

Linda S. Frank



Circuit Clerk

Expungement Packet A

INSTRUCTIONS FOR PACKET A

NOTE: Procedures for filing vary somewhat from county to county. The following are general guidelines for filing your petition. Local procedures may be slightly different and should be followed. Also, if you plan on filing by mail, you should contact the relevant Circuit Clerk's office and inquire as to their local procedures for doing so.

1. Complete the [Petition to Expunge](#) and the FIRST TWO PAGES ONLY of the [Order to Expunge](#).
2. If petitioning to expunge records of a felony first offender drug or TASC probation, attach proof of a clean drug test taken within the last 30 days.
3. Have your signature on the Petition to Expunge notarized by a Notary Public.
4. Make six (6) copies of the Petition, and one (1) copy of the Order.
5. File your original Petition and Order with the Circuit Clerk.
6. Have the following names and addresses available and ready for the clerk:
 - a. the State's Attorney of the county you are filing in;
 - b. the Illinois State Police, Bureau of Identification, 260 N. Chicago Street, Joliet, Illinois 60431-1342;
 - c. the Arresting Authority; and
 - d. the Chief Legal Officer of the unit of local government affecting the arrest.
7. Four (4) of the copies of the Petition will go to the clerk to send to the above agencies. Keep the two (2) extra copies of the Petition and the extra copy of the Order for your files.
8. Once you have filed your Petition to Expunge, the various agencies have sixty (60) days to file an objection.
9. If the court notifies you of a hearing date, appear in court at the date, time and location as directed by the court. A hearing may or may not be required.
10. If your Petition is granted, the Circuit Clerk will mail a copy of the order to the arresting agency, the Illinois State Police, the State's Attorney and such other criminal justice agencies as may be ordered by the judge. You may be asked to pay certain statutory mailing and certification fees for each agency required to receive notice.
11. If required, deliver to the Circuit Clerk a certified check or money order payable to the Department of the State Police in the amount of \$60.00. The State Police will not seal or expunge your record without this fee. Some counties may collect this fee at the time of filing, others after the petition has been granted.



- 720 ILCS 5/12-3.2 - Domestic Battery, or
- 720 ILCS 5/12-15 - Criminal Sexual Abuse;

and it has been FIVE years since the successful discharge and dismissal from court supervision; OR

- The Defendant/Petitioner was released without conviction following a sentence of court supervision for an offense which is not set forth above, and it has been TWO years since the successful discharge and dismissal from court supervision; OR

4. The Defendant/Petitioner was released without conviction following a sentence of probation under:

- 720 ILCS 550/10 - Section 10 of the Cannabis Control Act, or
- 720 ILCS 570/410 - Section 410 of the Illinois Controlled Substances Act, or
- 720 ILCS 5/12-4.3 (if charged before January 1, 1996) - Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (Aggravated Battery of a Child, as those provisions existed before their deletion by Public Act 89-313), or
- 20 ILCS 301/40-10 - Section 40-10 of the Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, or
- 20 ILCS 301/10-102 - Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act (as those provisions existed before their deletion by Public Act 88-80) when the judgment of conviction has been vacated, or
- Section 10 of the Steroid Control Act (repealed), or
- 720 ILCS 646/70 - Section 70 of the Methamphetamine Control and Community Protection Act;

and it has been FIVE years since the successful termination of probation.

5. If the Defendant/Petitioner is seeking to expunge felony records listed in paragraph 4 of this Petition, he/she has attached results of a drug test taken within the 30 days previous to the filing of this Petition showing the absence within Defendant/Petitioner's body of any illegal substances as defined by the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act and the Cannabis Control Act.
6. In the case sought to be expunged, the Defendant/Petitioner was not granted court supervision for (1) driving under the influence; (2) reckless driving; or (3) any sexual offense committed against a minor under 18 years of age.
7. The Defendant/Petitioner has paid all costs and fees for the filing of this Petition, or has been granted a fee waiver by the Court.
8. There are no criminal charges currently pending against the Defendant/Petitioner in any jurisdiction.

WHEREFORE, the Defendant/Petitioner prays that his/her record of arrest be expunged as allowed by law.

DATED: _____, _____

Defendant/Petitioner

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, as to such matters the undersigned certifies as aforesaid he/she verily believes the same to be true.

_____ Date

_____ Defendant/Petitioner

Subscribed and sworn to before me this _____ day of _____, 20____.

_____ Notary/Clerk

Prepared by:
Name _____ Atty No. _____
Address _____ Attorney for _____
City/State/Zip _____ Telephone _____

- The Defendant/Petitioner was released without conviction following a sentence of court supervision for an offense which is not set forth above, and it has been TWO years since the successful discharge and dismissal from court supervision, OR
- The Defendant/Petitioner was released without conviction following a sentence of probation under:
 - 720 ILCS 550/10 - Section 10 of the Cannabis Control Act, or
 - 720 ILCS 570/410 - Section 410 of the Illinois Controlled Substances Act, or
 - 720 ILCS 5/12-4.3 (if charged before January 1, 1996) - Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (Aggravated Battery of a Child, as those provision existed before their deletion by Public Act 89-313), or
 - 20 ILCS 301/40-10 - Section 40-10 of the Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, or
 - 20 ILCS 301/10-102 - Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act (as those provisions existed before their deletion by Public Act 88-80) when the judgment of conviction has been vacated, or
 - Section 10 of the Steroid Control Act (repealed); or
 - 720 ILCS 646/70 - Section 70 of the Methamphetamine Control and Community Protection Act;
 and it has been FIVE years since the successful termination of probation.

5. In the case sought to be expunged, the Defendant/Petitioner was not granted court supervision for (1) driving under the influence; (2) reckless driving; or (3) any sexual offense committed against a minor under 18 years of age as a result of this arrest.
6. The Defendant/Petitioner has paid all costs and fees for the filing of this Petition, or has been granted a fee waiver by the Court.
7. The Circuit Clerk has served notice on the Arresting Authority, the Department of the State Police, the State's Attorney and the Chief Legal Officer of the unit of local government affecting the arrest and
 - none of said agencies has filed an objection to the Petition to Expunge within 60 days from the date of service; OR
 - following the filing of an objection, this Court, having heard evidence in the matter, finds that the records should be expunged.

IT IS THEREFORE ORDERED as follows:

- A. That the Petition to Expunge the Defendant/Petitioner's arrest record is **GRANTED**, and that the official records be **EXPUNGED** as follows:
 1. The Clerk of the Circuit Court **SHALL IMPOUND** all records of the Petitioner until further order of the court upon good cause shown and shall obliterate the Petitioner's name from the official index required to be kept by the Circuit Court Clerk under Section 16 of the Clerks of Courts Act.

2. The Department of State Police **SHALL EXPUNGE** all records of the Petitioner together with all photographs, fingerprints and other records of identification taken as a result of the arrest UNLESS the disposition is one enumerated in Paragraph B below.
 3. The Arresting Authority **SHALL EXPUNGE** all records of the Petitioner together with all photographs, fingerprints and other records of identification taken as a result of the arrest.
 4. That the Arresting Authority and the Illinois State Police shall request the return of any other law enforcement records relating to the incident set forth in the Petition which have been transferred to the Federal Bureau of Investigation or any other law enforcement agency as a result of said arrest, and **SHALL EXPUNGE OR IMPOUND** such records as required by this Order.
- B. That the Department of the State Police, however, shall not expunge but **SHALL IMPOUND** those records that result in a disposition of supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Section 12-3.2 or 12-15, of the Criminal Code of 1961, or those records that result in a disposition of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (repealed), Section 10 of the Steroid Control Act (repealed), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act (repealed), and Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
- C. That any arrest records **IMPOUNDED** by the Department of the State Police may be disseminated only as required by law or to the Arresting Authority, the State's Attorney and the Court upon the Defendant/Petitioner's later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony, and to the Department of Corrections upon conviction for any offense.
- D. That in response to an inquiry for such records from anyone not authorized by law to access such records, the Arresting Authority, the Department of State Police and the Clerk of the Circuit Court receiving such inquiry shall reply as it does in response to inquiries when no records ever existed.

ENTERED: _____, 20____.

JUDGE