

Linda S. Frank



Circuit Clerk

Expungement Packet D

INSTRUCTIONS FOR PACKET D

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 and the FIRST PAGE ONLY of the Order to Seal. If you have additional arrests or convictions, include that information on the Additional Arrests and Convictions page and attach it to your completed Petition.
2. If petitioning to seal qualifying felony drug conviction and/or first offender probation records, attach to the Petition proof of a clean drug test taken within the last 30 days.
3. Have your signature on the Petition notarized by a Notary Public.
4. Make six (6) copies of the Petition to Seal and one (1) copy of the Order to Seal.
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 Seal, 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, Illinois State Police, State's Attorney and such other 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 Department of the State Police will not seal or expunge your record without this fee.



IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
)
vs.) CASE NO. _____
)
_____)
Defendant/Petitioner)

**PETITION TO SEAL FELONY DRUG CONVICTION AND/OR FIRST OFFENDER
DRUG PROBATION**

COMES NOW the Defendant/Petitioner, pursuant to 20 ILCS 2630/5.2(c) and moves this court to seal the records of his/her felony drug conviction and/or first offender drug probation and all related records from the records of the Arresting Authority, the Circuit Clerk and the Department of State Police with regard to the following arrest:

Charge: _____	Date of Arrest/Charge: _____		
Arresting Authority: _____			
ID #: _____	Date of Birth: _____	Sex: _____	Race: _____
Petitioner's Current Mailing Address:			
Street/P.O. Box: _____			
City: _____	State: _____	Zip: _____	

In support of this Petition, Defendant/Petitioner states as follows:

1. Defendant/Petitioner was arrested by the Arresting Authority or charged by the State on the date and for the offense stated above.
2. The Defendant/Petitioner was placed on first offender probation under:
 - Section 10 of the Cannabis Control Act (720 ILCS 550/10); OR
 - Section 410 of the Controlled Substances Act (720 ILCS 570/410); OR
 - Section 70 of the Methamphetamine Control and Community Protection Act (720 ILCS 646/70); OR
- The Defendant/Petitioner was convicted of a Class 4 offense under:
 - Section 4 of the Cannabis Control Act (720 ILCS 550/4); OR
 - Section 402 of the Controlled Substances Act (720 ILCS 570/402); OR

- The Methamphetamine Precursor Control Act; OR
- The Steroid Control Act.

3. Defendant/Petitioner completed his/her sentence on _____.
4. If the Defendant/Petitioner is seeking to seal felony records listed in paragraph 2 of this Petition, he/she has attached to this petition proof that the Defendant/Petitioner has passed a drug test taken within the 30 days previous to the filing of this Petition which shows 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.
5. At least 4 years have elapsed since the termination of Defendant/Petitioner's last sentence for any criminal offense.
6. (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.
7. Defendant/Petitioner has paid all costs and fees for filing this Petition, or has been granted a fee waiver by the Court.

WHEREFORE, the Defendant/Petitioner prays that the Defendant's record of arrest and/or conviction and all related records be sealed as allowed by law.

Date

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 _____

7. The Circuit Clerk has served notice on the Arresting Authority, the Department of the State Police, the State's Attorney or prosecutor charged with prosecuting the case 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 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 and/or conviction 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 relating to the above-referenced arrest and/or conviction(s) until further order of 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. The Arresting Agency 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 and/or conviction 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: _____

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