursor (Class 4)* (6) Steroid Control Act (Class 4)* (7) Forgery (Class 3 and 4) (8) Retail Theft (Class 3 and 4) (9) Theft (Class 3 and 4) (10) Deceptive Practices (11) Possess Burglary Tools (12) Possession with intent to deliver controlled substances (Class 3) 	<p><u>Waiting Periods to SEAL:</u></p> <p><u>4 years</u> after completion of last conviction or supervision if ever convicted (i.e. end of probation, conditional discharge, supervision or parole).</p> <p><i>*The longest waiting period must pass to seal any case in which there was a finding of guilt!</i></p> <p><i>*Acquittals/dismissals can be sealed at any time, so long as there is no pending case (SOL and Non-Suits 120 – 160 days).</i></p>
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Unsealable Misdemeanor Convictions and Supervisions

<p style="text-align: center;"><u>Crimes of Violence under Crime Victims Compensation Act</u> (740 ILCS 45/2(c))</p> <ul style="list-style-type: none"> Battery Assault Aggravated Assault Domestic Battery Reckless Conduct Criminal Sexual Abuse Violations of Order of Protection 	<p style="text-align: center;"><u>Sex Crimes under Art.11 of the Criminal Code</u> (720 ILCS 5/11, et. seq.)</p> <ul style="list-style-type: none"> Solicitation (of prostitute or sexual act) Patronizing a Prostitute Fornication Pimping, Adultery Keeping a Place of Prostitution Obscenity, Harmful Material Public Indecency
<p style="text-align: center;"><u>Violations of Humane Care for Animals Act</u> (510 ILCS 70/1)</p> <ul style="list-style-type: none"> Dog Fighting Animal Cruelty 	<p style="text-align: center;"><u>Driving Under the Influence and Reckless Driving*</u> (625 ILCS 5/11-501 and 625 ILCS 5/11-503) *Except youthful offenders defined under 20 ILCS 2630/5.2(a)(3)(A).</p>

Access to Expunged & Sealed Records

EXPUNGED RECORDS	SEALED RECORDS
<ul style="list-style-type: none"> ○ Department of State Police may disseminate expunged records as required by law ○ Upon conviction for any offense, the Department of Corrections shall have access to the expunged records of that individual ○ The Illinois State Police will only “seal” records requiring a 5 year waiting period (e.g. 710-1410 probation). These records will be available to law enforcement upon a subsequent arrest for purposes of sentencing and charging. 	<ul style="list-style-type: none"> ○ All sealed records can be accessed by law enforcement, including police, courts, prosecutors and the Department of Corrections. <p style="margin-left: 20px;"><i>Sealed felony conviction records can be accessed by any employer that requires fingerprints for employment. They only have access to sealed felony conviction records.</i></p> <ul style="list-style-type: none"> ○ Department of Children and Family Services ○ School board or regional superintendent for criminal convictions ○ Firefighter applicants ○ Private organization that devotes a major portion of its time to the children’s recreational, social, educational, or child safety services. ○ A private carrier company that provides public transportation for conviction information to ascertain whether an applicant for a driving position has been convicted of a criminal or drug offense listed in the Metropolitan Transit Authority Act ○ Some state agencies and units of local government ○ Health care agencies and organizations ○ Financial Institutions

Other Forms of Relief from a Criminal Record

**Executive Clemency:* If a person cannot seal their record due to an unsealable misdemeanor conviction or any other felony conviction besides the above, the only option to clearing that record is a Petition for Executive Clemency. Information can be found at www.state.il.us/prb. If the Governor grants a pardon authorizing expungement, a person may petition to expunge that conviction in circuit court.

**Certificates:* Certificates of Relief from Disability/Certificates of Good Conduct may be available to “eligible offenders.” 730 ILCS 5/5-5.5-10. Can waive certain statutory barriers to employment as well as licensing requirements. Must have “rehabilitation hearing” in Circuit Court to demonstrate good conduct.

**Waivers:* Healthcare Worker Background Check Act prohibits unlicensed healthcare workers with certain disqualifying convictions from working in the healthcare field. A waiver may be obtained from the Department of Public Health which would allow for employment within that field. www.idph.state.il.us/nar