

# Basic Expungement and Sealing:

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

<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>• Fines (municipal ordinance violations)</li> </ul>	<p><b>Even ONE conviction makes an entire record ineligible for expungement!</b></p>
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A record is eligible for expungement if it is made up of a combination of the following:

<p><b><u>The following can be expunged if there are no convictions on the record:</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> </ul>	<p><b><u>Waiting Periods to EXPUNGE:</u></b>  <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><b><u>The following can be sealed:</u></b></p> <ul style="list-style-type: none"> <li>• Misdemeanor acquittals and dismissals.</li> <li>• Misdemeanor convictions and supervisions (unless listed as exception)</li> <li>• Felony acquittals, dismissals.</li> <li>• Felony convictions for the following (all Class 4):             <ol style="list-style-type: none"> <li>(1) Prostitution</li> <li>(2) Possession of Cannabis*</li> <li>(3) Possession of Controlled Substance*</li> <li>(4) Carry/Possession of Firearm (between 1995 and 1999)</li> </ol> </li> </ul> <p><i>*Requires proof of clean drug test taken within 30 days of filing petition.</i></p>	<p><b><u>Waiting Periods to SEAL:</u></b>  <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 (740 ILCS 45/2(c))</u></p> <ul style="list-style-type: none"> <li>Battery</li> <li>Assault</li> <li>Aggravated Assault</li> <li>Domestic Battery</li> <li>Reckless Conduct</li> <li>Criminal Sexual Abuse</li> <li>Violations of Order of Protection</li> </ul>	<p style="text-align: center;"><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>Public Indecency</li> </ul>
<p style="text-align: center;"><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 style="text-align: center;"><u>Driving Under the Influence and Reckless Driving (625 ILCS 5/11-501 and 625 ILCS 5/11-503)</u></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 style="margin-left: 20px;"><i><b>Sealed felony conviction records can be accessed by any employer that requires fingerprints for employment. They only have access to sealed felony conviction records.</b></i></p> <ul style="list-style-type: none"> <li>○ Department of Children and Family Services</li> <li>○ School board or regional superintendent for criminal convictions</li> <li>○ Firefighter applicants</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> <li>○ Health care agencies and organizations</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)