

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

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
vs.) No. _____)
_____,)
Defendant/Petitioner.)

Charge: _____ Date of Arrest: _____
DOB: _____ Sex: _____ Race: _____
Arresting Authority: _____ I.D.# _____
(ISB, IR, FBI, DCN)

Return Records to Defendant/Petitioner _____
Address _____

ORDER TO EXPUNGE AND SEAL

This cause comes before the Court on the Defendant/Petitioner's Petition to Expunge and Seal. The Court being fully advised, **FINDS:**

1. The Defendant/ Petitioner has complied with the provisions of 20 ILCS 2630/5.
2. The Defendant/Petitioner has never been previously charged or convicted of any criminal offense, felony, misdemeanor, or violation of a municipal ordinance.
3. The Defendant/Petitioner was arrested by the arresting authority on the date and for the offense stated above.
4. The Defendant/Petitioner was released without conviction following a sentence of supervision, for the offense of:
 - Operating an Uninsured Motor Vehicle [625 ILCS 3-707*], or
 - Suspended Registration for Noninsurance [625 ILCS 3-708*], or
 - Displaying of False Insurance [625 ILCS 3-710*] or
 - Failure of Scrap Dealer to Keep Records [625 ILCS 401.3*], or
 - Reckless Driving [625 ILCS 11-503*], or
 - Domestic Battery [720 ILCS 5/12-3.2], or
 - Criminal Sexual Abuse [720 ILCS 5/12-15], or
 - Retail Theft [720 ILCS 5/16A-3*];

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

- The Defendant/Petitioner was released without conviction following a sentence of probation for the offense of
 - section 10 of the Cannabis Control Act [720 ILCS 550/10], or
 - section 410 of the Illinois Controlled Substance Act [720 ILCS 570/410], or
 - section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 [720 ILCS 5/12-4.3], or
 - section 40-10 of the Illinois Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated [20 ILCS 301/40-10]

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

- The Defendant/Petitioner was released without conviction following a sentence of supervision for an offense which is not set forth in the previous paragraphs and it has been TWO years since the successful discharge and dismissal from supervision.

3. Defendant/Petitioner was not granted supervision for or convicted of (1) driving under the influence; or (2) any sexual offense committed against a minor under the age of 18 as a result of this arrest. Sexual offense committed against a minor includes but is not limited to the offense of indecent solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.

4. The Defendant/Petitioner has paid all fines, costs, fees and restitution in the underlying case and has paid all costs and fees for filing this Petition.

5. The Defendant/Petitioner has served notice on the arresting authority, the Department of the State Police (in an offense required to be reported to the Department), the State's Attorney and chief legal officer of the unit of local government effecting the arrest and that none of said agencies have filed an objection to the Petition to Expunge and Seal within 30 days from the date of Notice.

IT IS THEREFORE ORDERED as follows:

A. That the Petition to Expunge and Seal the Defendant's arrest record is granted and the official records be expunged or sealed as follows:

1. The Clerk of the Circuit Court **SHALL SEAL** all records of arrest of the Petitioner together with all photographs, fingerprints, and other records of identification taken as a result of the arrest. Said records of the circuit clerk shall be **SEALED** as provided by Administrative Order #97-13 of the Second Judicial Circuit.

2. The Department of State Police **SHALL EXPUNGE** all records of the Petitioner together with all photographs, fingerprints and other records of identification taken as a result of the arrest **UNLESS** the disposition is one enumerated in Paragraph B. That said expunged law enforcement records shall be returned to the Defendant/Petitioner or the Defendant/Petitioner's attorney.
3. The arresting authority **SHALL EXPUNGE** all records of the Petitioner together with all photographs, fingerprints and other records of identification taken as a result of the arrest. That said expunged law enforcement records shall be returned to the Defendant/Petitioner or the Defendant/Petitioner's attorney.
4. That the arresting authority shall request the return of any other law enforcement records relating to the incident set forth in the petition which have been transferred to the Federal Bureau of Investigation or any other law enforcement agency as a result of said arrest and return them to the Defendant/Petitioner or the Defendant/Petitioner's attorney.

B. That the Department of State Police, however, shall not expunge but shall only SEAL those records that result in a disposition of supervision for a violation of Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of section 12-3.2, 12-15, or 16A-3 of the Criminal Code of 1961, or those records that result in a disposition of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961, and Section 40-10 of the Illinois Alcoholism and other Drug Abuse and Dependency Act when the judgment of conviction has been vacated.

C. That any arrest records SEALED by the Department of State Police may be disseminated only as required by law or to the Arresting Authority, State's Attorney and Court upon the Defendant/Petitioner's later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction, the Department of Corrections shall have access to such sealed records pertaining to Defendant/Petitioner.

D. That any records SEALED by the Clerk of the Circuit Court shall be inspected only upon order of the court upon good cause shown.

ENTER: _____, 20_____.

PRESIDING JUDGE

(*) Offenses not reported to Department of State of Illinois.