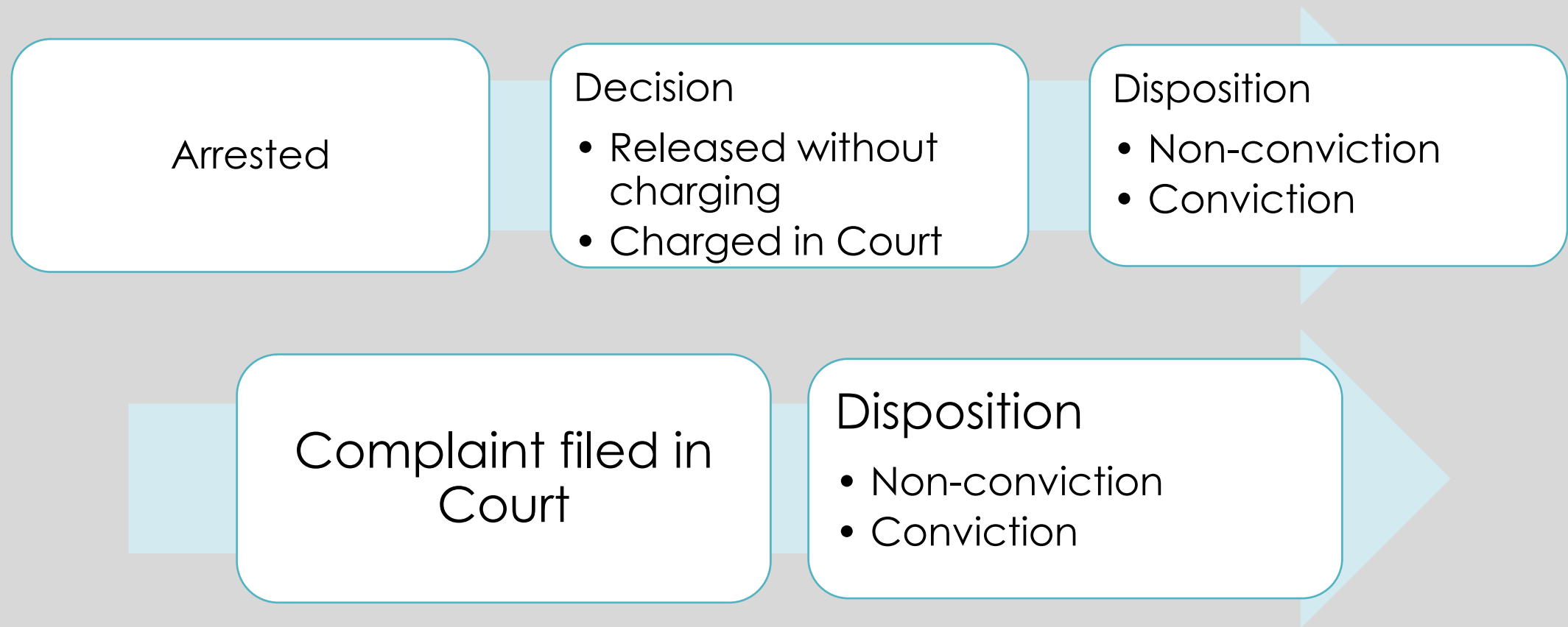




# CRIMINAL RECORDS

What can be done to help?

# How a criminal record is created



# Non-convictions v. Convictions

## Non-Convictions



- Released without charging
- Dismissed
- Nolle Pros'd
- Finding of not guilty
- Stricken with leave to reinstate
- Finding of no probable cause

## Non-Conviction Sentences\*



- Supervision
- 710-1410 probation
- TASC probation
- Second Chance probation
- Offender initiative program

\* Must be successfully completed and if TASC, must also be vacated

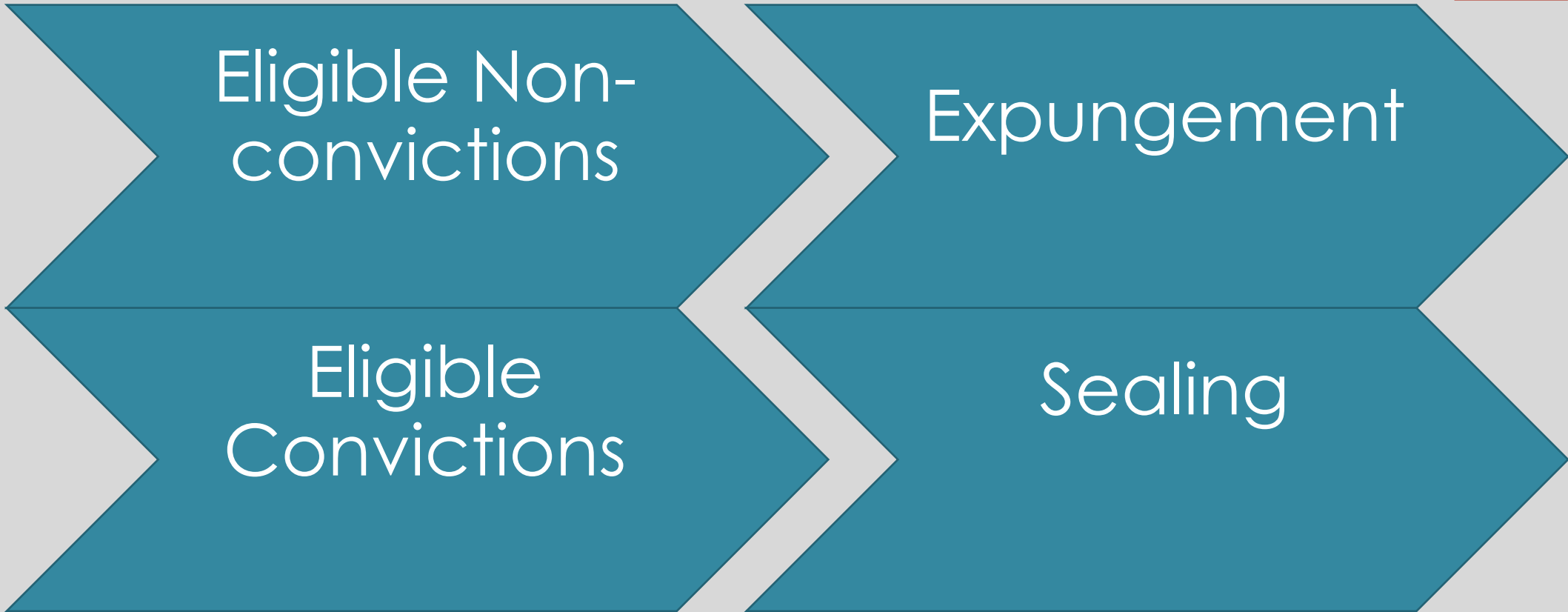
## Convictions



- Jail, prison, bootcamp
- Probation
- Conditional discharge
- Time served
- Fines

# Expungement and Sealing

Always up to  
the Judge –  
never  
automatic



# The difference between expungement and sealing? ACCESS

## EXPUNGEMENT

No private or public entity can see expunged records. Only expunged qualified probations for first time offenders can be seen by law enforcement.

## SEALING MISDEMEANORS

No private or public entity can see sealed misdemeanor convictions. All sealed records are available to law enforcement

## SEALING FELONIES

Sealed felony conviction records are available only to employers allowed by law. These employers conduct fingerprint-based background checks. They are jobs working with vulnerable populations.

# Non-convictions not eligible for expungement – Supervision for:

Sex offense involving minor

DUI

Reckless Driving – unless the youthful offender exception applies

- If you were under 25 years old when sentenced, you can request after turning 25

# Convictions not eligible to be sealed

Domestic battery, Violations of Orders of Protection and Stalking No Contact Orders

Violations of the Humane Care for Animal Act

Sex crimes under Article 11

- Except for prostitution and misdemeanor public indecency

DUI

Reckless Driving– unless the youthful offender exception applies

- If you were under 25 years old when sentenced, you can request after turning 25

# Other court cases not eligible to be expunged or sealed

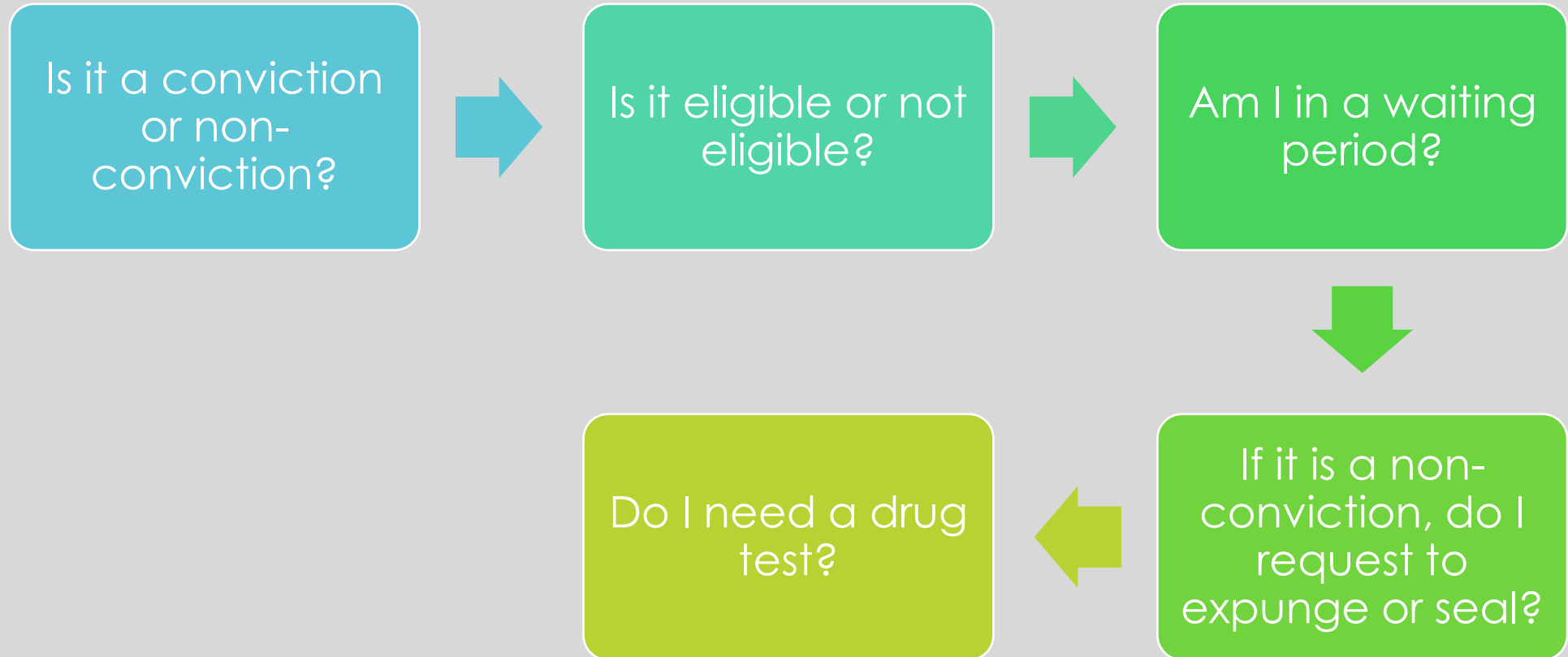
Minor traffic offenses

Civil cases

Minor ordinance violations



# How to decide what to do



# Is it a conviction or non-conviction?

## Non-Convictions



- Released without charging
- Dismissed
- Nolle Pros'd
- Finding of not guilty
- Stricken with leave to reinstate
- Finding of no probable cause

## Non-Conviction Sentences\*



- Supervision
- 710-1410 probation
- TASC probation
- Second Chance probation
- Offender initiative program

\* Must be successfully completed and if TASC, must also be vacated

## Convictions



- Jail, prison, bootcamp
- Probation
- Conditional discharge
- Time served
- Fines

# Is it eligible or not eligible?

Cannot  
expunge  
supervisions for:

- Sex offense involving minor
- DUI
- Reckless driving (unless youthful offender exception applies)

Cannot seal  
convictions for:

- Domestic battery
- Violation of Order of Protection or Stalking No Contact Order
- Animal Cruelty
- Sex offenses except prostitution and misdemeanor public indecency
- DUI
- Reckless driving (unless youthful offender exception applies)

# Am I in a waiting period to expunge?

## Acquittals and Dismissals

- There is no waiting period

## Supervision

- 2 years from successful completion of sentence

## Qualified Probation

- 5 years from successful completion of sentence

# Am I in a waiting period to seal?

## Completion of last sentence

- 3 years

## However, if on a registry (e.g., murder, arson)

- When registration requirement ends – typically 10 years after release from prison

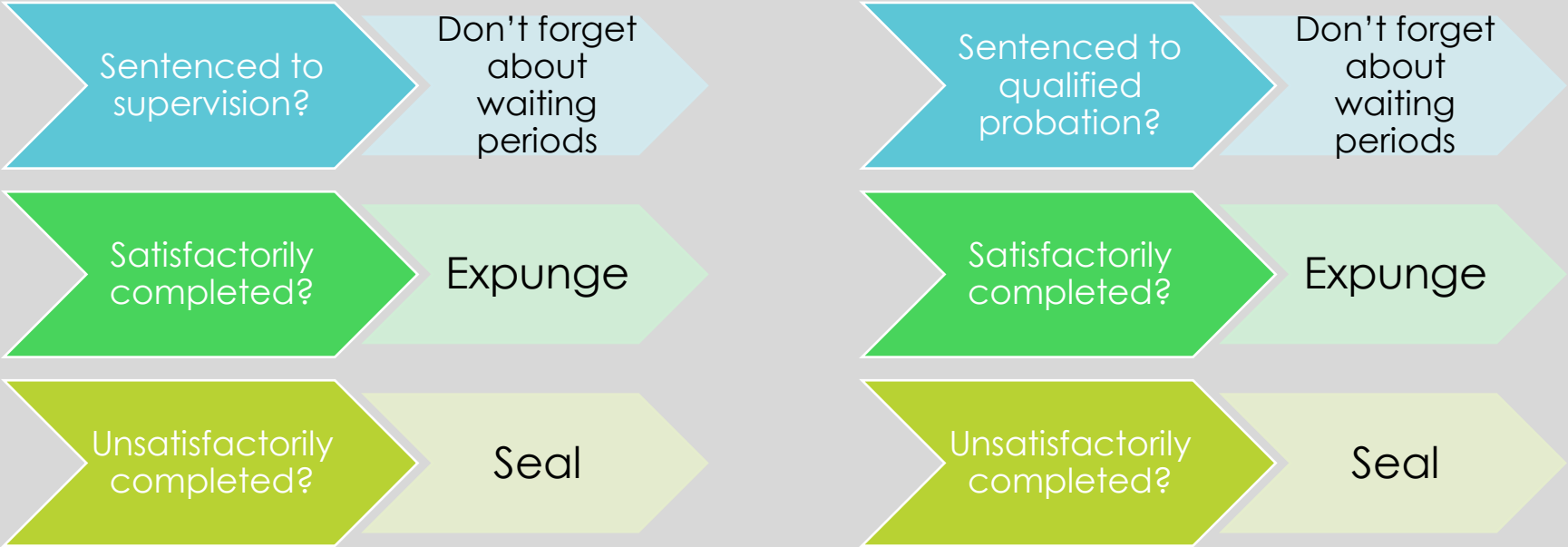
## Clock starts at end of most recent conviction's sentence

- Nothing can be sealed while in a waiting period following your last conviction's sentence

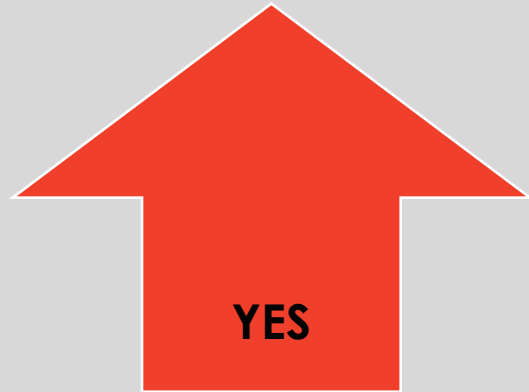
# Waiting period exception

There is no waiting period to seal a conviction if the individual earns a high school diploma, associate's degree, career certificate, vocational technical certification, bachelor's degree, or GED while serving the sentence (which includes parole or probation.)

# If it is a non-conviction, do I request to expunge or seal?

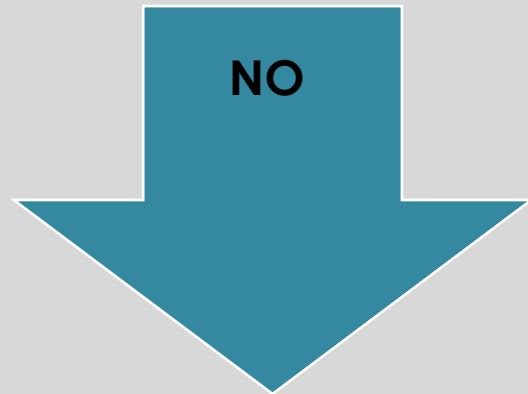
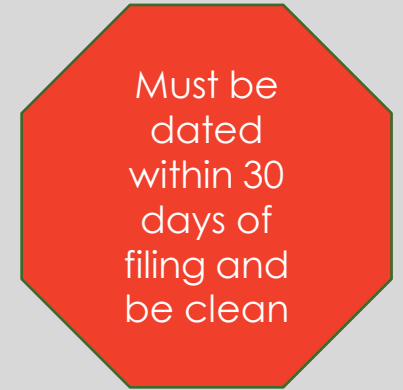


# Do I need a drug test?



Asking to expunge a drug-related felony qualified probation?

Asking to seal a drug-related felony conviction?



Asking to expunge a dismissed felony drug case?

Asking to seal a misdemeanor drug conviction?





# CANNABIS CHARGES AND CONVICTIONS

What can be done to help?

Misdemeanor or Class 4 Felony



Possession, Manufacture/Delivery, Possession with Intent to Deliver



30 grams or less	Any amount up to 500 grams (Possession) 30 grams or less (Man/Del; Possess w/Intent)
------------------	---



No violent arrest (in connection with cannabis charge)  
No sentence enhancement (adult delivery to minor at least 3 years younger)

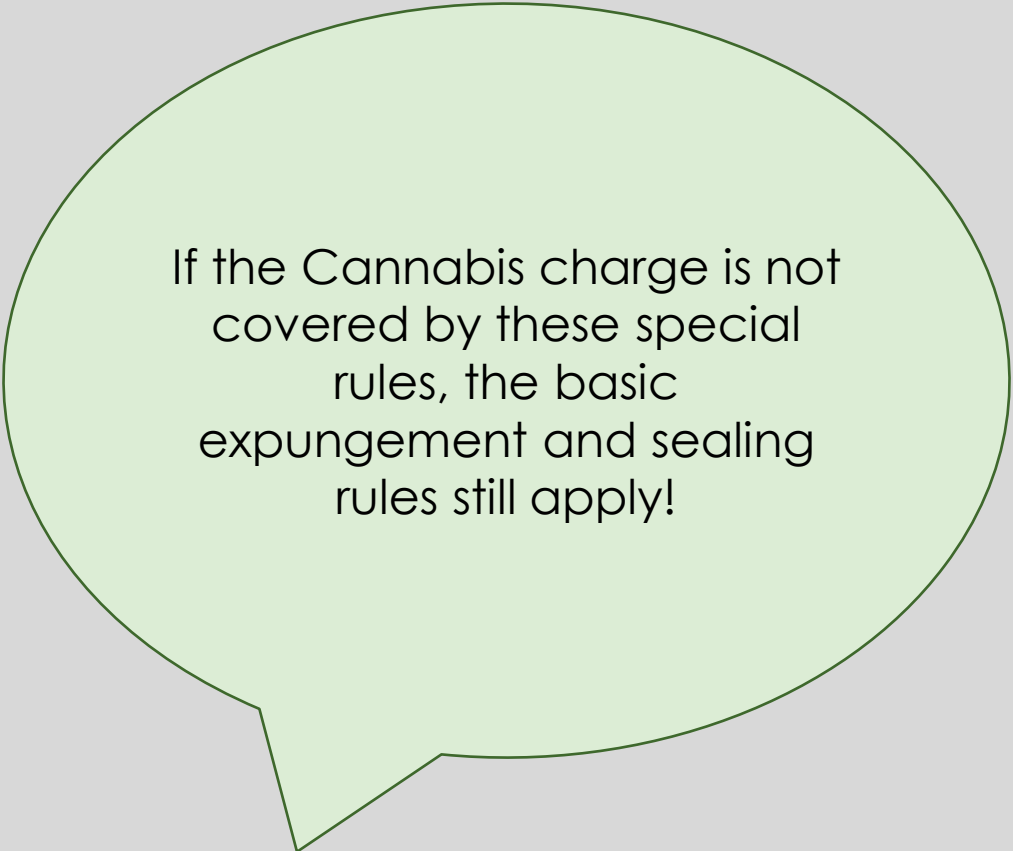


Non-conviction		Conviction		Conviction	
Relief	Automatic Expungement	Pardon	Motion to Vacate and Expunge	Motion to Vacate and Expunge	

Who	Illinois State Police Arresting Agency	Prisoner Review Board	Individual	State's Attorney	
-----	--	-----------------------	------------	------------------	--

Am I eligible to expunge or seal my cannabis charge?

# Remember. . .



If the Cannabis charge is not covered by these special rules, the basic expungement and sealing rules still apply!

Legal Advice and  
Referral Center

877-342-7891

[www.lincolnlegal.org](http://www.lincolnlegal.org)

[www.illinoislegalaid.org](http://www.illinoislegalaid.org)



*Breaking Barriers to Justice*

---