

# Basic Expungement and Sealing:

A record is eligible for expungement if it is one of the following non-convictions:

<p><b><u>The following dispositions can be expunged:</u></b></p> <ul style="list-style-type: none"> <li>• Finding of Not Guilty (FNG)</li> <li>• Stricken Off with Leave to Reinstate (SOL)</li> <li>• Non-Suit</li> <li>• Nolle Prosequi (Nolle)</li> <li>• Finding of No Probable Cause (FNPC)</li> <li>• <u>Supervision*</u></li> <li>• <u>710-1410 Probation*</u></li> <li>• <u>Second Chance Probation*</u></li> <li>• <u>TASC Probation (properly vacated)*</u></li> <li>• <u>Offender Initiative Program*</u></li> </ul> <p><i>*Sentence must be terminated satisfactorily</i></p> <p><i>**Supervisions for DUI, Reckless Driving and Sex Offenses involving minors are NOT expungeable.</i></p>	<p><b><u>Waiting Periods to EXPUNGE:</u></b></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 qualified probations.*</p> <p><i>*Qualified probations require proof of a clean drug test taken within 30 days of filing petition.</i></p>
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If a person has been convicted, they may be able to SEAL convictions.

<p><b><u>CONVICTIONS include the following:</u></b></p> <ul style="list-style-type: none"> <li>• Probation</li> <li>• Conditional Discharge</li> <li>• Time Considered Served</li> <li>• Prison or Jail Time</li> <li>• Boot Camp</li> <li>• Fines (municipal ordinance violations)</li> </ul>	<p><b><u>The following will also be convictions if not satisfactorily completed:</u></b></p> <ul style="list-style-type: none"> <li>• Supervision</li> <li>• 710-1410 Probation</li> <li>• TASC Probation</li> <li>• Second Chance Probation</li> </ul>
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<p><b><u>The following can be sealed:</u></b></p> <ul style="list-style-type: none"> <li>• Acquittals and dismissals.</li> <li>• All convictions and supervisions can be SEALED EXCEPT for the following offenses (see details on back):             <ol style="list-style-type: none"> <li>1. Domestic Battery &amp; Violations of Orders of Protection</li> <li>2. Humane Care for Animal Act (Class A misdemeanor and felonies)</li> <li>3. Sex Crimes Under Article 11 (except for prostitution and misdemeanor public indecency)</li> <li>4. Driving Under the Influence and Reckless Driving (except youthful offenders)</li> </ol> </li> </ul> <p><i>Proof of clean drug test taken within 30 days of filing petition is required if filing to seal convictions under the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Cannabis Control Act.</i></p>	<p><b><u>Waiting Periods to SEAL:</u></b></p> <p>Cases resulting in convictions, 710-1410 Probation, and TASC Probation may be sealed <u>3 years</u> after completion of the last sentence (i.e. end of probation, conditional discharge, or parole). <i>If required to register, cannot petition for that case until off the public registry.</i></p> <p>(<u>Last sentence</u> is the termination of the last conviction or supervision in time, in any jurisdiction, whether or not the underlying offense is eligible for sealing.)</p> <p>Cases resulting in supervisions may be sealed <u>2 years</u> after completion of the supervision.</p> <p><u>No waiting period</u> to seal eligible offense if you earn a high school diploma, associate's degree, career certificate, vocational technical certification, bachelor's degree, or GED during the sentence, aftercare release, or mandatory supervised release.</p> <p><u>No waiting period</u> to seal acquittals/ dismissals, as long as there is no pending case (SOL and Non-Suits 160 days).</p>
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## Unsealable Convictions and Supervisions

<p><u>Crimes of Violence under Crime Victims Compensation Act (740 ILCS 45/2(c))</u></p> <ul style="list-style-type: none"> <li>• Domestic Battery</li> <li>• Violations of Order of Protection or Stalking No Contact Order</li> </ul>	<p><u>Sex Crimes under Art.11 of the Criminal Code (720 ILCS 5/11, et. seq.)</u></p> <ul style="list-style-type: none"> <li>• Solicitation (of prostitute or sexual act)</li> <li>• Patronizing a Prostitute</li> <li>• Fornication</li> <li>• Pimping, Adultery</li> <li>• Keeping a Place of Prostitution</li> <li>• Obscenity, Harmful Material</li> <li>• Criminal Sexual Abuse</li> <li>• Felony Public Indecency</li> </ul>
<p><u>Violations of Humane Care for Animals Act (510 ILCS 70/1)</u></p> <ul style="list-style-type: none"> <li>• Dog Fighting</li> <li>• Animal Cruelty</li> </ul>	<p><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"> <li>○ Department of State Police may disseminate expunged records as required by law</li> <li>○ Upon conviction for any offense, the Department of Corrections shall have access to the expunged records of that individual</li> <li>○ 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.</li> </ul>	<ul style="list-style-type: none"> <li>○ All sealed records can be accessed by law enforcement, including police, courts, prosecutors and the Department of Corrections.</li> </ul> <p><b><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></b></p> <ul style="list-style-type: none"> <li>○ Department of Children and Family Services</li> <li>○ Schools</li> <li>○ Firefighter applicants</li> <li>○ Park Districts</li> <li>○ Financial Institutions</li> <li>○ Private organization that devotes a major portion of its time to the children’s recreational, social, educational, or child safety services.</li> <li>○ 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</li> <li>○ Some state agencies and units of local government</li> </ul>

### 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](http://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](http://www.idph.state.il.us/nar)