



Rep. Fred Crespo

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10300HB5495ham001

LRB103 39013 AWJ 71129 a

1 AMENDMENT TO HOUSE BILL 5495

2 AMENDMENT NO. _____. Amend House Bill 5495 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Seizure and Forfeiture Reporting Act is
5 amended by changing Section 10 as follows:

6 (5 ILCS 810/10)

7 Sec. 10. Reporting by law enforcement agency.

8 (a) Each law enforcement agency that seizes property
9 subject to reporting under this Act shall report the following
10 information about property seized or forfeited under State
11 law:

12 (1) the name of the law enforcement agency that seized
13 the property;

14 (2) the date of the seizure;

15 (3) the type of property seized, including a building,
16 vehicle, boat, cash, negotiable security, or firearm,

1 except reporting is not required for seizures of
2 contraband including alcohol, gambling devices, drug
3 paraphernalia, and controlled substances;

4 (4) a description of the property seized and the
5 estimated value of the property and if the property is a
6 conveyance, the description shall include the make, model,
7 year, and vehicle identification number or serial number;
8 and

9 (5) the location where the seizure occurred.

10 The filing requirement shall be met upon filing Illinois
11 State Police Notice/Inventory of Seized Property (Form 4-64)
12 with the State's Attorney's Office in the county where the
13 forfeiture action is being commenced or with the Attorney
14 General's Office if the forfeiture action is being commenced
15 by that office, and the forwarding of Form 4-64 upon approval
16 of the State's Attorney's Office or the Attorney General's
17 Office to the Illinois State Police Asset Forfeiture Section.
18 With regard to seizures for which Form 4-64 is not required to
19 be filed, the filing requirement shall be met by the filing of
20 an annual summary report with the Illinois State Police no
21 later than 60 days after December 31 of that year.

22 (b) Each law enforcement agency, including a drug task
23 force or Metropolitan Enforcement Group (MEG) unit, that
24 receives proceeds from forfeitures subject to reporting under
25 this Act shall file an annual report with the Illinois State
26 Police no later than 60 days after December 31 of that year.

1 The format of the report shall be developed by the Illinois
2 State Police and shall be completed by the law enforcement
3 agency. The report shall include, at a minimum, the amount of
4 funds and other property distributed to the law enforcement
5 agency by the Illinois State Police, the amount of funds
6 expended by the law enforcement agency, and the category of
7 expenditure, including:

8 (1) crime, gang, or abuse prevention or intervention
9 programs;

10 (2) compensation or services for crime victims;

11 (3) witness protection, informant fees, and controlled
12 purchases of contraband;

13 (4) salaries, overtime, and benefits, as permitted by
14 law;

15 (5) operating expenses, including but not limited to,
16 capital expenditures for vehicles, firearms, equipment,
17 computers, furniture, office supplies, postage, printing,
18 membership fees paid to trade associations, and fees for
19 professional services including auditing, court reporting,
20 expert witnesses, and attorneys;

21 (6) travel, meals, entertainment, conferences,
22 training, and continuing education seminars; and

23 (7) other expenditures of forfeiture proceeds.

24 (c) The Illinois State Police shall establish and maintain
25 on its official website a public database that includes annual
26 aggregate data for each law enforcement agency that reports

1 seizures of property under subsection (a) of this Section,
2 that receives distributions of forfeiture proceeds subject to
3 reporting under this Act, or reports expenditures under
4 subsection (b) of this Section. This aggregate data shall
5 include, for each law enforcement agency:

6 (1) the total number of asset seizures reported by
7 each law enforcement agency during the calendar year;

8 (2) the monetary value of all currency or its
9 equivalent seized by the law enforcement agency during the
10 calendar year;

11 (3) the number of conveyances seized by the law
12 enforcement agency during the calendar year, and the
13 aggregate estimated value;

14 (4) the aggregate estimated value of all other
15 property seized by the law enforcement agency during the
16 calendar year;

17 (5) the monetary value of distributions by the
18 Illinois State Police of forfeited currency or auction
19 proceeds from forfeited property to the law enforcement
20 agency during the calendar year; and

21 (6) the total amount of the law enforcement agency's
22 expenditures of forfeiture proceeds during the calendar
23 year, categorized as provided under subsection (b) of this
24 Section.

25 The database shall not provide names, addresses, phone
26 numbers, or other personally identifying information of owners

1 or interest holders, persons, business entities, covert office
2 locations, or business entities involved in the forfeiture
3 action and shall not disclose the vehicle identification
4 number or serial number of any conveyance.

5 (d) The Illinois State Police shall adopt rules to
6 administer the asset forfeiture program, including the
7 categories of authorized expenditures consistent with the
8 statutory guidelines for each of the included forfeiture
9 statutes, the use of forfeited funds, other expenditure
10 requirements, and the reporting of seizure and forfeiture
11 information. The Illinois State Police may adopt rules
12 necessary to implement this Act through the use of emergency
13 rulemaking under Section 5-45 of the Illinois Administrative
14 Procedure Act for a period not to exceed 180 days after the
15 effective date of this Act.

16 (e) The Illinois State Police shall have authority and
17 oversight over all law enforcement agencies receiving
18 forfeited funds from the Illinois State Police. This authority
19 shall include enforcement of rules and regulations adopted by
20 the Illinois State Police and sanctions for violations of any
21 rules and regulations, including the withholding of
22 distributions of forfeiture proceeds from the law enforcement
23 agency in violation.

24 (f) Upon application by a law enforcement agency to the
25 Illinois State Police, the reporting of a particular asset
26 forfeited under this Section may be delayed if the asset in

1 question was seized from a person who has become a
2 confidential informant under the agency's confidential
3 informant policy, or if the asset was seized as part of an
4 ongoing investigation. This delayed reporting shall be granted
5 by the Illinois State Police for a maximum period of 6 months
6 if the confidential informant is still providing cooperation
7 to law enforcement or the investigation is still ongoing,
8 after which the asset shall be reported as required under this
9 Act.

10 (g) The Illinois State Police shall, on or before January
11 1, 2019, establish and implement the requirements of this Act.
12 ~~In order to implement the reporting and public database~~
13 ~~requirements under this Act, the Illinois State Police Asset~~
14 ~~Forfeiture Section requires a one time upgrade of its~~
15 ~~information technology software and hardware. This one time~~
16 ~~upgrade shall be funded by a temporary allocation of 5% of all~~
17 ~~forfeited currency and 5% of the auction proceeds from each~~
18 ~~forfeited asset, which are to be distributed after the~~
19 ~~effective date of this Act. The Illinois State Police shall~~
20 ~~transfer these funds at the time of distribution to a separate~~
21 ~~fund established by the Illinois State Police. Moneys~~
22 ~~deposited in this fund shall be accounted for and shall be used~~
23 ~~only to pay for the actual one-time cost of purchasing and~~
24 ~~installing the hardware and software required to comply with~~
25 ~~this new reporting and public database requirement. Moneys~~
26 ~~deposited in the fund shall not be subject to reappropriation,~~

1 ~~reallocation, or redistribution for any other purpose. After~~
2 ~~sufficient funds are transferred to the fund to cover the~~
3 ~~actual one-time cost of purchasing and installing the hardware~~
4 ~~and software required to comply with this new reporting and~~
5 ~~public database requirement, no additional funds shall be~~
6 ~~transferred to the fund for any purpose. At the completion of~~
7 ~~the one-time upgrade of the information technology hardware~~
8 ~~and software to comply with this new reporting and public~~
9 ~~database requirement, any remaining funds in the fund shall be~~
10 ~~returned to the participating agencies under the distribution~~
11 ~~requirements of the statutes from which the funds were~~
12 ~~transferred, and the fund shall no longer exist.~~

13 (h) (1) The Illinois State Police, in consultation with and
14 subject to the approval of the Chief Procurement Officer, may
15 procure a single contract or multiple contracts to implement
16 this Act.

17 (2) A contract or contracts under this subsection (h) are
18 not subject to the Illinois Procurement Code, except for
19 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
20 that Code, provided that the Chief Procurement Officer may, in
21 writing with justification, waive any certification required
22 under Article 50 of the Illinois Procurement Code. The
23 provisions of this paragraph (2), other than this sentence,
24 are inoperative on and after July 1, 2019.

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 Section 10. The Illinois State Police Law of the Civil
2 Administrative Code of Illinois is amended by changing
3 Sections 2605-35, 2605-40, 2605-605, and 2605-615 as follows:

4 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

5 Sec. 2605-35. Division of Criminal Investigation.

6 (a) The Division of Criminal Investigation shall exercise
7 the following functions and those in Section 2605-30:

8 (1) Exercise the rights, powers, and duties vested by
9 law in the Illinois State Police by the Illinois Horse
10 Racing Act of 1975, including those set forth in Section
11 2605-215.

12 (2) Investigate the origins, activities, personnel,
13 and incidents of crime and enforce the criminal laws of
14 this State related thereto.

15 (3) Enforce all laws regulating the production, sale,
16 prescribing, manufacturing, administering, transporting,
17 having in possession, dispensing, delivering,
18 distributing, or use of controlled substances and
19 cannabis.

20 (4) Cooperate with the police of cities, villages, and
21 incorporated towns and with the police officers of any
22 county in enforcing the laws of the State and in making
23 arrests and recovering property.

24 (5) Apprehend and deliver up any person charged in
25 this State or any other state with treason or a felony or

1 other crime who has fled from justice and is found in this
2 State.

3 (6) Investigate recipients and providers under the
4 Illinois Public Aid Code and any personnel involved in the
5 administration of the Code who are suspected of any
6 violation of the Code pertaining to fraud in the
7 administration, receipt, or provision of assistance and
8 pertaining to any violation of criminal law; and exercise
9 the functions required under Section 2605-220 in the
10 conduct of those investigations.

11 (7) Conduct other investigations as provided by law,
12 including, but not limited to, investigations of human
13 trafficking, illegal drug trafficking, illegal firearms
14 trafficking, and cyber crimes that can be investigated and
15 prosecuted in Illinois.

16 (8) Investigate public corruption.

17 (9) Exercise other duties that may be assigned by the
18 Director in order to fulfill the responsibilities and
19 achieve the purposes of the Illinois State Police, which
20 may include the coordination of gang, terrorist, and
21 organized crime prevention, control activities, and
22 assisting local law enforcement in their crime control
23 activities.

24 (10) Conduct investigations (and cooperate with
25 federal law enforcement agencies in the investigation) of
26 any property-related crimes, such as money laundering,

1 involving individuals or entities listed on the sanctions
2 list maintained by the U.S. Department of Treasury's
3 Office of Foreign Asset Control.

4 (11) Oversee Illinois State Police special weapons and
5 tactics (SWAT) teams, including law enforcement response
6 to weapons of mass destruction.

7 (12) Oversee Illinois State Police air operations.

8 (13) Investigate criminal domestic terrorism
9 incidents, and otherwise deter all criminal threats to
10 Illinois.

11 (a-5) The Division of Criminal Investigation shall gather
12 information, intelligence, and evidence to facilitate the
13 identification, apprehension, and prosecution of persons
14 responsible for committing crime; to provide specialized
15 intelligence and analysis, investigative, tactical, and
16 technological services in support of law enforcement
17 operations throughout the State of Illinois; and to oversee
18 and operate the statewide criminal intelligence fusion center.

19 (b) (Blank).

20 (b-5) The Division of Criminal Investigation shall
21 cooperate and liaise with all federal law enforcement and
22 other partners on criminal investigations, intelligence,
23 information sharing, and national security planning and
24 response.

25 (c) The Division of Criminal Investigation shall provide
26 statewide coordination and strategy pertaining to

1 firearm-related intelligence, firearms trafficking
2 interdiction, and investigations reaching across all divisions
3 of the Illinois State Police, including providing crime gun
4 intelligence support for suspects and firearms involved in
5 firearms trafficking or the commission of a crime involving
6 firearms that is investigated by the Illinois State Police and
7 other federal, State, and local law enforcement agencies, with
8 the objective of reducing and preventing illegal possession
9 and use of firearms, firearms trafficking, firearm-related
10 homicides, and other firearm-related violent crimes in
11 Illinois.

12 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
13 102-1108, eff. 12-21-22; 102-1116, eff. 1-10-23; 103-34, eff.
14 1-1-24.)

15 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

16 Sec. 2605-40. Division of Forensic Services. The Division
17 of Forensic Services shall exercise the following functions:

18 (1) Provide crime scene services and traffic crash
19 reconstruction and examine digital evidence.

20 (2) Exercise the rights, powers, and duties vested by
21 law in the Illinois State Police by Section 2605-300 of
22 this Law.

23 (3) Provide assistance to local law enforcement
24 agencies through training, management, and consultant
25 services.

1 (4) (Blank).

2 (5) Exercise other duties that may be assigned by the
3 Director in order to fulfill the responsibilities and
4 achieve the purposes of the Illinois State Police.

5 (6) Establish and operate a forensic science
6 laboratory system, including a forensic toxicological
7 laboratory service, for the purpose of testing specimens
8 submitted by coroners and other law enforcement officers
9 in their efforts to determine whether alcohol, drugs, or
10 poisonous or other toxic substances have been involved in
11 deaths, accidents, or illness. Forensic laboratories shall
12 be established in Springfield, Chicago, and elsewhere in
13 the State as needed.

14 (6.5) Establish administrative rules in order to set
15 forth standardized requirements for the disclosure of
16 toxicology results and other relevant documents related to
17 a toxicological analysis. These administrative rules are
18 to be adopted to produce uniform and sufficient
19 information to allow a proper, well-informed determination
20 of the admissibility of toxicology evidence and to ensure
21 that this evidence is presented competently. These
22 administrative rules are designed to provide a minimum
23 standard for compliance of toxicology evidence and are not
24 intended to limit the production and discovery of material
25 information.

26 (7) Subject to specific appropriations made for these

1 purposes, establish and coordinate a system for providing
2 accurate and expedited forensic science and other
3 investigative and laboratory services to local law
4 enforcement agencies and local State's Attorneys in aid of
5 the investigation and trial of capital cases.

6 (8) Exercise the rights, powers, and duties vested by
7 law in the Illinois State Police under the Sexual Assault
8 Evidence Submission Act.

9 (9) Serve as the State central repository for all
10 genetic marker grouping analysis information and exercise
11 the rights, powers, and duties vested by law in the
12 Illinois State Police under Section 5-4-3 of the Unified
13 Code of Corrections.

14 (10) Issue reports required under Section 5-4-3a of
15 the Unified Code of Corrections.

16 (11) Oversee the Electronic Laboratory Information
17 Management System under Section 5-4-3b of the Unified Code
18 of Corrections.

19 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
20 103-34, eff. 1-1-24.)

21 (20 ILCS 2605/2605-605)

22 Sec. 2605-605. Violent Crime Intelligence Task Force. The
23 Director of the Illinois State Police shall establish a
24 statewide multi-jurisdictional Violent Crime Intelligence Task
25 Force led by the Illinois State Police dedicated to combating

1 gun violence, gun-trafficking, and other violent crime with
2 the primary mission of preservation of life and reducing the
3 occurrence and the fear of crime. The objectives of the Task
4 Force shall include, but not be limited to, reducing and
5 preventing illegal possession and use of firearms,
6 firearm-related homicides, and other violent crimes, and
7 solving firearm-related crimes.

8 (1) The Task Force may develop and acquire information,
9 training, tools, and resources necessary to implement a
10 data-driven approach to policing, with an emphasis on
11 intelligence development.

12 (2) The Task Force may utilize information sharing,
13 partnerships, crime analysis, and evidence-based practices to
14 assist in the reduction of firearm-related shootings,
15 homicides, and gun-trafficking, including, but not limited to,
16 ballistic data, eTrace data, DNA evidence, latent
17 fingerprints, firearm training data, and National Integrated
18 Ballistic Information Network (NIBIN) data. The Task Force may
19 design a model crime gun intelligence strategy which may
20 include, but is not limited to, comprehensive collection and
21 documentation of all ballistic evidence, timely transfer of
22 NIBIN and eTrace leads to an intelligence center, which may
23 include the Division of Criminal Investigation of the Illinois
24 State Police, timely dissemination of intelligence to
25 investigators, investigative follow-up, and coordinated
26 prosecution.

1 (3) The Task Force may recognize and utilize best
2 practices of community policing and may develop potential
3 partnerships with faith-based and community organizations to
4 achieve its goals.

5 (4) The Task Force may identify and utilize best practices
6 in drug-diversion programs and other community-based services
7 to redirect low-level offenders.

8 (5) The Task Force may assist in violence suppression
9 strategies including, but not limited to, details in
10 identified locations that have shown to be the most prone to
11 gun violence and violent crime, focused deterrence against
12 violent gangs and groups considered responsible for the
13 violence in communities, and other intelligence driven methods
14 deemed necessary to interrupt cycles of violence or prevent
15 retaliation.

16 (6) In consultation with the Chief Procurement Officer,
17 the Illinois State Police may obtain contracts for software,
18 commodities, resources, and equipment to assist the Task Force
19 with achieving this Act. Any contracts necessary to support
20 the delivery of necessary software, commodities, resources,
21 and equipment are not subject to the Illinois Procurement
22 Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and
23 Article 50 of that Code, provided that the Chief Procurement
24 Officer may, in writing with justification, waive any
25 certification required under Article 50 of the Illinois
26 Procurement Code.

1 (7) The Task Force shall conduct enforcement operations
2 against persons whose Firearm Owner's Identification Cards
3 have been revoked or suspended and persons who fail to comply
4 with the requirements of Section 9.5 of the Firearm Owners
5 Identification Card Act, prioritizing individuals presenting a
6 clear and present danger to themselves or to others under
7 paragraph (2) of subsection (d) of Section 8.1 of the Firearm
8 Owners Identification Card Act.

9 (8) The Task Force shall collaborate with local law
10 enforcement agencies to enforce provisions of the Firearm
11 Owners Identification Card Act, the Firearm Concealed Carry
12 Act, the Firearm Dealer License Certification Act, and Article
13 24 of the Criminal Code of 2012.

14 (9) To implement this Section, the Director of the
15 Illinois State Police may establish intergovernmental
16 agreements with law enforcement agencies in accordance with
17 the Intergovernmental Cooperation Act.

18 (10) Law enforcement agencies that participate in
19 activities described in paragraphs (7) through (9) may apply
20 to the Illinois State Police for grants from the State Police
21 Firearm Revocation Enforcement Fund.

22 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
23 102-813, eff. 5-13-22.)

24 (20 ILCS 2605/2605-615)

25 Sec. 2605-615. Illinois Forensic Science Commission.

1 (a) Creation. There is created within the Illinois State
2 Police the Illinois Forensic Science Commission.

3 (b) Duties and purpose. The Commission shall:

4 (1) Provide guidance to ensure the efficient delivery
5 of forensic services and the sound practice of forensic
6 science.

7 (2) Provide a forum for discussions between forensic
8 science stakeholders to improve communication and
9 coordination and to monitor the important issues impacting
10 all stakeholders.

11 (3) Take a systems-based approach in reviewing all
12 aspects of the delivery of forensic services and the sound
13 practice of forensic science with the goal of reducing or
14 eliminating the factors and inefficiencies that contribute
15 to backlogs and errors, with a focus on education and
16 training, funding, hiring, procurement, and other aspects
17 identified by the Commission.

18 (4) Review significant non-conformities with the sound
19 practice of forensic science documented by each publicly
20 funded ISO 17025 accredited forensic laboratory and offer
21 recommendations for the correction thereof.

22 (5) Subject to appropriation, provide educational,
23 research, and professional training opportunities for
24 practicing forensic scientists, police officers, judges,
25 State's Attorneys and Assistant State's Attorneys, Public
26 Defenders, and defense attorneys comporting with the sound

1 practice of forensic science.

2 (6) Collect and analyze information related to the
3 impact of current laws, rules, policies, and practices on
4 forensic crime laboratories and the practice of forensic
5 science; evaluate the impact of those laws, rules,
6 policies, and practices on forensic crime laboratories and
7 the practice of forensic science; identify new policies
8 and approaches, together with changes in science, and
9 technology; and make recommendations for changes to those
10 laws, rules, policies, and practices that will yield
11 better results in the criminal justice system consistent
12 with the sound practice of forensic science.

13 (7) Perform such other studies or tasks pertaining to
14 forensic crime laboratories as may be requested by the
15 General Assembly by resolution or the Governor, and
16 perform such other functions as may be required by law or
17 as are necessary to carry out the purposes and goals of the
18 Commission prescribed in this Section.

19 (8) Ensure that adequate resources and facilities are
20 available for carrying out the changes proposed in
21 legislation, rules, or policies and that rational
22 priorities are established for the use of those resources.
23 To do so, the Commission may prepare statements to the
24 Governor and General Assembly identifying the fiscal and
25 practical effects of proposed legislation, rules, or
26 policy changes. Such statements may include, but are not

1 limited to: the impact on present levels of staffing and
2 resources; a professional opinion on the practical value
3 of the change or changes; the increase or decrease the
4 number of crime laboratories; the increase or decrease the
5 cost of operating crime laboratories; the impact on
6 efficiencies and caseloads; other information, including
7 but not limited to, facts, data, research, and science
8 relevant to the legislation, rule, or policy; the direct
9 or indirect alteration in any process involving or used by
10 crime laboratories of such proposed legislation, rules, or
11 policy changes; an analysis of the impact, either directly
12 or indirectly, on the technology, improvements, or
13 practices of forensic analyses for use in criminal
14 proceedings; together with the direct or indirect impact
15 on headcount, space, equipment, instruments,
16 accreditation, the volume of cases for analysis,
17 scientific controls, and quality assurance.

18 (c) Members. The Commission shall be composed of the
19 Director of the Illinois State Police, or his or her designee,
20 together with the following members appointed for a term of 4
21 years by the Governor with the advice and consent of the
22 Senate:

23 (1) One crime laboratory director or administrator
24 from each publicly funded ISO 17025 accredited forensic
25 laboratory system.

26 (2) One member with experience in the admission of

1 forensic evidence in trials from a statewide association
2 representing prosecutors.

3 (3) One member with experience in the admission of
4 forensic evidence in trials from a statewide association
5 representing criminal defense attorneys.

6 (4) Three forensic scientists with bench work
7 background from various forensic disciplines (e.g., DNA,
8 chemistry, pattern evidence, etc.).

9 (5) One retired circuit court judge or associate
10 circuit court judge with criminal trial experience,
11 including experience in the admission of forensic evidence
12 in trials.

13 (6) One academic specializing in the field of forensic
14 sciences.

15 (7) One or more community representatives (e.g.,
16 victim advocates, innocence project organizations, sexual
17 assault examiners, etc.).

18 (8) One member who is a medical examiner or coroner.

19 The Governor shall designate one of the members of the
20 Commission to serve as the chair of the Commission. The
21 members of the Commission shall elect from their number such
22 other officers as they may determine. Members of the
23 Commission shall serve without compensation, but may be
24 reimbursed for reasonable expenses incurred in the performance
25 of their duties from funds appropriated for that purpose.

26 (d) Subcommittees. The Commission may form subcommittees

1 to study specific issues identified under paragraph (3) of
2 subsection (b), including, but not limited to, subcommittees
3 on education and training, procurement, funding and hiring. Ad
4 hoc subcommittees may also be convened to address other
5 issues. Such subcommittees shall meet as needed to complete
6 their work, and shall report their findings back to the
7 Commission. Subcommittees shall include members of the
8 Commission, and may also include non-members such as forensic
9 science stakeholders and subject matter experts.

10 (e) Meetings. The Commission shall meet quarterly, at the
11 call of the chairperson. Facilities for meeting, whether
12 remotely or in person, shall be provided for the Commission by
13 the Illinois State Police.

14 (f) Reporting by publicly funded ISO 17025 accredited
15 forensic laboratories. All State and local publicly funded ISO
16 17025 accredited forensic laboratory systems, including, but
17 not limited to, the DuPage County Forensic Science Center, the
18 Northeastern Illinois Regional Crime Laboratory, and the
19 Illinois State Police, shall annually provide to the
20 Commission a report summarizing its significant
21 non-conformities with the efficient delivery of forensic
22 services and the sound practice of forensic science. The
23 report will identify: each significant non-conformity or
24 deficient method; how the non-conformity or deficient method
25 was detected; the nature and extent of the non-conformity or
26 deficient method; all corrective actions implemented to

1 address the non-conformity or deficient method; and an
2 analysis of the effectiveness of the corrective actions taken.

3 (g) Definition. As used in this Section, "Commission"
4 means the Illinois Forensic Science Commission.

5 (Source: P.A. 102-523, eff. 8-20-21; 103-34, eff. 1-1-24.)

6 (20 ILCS 2605/2605-378 rep.)

7 Section 15. The Illinois State Police Law of the Civil
8 Administrative Code of Illinois is amended by repealing
9 Section 2605-378.

10 Section 20. The Illinois State Police Act is amended by
11 changing Section 40.1 as follows:

12 (20 ILCS 2610/40.1)

13 Sec. 40.1. Mandated training compliance. The Director of
14 the Illinois State Police and the Illinois State Police
15 Academy shall ensure all Illinois State Police cadets and
16 officers comply with all statutory, regulatory, and department
17 mandated training. The Illinois State Police Academy shall
18 maintain and store training records for Illinois State Police
19 officers.

20 (Source: P.A. 101-652, eff. 1-1-22.)

21 Section 25. The Narcotic Control Division Abolition Act is
22 amended by by changing Section 9 as follows:

1 (20 ILCS 2620/9) (from Ch. 127, par. 551)

2 Sec. 9. The Director shall make, ~~in an annual report to the~~
3 ~~Governor, report~~ the results obtained in the enforcement of
4 this Act available on the Illinois State Police website and
5 may make, ~~together with~~ such other information and
6 recommendations to the Governor annually as the Director ~~he~~
7 deems proper.

8 (Source: P.A. 76-442.)

9 Section 30. The Criminal Identification Act is amended by
10 changing Section 5.2 as follows:

11 (20 ILCS 2630/5.2)

12 Sec. 5.2. Expungement, sealing, and immediate sealing.

13 (a) General Provisions.

14 (1) Definitions. In this Act, words and phrases have
15 the meanings set forth in this subsection, except when a
16 particular context clearly requires a different meaning.

17 (A) The following terms shall have the meanings
18 ascribed to them in the following Sections of the
19 Unified Code of Corrections:

20 Business Offense, Section 5-1-2.

21 Charge, Section 5-1-3.

22 Court, Section 5-1-6.

23 Defendant, Section 5-1-7.

1 Felony, Section 5-1-9.
2 Imprisonment, Section 5-1-10.
3 Judgment, Section 5-1-12.
4 Misdemeanor, Section 5-1-14.
5 Offense, Section 5-1-15.
6 Parole, Section 5-1-16.
7 Petty Offense, Section 5-1-17.
8 Probation, Section 5-1-18.
9 Sentence, Section 5-1-19.
10 Supervision, Section 5-1-21.
11 Victim, Section 5-1-22.

12 (B) As used in this Section, "charge not initiated
13 by arrest" means a charge (as defined by Section 5-1-3
14 of the Unified Code of Corrections) brought against a
15 defendant where the defendant is not arrested prior to
16 or as a direct result of the charge.

17 (C) "Conviction" means a judgment of conviction or
18 sentence entered upon a plea of guilty or upon a
19 verdict or finding of guilty of an offense, rendered
20 by a legally constituted jury or by a court of
21 competent jurisdiction authorized to try the case
22 without a jury. An order of supervision successfully
23 completed by the petitioner is not a conviction. An
24 order of qualified probation (as defined in subsection
25 (a) (1) (J)) successfully completed by the petitioner is
26 not a conviction. An order of supervision or an order

1 of qualified probation that is terminated
2 unsatisfactorily is a conviction, unless the
3 unsatisfactory termination is reversed, vacated, or
4 modified and the judgment of conviction, if any, is
5 reversed or vacated.

6 (D) "Criminal offense" means a petty offense,
7 business offense, misdemeanor, felony, or municipal
8 ordinance violation (as defined in subsection
9 (a)(1)(H)). As used in this Section, a minor traffic
10 offense (as defined in subsection (a)(1)(G)) shall not
11 be considered a criminal offense.

12 (E) "Expunge" means to physically destroy the
13 records or return them to the petitioner and to
14 obliterate the petitioner's name from any official
15 index or public record, or both. Nothing in this Act
16 shall require the physical destruction of the circuit
17 court file, but such records relating to arrests or
18 charges, or both, ordered expunged shall be impounded
19 as required by subsections (d)(9)(A)(ii) and
20 (d)(9)(B)(ii).

21 (F) As used in this Section, "last sentence" means
22 the sentence, order of supervision, or order of
23 qualified probation (as defined by subsection
24 (a)(1)(J)), for a criminal offense (as defined by
25 subsection (a)(1)(D)) that terminates last in time in
26 any jurisdiction, regardless of whether the petitioner

1 has included the criminal offense for which the
2 sentence or order of supervision or qualified
3 probation was imposed in his or her petition. If
4 multiple sentences, orders of supervision, or orders
5 of qualified probation terminate on the same day and
6 are last in time, they shall be collectively
7 considered the "last sentence" regardless of whether
8 they were ordered to run concurrently.

9 (G) "Minor traffic offense" means a petty offense,
10 business offense, or Class C misdemeanor under the
11 Illinois Vehicle Code or a similar provision of a
12 municipal or local ordinance.

13 (G-5) "Minor Cannabis Offense" means a violation
14 of Section 4 or 5 of the Cannabis Control Act
15 concerning not more than 30 grams of any substance
16 containing cannabis, provided the violation did not
17 include a penalty enhancement under Section 7 of the
18 Cannabis Control Act and is not associated with an
19 arrest, conviction or other disposition for a violent
20 crime as defined in subsection (c) of Section 3 of the
21 Rights of Crime Victims and Witnesses Act.

22 (H) "Municipal ordinance violation" means an
23 offense defined by a municipal or local ordinance that
24 is criminal in nature and with which the petitioner
25 was charged or for which the petitioner was arrested
26 and released without charging.

1 (I) "Petitioner" means an adult or a minor
2 prosecuted as an adult who has applied for relief
3 under this Section.

4 (J) "Qualified probation" means an order of
5 probation under Section 10 of the Cannabis Control
6 Act, Section 410 of the Illinois Controlled Substances
7 Act, Section 70 of the Methamphetamine Control and
8 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
9 of the Unified Code of Corrections, Section
10 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
11 those provisions existed before their deletion by
12 Public Act 89-313), Section 10-102 of the Illinois
13 Alcoholism and Other Drug Dependency Act, Section
14 40-10 of the Substance Use Disorder Act, or Section 10
15 of the Steroid Control Act. For the purpose of this
16 Section, "successful completion" of an order of
17 qualified probation under Section 10-102 of the
18 Illinois Alcoholism and Other Drug Dependency Act and
19 Section 40-10 of the Substance Use Disorder Act means
20 that the probation was terminated satisfactorily and
21 the judgment of conviction was vacated.

22 (K) "Seal" means to physically and electronically
23 maintain the records, unless the records would
24 otherwise be destroyed due to age, but to make the
25 records unavailable without a court order, subject to
26 the exceptions in Sections 12 and 13 of this Act. The

1 petitioner's name shall also be obliterated from the
2 official index required to be kept by the circuit
3 court clerk under Section 16 of the Clerks of Courts
4 Act, but any index issued by the circuit court clerk
5 before the entry of the order to seal shall not be
6 affected.

7 (L) "Sexual offense committed against a minor"
8 includes, but is not limited to, the offenses of
9 indecent solicitation of a child or criminal sexual
10 abuse when the victim of such offense is under 18 years
11 of age.

12 (M) "Terminate" as it relates to a sentence or
13 order of supervision or qualified probation includes
14 either satisfactory or unsatisfactory termination of
15 the sentence, unless otherwise specified in this
16 Section. A sentence is terminated notwithstanding any
17 outstanding financial legal obligation.

18 (2) Minor Traffic Offenses. Orders of supervision or
19 convictions for minor traffic offenses shall not affect a
20 petitioner's eligibility to expunge or seal records
21 pursuant to this Section.

22 (2.5) Commencing 180 days after July 29, 2016 (the
23 effective date of Public Act 99-697), the law enforcement
24 agency issuing the citation shall automatically expunge,
25 on or before January 1 and July 1 of each year, the law
26 enforcement records of a person found to have committed a

1 civil law violation of subsection (a) of Section 4 of the
2 Cannabis Control Act or subsection (c) of Section 3.5 of
3 the Drug Paraphernalia Control Act in the law enforcement
4 agency's possession or control and which contains the
5 final satisfactory disposition which pertain to the person
6 issued a citation for that offense. The law enforcement
7 agency shall provide by rule the process for access,
8 review, and to confirm the automatic expungement by the
9 law enforcement agency issuing the citation. Commencing
10 180 days after July 29, 2016 (the effective date of Public
11 Act 99-697), the clerk of the circuit court shall expunge,
12 upon order of the court, or in the absence of a court order
13 on or before January 1 and July 1 of each year, the court
14 records of a person found in the circuit court to have
15 committed a civil law violation of subsection (a) of
16 Section 4 of the Cannabis Control Act or subsection (c) of
17 Section 3.5 of the Drug Paraphernalia Control Act in the
18 clerk's possession or control and which contains the final
19 satisfactory disposition which pertain to the person
20 issued a citation for any of those offenses.

21 (3) Exclusions. Except as otherwise provided in
22 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
23 of this Section, the court shall not order:

24 (A) the sealing or expungement of the records of
25 arrests or charges not initiated by arrest that result
26 in an order of supervision for or conviction of: (i)

1 any sexual offense committed against a minor; (ii)
2 Section 11-501 of the Illinois Vehicle Code or a
3 similar provision of a local ordinance; or (iii)
4 Section 11-503 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance, unless the
6 arrest or charge is for a misdemeanor violation of
7 subsection (a) of Section 11-503 or a similar
8 provision of a local ordinance, that occurred prior to
9 the offender reaching the age of 25 years and the
10 offender has no other conviction for violating Section
11 11-501 or 11-503 of the Illinois Vehicle Code or a
12 similar provision of a local ordinance.

13 (B) the sealing or expungement of records of minor
14 traffic offenses (as defined in subsection (a)(1)(G)),
15 unless the petitioner was arrested and released
16 without charging.

17 (C) the sealing of the records of arrests or
18 charges not initiated by arrest which result in an
19 order of supervision or a conviction for the following
20 offenses:

21 (i) offenses included in Article 11 of the
22 Criminal Code of 1961 or the Criminal Code of 2012
23 or a similar provision of a local ordinance,
24 except Section 11-14 and a misdemeanor violation
25 of Section 11-30 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, or a similar provision

1 of a local ordinance;

2 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
3 26-5, or 48-1 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, or a similar provision of a
5 local ordinance;

6 (iii) Section 12-3.1 or 12-3.2 of the Criminal
7 Code of 1961 or the Criminal Code of 2012, or
8 Section 125 of the Stalking No Contact Order Act,
9 or Section 219 of the Civil No Contact Order Act,
10 or a similar provision of a local ordinance;

11 (iv) Class A misdemeanors or felony offenses
12 under the Humane Care for Animals Act; or

13 (v) any offense or attempted offense that
14 would subject a person to registration under the
15 Sex Offender Registration Act.

16 (D) (blank).

17 (b) Expungement.

18 (1) A petitioner may petition the circuit court to
19 expunge the records of his or her arrests and charges not
20 initiated by arrest when each arrest or charge not
21 initiated by arrest sought to be expunged resulted in: (i)
22 acquittal, dismissal, or the petitioner's release without
23 charging, unless excluded by subsection (a) (3) (B); (ii) a
24 conviction which was vacated or reversed, unless excluded
25 by subsection (a) (3) (B); (iii) an order of supervision and
26 such supervision was successfully completed by the

1 petitioner, unless excluded by subsection (a)(3)(A) or
2 (a)(3)(B); or (iv) an order of qualified probation (as
3 defined in subsection (a)(1)(J)) and such probation was
4 successfully completed by the petitioner.

5 (1.5) When a petitioner seeks to have a record of
6 arrest expunged under this Section, and the offender has
7 been convicted of a criminal offense, the State's Attorney
8 may object to the expungement on the grounds that the
9 records contain specific relevant information aside from
10 the mere fact of the arrest.

11 (2) Time frame for filing a petition to expunge.

12 (A) When the arrest or charge not initiated by
13 arrest sought to be expunged resulted in an acquittal,
14 dismissal, the petitioner's release without charging,
15 or the reversal or vacation of a conviction, there is
16 no waiting period to petition for the expungement of
17 such records.

18 (B) When the arrest or charge not initiated by
19 arrest sought to be expunged resulted in an order of
20 supervision, successfully completed by the petitioner,
21 the following time frames will apply:

22 (i) Those arrests or charges that resulted in
23 orders of supervision under Section 3-707, 3-708,
24 3-710, or 5-401.3 of the Illinois Vehicle Code or
25 a similar provision of a local ordinance, or under
26 Section 11-1.50, 12-3.2, or 12-15 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, or a
2 similar provision of a local ordinance, shall not
3 be eligible for expungement until 5 years have
4 passed following the satisfactory termination of
5 the supervision.

6 (i-5) Those arrests or charges that resulted
7 in orders of supervision for a misdemeanor
8 violation of subsection (a) of Section 11-503 of
9 the Illinois Vehicle Code or a similar provision
10 of a local ordinance, that occurred prior to the
11 offender reaching the age of 25 years and the
12 offender has no other conviction for violating
13 Section 11-501 or 11-503 of the Illinois Vehicle
14 Code or a similar provision of a local ordinance
15 shall not be eligible for expungement until the
16 petitioner has reached the age of 25 years.

17 (ii) Those arrests or charges that resulted in
18 orders of supervision for any other offenses shall
19 not be eligible for expungement until 2 years have
20 passed following the satisfactory termination of
21 the supervision.

22 (C) When the arrest or charge not initiated by
23 arrest sought to be expunged resulted in an order of
24 qualified probation, successfully completed by the
25 petitioner, such records shall not be eligible for
26 expungement until 5 years have passed following the

1 satisfactory termination of the probation.

2 (3) Those records maintained by the Illinois State
3 Police for persons arrested prior to their 17th birthday
4 shall be expunged as provided in Section 5-915 of the
5 Juvenile Court Act of 1987.

6 (4) Whenever a person has been arrested for or
7 convicted of any offense, in the name of a person whose
8 identity he or she has stolen or otherwise come into
9 possession of, the aggrieved person from whom the identity
10 was stolen or otherwise obtained without authorization,
11 upon learning of the person having been arrested using his
12 or her identity, may, upon verified petition to the chief
13 judge of the circuit wherein the arrest was made, have a
14 court order entered nunc pro tunc by the Chief Judge to
15 correct the arrest record, conviction record, if any, and
16 all official records of the arresting authority, the
17 Illinois State Police, other criminal justice agencies,
18 the prosecutor, and the trial court concerning such
19 arrest, if any, by removing his or her name from all such
20 records in connection with the arrest and conviction, if
21 any, and by inserting in the records the name of the
22 offender, if known or ascertainable, in lieu of the
23 aggrieved's name. The records of the circuit court clerk
24 shall be sealed until further order of the court upon good
25 cause shown and the name of the aggrieved person
26 obliterated on the official index required to be kept by

1 the circuit court clerk under Section 16 of the Clerks of
2 Courts Act, but the order shall not affect any index
3 issued by the circuit court clerk before the entry of the
4 order. Nothing in this Section shall limit the Illinois
5 State Police or other criminal justice agencies or
6 prosecutors from listing under an offender's name the
7 false names he or she has used.

8 (5) Whenever a person has been convicted of criminal
9 sexual assault, aggravated criminal sexual assault,
10 predatory criminal sexual assault of a child, criminal
11 sexual abuse, or aggravated criminal sexual abuse, the
12 victim of that offense may request that the State's
13 Attorney of the county in which the conviction occurred
14 file a verified petition with the presiding trial judge at
15 the petitioner's trial to have a court order entered to
16 seal the records of the circuit court clerk in connection
17 with the proceedings of the trial court concerning that
18 offense. However, the records of the arresting authority
19 and the Illinois State Police concerning the offense shall
20 not be sealed. The court, upon good cause shown, shall
21 make the records of the circuit court clerk in connection
22 with the proceedings of the trial court concerning the
23 offense available for public inspection.

24 (6) If a conviction has been set aside on direct
25 review or on collateral attack and the court determines by
26 clear and convincing evidence that the petitioner was

1 factually innocent of the charge, the court that finds the
2 petitioner factually innocent of the charge shall enter an
3 expungement order for the conviction for which the
4 petitioner has been determined to be innocent as provided
5 in subsection (b) of Section 5-5-4 of the Unified Code of
6 Corrections.

7 (7) Nothing in this Section shall prevent the Illinois
8 State Police from maintaining all records of any person
9 who is admitted to probation upon terms and conditions and
10 who fulfills those terms and conditions pursuant to
11 Section 10 of the Cannabis Control Act, Section 410 of the
12 Illinois Controlled Substances Act, Section 70 of the
13 Methamphetamine Control and Community Protection Act,
14 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
15 Corrections, Section 12-4.3 or subdivision (b)(1) of
16 Section 12-3.05 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, Section 10-102 of the Illinois
18 Alcoholism and Other Drug Dependency Act, Section 40-10 of
19 the Substance Use Disorder Act, or Section 10 of the
20 Steroid Control Act.

21 (8) If the petitioner has been granted a certificate
22 of innocence under Section 2-702 of the Code of Civil
23 Procedure, the court that grants the certificate of
24 innocence shall also enter an order expunging the
25 conviction for which the petitioner has been determined to
26 be innocent as provided in subsection (h) of Section 2-702

1 of the Code of Civil Procedure.

2 (c) Sealing.

3 (1) Applicability. Notwithstanding any other provision
4 of this Act to the contrary, and cumulative with any
5 rights to expungement of criminal records, this subsection
6 authorizes the sealing of criminal records of adults and
7 of minors prosecuted as adults. Subsection (g) of this
8 Section provides for immediate sealing of certain records.

9 (2) Eligible Records. The following records may be
10 sealed:

11 (A) All arrests resulting in release without
12 charging;

13 (B) Arrests or charges not initiated by arrest
14 resulting in acquittal, dismissal, or conviction when
15 the conviction was reversed or vacated, except as
16 excluded by subsection (a) (3) (B);

17 (C) Arrests or charges not initiated by arrest
18 resulting in orders of supervision, including orders
19 of supervision for municipal ordinance violations,
20 successfully completed by the petitioner, unless
21 excluded by subsection (a) (3);

22 (D) Arrests or charges not initiated by arrest
23 resulting in convictions, including convictions on
24 municipal ordinance violations, unless excluded by
25 subsection (a) (3);

26 (E) Arrests or charges not initiated by arrest

1 resulting in orders of first offender probation under
2 Section 10 of the Cannabis Control Act, Section 410 of
3 the Illinois Controlled Substances Act, Section 70 of
4 the Methamphetamine Control and Community Protection
5 Act, or Section 5-6-3.3 of the Unified Code of
6 Corrections; and

7 (F) Arrests or charges not initiated by arrest
8 resulting in felony convictions unless otherwise
9 excluded by subsection (a) paragraph (3) of this
10 Section.

11 (3) When Records Are Eligible to Be Sealed. Records
12 identified as eligible under subsection (c)(2) may be
13 sealed as follows:

14 (A) Records identified as eligible under
15 subsections (c)(2)(A) and (c)(2)(B) may be sealed at
16 any time.

17 (B) Except as otherwise provided in subparagraph
18 (E) of this paragraph (3), records identified as
19 eligible under subsection (c)(2)(C) may be sealed 2
20 years after the termination of petitioner's last
21 sentence (as defined in subsection (a)(1)(F)).

22 (C) Except as otherwise provided in subparagraph
23 (E) of this paragraph (3), records identified as
24 eligible under subsections (c)(2)(D), (c)(2)(E), and
25 (c)(2)(F) may be sealed 3 years after the termination
26 of the petitioner's last sentence (as defined in

1 subsection (a) (1) (F)). Convictions requiring public
2 registration under the Arsonist Registry Act ~~Arsonist~~
3 ~~Registration Act~~, the Sex Offender Registration Act,
4 or the Murderer and Violent Offender Against Youth
5 Registration Act may not be sealed until the
6 petitioner is no longer required to register under
7 that relevant Act.

8 (D) Records identified in subsection
9 (a) (3) (A) (iii) may be sealed after the petitioner has
10 reached the age of 25 years.

11 (E) Records identified as eligible under
12 subsection (c) (2) (C), (c) (2) (D), (c) (2) (E), or
13 (c) (2) (F) may be sealed upon termination of the
14 petitioner's last sentence if the petitioner earned a
15 high school diploma, associate's degree, career
16 certificate, vocational technical certification, or
17 bachelor's degree, or passed the high school level
18 Test of General Educational Development, during the
19 period of his or her sentence or mandatory supervised
20 release. This subparagraph shall apply only to a
21 petitioner who has not completed the same educational
22 goal prior to the period of his or her sentence or
23 mandatory supervised release. If a petition for
24 sealing eligible records filed under this subparagraph
25 is denied by the court, the time periods under
26 subparagraph (B) or (C) shall apply to any subsequent

1 petition for sealing filed by the petitioner.

2 (4) Subsequent felony convictions. A person may not
3 have subsequent felony conviction records sealed as
4 provided in this subsection (c) if he or she is convicted
5 of any felony offense after the date of the sealing of
6 prior felony convictions as provided in this subsection
7 (c). The court may, upon conviction for a subsequent
8 felony offense, order the unsealing of prior felony
9 conviction records previously ordered sealed by the court.

10 (5) Notice of eligibility for sealing. Upon entry of a
11 disposition for an eligible record under this subsection
12 (c), the petitioner shall be informed by the court of the
13 right to have the records sealed and the procedures for
14 the sealing of the records.

15 (d) Procedure. The following procedures apply to
16 expungement under subsections (b), (e), and (e-6) and sealing
17 under subsections (c) and (e-5):

18 (1) Filing the petition. Upon becoming eligible to
19 petition for the expungement or sealing of records under
20 this Section, the petitioner shall file a petition
21 requesting the expungement or sealing of records with the
22 clerk of the court where the arrests occurred or the
23 charges were brought, or both. If arrests occurred or
24 charges were brought in multiple jurisdictions, a petition
25 must be filed in each such jurisdiction. The petitioner
26 shall pay the applicable fee, except no fee shall be

1 required if the petitioner has obtained a court order
2 waiving fees under Supreme Court Rule 298 or it is
3 otherwise waived.

4 (1.5) County fee waiver pilot program. From August 9,
5 2019 (the effective date of Public Act 101-306) through
6 December 31, 2020, in a county of 3,000,000 or more
7 inhabitants, no fee shall be required to be paid by a
8 petitioner if the records sought to be expunged or sealed
9 were arrests resulting in release without charging or
10 arrests or charges not initiated by arrest resulting in
11 acquittal, dismissal, or conviction when the conviction
12 was reversed or vacated, unless excluded by subsection
13 (a)(3)(B). The provisions of this paragraph (1.5), other
14 than this sentence, are inoperative on and after January
15 1, 2022.

16 (2) Contents of petition. The petition shall be
17 verified and shall contain the petitioner's name, date of
18 birth, current address and, for each arrest or charge not
19 initiated by arrest sought to be sealed or expunged, the
20 case number, the date of arrest (if any), the identity of
21 the arresting authority, and such other information as the
22 court may require. During the pendency of the proceeding,
23 the petitioner shall promptly notify the circuit court
24 clerk of any change of his or her address. If the
25 petitioner has received a certificate of eligibility for
26 sealing from the Prisoner Review Board under paragraph

1 (10) of subsection (a) of Section 3-3-2 of the Unified
2 Code of Corrections, the certificate shall be attached to
3 the petition.

4 (3) Drug test. The petitioner must attach to the
5 petition proof that the petitioner has taken within 30
6 days before the filing of the petition a test showing the
7 absence within his or her body of all illegal substances
8 as defined by the Illinois Controlled Substances Act and
9 the Methamphetamine Control and Community Protection Act
10 if he or she is petitioning to:

11 (A) seal felony records under clause (c) (2) (E);

12 (B) seal felony records for a violation of the
13 Illinois Controlled Substances Act, the
14 Methamphetamine Control and Community Protection Act,
15 or the Cannabis Control Act under clause (c) (2) (F);

16 (C) seal felony records under subsection (e-5); or

17 (D) expunge felony records of a qualified
18 probation under clause (b) (1) (iv).

19 (4) Service of petition. The circuit court clerk shall
20 promptly serve a copy of the petition and documentation to
21 support the petition under subsection (e-5) or (e-6) on
22 the State's Attorney or prosecutor charged with the duty
23 of prosecuting the offense, the Illinois State Police, the
24 arresting agency and the chief legal officer of the unit
25 of local government effecting the arrest.

26 (5) Objections.

1 (A) Any party entitled to notice of the petition
2 may file an objection to the petition. All objections
3 shall be in writing, shall be filed with the circuit
4 court clerk, and shall state with specificity the
5 basis of the objection. Whenever a person who has been
6 convicted of an offense is granted a pardon by the
7 Governor which specifically authorizes expungement, an
8 objection to the petition may not be filed.

9 (B) Objections to a petition to expunge or seal
10 must be filed within 60 days of the date of service of
11 the petition.

12 (6) Entry of order.

13 (A) The Chief Judge of the circuit wherein the
14 charge was brought, any judge of that circuit
15 designated by the Chief Judge, or in counties of less
16 than 3,000,000 inhabitants, the presiding trial judge
17 at the petitioner's trial, if any, shall rule on the
18 petition to expunge or seal as set forth in this
19 subsection (d) (6).

20 (B) Unless the State's Attorney or prosecutor, the
21 Illinois State Police, the arresting agency, or the
22 chief legal officer files an objection to the petition
23 to expunge or seal within 60 days from the date of
24 service of the petition, the court shall enter an
25 order granting or denying the petition.

26 (C) Notwithstanding any other provision of law,

1 the court shall not deny a petition for sealing under
2 this Section because the petitioner has not satisfied
3 an outstanding legal financial obligation established,
4 imposed, or originated by a court, law enforcement
5 agency, or a municipal, State, county, or other unit
6 of local government, including, but not limited to,
7 any cost, assessment, fine, or fee. An outstanding
8 legal financial obligation does not include any court
9 ordered restitution to a victim under Section 5-5-6 of
10 the Unified Code of Corrections, unless the
11 restitution has been converted to a civil judgment.
12 Nothing in this subparagraph (C) waives, rescinds, or
13 abrogates a legal financial obligation or otherwise
14 eliminates or affects the right of the holder of any
15 financial obligation to pursue collection under
16 applicable federal, State, or local law.

17 (D) Notwithstanding any other provision of law,
18 the court shall not deny a petition to expunge or seal
19 under this Section because the petitioner has
20 submitted a drug test taken within 30 days before the
21 filing of the petition to expunge or seal that
22 indicates a positive test for the presence of cannabis
23 within the petitioner's body. In this subparagraph
24 (D), "cannabis" has the meaning ascribed to it in
25 Section 3 of the Cannabis Control Act.

26 (7) Hearings. If an objection is filed, the court

1 shall set a date for a hearing and notify the petitioner
2 and all parties entitled to notice of the petition of the
3 hearing date at least 30 days prior to the hearing. Prior
4 to the hearing, the State's Attorney shall consult with
5 the Illinois State Police as to the appropriateness of the
6 relief sought in the petition to expunge or seal. At the
7 hearing, the court shall hear evidence on whether the
8 petition should or should not be granted, and shall grant
9 or deny the petition to expunge or seal the records based
10 on the evidence presented at the hearing. The court may
11 consider the following:

12 (A) the strength of the evidence supporting the
13 defendant's conviction;

14 (B) the reasons for retention of the conviction
15 records by the State;

16 (C) the petitioner's age, criminal record history,
17 and employment history;

18 (D) the period of time between the petitioner's
19 arrest on the charge resulting in the conviction and
20 the filing of the petition under this Section; and

21 (E) the specific adverse consequences the
22 petitioner may be subject to if the petition is
23 denied.

24 (8) Service of order. After entering an order to
25 expunge or seal records, the court must provide copies of
26 the order to the Illinois State Police, in a form and

1 manner prescribed by the Illinois State Police, to the
2 petitioner, to the State's Attorney or prosecutor charged
3 with the duty of prosecuting the offense, to the arresting
4 agency, to the chief legal officer of the unit of local
5 government effecting the arrest, and to such other
6 criminal justice agencies as may be ordered by the court.

7 (9) Implementation of order.

8 (A) Upon entry of an order to expunge records
9 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
10 both:

11 (i) the records shall be expunged (as defined
12 in subsection (a) (1) (E)) by the arresting agency,
13 the Illinois State Police, and any other agency as
14 ordered by the court, within 60 days of the date of
15 service of the order, unless a motion to vacate,
16 modify, or reconsider the order is filed pursuant
17 to paragraph (12) of subsection (d) of this
18 Section;

19 (ii) the records of the circuit court clerk
20 shall be impounded until further order of the
21 court upon good cause shown and the name of the
22 petitioner obliterated on the official index
23 required to be kept by the circuit court clerk
24 under Section 16 of the Clerks of Courts Act, but
25 the order shall not affect any index issued by the
26 circuit court clerk before the entry of the order;

1 and

2 (iii) in response to an inquiry for expunged
3 records, the court, the Illinois State Police, or
4 the agency receiving such inquiry, shall reply as
5 it does in response to inquiries when no records
6 ever existed.

7 (B) Upon entry of an order to expunge records
8 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or
9 both:

10 (i) the records shall be expunged (as defined
11 in subsection (a) (1) (E)) by the arresting agency
12 and any other agency as ordered by the court,
13 within 60 days of the date of service of the order,
14 unless a motion to vacate, modify, or reconsider
15 the order is filed pursuant to paragraph (12) of
16 subsection (d) of this Section;

17 (ii) the records of the circuit court clerk
18 shall be impounded until further order of the
19 court upon good cause shown and the name of the
20 petitioner obliterated on the official index
21 required to be kept by the circuit court clerk
22 under Section 16 of the Clerks of Courts Act, but
23 the order shall not affect any index issued by the
24 circuit court clerk before the entry of the order;

25 (iii) the records shall be impounded by the
26 Illinois State Police within 60 days of the date

1 of service of the order as ordered by the court,
2 unless a motion to vacate, modify, or reconsider
3 the order is filed pursuant to paragraph (12) of
4 subsection (d) of this Section;

5 (iv) records impounded by the Illinois State
6 Police may be disseminated by the Illinois State
7 Police only as required by law or to the arresting
8 authority, the State's Attorney, and the court
9 upon a later arrest for the same or a similar
10 offense or for the purpose of sentencing for any
11 subsequent felony, and to the Department of
12 Corrections upon conviction for any offense; and

13 (v) in response to an inquiry for such records
14 from anyone not authorized by law to access such
15 records, the court, the Illinois State Police, or
16 the agency receiving such inquiry shall reply as
17 it does in response to inquiries when no records
18 ever existed.

19 (B-5) Upon entry of an order to expunge records
20 under subsection (e-6):

21 (i) the records shall be expunged (as defined
22 in subsection (a)(1)(E)) by the arresting agency
23 and any other agency as ordered by the court,
24 within 60 days of the date of service of the order,
25 unless a motion to vacate, modify, or reconsider
26 the order is filed under paragraph (12) of

1 subsection (d) of this Section;

2 (ii) the records of the circuit court clerk
3 shall be impounded until further order of the
4 court upon good cause shown and the name of the
5 petitioner obliterated on the official index
6 required to be kept by the circuit court clerk
7 under Section 16 of the Clerks of Courts Act, but
8 the order shall not affect any index issued by the
9 circuit court clerk before the entry of the order;

10 (iii) the records shall be impounded by the
11 Illinois State Police within 60 days of the date
12 of service of the order as ordered by the court,
13 unless a motion to vacate, modify, or reconsider
14 the order is filed under paragraph (12) of
15 subsection (d) of this Section;

16 (iv) records impounded by the Illinois State
17 Police may be disseminated by the Illinois State
18 Police only as required by law or to the arresting
19 authority, the State's Attorney, and the court
20 upon a later arrest for the same or a similar
21 offense or for the purpose of sentencing for any
22 subsequent felony, and to the Department of
23 Corrections upon conviction for any offense; and

24 (v) in response to an inquiry for these
25 records from anyone not authorized by law to
26 access the records, the court, the Illinois State

1 Police, or the agency receiving the inquiry shall
2 reply as it does in response to inquiries when no
3 records ever existed.

4 (C) Upon entry of an order to seal records under
5 subsection (c), the arresting agency, any other agency
6 as ordered by the court, the Illinois State Police,
7 and the court shall seal the records (as defined in
8 subsection (a)(1)(K)). In response to an inquiry for
9 such records, from anyone not authorized by law to
10 access such records, the court, the Illinois State
11 Police, or the agency receiving such inquiry shall
12 reply as it does in response to inquiries when no
13 records ever existed.

14 (D) The Illinois State Police shall send written
15 notice to the petitioner of its compliance with each
16 order to expunge or seal records within 60 days of the
17 date of service of that order or, if a motion to
18 vacate, modify, or reconsider is filed, within 60 days
19 of service of the order resolving the motion, if that
20 order requires the Illinois State Police to expunge or
21 seal records. In the event of an appeal from the
22 circuit court order, the Illinois State Police shall
23 send written notice to the petitioner of its
24 compliance with an Appellate Court or Supreme Court
25 judgment to expunge or seal records within 60 days of
26 the issuance of the court's mandate. The notice is not

1 required while any motion to vacate, modify, or
2 reconsider, or any appeal or petition for
3 discretionary appellate review, is pending.

4 (E) Upon motion, the court may order that a sealed
5 judgment or other court record necessary to
6 demonstrate the amount of any legal financial
7 obligation due and owing be made available for the
8 limited purpose of collecting any legal financial
9 obligations owed by the petitioner that were
10 established, imposed, or originated in the criminal
11 proceeding for which those records have been sealed.
12 The records made available under this subparagraph (E)
13 shall not be entered into the official index required
14 to be kept by the circuit court clerk under Section 16
15 of the Clerks of Courts Act and shall be immediately
16 re-impounded upon the collection of the outstanding
17 financial obligations.

18 (F) Notwithstanding any other provision of this
19 Section, a circuit court clerk may access a sealed
20 record for the limited purpose of collecting payment
21 for any legal financial obligations that were
22 established, imposed, or originated in the criminal
23 proceedings for which those records have been sealed.

24 (10) Fees. The Illinois State Police may charge the
25 petitioner a fee equivalent to the cost of processing any
26 order to expunge or seal records. Notwithstanding any

1 provision of the Clerks of Courts Act to the contrary, the
2 circuit court clerk may charge a fee equivalent to the
3 cost associated with the sealing or expungement of records
4 by the circuit court clerk. From the total filing fee
5 collected for the petition to seal or expunge, the circuit
6 court clerk shall deposit \$10 into the Circuit Court Clerk
7 Operation and Administrative Fund, to be used to offset
8 the costs incurred by the circuit court clerk in
9 performing the additional duties required to serve the
10 petition to seal or expunge on all parties. The circuit
11 court clerk shall collect and remit the Illinois State
12 Police portion of the fee to the State Treasurer and it
13 shall be deposited in the State Police Services Fund. If
14 the record brought under an expungement petition was
15 previously sealed under this Section, the fee for the
16 expungement petition for that same record shall be waived.

17 (11) Final Order. No court order issued under the
18 expungement or sealing provisions of this Section shall
19 become final for purposes of appeal until 30 days after
20 service of the order on the petitioner and all parties
21 entitled to notice of the petition.

22 (12) Motion to Vacate, Modify, or Reconsider. Under
23 Section 2-1203 of the Code of Civil Procedure, the
24 petitioner or any party entitled to notice may file a
25 motion to vacate, modify, or reconsider the order granting
26 or denying the petition to expunge or seal within 60 days

1 of service of the order. If filed more than 60 days after
2 service of the order, a petition to vacate, modify, or
3 reconsider shall comply with subsection (c) of Section
4 2-1401 of the Code of Civil Procedure. Upon filing of a
5 motion to vacate, modify, or reconsider, notice of the
6 motion shall be served upon the petitioner and all parties
7 entitled to notice of the petition.

8 (13) Effect of Order. An order granting a petition
9 under the expungement or sealing provisions of this
10 Section shall not be considered void because it fails to
11 comply with the provisions of this Section or because of
12 any error asserted in a motion to vacate, modify, or
13 reconsider. The circuit court retains jurisdiction to
14 determine whether the order is voidable and to vacate,
15 modify, or reconsider its terms based on a motion filed
16 under paragraph (12) of this subsection (d).

17 (14) Compliance with Order Granting Petition to Seal
18 Records. Unless a court has entered a stay of an order
19 granting a petition to seal, all parties entitled to
20 notice of the petition must fully comply with the terms of
21 the order within 60 days of service of the order even if a
22 party is seeking relief from the order through a motion
23 filed under paragraph (12) of this subsection (d) or is
24 appealing the order.

25 (15) Compliance with Order Granting Petition to
26 Expunge Records. While a party is seeking relief from the

1 order granting the petition to expunge through a motion
2 filed under paragraph (12) of this subsection (d) or is
3 appealing the order, and unless a court has entered a stay
4 of that order, the parties entitled to notice of the
5 petition must seal, but need not expunge, the records
6 until there is a final order on the motion for relief or,
7 in the case of an appeal, the issuance of that court's
8 mandate.

9 (16) The changes to this subsection (d) made by Public
10 Act 98-163 apply to all petitions pending on August 5,
11 2013 (the effective date of Public Act 98-163) and to all
12 orders ruling on a petition to expunge or seal on or after
13 August 5, 2013 (the effective date of Public Act 98-163).

14 (e) Whenever a person who has been convicted of an offense
15 is granted a pardon by the Governor which specifically
16 authorizes expungement, he or she may, upon verified petition
17 to the Chief Judge of the circuit where the person had been
18 convicted, any judge of the circuit designated by the Chief
19 Judge, or in counties of less than 3,000,000 inhabitants, the
20 presiding trial judge at the defendant's trial, have a court
21 order entered expunging the record of arrest from the official
22 records of the arresting authority and order that the records
23 of the circuit court clerk and the Illinois State Police be
24 sealed until further order of the court upon good cause shown
25 or as otherwise provided herein, and the name of the defendant
26 obliterated from the official index requested to be kept by

1 the circuit court clerk under Section 16 of the Clerks of
2 Courts Act in connection with the arrest and conviction for
3 the offense for which he or she had been pardoned but the order
4 shall not affect any index issued by the circuit court clerk
5 before the entry of the order. All records sealed by the
6 Illinois State Police may be disseminated by the Illinois
7 State Police only to the arresting authority, the State's
8 Attorney, and the court upon a later arrest for the same or
9 similar offense or for the purpose of sentencing for any
10 subsequent felony. Upon conviction for any subsequent offense,
11 the Department of Corrections shall have access to all sealed
12 records of the Illinois State Police pertaining to that
13 individual. Upon entry of the order of expungement, the
14 circuit court clerk shall promptly mail a copy of the order to
15 the person who was pardoned.

16 (e-5) Whenever a person who has been convicted of an
17 offense is granted a certificate of eligibility for sealing by
18 the Prisoner Review Board which specifically authorizes
19 sealing, he or she may, upon verified petition to the Chief
20 Judge of the circuit where the person had been convicted, any
21 judge of the circuit designated by the Chief Judge, or in
22 counties of less than 3,000,000 inhabitants, the presiding
23 trial judge at the petitioner's trial, have a court order
24 entered sealing the record of arrest from the official records
25 of the arresting authority and order that the records of the
26 circuit court clerk and the Illinois State Police be sealed

1 until further order of the court upon good cause shown or as
2 otherwise provided herein, and the name of the petitioner
3 obliterated from the official index requested to be kept by
4 the circuit court clerk under Section 16 of the Clerks of
5 Courts Act in connection with the arrest and conviction for
6 the offense for which he or she had been granted the
7 certificate but the order shall not affect any index issued by
8 the circuit court clerk before the entry of the order. All
9 records sealed by the Illinois State Police may be
10 disseminated by the Illinois State Police only as required by
11 this Act or to the arresting authority, a law enforcement
12 agency, the State's Attorney, and the court upon a later
13 arrest for the same or similar offense or for the purpose of
14 sentencing for any subsequent felony. Upon conviction for any
15 subsequent offense, the Department of Corrections shall have
16 access to all sealed records of the Illinois State Police
17 pertaining to that individual. Upon entry of the order of
18 sealing, the circuit court clerk shall promptly mail a copy of
19 the order to the person who was granted the certificate of
20 eligibility for sealing.

21 (e-6) Whenever a person who has been convicted of an
22 offense is granted a certificate of eligibility for
23 expungement by the Prisoner Review Board which specifically
24 authorizes expungement, he or she may, upon verified petition
25 to the Chief Judge of the circuit where the person had been
26 convicted, any judge of the circuit designated by the Chief

1 Judge, or in counties of less than 3,000,000 inhabitants, the
2 presiding trial judge at the petitioner's trial, have a court
3 order entered expunging the record of arrest from the official
4 records of the arresting authority and order that the records
5 of the circuit court clerk and the Illinois State Police be
6 sealed until further order of the court upon good cause shown
7 or as otherwise provided herein, and the name of the
8 petitioner obliterated from the official index requested to be
9 kept by the circuit court clerk under Section 16 of the Clerks
10 of Courts Act in connection with the arrest and conviction for
11 the offense for which he or she had been granted the
12 certificate but the order shall not affect any index issued by
13 the circuit court clerk before the entry of the order. All
14 records sealed by the Illinois State Police may be
15 disseminated by the Illinois State Police only as required by
16 this Act or to the arresting authority, a law enforcement
17 agency, the State's Attorney, and the court upon a later
18 arrest for the same or similar offense or for the purpose of
19 sentencing for any subsequent felony. Upon conviction for any
20 subsequent offense, the Department of Corrections shall have
21 access to all expunged records of the Illinois State Police
22 pertaining to that individual. Upon entry of the order of
23 expungement, the circuit court clerk shall promptly mail a
24 copy of the order to the person who was granted the certificate
25 of eligibility for expungement.

26 (f) Subject to available funding, the Illinois Department

1 of Corrections shall conduct a study of the impact of sealing,
2 especially on employment and recidivism rates, utilizing a
3 random sample of those who apply for the sealing of their
4 criminal records under Public Act 93-211. At the request of
5 the Illinois Department of Corrections, records of the
6 Illinois Department of Employment Security shall be utilized
7 as appropriate to assist in the study. The study shall not
8 disclose any data in a manner that would allow the
9 identification of any particular individual or employing unit.
10 The study shall be made available to the General Assembly no
11 later than September 1, 2010.

12 (g) Immediate Sealing.

13 (1) Applicability. Notwithstanding any other provision
14 of this Act to the contrary, and cumulative with any
15 rights to expungement or sealing of criminal records, this
16 subsection authorizes the immediate sealing of criminal
17 records of adults and of minors prosecuted as adults.

18 (2) Eligible Records. Arrests or charges not initiated
19 by arrest resulting in acquittal or dismissal with
20 prejudice, except as excluded by subsection (a)(3)(B),
21 that occur on or after January 1, 2018 (the effective date
22 of Public Act 100-282), may be sealed immediately if the
23 petition is filed with the circuit court clerk on the same
24 day and during the same hearing in which the case is
25 disposed.

26 (3) When Records are Eligible to be Immediately

1 Sealed. Eligible records under paragraph (2) of this
2 subsection (g) may be sealed immediately after entry of
3 the final disposition of a case, notwithstanding the
4 disposition of other charges in the same case.

5 (4) Notice of Eligibility for Immediate Sealing. Upon
6 entry of a disposition for an eligible record under this
7 subsection (g), the defendant shall be informed by the
8 court of his or her right to have eligible records
9 immediately sealed and the procedure for the immediate
10 sealing of these records.

11 (5) Procedure. The following procedures apply to
12 immediate sealing under this subsection (g).

13 (A) Filing the Petition. Upon entry of the final
14 disposition of the case, the defendant's attorney may
15 immediately petition the court, on behalf of the
16 defendant, for immediate sealing of eligible records
17 under paragraph (2) of this subsection (g) that are
18 entered on or after January 1, 2018 (the effective
19 date of Public Act 100-282). The immediate sealing
20 petition may be filed with the circuit court clerk
21 during the hearing in which the final disposition of
22 the case is entered. If the defendant's attorney does
23 not file the petition for immediate sealing during the
24 hearing, the defendant may file a petition for sealing
25 at any time as authorized under subsection (c) (3) (A).

26 (B) Contents of Petition. The immediate sealing

1 petition shall be verified and shall contain the
2 petitioner's name, date of birth, current address, and
3 for each eligible record, the case number, the date of
4 arrest if applicable, the identity of the arresting
5 authority if applicable, and other information as the
6 court may require.

7 (C) Drug Test. The petitioner shall not be
8 required to attach proof that he or she has passed a
9 drug test.

10 (D) Service of Petition. A copy of the petition
11 shall be served on the State's Attorney in open court.
12 The petitioner shall not be required to serve a copy of
13 the petition on any other agency.

14 (E) Entry of Order. The presiding trial judge
15 shall enter an order granting or denying the petition
16 for immediate sealing during the hearing in which it
17 is filed. Petitions for immediate sealing shall be
18 ruled on in the same hearing in which the final
19 disposition of the case is entered.

20 (F) Hearings. The court shall hear the petition
21 for immediate sealing on the same day and during the
22 same hearing in which the disposition is rendered.

23 (G) Service of Order. An order to immediately seal
24 eligible records shall be served in conformance with
25 subsection (d) (8).

26 (H) Implementation of Order. An order to

1 immediately seal records shall be implemented in
2 conformance with subsections (d) (9) (C) and (d) (9) (D).

3 (I) Fees. The fee imposed by the circuit court
4 clerk and the Illinois State Police shall comply with
5 paragraph (1) of subsection (d) of this Section.

6 (J) Final Order. No court order issued under this
7 subsection (g) shall become final for purposes of
8 appeal until 30 days after service of the order on the
9 petitioner and all parties entitled to service of the
10 order in conformance with subsection (d) (8).

11 (K) Motion to Vacate, Modify, or Reconsider. Under
12 Section 2-1203 of the Code of Civil Procedure, the
13 petitioner, State's Attorney, or the Illinois State
14 Police may file a motion to vacate, modify, or
15 reconsider the order denying the petition to
16 immediately seal within 60 days of service of the
17 order. If filed more than 60 days after service of the
18 order, a petition to vacate, modify, or reconsider
19 shall comply with subsection (c) of Section 2-1401 of
20 the Code of Civil Procedure.

21 (L) Effect of Order. An order granting an
22 immediate sealing petition shall not be considered
23 void because it fails to comply with the provisions of
24 this Section or because of an error asserted in a
25 motion to vacate, modify, or reconsider. The circuit
26 court retains jurisdiction to determine whether the

1 order is voidable, and to vacate, modify, or
2 reconsider its terms based on a motion filed under
3 subparagraph (L) of this subsection (g).

4 (M) Compliance with Order Granting Petition to
5 Seal Records. Unless a court has entered a stay of an
6 order granting a petition to immediately seal, all
7 parties entitled to service of the order must fully
8 comply with the terms of the order within 60 days of
9 service of the order.

10 (h) Sealing or vacation and expungement of trafficking
11 victims' crimes.

12 (1) A trafficking victim, as defined by paragraph (10)
13 of subsection (a) of Section 10-9 of the Criminal Code of
14 2012, may petition for vacation and expungement or
15 immediate sealing of his or her criminal record upon the
16 completion of his or her last sentence if his or her
17 participation in the underlying offense was a result of
18 human trafficking under Section 10-9 of the Criminal Code
19 of 2012 or a severe form of trafficking under the federal
20 Trafficking Victims Protection Act.

21 (1.5) A petition under paragraph (1) shall be
22 prepared, signed, and filed in accordance with Supreme
23 Court Rule 9. The court may allow the petitioner to attend
24 any required hearing remotely in accordance with local
25 rules. The court may allow a petition to be filed under
26 seal if the public filing of the petition would constitute

1 a risk of harm to the petitioner.

2 (2) A petitioner under this subsection (h), in
3 addition to the requirements provided under paragraph (4)
4 of subsection (d) of this Section, shall include in his or
5 her petition a clear and concise statement that: (A) he or
6 she was a victim of human trafficking at the time of the
7 offense; and (B) that his or her participation in the
8 offense was a result of human trafficking under Section
9 10-9 of the Criminal Code of 2012 or a severe form of
10 trafficking under the federal Trafficking Victims
11 Protection Act.

12 (3) If an objection is filed alleging that the
13 petitioner is not entitled to vacation and expungement or
14 immediate sealing under this subsection (h), the court
15 shall conduct a hearing under paragraph (7) of subsection
16 (d) of this Section and the court shall determine whether
17 the petitioner is entitled to vacation and expungement or
18 immediate sealing under this subsection (h). A petitioner
19 is eligible for vacation and expungement or immediate
20 relief under this subsection (h) if he or she shows, by a
21 preponderance of the evidence, that: (A) he or she was a
22 victim of human trafficking at the time of the offense;
23 and (B) that his or her participation in the offense was a
24 result of human trafficking under Section 10-9 of the
25 Criminal Code of 2012 or a severe form of trafficking
26 under the federal Trafficking Victims Protection Act.

1 (i) Minor Cannabis Offenses under the Cannabis Control
2 Act.

3 (1) Expungement of Arrest Records of Minor Cannabis
4 Offenses.

5 (A) The Illinois State Police and all law
6 enforcement agencies within the State shall
7 automatically expunge all criminal history records of
8 an arrest, charge not initiated by arrest, order of
9 supervision, or order of qualified probation for a
10 Minor Cannabis Offense committed prior to June 25,
11 2019 (the effective date of Public Act 101-27) if:

12 (i) One year or more has elapsed since the
13 date of the arrest or law enforcement interaction
14 documented in the records; and

15 (ii) No criminal charges were filed relating
16 to the arrest or law enforcement interaction or
17 criminal charges were filed and subsequently
18 dismissed or vacated or the arrestee was
19 acquitted.

20 (B) If the law enforcement agency is unable to
21 verify satisfaction of condition (ii) in paragraph
22 (A), records that satisfy condition (i) in paragraph
23 (A) shall be automatically expunged.

24 (C) Records shall be expunged by the law
25 enforcement agency under the following timelines:

26 (i) Records created prior to June 25, 2019

1 (the effective date of Public Act 101-27), but on
2 or after January 1, 2013, shall be automatically
3 expunged prior to January 1, 2021;

4 (ii) Records created prior to January 1, 2013,
5 but on or after January 1, 2000, shall be
6 automatically expunged prior to January 1, 2023;

7 (iii) Records created prior to January 1, 2000
8 shall be automatically expunged prior to January
9 1, 2025.

10 In response to an inquiry for expunged records,
11 the law enforcement agency receiving such inquiry
12 shall reply as it does in response to inquiries when no
13 records ever existed; however, it shall provide a
14 certificate of disposition or confirmation that the
15 record was expunged to the individual whose record was
16 expunged if such a record exists.

17 (D) Nothing in this Section shall be construed to
18 restrict or modify an individual's right to have that
19 individual's records expunged except as otherwise may
20 be provided in this Act, or diminish or abrogate any
21 rights or remedies otherwise available to the
22 individual.

23 (2) Pardons Authorizing Expungement of Minor Cannabis
24 Offenses.

25 (A) Upon June 25, 2019 (the effective date of
26 Public Act 101-27), the Department of State Police

1 shall review all criminal history record information
2 and identify all records that meet all of the
3 following criteria:

4 (i) one or more convictions for a Minor
5 Cannabis Offense;

6 (ii) the conviction identified in paragraph
7 (2)(A)(i) did not include a penalty enhancement
8 under Section 7 of the Cannabis Control Act; and

9 (iii) the conviction identified in paragraph
10 (2)(A)(i) is not associated with a conviction for
11 a violent crime as defined in subsection (c) of
12 Section 3 of the Rights of Crime Victims and
13 Witnesses Act.

14 (B) Within 180 days after June 25, 2019 (the
15 effective date of Public Act 101-27), the Department
16 of State Police shall notify the Prisoner Review Board
17 of all such records that meet the criteria established
18 in paragraph (2)(A).

19 (i) The Prisoner Review Board shall notify the
20 State's Attorney of the county of conviction of
21 each record identified by State Police in
22 paragraph (2)(A) that is classified as a Class 4
23 felony. The State's Attorney may provide a written
24 objection to the Prisoner Review Board on the sole
25 basis that the record identified does not meet the
26 criteria established in paragraph (2)(A). Such an

1 objection must be filed within 60 days or by such
2 later date set by the Prisoner Review Board in the
3 notice after the State's Attorney received notice
4 from the Prisoner Review Board.

5 (ii) In response to a written objection from a
6 State's Attorney, the Prisoner Review Board is
7 authorized to conduct a non-public hearing to
8 evaluate the information provided in the
9 objection.

10 (iii) The Prisoner Review Board shall make a
11 confidential and privileged recommendation to the
12 Governor as to whether to grant a pardon
13 authorizing expungement for each of the records
14 identified by the Department of State Police as
15 described in paragraph (2) (A).

16 (C) If an individual has been granted a pardon
17 authorizing expungement as described in this Section,
18 the Prisoner Review Board, through the Attorney
19 General, shall file a petition for expungement with
20 the Chief Judge of the circuit or any judge of the
21 circuit designated by the Chief Judge where the
22 individual had been convicted. Such petition may
23 include more than one individual. Whenever an
24 individual who has been convicted of an offense is
25 granted a pardon by the Governor that specifically
26 authorizes expungement, an objection to the petition

1 may not be filed. Petitions to expunge under this
2 subsection (i) may include more than one individual.
3 Within 90 days of the filing of such a petition, the
4 court shall enter an order expunging the records of
5 arrest from the official records of the arresting
6 authority and order that the records of the circuit
7 court clerk and the Illinois State Police be expunged
8 and the name of the defendant obliterated from the
9 official index requested to be kept by the circuit
10 court clerk under Section 16 of the Clerks of Courts
11 Act in connection with the arrest and conviction for
12 the offense for which the individual had received a
13 pardon but the order shall not affect any index issued
14 by the circuit court clerk before the entry of the
15 order. Upon entry of the order of expungement, the
16 circuit court clerk shall promptly provide a copy of
17 the order and a certificate of disposition to the
18 individual who was pardoned to the individual's last
19 known address or by electronic means (if available) or
20 otherwise make it available to the individual upon
21 request.

22 (D) Nothing in this Section is intended to
23 diminish or abrogate any rights or remedies otherwise
24 available to the individual.

25 (3) Any individual may file a motion to vacate and
26 expunge a conviction for a misdemeanor or Class 4 felony

1 violation of Section 4 or Section 5 of the Cannabis
2 Control Act. Motions to vacate and expunge under this
3 subsection (i) may be filed with the circuit court, Chief
4 Judge of a judicial circuit or any judge of the circuit
5 designated by the Chief Judge. The circuit court clerk
6 shall promptly serve a copy of the motion to vacate and
7 expunge, and any supporting documentation, on the State's
8 Attorney or prosecutor charged with the duty of
9 prosecuting the offense. When considering such a motion to
10 vacate and expunge, a court shall consider the following:
11 the reasons to retain the records provided by law
12 enforcement, the petitioner's age, the petitioner's age at
13 the time of offense, the time since the conviction, and
14 the specific adverse consequences if denied. An individual
15 may file such a petition after the completion of any
16 non-financial sentence or non-financial condition imposed
17 by the conviction. Within 60 days of the filing of such
18 motion, a State's Attorney may file an objection to such a
19 petition along with supporting evidence. If a motion to
20 vacate and expunge is granted, the records shall be
21 expunged in accordance with subparagraphs (d)(8) and
22 (d)(9)(A) of this Section. An agency providing civil legal
23 aid, as defined by Section 15 of the Public Interest
24 Attorney Assistance Act, assisting individuals seeking to
25 file a motion to vacate and expunge under this subsection
26 may file motions to vacate and expunge with the Chief

1 Judge of a judicial circuit or any judge of the circuit
2 designated by the Chief Judge, and the motion may include
3 more than one individual. Motions filed by an agency
4 providing civil legal aid concerning more than one
5 individual may be prepared, presented, and signed
6 electronically.

7 (4) Any State's Attorney may file a motion to vacate
8 and expunge a conviction for a misdemeanor or Class 4
9 felony violation of Section 4 or Section 5 of the Cannabis
10 Control Act. Motions to vacate and expunge under this
11 subsection (i) may be filed with the circuit court, Chief
12 Judge of a judicial circuit or any judge of the circuit
13 designated by the Chief Judge, and may include more than
14 one individual. Motions filed by a State's Attorney
15 concerning more than one individual may be prepared,
16 presented, and signed electronically. When considering
17 such a motion to vacate and expunge, a court shall
18 consider the following: the reasons to retain the records
19 provided by law enforcement, the individual's age, the
20 individual's age at the time of offense, the time since
21 the conviction, and the specific adverse consequences if
22 denied. Upon entry of an order granting a motion to vacate
23 and expunge records pursuant to this Section, the State's
24 Attorney shall notify the Prisoner Review Board within 30
25 days. Upon entry of the order of expungement, the circuit
26 court clerk shall promptly provide a copy of the order and

1 a certificate of disposition to the individual whose
2 records will be expunged to the individual's last known
3 address or by electronic means (if available) or otherwise
4 make available to the individual upon request. If a motion
5 to vacate and expunge is granted, the records shall be
6 expunged in accordance with subparagraphs (d)(8) and
7 (d)(9)(A) of this Section.

8 (5) In the public interest, the State's Attorney of a
9 county has standing to file motions to vacate and expunge
10 pursuant to this Section in the circuit court with
11 jurisdiction over the underlying conviction.

12 (6) If a person is arrested for a Minor Cannabis
13 Offense as defined in this Section before June 25, 2019
14 (the effective date of Public Act 101-27) and the person's
15 case is still pending but a sentence has not been imposed,
16 the person may petition the court in which the charges are
17 pending for an order to summarily dismiss those charges
18 against him or her, and expunge all official records of
19 his or her arrest, plea, trial, conviction, incarceration,
20 supervision, or expungement. If the court determines, upon
21 review, that: (A) the person was arrested before June 25,
22 2019 (the effective date of Public Act 101-27) for an
23 offense that has been made eligible for expungement; (B)
24 the case is pending at the time; and (C) the person has not
25 been sentenced of the minor cannabis violation eligible
26 for expungement under this subsection, the court shall

1 consider the following: the reasons to retain the records
2 provided by law enforcement, the petitioner's age, the
3 petitioner's age at the time of offense, the time since
4 the conviction, and the specific adverse consequences if
5 denied. If a motion to dismiss and expunge is granted, the
6 records shall be expunged in accordance with subparagraph
7 (d) (9) (A) of this Section.

8 (7) A person imprisoned solely as a result of one or
9 more convictions for Minor Cannabis Offenses under this
10 subsection (i) shall be released from incarceration upon
11 the issuance of an order under this subsection.

12 (8) The Illinois State Police shall allow a person to
13 use the access and review process, established in the
14 Illinois State Police, for verifying that his or her
15 records relating to Minor Cannabis Offenses of the
16 Cannabis Control Act eligible under this Section have been
17 expunged.

18 (9) No conviction vacated pursuant to this Section
19 shall serve as the basis for damages for time unjustly
20 served as provided in the Court of Claims Act.

21 (10) Effect of Expungement. A person's right to
22 expunge an expungeable offense shall not be limited under
23 this Section. The effect of an order of expungement shall
24 be to restore the person to the status he or she occupied
25 before the arrest, charge, or conviction.

26 (11) Information. The Illinois State Police shall post

1 general information on its website about the expungement
2 process described in this subsection (i).

3 (j) Felony Prostitution Convictions.

4 (1) Any individual may file a motion to vacate and
5 expunge a conviction for a prior Class 4 felony violation
6 of prostitution. Motions to vacate and expunge under this
7 subsection (j) may be filed with the circuit court, Chief
8 Judge of a judicial circuit, or any judge of the circuit
9 designated by the Chief Judge. When considering the motion
10 to vacate and expunge, a court shall consider the
11 following:

12 (A) the reasons to retain the records provided by
13 law enforcement;

14 (B) the petitioner's age;

15 (C) the petitioner's age at the time of offense;

16 and

17 (D) the time since the conviction, and the
18 specific adverse consequences if denied. An individual
19 may file the petition after the completion of any
20 sentence or condition imposed by the conviction.
21 Within 60 days of the filing of the motion, a State's
22 Attorney may file an objection to the petition along
23 with supporting evidence. If a motion to vacate and
24 expunge is granted, the records shall be expunged in
25 accordance with subparagraph (d) (9) (A) of this
26 Section. An agency providing civil legal aid, as

1 defined in Section 15 of the Public Interest Attorney
2 Assistance Act, assisting individuals seeking to file
3 a motion to vacate and expunge under this subsection
4 may file motions to vacate and expunge with the Chief
5 Judge of a judicial circuit or any judge of the circuit
6 designated by the Chief Judge, and the motion may
7 include more than one individual.

8 (2) Any State's Attorney may file a motion to vacate
9 and expunge a conviction for a Class 4 felony violation of
10 prostitution. Motions to vacate and expunge under this
11 subsection (j) may be filed with the circuit court, Chief
12 Judge of a judicial circuit, or any judge of the circuit
13 court designated by the Chief Judge, and may include more
14 than one individual. When considering the motion to vacate
15 and expunge, a court shall consider the following reasons:

16 (A) the reasons to retain the records provided by
17 law enforcement;

18 (B) the petitioner's age;

19 (C) the petitioner's age at the time of offense;

20 (D) the time since the conviction; and

21 (E) the specific adverse consequences if denied.

22 If the State's Attorney files a motion to vacate and
23 expunge records for felony prostitution convictions
24 pursuant to this Section, the State's Attorney shall
25 notify the Prisoner Review Board within 30 days of the
26 filing. If a motion to vacate and expunge is granted, the

1 records shall be expunged in accordance with subparagraph
2 (d) (9) (A) of this Section.

3 (3) In the public interest, the State's Attorney of a
4 county has standing to file motions to vacate and expunge
5 pursuant to this Section in the circuit court with
6 jurisdiction over the underlying conviction.

7 (4) The Illinois State Police shall allow a person to
8 a use the access and review process, established in the
9 Illinois State Police, for verifying that his or her
10 records relating to felony prostitution eligible under
11 this Section have been expunged.

12 (5) No conviction vacated pursuant to this Section
13 shall serve as the basis for damages for time unjustly
14 served as provided in the Court of Claims Act.

15 (6) Effect of Expungement. A person's right to expunge
16 an expungeable offense shall not be limited under this
17 Section. The effect of an order of expungement shall be to
18 restore the person to the status he or she occupied before
19 the arrest, charge, or conviction.

20 (7) Information. The Illinois State Police shall post
21 general information on its website about the expungement
22 process described in this subsection (j).

23 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;
24 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.
25 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

1 Section 35. The Illinois Vehicle Hijacking and Motor
2 Vehicle Theft Prevention and Insurance Verification Act is
3 amended by changing Section 8.6 as follows:

4 (20 ILCS 4005/8.6)

5 Sec. 8.6. Private passenger motor vehicle insurance. ~~State~~
6 ~~Police Training and Academy Fund; Law Enforcement Training~~
7 ~~Fund.~~ Before April 1 of each year, each insurer engaged in
8 writing private passenger motor vehicle insurance coverage
9 that is included in Class 2 and Class 3 of Section 4 of the
10 Illinois Insurance Code, as a condition of its authority to
11 transact business in this State, may collect and shall pay to
12 the Department of Insurance an amount equal to \$4, or a lesser
13 amount determined by the Illinois Law Enforcement Training
14 Standards Board by rule, multiplied by the insurer's total
15 earned car years of private passenger motor vehicle insurance
16 policies providing physical damage insurance coverage written
17 in this State during the preceding calendar year. Of the
18 amounts collected under this Section, the Department of
19 Insurance shall deposit 10% into the State Police Law
20 Enforcement Administration Fund ~~State Police Training and~~
21 ~~Academy Fund~~ and 90% into the Law Enforcement Training Fund.

22 (Source: P.A. 102-16, eff. 6-17-21; 102-775, eff. 5-13-22;
23 102-1071, eff. 6-10-22; 103-154, eff. 6-30-23.)

24 Section 40. The State Finance Act is amended by changing

1 Sections 5.946, 5.963, 6z-106, 6z-125, and 6z-127 as follows:

2 (30 ILCS 105/5.946)

3 Sec. 5.946. The State Police Training and Academy Fund.

4 This Section is repealed on July 1, 2025.

5 (Source: P.A. 102-16, eff. 6-17-21; 102-813, eff. 5-13-22.)

6 (30 ILCS 105/5.963)

7 Sec. 5.963. The State Police Firearm ~~Revocation~~
8 Enforcement Fund.

9 (Source: P.A. 102-237, eff. 1-1-22; 102-813, eff. 5-13-22.)

10 (30 ILCS 105/6z-106)

11 Sec. 6z-106. State Police Law Enforcement Administration
12 Fund.

13 (a) There is created in the State treasury a special fund
14 known as the State Police Law Enforcement Administration Fund.
15 The Fund shall receive revenue under subsection (c) of Section
16 10-5 of the Criminal and Traffic Assessment Act and Section
17 500-135 of the Illinois Insurance Code. The Fund shall also
18 receive the moneys designated to be paid in to the Fund under
19 subsection (a-5) of Section 500-135 of the Illinois Insurance
20 Code and Section 8.6 of the Illinois Vehicle Hijacking and
21 Motor Vehicle Theft Prevention and Insurance Verification Act.
22 The Fund may also receive revenue from grants, donations,
23 appropriations, and any other legal source.

1 (b) The Illinois State Police may use moneys in the Fund to
2 finance any of its lawful purposes or functions, including,
3 but not limited to, training for forensic laboratory personnel
4 and other State Police personnel. However, ~~;~~ ~~however,~~ the
5 primary purpose of the Fund shall be to finance State Police
6 cadet classes ~~in May and October of each year.~~

7 (c) Expenditures may be made from the Fund only as
8 appropriated by the General Assembly by law.

9 (d) Investment income that is attributable to the
10 investment of moneys in the Fund shall be retained in the Fund
11 for the uses specified in this Section.

12 (e) The State Police Law Enforcement Administration Fund
13 shall not be subject to administrative chargebacks.

14 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

15 (30 ILCS 105/6z-125)

16 Sec. 6z-125. State Police Training and Academy Fund. The
17 State Police Training and Academy Fund is hereby created as a
18 special fund in the State treasury. Moneys in the Fund shall
19 consist of: (i) 10% of the revenue from increasing the
20 insurance producer license fees, as provided under subsection
21 (a-5) of Section 500-135 of the Illinois Insurance Code; and
22 (ii) 10% of the moneys collected from auto insurance policy
23 fees under Section 8.6 of the Illinois Vehicle Hijacking and
24 Motor Vehicle Theft Prevention and Insurance Verification Act.
25 This Fund shall be used by the Illinois State Police to fund

1 training and other State Police institutions, including, but
2 not limited to, forensic laboratories. On July 1, 2025, or as
3 soon thereafter as possible, the balance remaining in the
4 State Police Training and Academy Fund shall be transferred to
5 the State Police Law Enforcement Administration Fund. The
6 State Police Training and Academy Fund is dissolved upon that
7 transfer. This Section is repealed on January 1, 2026.

8 (Source: P.A. 102-16, eff. 6-17-21; 102-813, eff. 5-13-22;
9 102-904, eff. 1-1-23.)

10 (30 ILCS 105/6z-127)

11 Sec. 6z-127. State Police Firearm ~~Revocation~~ Enforcement
12 Fund.

13 (a) The State Police Firearm ~~Revocation~~ Enforcement Fund
14 is established as a special fund in the State treasury. This
15 Fund is established to receive moneys from the Firearm Owners
16 Identification Card Act to enforce that Act, the Firearm
17 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
18 and other firearm offenses. The Fund may also receive revenue
19 from grants, donations, appropriations, and any other legal
20 source.

21 (b) The Illinois State Police may use moneys from the Fund
22 to establish task forces and, if necessary, include other law
23 enforcement agencies, under intergovernmental contracts
24 written and executed in conformity with the Intergovernmental
25 Cooperation Act.

1 (c) The Illinois State Police may use moneys in the Fund to
2 hire and train State Police officers and for the prevention of
3 violent crime.

4 (d) The State Police Firearm ~~Revocation~~ Enforcement Fund
5 is not subject to administrative chargebacks.

6 (e) Law enforcement agencies that participate in Firearm
7 Owner's Identification Card revocation enforcement in the
8 Violent Crime Intelligence Task Force may apply for grants
9 from the Illinois State Police.

10 (f) Any surplus in the Fund beyond what is necessary to
11 ensure compliance with subsections (a) through (e) or moneys
12 that are specifically appropriated for those purposes shall be
13 used by the Illinois State Police to award grants to assist
14 with the data reporting requirements of the Gun Trafficking
15 Information Act.

16 (Source: P.A. 102-237, eff. 1-1-22; 102-813, eff. 5-13-22;
17 103-34, eff. 6-9-23.)

18 Section 45. The School Code is amended by changing
19 Sections 10-27.1A and 10-27.1B as follows:

20 (105 ILCS 5/10-27.1A)

21 Sec. 10-27.1A. Firearms in schools.

22 (a) All school officials, including teachers, school
23 counselors, and support staff, shall immediately notify the
24 office of the principal in the event that they observe any

1 person in possession of a firearm on school grounds; provided
2 that taking such immediate action to notify the office of the
3 principal would not immediately endanger the health, safety,
4 or welfare of students who are under the direct supervision of
5 the school official or the school official. If the health,
6 safety, or welfare of students under the direct supervision of
7 the school official or of the school official is immediately
8 endangered, the school official shall notify the office of the
9 principal as soon as the students under his or her supervision
10 and he or she are no longer under immediate danger. A report is
11 not required by this Section when the school official knows
12 that the person in possession of the firearm is a law
13 enforcement official engaged in the conduct of his or her
14 official duties. Any school official acting in good faith who
15 makes such a report under this Section shall have immunity
16 from any civil or criminal liability that might otherwise be
17 incurred as a result of making the report. The identity of the
18 school official making such report shall not be disclosed
19 except as expressly and specifically authorized by law.
20 Knowingly and willfully failing to comply with this Section is
21 a petty offense. A second or subsequent offense is a Class C
22 misdemeanor.

23 (b) Upon receiving a report from any school official
24 pursuant to this Section, or from any other person, the
25 principal or his or her designee shall immediately notify a
26 local law enforcement agency. If the person found to be in

1 possession of a firearm on school grounds is a student, the
2 principal or his or her designee shall also immediately notify
3 that student's parent or guardian. Any principal or his or her
4 designee acting in good faith who makes such reports under
5 this Section shall have immunity from any civil or criminal
6 liability that might otherwise be incurred or imposed as a
7 result of making the reports. Knowingly and willfully failing
8 to comply with this Section is a petty offense. A second or
9 subsequent offense is a Class C misdemeanor. If the person
10 found to be in possession of the firearm on school grounds is a
11 minor, the law enforcement agency shall detain that minor
12 until such time as the agency makes a determination pursuant
13 to clause (a) of subsection (1) of Section 5-401 of the
14 Juvenile Court Act of 1987, as to whether the agency
15 reasonably believes that the minor is delinquent. If the law
16 enforcement agency determines that probable cause exists to
17 believe that the minor committed a violation of item (4) of
18 subsection (a) of Section 24-1 of the Criminal Code of 2012
19 while on school grounds, the agency shall detain the minor for
20 processing pursuant to Section 5-407 of the Juvenile Court Act
21 of 1987.

22 (c) Upon receipt of any written, electronic, or verbal
23 report from any school personnel regarding a verified incident
24 involving a firearm in a school or on school owned or leased
25 property, including any conveyance owned, leased, or used by
26 the school for the transport of students or school personnel,

1 the superintendent or his or her designee shall report all
2 such firearm-related incidents occurring in a school or on
3 school property to the local law enforcement authorities
4 immediately, ~~who shall report to the Illinois State Police in~~
5 ~~a form, manner, and frequency as prescribed by the Illinois~~
6 ~~State Police.~~

7 ~~The State Board of Education shall receive an annual~~
8 ~~statistical compilation and related data associated with~~
9 ~~incidents involving firearms in schools from the Illinois~~
10 ~~State Police. The State Board of Education shall compile this~~
11 ~~information by school district and make it available to the~~
12 ~~public.~~

13 (c-5) Schools shall report any written, electronic, or
14 verbal report of a verified incident involving a firearm made
15 under subsection (c) to the State Board of Education through
16 existing school incident reporting systems as they occur
17 during the year by no later than August 1 of each year. The
18 State Board of Education shall report data by school district,
19 as collected from school districts, and make it available to
20 the public via its website. The local law enforcement
21 authority shall, by March 1 of each year, report the required
22 data from the previous year to the Illinois State Police's
23 Illinois Uniform Crime Reporting Program, which shall be
24 included in its annual Crime in Illinois report.

25 (d) As used in this Section, the term "firearm" shall have
26 the meaning ascribed to it in Section 1.1 of the Firearm Owners

1 Identification Card Act.

2 As used in this Section, the term "school" means any
3 public or private elementary or secondary school.

4 As used in this Section, the term "school grounds"
5 includes the real property comprising any school, any
6 conveyance owned, leased, or contracted by a school to
7 transport students to or from school or a school-related
8 activity, or any public way within 1,000 feet of the real
9 property comprising any school.

10 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
11 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

12 (105 ILCS 5/10-27.1B)

13 Sec. 10-27.1B. Reporting drug-related incidents in
14 schools.

15 (a) In this Section:

16 "Drug" means "cannabis" as defined under subsection (a) of
17 Section 3 of the Cannabis Control Act, "narcotic drug" as
18 defined under subsection (aa) of Section 102 of the Illinois
19 Controlled Substances Act, or "methamphetamine" as defined
20 under Section 10 of the Methamphetamine Control and Community
21 Protection Act.

22 "School" means any public or private elementary or
23 secondary school.

24 (b) Upon receipt of any written, electronic, or verbal
25 report from any school personnel regarding a verified incident

1 involving drugs in a school or on school owned or leased
2 property, including any conveyance owned, leased, or used by
3 the school for the transport of students or school personnel,
4 the superintendent or his or her designee, or other
5 appropriate administrative officer for a private school, shall
6 report all such drug-related incidents occurring in a school
7 or on school property to the local law enforcement authorities
8 immediately ~~and to the Illinois State Police in a form,~~
9 ~~manner, and frequency as prescribed by the Illinois State~~
10 ~~Police.~~

11 (c) (Blank). ~~The State Board of Education shall receive an~~
12 ~~annual statistical compilation and related data associated~~
13 ~~with drug-related incidents in schools from the Illinois State~~
14 ~~Police. The State Board of Education shall compile this~~
15 ~~information by school district and make it available to the~~
16 ~~public.~~

17 (d) Schools shall report any written, electronic, or
18 verbal report of an incident involving drugs made under
19 subsection (b) to the State Board of Education through
20 existing school incident reporting systems as they occur
21 during the year by no later than August 1 of each year. The
22 State Board of Education shall report data by school district,
23 as collected from school districts, and make it available to
24 the public via its website. The local law enforcement
25 authority shall, by March 1 of each year, report the required
26 data from the previous year to the Illinois State Police's

1 Illinois Uniform Crime Reporting Program, which shall be
2 included in its annual Crime in Illinois report.

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 Section 50. The Illinois Insurance Code is amended by
5 changing Section 500-135 as follows:

6 (215 ILCS 5/500-135)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 500-135. Fees.

9 (a) The fees required by this Article are as follows:

10 (1) a fee of \$215 for a person who is a resident of
11 Illinois, and \$380 for a person who is not a resident of
12 Illinois, payable once every 2 years for an insurance
13 producer license;

14 (2) a fee of \$50 for the issuance of a temporary
15 insurance producer license;

16 (3) a fee of \$150 payable once every 2 years for a
17 business entity;

18 (4) an annual \$50 fee for a limited line producer
19 license issued under items (1) through (8) of subsection
20 (a) of Section 500-100;

21 (5) a \$50 application fee for the processing of a
22 request to take the written examination for an insurance
23 producer license;

24 (6) an annual registration fee of \$1,000 for

1 registration of an education provider;

2 (7) a certification fee of \$50 for each certified
3 pre-licensing or continuing education course and an annual
4 fee of \$20 for renewing the certification of each such
5 course;

6 (8) a fee of \$215 for a person who is a resident of
7 Illinois, and \$380 for a person who is not a resident of
8 Illinois, payable once every 2 years for a car rental
9 limited line license;

10 (9) a fee of \$200 payable once every 2 years for a
11 limited lines license other than the licenses issued under
12 items (1) through (8) of subsection (a) of Section
13 500-100, a car rental limited line license, or a
14 self-service storage facility limited line license;

15 (10) a fee of \$50 payable once every 2 years for a
16 self-service storage facility limited line license.

17 (a-5) Beginning on July 1, 2021, an amount equal to the
18 additional amount of revenue collected under paragraphs (1)
19 and (8) of subsection (a) as a result of the increase in the
20 fees under this amendatory Act of the 102nd General Assembly
21 shall be transferred annually, with 10% of that amount paid
22 into the State Police Law Enforcement Administration Fund
23 ~~State Police Training and Academy Fund~~ and 90% of that amount
24 paid into the Law Enforcement Training Fund.

25 (b) Except as otherwise provided, all fees paid to and
26 collected by the Director under this Section shall be paid

1 promptly after receipt thereof, together with a detailed
2 statement of such fees, into a special fund in the State
3 Treasury to be known as the Insurance Producer Administration
4 Fund. The moneys deposited into the Insurance Producer
5 Administration Fund may be used only for payment of the
6 expenses of the Department in the execution, administration,
7 and enforcement of the insurance laws of this State, and shall
8 be appropriated as otherwise provided by law for the payment
9 of those expenses with first priority being any expenses
10 incident to or associated with the administration and
11 enforcement of this Article.

12 (Source: P.A. 102-16, eff. 6-17-21.)

13 Section 55. The Illinois Gambling Act is amended by
14 changing Sections 7.7 and 22 as follows:

15 (230 ILCS 10/7.7)

16 Sec. 7.7. Organization gaming licenses.

17 (a) The Illinois Gaming Board shall award one organization
18 gaming license to each person or entity having operating
19 control of a racetrack that applies under Section 56 of the
20 Illinois Horse Racing Act of 1975, subject to the application
21 and eligibility requirements of this Section. Within 60 days
22 after the effective date of this amendatory Act of the 101st
23 General Assembly, a person or entity having operating control
24 of a racetrack may submit an application for an organization

1 gaming license. The application shall be made on such forms as
2 provided by the Board and shall contain such information as
3 the Board prescribes, including, but not limited to, the
4 identity of any racetrack at which gaming will be conducted
5 pursuant to an organization gaming license, detailed
6 information regarding the ownership and management of the
7 applicant, and detailed personal information regarding the
8 applicant. The application shall specify the number of gaming
9 positions the applicant intends to use and the place where the
10 organization gaming facility will operate. A person who
11 knowingly makes a false statement on an application is guilty
12 of a Class A misdemeanor.

13 Each applicant shall disclose the identity of every person
14 or entity having a direct or indirect pecuniary interest
15 greater than 1% in any racetrack with respect to which the
16 license is sought. If the disclosed entity is a corporation,
17 the applicant shall disclose the names and addresses of all
18 officers, stockholders, and directors. If the disclosed entity
19 is a limited liability company, the applicant shall disclose
20 the names and addresses of all members and managers. If the
21 disclosed entity is a partnership, the applicant shall
22 disclose the names and addresses of all partners, both general
23 and limited. If the disclosed entity is a trust, the applicant
24 shall disclose the names and addresses of all beneficiaries.

25 An application shall be filed and considered in accordance
26 with the rules of the Board. Each application for an

1 organization gaming license shall include a nonrefundable
2 application fee of \$250,000. In addition, a nonrefundable fee
3 of \$50,000 shall be paid at the time of filing to defray the
4 costs associated with background investigations conducted by
5 the Board. If the costs of the background investigation exceed
6 \$50,000, the applicant shall pay the additional amount to the
7 Board within 7 days after a request by the Board. If the costs
8 of the investigation are less than \$50,000, the applicant
9 shall receive a refund of the remaining amount. All
10 information, records, interviews, reports, statements,
11 memoranda, or other data supplied to or used by the Board in
12 the course of this review or investigation of an applicant for
13 an organization gaming license under this Act shall be
14 privileged and strictly confidential and shall be used only
15 for the purpose of evaluating an applicant for an organization
16 gaming license or a renewal. Such information, records,
17 interviews, reports, statements, memoranda, or other data
18 shall not be admissible as evidence nor discoverable in any
19 action of any kind in any court or before any tribunal, board,
20 agency or person, except for any action deemed necessary by
21 the Board. The application fee shall be deposited into the
22 State Gaming Fund.

23 Any applicant or key person, including the applicant's
24 owners, officers, directors (if a corporation), managers and
25 members (if a limited liability company), and partners (if a
26 partnership), for an organization gaming license shall submit

1 with his or her application, on forms provided by the Board, 2
2 sets of ~~have his or her~~ fingerprints. The board shall charge
3 each applicant a fee set by ~~submitted to~~ the Illinois State
4 Police to defray the costs associated with the search and
5 classification of fingerprints obtained by the Board with
6 respect to the applicant's application. The fees in an
7 ~~electronic format that complies with the form and manner for~~
8 ~~requesting and furnishing criminal history record information~~
9 ~~as prescribed by the Illinois State Police. These fingerprints~~
10 ~~shall be checked against the Illinois State Police and Federal~~
11 ~~Bureau of Investigation criminal history record databases now~~
12 ~~and hereafter filed, including, but not limited to, civil,~~
13 ~~criminal, and latent fingerprint databases. The Illinois State~~
14 ~~Police shall charge applicants a fee for conducting the~~
15 ~~criminal history records check, which shall be deposited into~~
16 ~~the State Police Services Fund and shall not exceed the actual~~
17 ~~cost of the records check. The Illinois State Police shall~~
18 ~~furnish, pursuant to positive identification, records of~~
19 ~~Illinois criminal history to the Illinois State Police.~~

20 (b) The Board shall determine within 120 days after
21 receiving an application for an organization gaming license
22 whether to grant an organization gaming license to the
23 applicant. If the Board does not make a determination within
24 that time period, then the Board shall give a written
25 explanation to the applicant as to why it has not reached a
26 determination and when it reasonably expects to make a

1 determination.

2 The organization gaming licensee shall purchase up to the
3 amount of gaming positions authorized under this Act within
4 120 days after receiving its organization gaming license. If
5 an organization gaming licensee is prepared to purchase the
6 gaming positions, but is temporarily prohibited from doing so
7 by order of a court of competent jurisdiction or the Board,
8 then the 120-day period is tolled until a resolution is
9 reached.

10 An organization gaming license shall authorize its holder
11 to conduct gaming under this Act at its racetracks on the same
12 days of the year and hours of the day that owners licenses are
13 allowed to operate under approval of the Board.

14 An organization gaming license and any renewal of an
15 organization gaming license shall authorize gaming pursuant to
16 this Section for a period of 4 years. The fee for the issuance
17 or renewal of an organization gaming license shall be
18 \$250,000.

19 All payments by licensees under this subsection (b) shall
20 be deposited into the Rebuild Illinois Projects Fund.

21 (c) To be eligible to conduct gaming under this Section, a
22 person or entity having operating control of a racetrack must
23 (i) obtain an organization gaming license, (ii) hold an
24 organization license under the Illinois Horse Racing Act of
25 1975, (iii) hold an inter-track wagering license, (iv) pay an
26 initial fee of \$30,000 per gaming position from organization

1 gaming licensees where gaming is conducted in Cook County and,
2 except as provided in subsection (c-5), \$17,500 for
3 organization gaming licensees where gaming is conducted
4 outside of Cook County before beginning to conduct gaming plus
5 make the reconciliation payment required under subsection (k),
6 (v) conduct live racing in accordance with subsections (e-1),
7 (e-2), and (e-3) of Section 20 of the Illinois Horse Racing Act
8 of 1975, (vi) meet the requirements of subsection (a) of
9 Section 56 of the Illinois Horse Racing Act of 1975, (vii) for
10 organization licensees conducting standardbred race meetings,
11 keep backstretch barns and dormitories open and operational
12 year-round unless a lesser schedule is mutually agreed to by
13 the organization licensee and the horsemen association racing
14 at that organization licensee's race meeting, (viii) for
15 organization licensees conducting thoroughbred race meetings,
16 the organization licensee must maintain accident medical
17 expense liability insurance coverage of \$1,000,000 for
18 jockeys, and (ix) meet all other requirements of this Act that
19 apply to owners licensees.

20 An organization gaming licensee may enter into a joint
21 venture with a licensed owner to own, manage, conduct, or
22 otherwise operate the organization gaming licensee's
23 organization gaming facilities, unless the organization gaming
24 licensee has a parent company or other affiliated company that
25 is, directly or indirectly, wholly owned by a parent company
26 that is also licensed to conduct organization gaming, casino

1 gaming, or their equivalent in another state.

2 All payments by licensees under this subsection (c) shall
3 be deposited into the Rebuild Illinois Projects Fund.

4 (c-5) A person or entity having operating control of a
5 racetrack located in Madison County shall only pay the initial
6 fees specified in subsection (c) for 540 of the gaming
7 positions authorized under the license.

8 (d) A person or entity is ineligible to receive an
9 organization gaming license if:

10 (1) the person or entity has been convicted of a
11 felony under the laws of this State, any other state, or
12 the United States, including a conviction under the
13 Racketeer Influenced and Corrupt Organizations Act;

14 (2) the person or entity has been convicted of any
15 violation of Article 28 of the Criminal Code of 2012, or
16 substantially similar laws of any other jurisdiction;

17 (3) the person or entity has submitted an application
18 for a license under this Act that contains false
19 information;

20 (4) the person is a member of the Board;

21 (5) a person defined in (1), (2), (3), or (4) of this
22 subsection (d) is an officer, director, or managerial
23 employee of the entity;

24 (6) the person or entity employs a person defined in
25 (1), (2), (3), or (4) of this subsection (d) who
26 participates in the management or operation of gambling

1 operations authorized under this Act; or

2 (7) a license of the person or entity issued under
3 this Act or a license to own or operate gambling
4 facilities in any other jurisdiction has been revoked.

5 (e) The Board may approve gaming positions pursuant to an
6 organization gaming license statewide as provided in this
7 Section. The authority to operate gaming positions under this
8 Section shall be allocated as follows: up to 1,200 gaming
9 positions for any organization gaming licensee in Cook County
10 and up to 900 gaming positions for any organization gaming
11 licensee outside of Cook County.

12 (f) Each applicant for an organization gaming license
13 shall specify in its application for licensure the number of
14 gaming positions it will operate, up to the applicable
15 limitation set forth in subsection (e) of this Section. Any
16 unreserved gaming positions that are not specified shall be
17 forfeited and retained by the Board. For the purposes of this
18 subsection (f), an organization gaming licensee that did not
19 conduct live racing in 2010 and is located within 3 miles of
20 the Mississippi River may reserve up to 900 positions and
21 shall not be penalized under this Section for not operating
22 those positions until it meets the requirements of subsection
23 (e) of this Section, but such licensee shall not request
24 unreserved gaming positions under this subsection (f) until
25 its 900 positions are all operational.

26 Thereafter, the Board shall publish the number of

1 unreserved gaming positions and shall accept requests for
2 additional positions from any organization gaming licensee
3 that initially reserved all of the positions that were
4 offered. The Board shall allocate expeditiously the unreserved
5 gaming positions to requesting organization gaming licensees
6 in a manner that maximizes revenue to the State. The Board may
7 allocate any such unused gaming positions pursuant to an open
8 and competitive bidding process, as provided under Section 7.5
9 of this Act. This process shall continue until all unreserved
10 gaming positions have been purchased. All positions obtained
11 pursuant to this process and all positions the organization
12 gaming licensee specified it would operate in its application
13 must be in operation within 18 months after they were obtained
14 or the organization gaming licensee forfeits the right to
15 operate those positions, but is not entitled to a refund of any
16 fees paid. The Board may, after holding a public hearing,
17 grant extensions so long as the organization gaming licensee
18 is working in good faith to make the positions operational.
19 The extension may be for a period of 6 months. If, after the
20 period of the extension, the organization gaming licensee has
21 not made the positions operational, then another public
22 hearing must be held by the Board before it may grant another
23 extension.

24 Unreserved gaming positions retained from and allocated to
25 organization gaming licensees by the Board pursuant to this
26 subsection (f) shall not be allocated to owners licensees

1 under this Act.

2 For the purpose of this subsection (f), the unreserved
3 gaming positions for each organization gaming licensee shall
4 be the applicable limitation set forth in subsection (e) of
5 this Section, less the number of reserved gaming positions by
6 such organization gaming licensee, and the total unreserved
7 gaming positions shall be the aggregate of the unreserved
8 gaming positions for all organization gaming licensees.

9 (g) An organization gaming licensee is authorized to
10 conduct the following at a racetrack:

11 (1) slot machine gambling;

12 (2) video game of chance gambling;

13 (3) gambling with electronic gambling games as defined
14 in this Act or defined by the Illinois Gaming Board; and

15 (4) table games.

16 (h) Subject to the approval of the Illinois Gaming Board,
17 an organization gaming licensee may make modification or
18 additions to any existing buildings and structures to comply
19 with the requirements of this Act. The Illinois Gaming Board
20 shall make its decision after consulting with the Illinois
21 Racing Board. In no case, however, shall the Illinois Gaming
22 Board approve any modification or addition that alters the
23 grounds of the organization licensee such that the act of live
24 racing is an ancillary activity to gaming authorized under
25 this Section. Gaming authorized under this Section may take
26 place in existing structures where inter-track wagering is

1 conducted at the racetrack or a facility within 300 yards of
2 the racetrack in accordance with the provisions of this Act
3 and the Illinois Horse Racing Act of 1975.

4 (i) An organization gaming licensee may conduct gaming at
5 a temporary facility pending the construction of a permanent
6 facility or the remodeling or relocation of an existing
7 facility to accommodate gaming participants for up to 24
8 months after the temporary facility begins to conduct gaming
9 authorized under this Section. Upon request by an organization
10 gaming licensee and upon a showing of good cause by the
11 organization gaming licensee, the Board shall extend the
12 period during which the licensee may conduct gaming authorized
13 under this Section at a temporary facility by up to 12 months.
14 The Board shall make rules concerning the conduct of gaming
15 authorized under this Section from temporary facilities.

16 The gaming authorized under this Section may take place in
17 existing structures where inter-track wagering is conducted at
18 the racetrack or a facility within 300 yards of the racetrack
19 in accordance with the provisions of this Act and the Illinois
20 Horse Racing Act of 1975.

21 (i-5) Under no circumstances shall an organization gaming
22 licensee conduct gaming at any State or county fair.

23 (j) The Illinois Gaming Board must adopt emergency rules
24 in accordance with Section 5-45 of the Illinois Administrative
25 Procedure Act as necessary to ensure compliance with the
26 provisions of this amendatory Act of the 101st General

1 Assembly concerning the conduct of gaming by an organization
2 gaming licensee. The adoption of emergency rules authorized by
3 this subsection (j) shall be deemed to be necessary for the
4 public interest, safety, and welfare.

5 (k) Each organization gaming licensee who obtains gaming
6 positions must make a reconciliation payment 3 years after the
7 date the organization gaming licensee begins operating the
8 positions in an amount equal to 75% of the difference between
9 its adjusted gross receipts from gaming authorized under this
10 Section and amounts paid to its purse accounts pursuant to
11 item (1) of subsection (b) of Section 56 of the Illinois Horse
12 Racing Act of 1975 for the 12-month period for which such
13 difference was the largest, minus an amount equal to the
14 initial per position fee paid by the organization gaming
15 licensee. If this calculation results in a negative amount,
16 then the organization gaming licensee is not entitled to any
17 reimbursement of fees previously paid. This reconciliation
18 payment may be made in installments over a period of no more
19 than 6 years.

20 All payments by licensees under this subsection (k) shall
21 be deposited into the Rebuild Illinois Projects Fund.

22 (l) As soon as practical after a request is made by the
23 Illinois Gaming Board, to minimize duplicate submissions by
24 the applicant, the Illinois Racing Board must provide
25 information on an applicant for an organization gaming license
26 to the Illinois Gaming Board.

1 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19;
2 101-648, eff. 6-30-20; 102-538, eff. 8-20-21.)

3 (230 ILCS 10/22) (from Ch. 120, par. 2422)

4 Sec. 22. Criminal history record information. Whenever the
5 Board is authorized or required by law, including, but not
6 limited to, requirements under Sections 6, 7, 7.4, 7.7, and 9
7 of this Act, to consider some aspect of criminal history
8 record information for the purpose of carrying out its
9 statutory powers and responsibilities, the Board shall, in the
10 form and manner required by the Illinois State Police and the
11 Federal Bureau of Investigation, cause to be conducted a
12 criminal history record investigation to obtain any
13 information currently or thereafter contained in the files of
14 the Illinois State Police or the Federal Bureau of
15 Investigation, including, but not limited to, civil, criminal,
16 and latent fingerprint databases. To facilitate this
17 investigation, the Board shall direct each ~~Each~~ applicant for
18 ~~occupational~~ licensing under sections 6, 7, 7.4, 7.7, and
19 ~~Section~~ 9 or key person as defined by the Board in
20 administrative rules to ~~shall~~ submit his or her fingerprints
21 to the Illinois State Police in the form and manner prescribed
22 by the Illinois State Police. These fingerprints shall be
23 checked against the fingerprint records now and hereafter
24 filed in the Illinois State Police and Federal Bureau of
25 Investigation criminal history records databases, including,

1 but not limited to, civil, criminal, and latent fingerprint
2 databases. The Illinois State Police shall charge a fee for
3 conducting the criminal history records check, which shall be
4 deposited in the State Police Services Fund and shall not
5 exceed the actual cost of the records check. The Illinois
6 State Police shall provide, on the Board's request,
7 information concerning any criminal charges, and their
8 disposition, currently or thereafter filed against any
9 applicant, key person, or holder of any license or for
10 determinations of suitability. Information obtained as a
11 result of an investigation under this Section shall be used in
12 determining eligibility for any license. Upon request and
13 payment of fees in conformance with the requirements of
14 Section 2605-400 of the Illinois State Police Law, the
15 Illinois State Police is authorized to furnish, pursuant to
16 positive identification, such information contained in State
17 files as is necessary to fulfill the request.

18 (Source: P.A. 101-597, eff. 12-6-19; 102-538, eff. 8-20-21.)

19 Section 60. The Firearm Owners Identification Card Act is
20 amended by changing Section 5 as follows

21 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

22 Sec. 5. Application and renewal.

23 (a) The Illinois State Police shall either approve or deny
24 all applications within 30 days from the date they are

1 received, except as provided in subsections (b) and (c), and
2 every applicant found qualified under Section 8 of this Act by
3 the Illinois State Police shall be entitled to a Firearm
4 Owner's Identification Card upon the payment of a \$10 fee and
5 applicable processing fees. The processing fees shall be
6 limited to charges by the State Treasurer for using the
7 electronic online payment system. Any applicant who is an
8 active duty member of the Armed Forces of the United States, a
9 member of the Illinois National Guard, or a member of the
10 Reserve Forces of the United States is exempt from the
11 application fee. \$5 of each fee derived from the issuance of a
12 Firearm Owner's Identification Card or renewals thereof shall
13 be deposited in the State Police Firearm Services Fund and \$5
14 into the State Police Firearm ~~Revocation~~ Enforcement Fund.

15 (b) Renewal applications shall be approved or denied
16 within 60 business days, provided the applicant submitted his
17 or her renewal application prior to the expiration of his or
18 her Firearm Owner's Identification Card. If a renewal
19 application has been submitted prior to the expiration date of
20 the applicant's Firearm Owner's Identification Card, the
21 Firearm Owner's Identification Card shall remain valid while
22 the Illinois State Police processes the application, unless
23 the person is subject to or becomes subject to revocation
24 under this Act. The cost for a renewal application shall be \$10
25 and may include applicable processing fees, which shall be
26 limited to charges by the State Treasurer for using the

1 electronic online payment system, which shall be deposited
2 into the State Police Firearm Services Fund.

3 (c) If the Firearm Owner's Identification Card of a
4 licensee under the Firearm Concealed Carry Act expires during
5 the term of the licensee's concealed carry license, the
6 Firearm Owner's Identification Card and the license remain
7 valid and the licensee does not have to renew his or her
8 Firearm Owner's Identification Card during the duration of the
9 concealed carry license. Unless the Illinois State Police has
10 reason to believe the licensee is no longer eligible for the
11 card, the Illinois State Police may automatically renew the
12 licensee's Firearm Owner's Identification Card and send a
13 renewed Firearm Owner's Identification Card to the licensee.

14 (d) The Illinois State Police may adopt rules concerning
15 the use of voluntarily submitted fingerprints, as allowed by
16 State and federal law.

17 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
18 102-813, eff. 5-13-22.)

19 Section 65. The Criminal Code of 2012 is amended by
20 changing Sections 29B-7 and 29B-12 as follows:

21 (720 ILCS 5/29B-7)

22 Sec. 29B-7. Safekeeping of seized property pending
23 disposition.

24 (a) If property is seized under this Article, the seizing

1 agency shall promptly conduct an inventory of the seized
2 property and estimate the property's value and shall forward a
3 copy of the inventory of seized property and the estimate of
4 the property's value to the Director. Upon receiving notice of
5 seizure, the Director may:

6 (1) place the property under seal;

7 (2) remove the property to a place designated by the
8 Director;

9 (3) keep the property in the possession of the seizing
10 agency;

11 (4) remove the property to a storage area for
12 safekeeping or, if the property is a negotiable instrument
13 or money and is not needed for evidentiary purposes,
14 deposit it in an interest bearing account;

15 (5) place the property under constructive seizure by
16 posting notice of pending forfeiture on it, by giving
17 notice of pending forfeiture to its owners and interest
18 holders, or by filing notice of pending forfeiture in any
19 appropriate public record relating to the property; or

20 (6) provide for another agency or custodian, including
21 an owner, secured party, or lienholder, to take custody of
22 the property upon the terms and conditions set by the
23 Director.

24 (b) When property is forfeited under this Article, the
25 Director or the Director's designee shall sell all the
26 property unless the property is required by law to be

1 destroyed or is harmful to the public and shall distribute the
2 proceeds of the sale, together with any moneys forfeited or
3 seized, under Section 29B-26 of this Article.

4 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

5 (720 ILCS 5/29B-12)

6 Sec. 29B-12. Non-judicial forfeiture. If non-real
7 property that exceeds \$20,000 in value excluding the value of
8 any conveyance, or if real property is seized under the
9 provisions of this Article, the State's Attorney shall
10 institute judicial in rem forfeiture proceedings as described
11 in Section 29B-13 of this Article within 28 days from receipt
12 of notice of seizure from the seizing agency under Section
13 29B-8 of this Article. However, if non-real property that does
14 not exceed \$20,000 in value excluding the value of any
15 conveyance is seized, the following procedure shall be used:

16 (1) If, after review of the facts surrounding the
17 seizure, the State's Attorney is of the opinion that the
18 seized property is subject to forfeiture, then, within 28
19 days after the receipt of notice of seizure from the
20 seizing agency, the State's Attorney shall cause notice of
21 pending forfeiture to be given to the owner of the
22 property and all known interest holders of the property in
23 accordance with Section 29B-10 of this Article.

24 (2) The notice of pending forfeiture shall include a
25 description of the property, the estimated value of the

1 property, the date and place of seizure, the conduct
2 giving rise to forfeiture or the violation of law alleged,
3 and a summary of procedures and procedural rights
4 applicable to the forfeiture action.

5 (3) (A) Any person claiming an interest in property
6 that is the subject of notice under paragraph (1) of this
7 Section, must, in order to preserve any rights or claims
8 to the property, within 45 days after the effective date
9 of notice as described in Section 29B-10 of this Article,
10 file a verified claim with the State's Attorney expressing
11 his or her interest in the property. The claim shall set
12 forth:

13 (i) the caption of the proceedings as set forth on
14 the notice of pending forfeiture and the name of the
15 claimant;

16 (ii) the address at which the claimant will accept
17 mail;

18 (iii) the nature and extent of the claimant's
19 interest in the property;

20 (iv) the date, identity of the transferor, and
21 circumstances of the claimant's acquisition of the
22 interest in the property;

23 (v) the names and addresses of all other persons
24 known to have an interest in the property;

25 (vi) the specific provision of law relied on in
26 asserting the property is not subject to forfeiture;

1 (vii) all essential facts supporting each
2 assertion; and

3 (viii) the relief sought.

4 (B) If a claimant files the claim, then the State's
5 Attorney shall institute judicial in rem forfeiture
6 proceedings with the clerk of the court as described in
7 Section 29B-13 of this Article within 28 days after
8 receipt of the claim.

9 (4) If no claim is filed within the 28-day period as
10 described in paragraph (3) of this Section, the State's
11 Attorney shall declare the property forfeited and shall
12 promptly notify the owner and all known interest holders
13 of the property and the Director of the Illinois State
14 Police of the declaration of forfeiture and the Director
15 or the Director's designee shall dispose of the property
16 in accordance with law.

17 (Source: P.A. 102-538, eff. 8-20-21.)

18 Section 70. The Drug Asset Forfeiture Procedure Act is
19 amended by changing Section 6 as follows:

20 (725 ILCS 150/6) (from Ch. 56 1/2, par. 1676)

21 Sec. 6. Non-judicial forfeiture. If non-real property that
22 exceeds \$150,000 in value excluding the value of any
23 conveyance, or if real property is seized under the provisions
24 of the Illinois Controlled Substances Act, the Cannabis

1 Control Act, or the Methamphetamine Control and Community
2 Protection Act, the State's Attorney shall institute judicial
3 in rem forfeiture proceedings as described in Section 9 of
4 this Act within 28 days from receipt of notice of seizure from
5 the seizing agency under Section 5 of this Act. However, if
6 non-real property that does not exceed \$150,000 in value
7 excluding the value of any conveyance is seized, the following
8 procedure shall be used:

9 (A) If, after review of the facts surrounding the
10 seizure, the State's Attorney is of the opinion that the
11 seized property is subject to forfeiture, then, within 28
12 days of the receipt of notice of seizure from the seizing
13 agency, the State's Attorney shall cause notice of pending
14 forfeiture to be given to the owner of the property and all
15 known interest holders of the property in accordance with
16 Section 4 of this Act.

17 (B) The notice of pending forfeiture must include a
18 description of the property, the estimated value of the
19 property, the date and place of seizure, the conduct
20 giving rise to forfeiture or the violation of law alleged,
21 and a summary of procedures and procedural rights
22 applicable to the forfeiture action.

23 (C) (1) Any person claiming an interest in property
24 which is the subject of notice under subsection (A) of
25 this Section may, within 45 days after the effective date
26 of notice as described in Section 4 of this Act, file a

1 verified claim with the State's Attorney expressing his or
2 her interest in the property. The claim must set forth:

3 (i) the caption of the proceedings as set forth on
4 the notice of pending forfeiture and the name of the
5 claimant;

6 (ii) the address at which the claimant will accept
7 mail;

8 (iii) the nature and extent of the claimant's
9 interest in the property;

10 (iv) the date, identity of the transferor, and
11 circumstances of the claimant's acquisition of the
12 interest in the property;

13 (v) the names and addresses of all other persons
14 known to have an interest in the property;

15 (vi) the specific provision of law relied on in
16 asserting the property is not subject to forfeiture;

17 (vii) all essential facts supporting each
18 assertion; and

19 (viii) the relief sought.

20 (2) If a claimant files the claim then the State's
21 Attorney shall institute judicial in rem forfeiture
22 proceedings within 28 days after receipt of the claim.

23 (D) If no claim is filed within the 45-day period as
24 described in subsection (C) of this Section, the State's
25 Attorney shall declare the property forfeited and shall
26 promptly notify the owner and all known interest holders

1 of the property and the Director of the Illinois State
2 Police of the declaration of forfeiture and the Director
3 or the Director's designee shall dispose of the property
4 in accordance with law.

5 (Source: P.A. 102-538, eff. 8-20-21.)

6 Section 75. The Unified Code of Corrections is amended by
7 changing Section 5-5.5-5 as follows:

8 (730 ILCS 5/5-5.5-5)

9 Sec. 5-5.5-5. Definition. In this Article, "eligible
10 offender" means a person who has been convicted of a crime in
11 this State or of an offense in any other jurisdiction that does
12 not include any offense or attempted offense that would
13 subject a person to registration under the Sex Offender
14 Registration Act, Arsonist Registry Act ~~the Arsonist~~
15 ~~Registration Act~~, or the Murderer and Violent Offender Against
16 Youth Registration Act. "Eligible offender" does not include a
17 person who has been convicted of arson, aggravated arson,
18 kidnapping, aggravated kidnaping, aggravated driving under the
19 influence of alcohol, other drug or drugs, or intoxicating
20 compound or compounds, or any combination thereof, or
21 aggravated domestic battery.

22 (Source: P.A. 99-381, eff. 1-1-16; 99-642, eff. 7-28-16.)

23 Section 80. The Arsonist Registration Act is amended by

1 changing Sections 1, 5, 10, 15, 60, and 75 as follows:

2 (730 ILCS 148/1)

3 Sec. 1. Short title. This Act may be cited as the Arsonist
4 Registry ~~Registration~~ Act.

5 (Source: P.A. 93-949, eff. 1-1-05.)

6 (730 ILCS 148/5)

7 Sec. 5. Definitions. In this Act:

8 (a) "Arsonist" means any person who is:

9 (1) charged under Illinois law, or any substantially
10 similar federal, Uniform Code of Military Justice, sister
11 state, or foreign country law, with an arson offense, set
12 forth in subsection (b) of this Section or the attempt to
13 commit an included arson offense, and:

14 (i) is convicted of such offense or an attempt to
15 commit such offense; or

16 (ii) is found not guilty by reason of insanity of
17 such offense or an attempt to commit such offense; or

18 (iii) is found not guilty by reason of insanity
19 under subsection (c) of Section 104-25 of the Code of
20 Criminal Procedure of 1963 of such offense or an
21 attempt to commit such offense; or

22 (iv) is the subject of a finding not resulting in
23 an acquittal at a hearing conducted under subsection

24 (a) of Section 104-25 of the Code of Criminal

1 Procedure of 1963 for the alleged commission or
2 attempted commission of such offense; or

3 (v) is found not guilty by reason of insanity
4 following a hearing conducted under a federal, Uniform
5 Code of Military Justice, sister state, or foreign
6 country law substantially similar to subsection (c) of
7 Section 104-25 of the Code of Criminal Procedure of
8 1963 of such offense or of the attempted commission of
9 such offense; or

10 (vi) is the subject of a finding not resulting in
11 an acquittal at a hearing conducted under a federal,
12 Uniform Code of Military Justice, sister state, or
13 foreign country law substantially similar to
14 subsection (a) of Section 104-25 of the Code of
15 Criminal Procedure of 1963 for the alleged violation
16 or attempted commission of such offense;

17 (2) a minor who has been tried and convicted in an
18 adult criminal prosecution as the result of committing or
19 attempting to commit an offense specified in subsection
20 (b) of this Section or a violation of any substantially
21 similar federal, Uniform Code of Military Justice, sister
22 state, or foreign country law. Convictions that result
23 from or are connected with the same act, or result from
24 offenses committed at the same time, shall be counted for
25 the purpose of this Act as one conviction. Any conviction
26 set aside under law is not a conviction for purposes of

1 this Act.

2 (b) "Arson offense" means:

3 (1) A conviction ~~violation~~ of any of the following
4 Sections of the Criminal Code of 1961 or the Criminal Code
5 of 2012:

6 (i) 20-1 (arson; residential arson; place of
7 worship arson),

8 (ii) 20-1.1 (aggravated arson),

9 (iii) 20-1(b) or 20-1.2 (residential arson),

10 (iv) 20-1(b-5) or 20-1.3 (place of worship arson),

11 (v) 20-2 (possession of explosives or explosive or
12 incendiary devices), or

13 (vi) An attempt to commit any of the offenses
14 listed in clauses (i) through (v).

15 (2) A violation of any former law of this State
16 substantially equivalent to any offense listed in
17 subsection (b) of this Section.

18 ~~(c) A conviction for an offense of federal law, Uniform
19 Code of Military Justice, or the law of another state or a
20 foreign country that is substantially equivalent to any
21 offense listed in subsection (b) of this Section shall
22 constitute a conviction for the purpose of this Act.~~

23 ~~(d) "Law enforcement agency having jurisdiction" means the
24 Chief of Police in each of the municipalities in which the
25 arsonist expects to reside, work, or attend school (1) upon
26 his or her discharge, parole or release or (2) during the~~

1 ~~service of his or her sentence of probation or conditional~~
2 ~~discharge, or the Sheriff of the county, in the event no Police~~
3 ~~Chief exists or if the offender intends to reside, work, or~~
4 ~~attend school in an unincorporated area. "Law enforcement~~
5 ~~agency having jurisdiction" includes the location where~~
6 ~~out of state students attend school and where out of state~~
7 ~~employees are employed or are otherwise required to register.~~

8 ~~(e) "Out of state student" means any arsonist, as defined~~
9 ~~in this Section, who is enrolled in Illinois, on a full time or~~
10 ~~part time basis, in any public or private educational~~
11 ~~institution, including, but not limited to, any secondary~~
12 ~~school, trade or professional institution, or institution of~~
13 ~~higher learning.~~

14 ~~(f) "Out of state employee" means any arsonist, as defined~~
15 ~~in this Section, who works in Illinois, regardless of whether~~
16 ~~the individual receives payment for services performed, for a~~
17 ~~period of time of 10 or more days or for an aggregate period of~~
18 ~~time of 30 or more days during any calendar year. Persons who~~
19 ~~operate motor vehicles in the State accrue one day of~~
20 ~~employment time for any portion of a day spent in Illinois.~~

21 ~~(g) "I-CLEAR" means the Illinois Citizens and Law~~
22 ~~Enforcement Analysis and Reporting System.~~

23 (Source: P.A. 99-78, eff. 7-20-15.)

24 (730 ILCS 148/10)

25 Sec. 10. Statewide Arsonist Database ~~Duty to register.~~

1 (a) The Illinois State Police shall establish and maintain
2 a Statewide Arsonist Database for the purpose of identifying
3 arsonists and making that information available to law
4 enforcement and the general public. For every person convicted
5 of a violation of an arson offense on or after the effective
6 date of this amendatory Act of the 103rd General Assembly, the
7 Statewide Arsonist Database shall contain information relating
8 to each arsonist for a period of 10 years after conviction for
9 an arson offense. The information may include the arsonist's
10 name, date of birth, offense or offenses requiring inclusion
11 in the Statewide Arsonist Database, the conviction date and
12 county of each such offense, and such other identifying
13 information as the Illinois State Police deems necessary to
14 identify the arsonist, but shall not include the social
15 security number of the arsonist. The registry may include a
16 photograph of the arsonist.

17 (b) The Illinois State Police may adopt rules in
18 accordance with the Illinois Administrative Procedure Act to
19 implement this Section and those rules must include procedures
20 to ensure that the information in the database is accurate,
21 and that the information in the database reflects any changes
22 based on the reversal of a conviction for an offense requiring
23 inclusion in the Statewide Arsonist Database, or a court order
24 requiring the sealing or expungement of records relating to
25 the offense. A certified copy of such an order shall be deemed
26 prima facie true and correct and shall be sufficient to

1 require the immediate amendment or removal of any person's
2 information from the Statewide Arsonist Database by the
3 Illinois State Police.

4 (c) The Illinois State Police must have the Statewide
5 Arsonist Database created and ready to comply with the
6 requirements of this Section no later than July 1, 2025. An
7 ~~arsonist shall, within the time period prescribed in~~
8 ~~subsections (b) and (c), register in person and provide~~
9 ~~accurate information as required by the Illinois State Police.~~
10 ~~Such information shall include current address, current place~~
11 ~~of employment, and school attended. The arsonist shall~~
12 ~~register:~~

13 ~~(1) with the chief of police in each of the~~
14 ~~municipalities in which he or she attends school, is~~
15 ~~employed, resides or is temporarily domiciled for a period~~
16 ~~of time of 10 or more days, unless the municipality is the~~
17 ~~City of Chicago, in which case he or she shall register at~~
18 ~~a fixed location designated by the Superintendent of the~~
19 ~~Chicago Police Department; or~~

20 ~~(2) with the sheriff in each of the counties in which~~
21 ~~he or she attends school, is employed, resides or is~~
22 ~~temporarily domiciled in an unincorporated area or, if~~
23 ~~incorporated, no police chief exists. For purposes of this~~
24 ~~Act, the place of residence or temporary domicile is~~
25 ~~defined as any and all places where the arsonist resides~~
26 ~~for an aggregate period of time of 10 or more days during~~

1 ~~any calendar year. The arsonist shall provide accurate~~
2 ~~information as required by the Illinois State Police. That~~
3 ~~information shall include the arsonist's current place of~~
4 ~~employment.~~

5 ~~(a 5) An out of state student or out of state employee~~
6 ~~shall, within 10 days after beginning school or employment in~~
7 ~~this State, register in person and provide accurate~~
8 ~~information as required by the Illinois State Police. Such~~
9 ~~information must include current place of employment, school~~
10 ~~attended, and address in state of residence:~~

11 ~~(1) with the chief of police in each of the~~
12 ~~municipalities in which he or she attends school or is~~
13 ~~employed for a period of time of 10 or more days or for an~~
14 ~~aggregate period of time of more than 30 days during any~~
15 ~~calendar year, unless the municipality is the City of~~
16 ~~Chicago, in which case he or she shall register at a fixed~~
17 ~~location designated by the Superintendent of the Chicago~~
18 ~~Police Department; or~~

19 ~~(2) with the sheriff in each of the counties in which~~
20 ~~he or she attends school or is employed for a period of~~
21 ~~time of 10 or more days or for an aggregate period of time~~
22 ~~of more than 30 days during any calendar year in an~~
23 ~~unincorporated area or, if incorporated, no police chief~~
24 ~~exists. The out of state student or out of state employee~~
25 ~~shall provide accurate information as required by the~~
26 ~~Illinois State Police. That information shall include the~~

1 ~~out of state student's current place of school attendance~~
2 ~~or the out of state employee's current place of~~
3 ~~employment.~~

4 ~~(b) An arsonist as defined in Section 5 of this Act,~~
5 ~~regardless of any initial, prior, or other registration,~~
6 ~~shall, within 10 days of beginning school, or establishing a~~
7 ~~residence, place of employment, or temporary domicile in any~~
8 ~~county, register in person as set forth in subsection (a) or~~
9 ~~(a-5).~~

10 ~~(c) The registration for any person required to register~~
11 ~~under this Act shall be as follows:~~

12 ~~(1) Except as provided in paragraph (3) of this~~
13 ~~subsection (c), any person who has not been notified of~~
14 ~~his or her responsibility to register shall be notified by~~
15 ~~a criminal justice entity of his or her responsibility to~~
16 ~~register. Upon notification the person must then register~~
17 ~~within 10 days of notification of his or her requirement~~
18 ~~to register. If notification is not made within the~~
19 ~~offender's 10 year registration requirement, and the~~
20 ~~Illinois State Police determines no evidence exists or~~
21 ~~indicates the offender attempted to avoid registration,~~
22 ~~the offender will no longer be required to register under~~
23 ~~this Act.~~

24 ~~(2) Except as provided in paragraph (3) of this~~
25 ~~subsection (c), any person convicted on or after the~~
26 ~~effective date of this Act shall register in person within~~

1 ~~10 days after the entry of the sentencing order based upon~~
2 ~~his or her conviction.~~

3 ~~(3) Any person unable to comply with the registration~~
4 ~~requirements of this Act because he or she is confined,~~
5 ~~institutionalized, or imprisoned in Illinois on or after~~
6 ~~the effective date of this Act shall register in person~~
7 ~~within 10 days of discharge, parole or release.~~

8 ~~(4) The person shall provide positive identification~~
9 ~~and documentation that substantiates proof of residence at~~
10 ~~the registering address.~~

11 ~~(5) The person shall pay a \$10 initial registration~~
12 ~~fee and a \$5 annual renewal fee. The fees shall be used by~~
13 ~~the registering agency for official purposes. The agency~~
14 ~~shall establish procedures to document receipt and use of~~
15 ~~the funds. The law enforcement agency having jurisdiction~~
16 ~~may waive the registration fee if it determines that the~~
17 ~~person is indigent and unable to pay the registration fee.~~

18 ~~(d) Within 10 days after obtaining or changing employment,~~
19 ~~a person required to register under this Section must report,~~
20 ~~in person or in writing to the law enforcement agency having~~
21 ~~jurisdiction, the business name and address where he or she is~~
22 ~~employed. If the person has multiple businesses or work~~
23 ~~locations, every business and work location must be reported~~
24 ~~to the law enforcement agency having jurisdiction.~~

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 (730 ILCS 148/15)

2 Sec. 15. Conviction information ~~Discharge of arsonist from~~
3 ~~penal institution.~~

4 (a) Within 60 days after the effective date of this
5 amendatory Act of the 103rd General Assembly, each circuit
6 clerk shall forward monthly to the Illinois State Police a
7 copy of the judgment for each and all persons convicted of an
8 offense within the definition of arson offense, as defined in
9 Section 5 of this Act, during the previous month.

10 (b) Within 120 days after the effective date of this
11 amendatory Act of the 103rd General Assembly, the Director of
12 Corrections shall forward to the Illinois State Police a list
13 of all persons incarcerated or on mandatory supervised
14 release, who have been convicted of an offense within the
15 definition of arson offense, as defined in Section 5 of this
16 Act. Any arsonist who is discharged, paroled or released from
17 a Department of Corrections facility, a facility where such
18 person was placed by the Department of Corrections or another
19 penal institution, and whose liability for registration has
20 not terminated under Section 45 shall, within 10 days prior to
21 discharge, parole, or release from the facility or
22 institution, be informed of his or her duty to register in
23 person under this Act by the facility or institution in which
24 he or she was confined. The facility or institution shall also
25 inform any person who must register that if he or she
26 establishes a residence outside of the State of Illinois, is

1 ~~employed outside of the State of Illinois, or attends school~~
2 ~~outside of the State of Illinois, he or she must register in~~
3 ~~the new state within 10 days after establishing the residence,~~
4 ~~beginning employment, or beginning school. The facility shall~~
5 ~~require the person to read and sign such form as may be~~
6 ~~required by the Illinois State Police stating that the duty to~~
7 ~~register and the procedure for registration has been explained~~
8 ~~to him or her and that he or she understands the duty to~~
9 ~~register and the procedure for registration. The facility~~
10 ~~shall further advise the person in writing that the failure to~~
11 ~~register or other violation of this Act shall result in~~
12 ~~revocation of parole, mandatory supervised release or~~
13 ~~conditional release. The facility shall obtain information~~
14 ~~about where the person expects to reside, work, and attend~~
15 ~~school upon his or her discharge, parole or release and shall~~
16 ~~report the information to the Illinois State Police. The~~
17 ~~facility shall give one copy of the form to the person and~~
18 ~~shall send one copy to each of the law enforcement agencies~~
19 ~~having jurisdiction where the person expects to reside, work,~~
20 ~~and attend school upon his or her discharge, parole or release~~
21 ~~and retain one copy for the files. Electronic data files that~~
22 ~~include all notification form information and photographs of~~
23 ~~arsonists being released from an Illinois Department of~~
24 ~~Corrections facility shall be shared on a regular basis as~~
25 ~~determined between the Illinois State Police and the~~
26 ~~Department of Corrections.~~

1 (Source: P.A. 102-538, eff. 8-20-21.)

2 (730 ILCS 148/60)

3 Sec. 60. Public inspection of registry ~~registration data~~.

4 (a) Except as otherwise provided in subsection (b), the
5 statements or any other information required by this Act shall
6 not be open to inspection by the public, or by any person other
7 than by a law enforcement officer or other individual as may be
8 authorized by law and shall include law enforcement agencies
9 of this State, any other state, or of the federal government.
10 Similar information may be requested from any law enforcement
11 agency of another state or of the federal government for
12 purposes of this Act. It is a Class B misdemeanor to permit the
13 unauthorized release of any information required by this Act.

14 (b) The Illinois State Police shall furnish to the Office
15 of the State Fire Marshal the registry ~~registration~~
16 information concerning persons covered ~~who are required to~~
17 ~~register~~ under this Act. The Office of the State Fire Marshal
18 shall establish and maintain a Statewide Arsonist Database for
19 the purpose of making that information available to the public
20 on the Internet by means of a hyperlink labeled "Arsonist
21 Information" on the Office of the State Fire Marshal's
22 website.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 (730 ILCS 148/75)

1 Sec. 75. Access to State of Illinois databases. The
2 Illinois State Police shall have access to State of Illinois
3 databases containing information that may help in the
4 identification or location of persons covered ~~required to~~
5 ~~register~~ under this Act. Interagency agreements shall be
6 implemented, consistent with security and procedures
7 established by the State agency and consistent with the laws
8 governing the confidentiality of the information in the
9 databases. Information shall be used only for administration
10 of this Act.

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 (730 ILCS 148/20 rep.)

13 (730 ILCS 148/25 rep.)

14 (730 ILCS 148/30 rep.)

15 (730 ILCS 148/35 rep.)

16 (730 ILCS 148/40 rep.)

17 (730 ILCS 148/45 rep.)

18 (730 ILCS 148/50 rep.)

19 (730 ILCS 148/55 rep.)

20 (730 ILCS 148/65 rep.)

21 (730 ILCS 148/70 rep.)

22 (730 ILCS 148/80 rep.)

23 Section 85. The Arsonist Registration Act is amended by
24 repealing Sections 20, 25, 30, 35, 40, 45, 50, 55, 65, 70, and
25 80.

1 Section 90. The Code of Civil Procedure is amended by
2 changing Sections 21-101 and 21-102 as follows:

3 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

4 Sec. 21-101. Proceedings; parties.

5 (a) If any person who is a resident of this State and has
6 resided in this State for 6 months desires to change his or her
7 name and to assume another name by which to be afterwards
8 called and known, the person may file a petition requesting
9 that relief in the circuit court of the county wherein he or
10 she resides.

11 (b) A person who has been convicted of any offense for
12 which a person is required to register under the Sex Offender
13 Registration Act, the Murderer and Violent Offender Against
14 Youth Registration Act, or the Arsonist Registry Act ~~Arsonist~~
15 ~~Registration Act~~ in this State or any other state and who has
16 not been pardoned is not permitted to file a petition for a
17 name change in the courts of this State during the period that
18 the person is required to register, unless that person
19 verifies under oath, as provided under Section 1-109, that the
20 petition for the name change is due to marriage, religious
21 beliefs, status as a victim of trafficking or gender-related
22 identity as defined by the Illinois Human Rights Act. A judge
23 may grant or deny the request for legal name change filed by
24 such persons. Any such persons granted a legal name change

1 shall report the change to the law enforcement agency having
2 jurisdiction of their current registration pursuant to the
3 Duty to Report requirements specified in ~~Section 35 of the~~
4 ~~Arsonist Registration Act,~~ Section 20 of the Murderer and
5 Violent Offender Against Youth Registration Act~~,~~ and Section 6
6 of the Sex Offender Registration Act. For the purposes of this
7 subsection, a person will not face a felony charge if the
8 person's request for legal name change is denied without proof
9 of perjury.

10 (b-1) A person who has been convicted of a felony offense
11 in this State or any other state and whose sentence has not
12 been completed, terminated, or discharged is not permitted to
13 file a petition for a name change in the courts of this State
14 unless that person is pardoned for the offense.

15 (c) A petitioner may include his or her spouse and adult
16 unmarried children, with their consent, and his or her minor
17 children where it appears to the court that it is for their
18 best interest, in the petition and relief requested, and the
19 court's order shall then include the spouse and children.
20 Whenever any minor has resided in the family of any person for
21 the space of 3 years and has been recognized and known as an
22 adopted child in the family of that person, the application
23 herein provided for may be made by the person having that minor
24 in his or her family.

25 An order shall be entered as to a minor only if the court
26 finds by clear and convincing evidence that the change is

1 necessary to serve the best interest of the child. In
2 determining the best interest of a minor child under this
3 Section, the court shall consider all relevant factors,
4 including:

5 (1) The wishes of the child's parents and any person
6 acting as a parent who has physical custody of the child.

7 (2) The wishes of the child and the reasons for those
8 wishes. The court may interview the child in chambers to
9 ascertain the child's wishes with respect to the change of
10 name. Counsel shall be present at the interview unless
11 otherwise agreed upon by the parties. The court shall
12 cause a court reporter to be present who shall make a
13 complete record of the interview instantaneously to be
14 part of the record in the case.

15 (3) The interaction and interrelationship of the child
16 with his or her parents or persons acting as parents who
17 have physical custody of the child, step-parents,
18 siblings, step-siblings, or any other person who may
19 significantly affect the child's best interest.

20 (4) The child's adjustment to his or her home, school,
21 and community.

22 (d) If it appears to the court that the conditions and
23 requirements under this Article have been complied with and
24 that there is no reason why the relief requested should not be
25 granted, the court, by an order to be entered of record, may
26 direct and provide that the name of that person be changed in

1 accordance with the relief requested in the petition. If the
2 circuit court orders that a name change be granted to a person
3 who has been adjudicated or convicted of a felony or
4 misdemeanor offense under the laws of this State or any other
5 state for which a pardon has not been granted, or has an arrest
6 for which a charge has not been filed or a pending charge on a
7 felony or misdemeanor offense, a copy of the order, including
8 a copy of each applicable access and review response, shall be
9 forwarded to the Illinois State Police. The Illinois State
10 Police shall update any criminal history transcript or
11 offender registration of each person 18 years of age or older
12 in the order to include the change of name as well as his or
13 her former name.

14 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;
15 revised 12-15-23.)

16 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

17 Sec. 21-102. Petition; update criminal history transcript.

18 (a) The petition shall be a statewide standardized form
19 approved by the Illinois Supreme Court and shall set forth the
20 name then held, the name sought to be assumed, the residence of
21 the petitioner, the length of time the petitioner has resided
22 in this State, and the state or country of the petitioner's
23 nativity or supposed nativity. The petition shall include a
24 statement, verified under oath as provided under Section 1-109
25 of this Code, whether or not the petitioner or any other person

1 18 years of age or older who will be subject to a change of
2 name under the petition if granted: (1) has been adjudicated
3 or convicted of a felony or misdemeanor offense under the laws
4 of this State or any other state for which a pardon has not
5 been granted; or (2) has an arrest for which a charge has not
6 been filed or a pending charge on a felony or misdemeanor
7 offense. The petition shall be signed by the person
8 petitioning or, in case of minors, by the parent or guardian
9 having the legal custody of the minor.

10 (b) If the statement provided under subsection (a) of this
11 Section indicates the petitioner or any other person 18 years
12 of age or older who will be subject to a change of name under
13 the petition, if granted, has been adjudicated or convicted of
14 a felony or misdemeanor offense under the laws of this State or
15 any other state for which a pardon has not been granted, or has
16 an arrest for which a charge has not been filed or a pending
17 charge on a felony or misdemeanor offense, the State's
18 Attorney may request the court to or the court may on its own
19 motion, require the person, prior to a hearing on the
20 petition, to initiate an update of his or her criminal history
21 transcript with the Illinois State Police. The Illinois State
22 Police Department shall allow a person to use the Access and
23 Review process, established by rule in the Illinois State
24 Police Department, for this purpose. Upon completion of the
25 update of the criminal history transcript, the petitioner
26 shall file confirmation of each update with the court, which

1 shall seal the records from disclosure outside of court
2 proceedings on the petition.

3 (c) Any petition filed under subsection (a) shall include
4 the following: "WARNING: If you are required to register under
5 the Sex Offender Registration Act, the Murderer and Violent
6 Offender Against Youth Registration Act, or the Arsonist
7 Registry Act ~~Arsonist Registration Act~~ in this State or a
8 similar law in any other state and have not been pardoned, you
9 will be committing a felony under those respective Acts by
10 seeking a change of name during the registration period UNLESS
11 your request for legal name change is due to marriage,
12 religious beliefs, status as a victim of trafficking or gender
13 related identity as defined by the Illinois Human Rights
14 Act.".

15 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;
16 revised 12-15-23.)

17 Section 99. Effective date. This Act takes effect July 1,
18 2024.".