

Linda S. Frank



Circuit Clerk

Expungement Packet B

INSTRUCTIONS FOR PACKETS B AND C

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 Seal Arrest Record](#) and the FIRST PAGE ONLY of the [Order to Seal Arrest Record](#). If you have additional arrests or convictions, include that information on the [Additional Arrests and Convictions](#) sheet and attach it to your completed Petition to Seal.
2. Have your signature on the Petition to Seal notarized by a Notary Public.
3. Make six (6) copies of the Petition to Seal and one (1) copy of the Order to Seal.
4. File your original Petition and Order with the Circuit Clerk.
5. 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.
6. 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.
7. Once you have filed your Petition to Seal Arrest Record, the various agencies have sixty (60) days to file an objection.
8. 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.
9. 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.
10. 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 your record without this fee.



3. In the case sought to be sealed, the Defendant/Petitioner was not convicted of any criminal offense, nor was Defendant/Petitioner placed on court supervision for any of the following offenses:
- 625 ILCS 5/11-501 - Driving Under the Influence, or
 - 625 ILCS 5/11-503 - Reckless Driving, or
 - a violation of Article 11 of the Criminal Code of 1961, not including prostitution under 720 ILCS 5/11-14, or
 - 720 ILCS 5/26-5 - Dog Fighting, or
 - a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act (740 ILCS 45/2), which includes:
 - 720 ILCS 5/12-1 - Assault, or
 - 720 ILCS 5/12-2 - Aggravated Assault, or
 - 720 ILCS 5/12-3 - Battery, or
 - 720 ILCS 5/12-3.2 - Domestic Battery, or
 - 720 ILCS 5/12-5 - Reckless Conduct, or
 - 720 ILCS 5/12-15 - Criminal Sexual Abuse
(renumbered 720 ILCS 5/11-1.50, eff. July 1, 2011), or
 - 720 ILCS 5/12-30 - Violation of an Order of Protection
(renumbered 720 ILCS 5/12-3.4, eff. July 1, 2011), or
 - a Class A misdemeanor violation of the Humane Care for Animals Act (510 ILCS 70/1 *et seq.*), or
 - any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act (730 ILCS 150/1 *et seq.*).
4. If the case sought to be sealed resulted in a sentence of court supervision for an offense not listed in the previous paragraph, that the Defendant/Petitioner meets the waiting period to seal the record required by 20 ILCS 2630/5.2(c)(3)(B).
5. (Check whichever applies):
- Defendant/Petitioner has no other arrests or convictions in this or any other jurisdiction; OR
 - Defendant/Petitioner has other arrests or convictions, unrelated to the case sought to be sealed, which are listed and attached to this Petition.
6. Defendant/Petitioner has paid all costs and fees for the filing of this Petition, or has been granted a fee waiver by the Court.

WHEREFORE, the Defendant/Petitioner prays that the Defendant's record of arrest be sealed 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 _____
Address _____
City/State/Zip _____

Atty No. _____
Attorney for _____
Telephone _____

6. The Circuit Clerk has served notice on the Arresting Authority, the Department of the State Police, the State's Attorney and Chief Legal Officer of the unit of local government affecting the arrest and:
- none of said agencies has filed an objection to the Petition within 60 days from the date of service; OR
 - this Court, having heard evidence in the matter, finds that the records should be sealed.

IT IS THEREFORE ORDERED as follows:

- A. That the Petition to Seal the Defendant/Petitioner's arrest record is **GRANTED**, and the official records be **SEALED** as follows:
1. The Clerk of the Circuit Court, the Arresting Agency, and the Department of State Police **SHALL SEAL** all records of the Petitioner until further order of the court and the Clerk of the Circuit Court 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. That the Arresting Authority and the Department of 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 SEAL** said records upon their return.
- B. That any arrest records **SEALED** are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies, the Department of Corrections, and State's Attorneys and other prosecutors in carrying out the duties of their offices. Upon conviction for any offense, the Department of Corrections shall have access to such sealed records pertaining to Defendant/Petitioner.
- C. That in response to an inquiry for such records from anyone not authorized by law to access such records, the entity receiving such inquiry shall reply as it does when no records ever existed.

ENTERED: _____, 20____.

JUDGE

ADDITIONAL ARRESTS AND CONVICTIONS:

□. Date of Arrest: _____ Arresting Authority: _____

Charging Jurisdiction: _____ Case No(s): _____

Charge(s): _____ Disposition(s) _____

Date of Completion of Case: _____

□. Date of Arrest: _____ Arresting Authority: _____

Charging Jurisdiction: _____ Case No(s): _____

Charge(s): _____ Disposition(s) _____

Date of Completion of Case: _____

□. Date of Arrest: _____ Arresting Authority: _____

Charging Jurisdiction: _____ Case No(s): _____

Charge(s): _____ Disposition(s) _____

Date of Completion of Case: _____