

### Petition Waiting Period

-Records of arrests and charges resulting in acquittal, dismissal, release without charging, or a reversed or vacated conviction which, except for minor traffic offenses may be **expunged or sealed** at **ANY** time.

#### Expungement

-Records of arrest and charges resulting in supervision typically are eligible for expungement **TWO** years after successful completion of the supervision term.

-Records of arrest and charges resulting in supervision for Driving without Insurance, Driving when registration suspended for noninsurance, Display of false insurance card, Domestic Battery, and Criminal Sexual Abuse are eligible for expungement **FIVE** years after successful completion of the supervision term.

-Records of arrest and charges resulting in qualified probation are eligible **FIVE** years after successful completion of the probation term.

#### Sealing

-Records resulting in supervision are typically eligible for sealing **TWO** years after successful completion of the supervision period.

-Records resulting in a conviction or probation are typically eligible for sealing **THREE** years after completion of the sentence.

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**THIS PAMPHLET DOES NOT CONTAIN LEGAL ADVICE.**

**THIS PAMPHLET IS NOT A SUBSTITUTE FOR LEGAL ADVICE.**

**IF FACED WITH LEGAL ISSUES CONTACT, STUDENT LEGAL SERVICES OR ANOTHER LICENSED ATTORNEY.**



### Cautions and Limitations

The internet age has resulted in the inability of a complete destruction of a criminal record. There is no guarantee that your previous criminal record will never be found despite a court order.

Illinois law allows the Illinois State Police to impound records as opposed to destroying them under an expungement or seal order. This permits the Illinois State Police to disseminate such records, as required by law, to other law enforcement, prosecutors, and the courts.

Illinois courts have ruled that any records held in a State’s Attorney’s office are not subject to expungement.

Illinois law does not provide a penalty for agencies that disseminate information ordered expunged or sealed. Lack of an express consequence makes it conceivable that certain information may not be destroyed.

Records held by federal agencies, i.e. FBI or DHS, are not subject to follow expungement or seal orders of Illinois courts and could retain records in their possession.

Even when a record has been cleared by expungement or sealed, the absence of a record can indicate an expungement or sealing occurred. It wouldn’t be clear what was expunged or sealed, but absence could indicate an expungement or seal had been performed. In some circumstances sealing or expungement may not be the best decision, however always speak to a licensed attorney to discuss your options.

**Always obtain a certified copy of expunged or sealed records.**

**I ILLINOIS**  
Student Legal Services  
STUDENT AFFAIRS

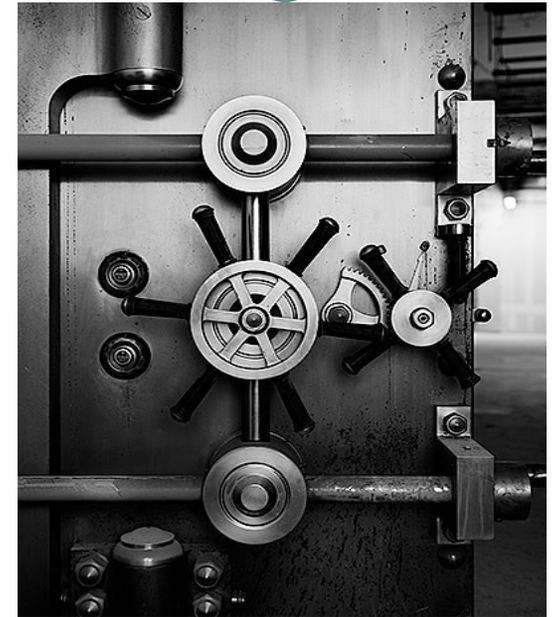
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# I ILLINOIS

## Expungement & Sealing



**I ILLINOIS**  
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## DEFINITION & PURPOSE

Expunge means to physically destroy records or return them to the petitioner and to obliterate the petitioner's name from any official index or public record, or both. Expungement does not require physical destruction of circuit court files, but does require the records to be impounded. The purpose of an order of expungement is to restore the person to the status he or she occupied before the arrest, charge, or conviction.

Seal means to make the records unavailable without a court order and to remove the petitioner's name from the current official circuit clerk index. Sealing does not reverse or negate or otherwise undo a conviction or supervision; it does make it harder for persons and entities other than law enforcement to locate.

### Employment Applicant Protections

Expunged or sealed records may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Employment applicants are not obligated to disclose sealed or expunged records of conviction or arrest.

### FOIA Protections

Illinois State Police records that have been sealed or impounded are exempt from disclosure under the Freedom of Information Act.

## WHAT CAN BE EXPUNGED?

-Records of arrests or charges resulting in acquittal, dismissal, release without charging, or a vacated or reversed conviction, **UNLESS** a minor traffic offense.

-Records resulting in successful completion of qualified probation.

-Records resulting in successful completion of court supervision, **UNLESS** the supervision was for a sex offense against a minor, DUI, felony reckless driving, or a charged minor traffic offense.

### EXPUNGEMENT & CONVICTIONS

Any offense resulting in a conviction **CANNOT** be expunged; however, a conviction in many circumstances can be sealed.

### Automatic Expungement Cannabis Convictions & Violations

**Effective January 1, 2020**, Records of civil violations for possessing 10 grams or less of cannabis or civil violations for possession of cannabis paraphernalia, held by the citation issuing law enforcement agency are required to **expunge** such records **automatically** twice a year on January 1 and July 1.

Records held by the Illinois State Police and all other law enforcement agencies for criminal convictions of cannabis possession under 30 grams and cannabis manufacture/delivery under 30 grams committed **prior to January 1, 2020** must be expunged by January 1, 2025.

## WHAT CAN BE SEALED?

-Records of arrests or charges resulting in acquittal, dismissal, release without charging, or a vacated or reversed conviction, **UNLESS** a minor traffic offense.

-Records of charges resulting in conviction, successful completion of supervision including ordinance violations, felony convictions, or first offender probation

### UNLESS

- 1-A conviction or supervision for a sex offense **EXCEPT** prostitution or misdemeanor public indecency.
- 2-Any offense or attempted offense requiring Sex Offender registration.
- 3-Conviction or supervision for Domestic Battery, Battery of Unborn Child, Violation of Order of Protection, Stalking, Civil No Contact violations.
- 4-Class A misdemeanor and felony convictions or supervision for Humane Care for Animals Act offenses and convictions or supervision for the offense of dog fighting.

### Subsequent Felony Convictions

A second or subsequent felony conviction **cannot** be sealed. A second or subsequent felony conviction allows a court to unseal a first felony conviction.

### Reckless Driving– Expungement & Seal

Misdemeanor violations, including court supervision, can be expunged and sealed if the offense occurred **before the age of 25** and no other convictions for reckless driving or DUI occur **before the age of 25**.