

Getting Started

Request to Expunge & Impound and/or Seal Criminal Records

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to expunge and/or seal your criminal record. Your use of the forms does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the *How to Expunge and/or Seal a Criminal Record* instruction booklet and the instructions on the forms.

Names of forms:	<ul style="list-style-type: none"> • <i>Request to Expunge & Impound and/or Seal Criminal Records</i> • <i>Notice of Filing for Expungement and/or Sealing</i> • <i>Order to Expunge & Impound and/or Seal Criminal Records</i> • <i>Order Denying Request to Expunge & Impound and/or Seal Criminal Records</i> • <i>Additional Arrests or Cases for Expungement</i> (if needed) • <i>Additional Arrests or Cases for Sealing</i> (if needed) • <i>Additional Notice of Filing for Expungement or Sealing</i> (if needed)
Purpose of the forms:	To erase arrests, court supervisions, and some types of probation from your criminal record so it is like they never happened. To hide certain criminal convictions from public view.
Types of cases the forms CAN be used for:	When you have been arrested or charged with criminal offenses or convicted of an eligible criminal offense. See <i>How to Expunge and/or Seal a Criminal Record</i> for a complete list of eligible offenses.
Types of cases the forms CANNOT be used for:	<ul style="list-style-type: none"> • Minor traffic cases (where you were charged in court). Although minor traffic offenses cannot be expunged, you can still expunge other eligible criminal records when your record includes both. • Eviction cases (use eviction forms (when approved) or motion forms found at: http://www.illinoiscourts.gov/Forms/approved/) • Other felonies—see <i>How to Expunge and/or Seal a Criminal Record</i> for a complete list of ineligible offenses.
Cost to file the forms:	Yes, there are costs to file the forms. If you cannot afford to pay the filing fee, you can ask the court to file for free by filing the <i>Application for Waiver of Court Fees</i> found at: http://www.illinoiscourts.gov/Forms/approved/
Special information or papers needed to complete the forms:	<ul style="list-style-type: none"> • Details about the arrests and charges in your criminal record; • Addresses of police departments that arrested you; • Addresses of the State’s Attorney’s offices that filed charges against you; AND • Addresses of chief legal officers where you were arrested.
Statutes covering the forms:	20 ILCS 2630/5.2
Where to find the forms and instruction sheet:	www.illinoiscourts.gov/Forms/approved/
For more information:	Read the <i>How to Expunge and/or Seal a Criminal Record</i> instruction booklet that comes with these forms. You may also find more information, resources, and the location of your local county self help center at: www.illinoislegalaid.org/Sealing or www.illinois.gov/osad/Expungement .

HOW TO EXPUNGE AND/OR SEAL A CRIMINAL RECORD

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INTRODUCTION TO CLEARING YOUR CRIMINAL RECORD

This page is an overview of the process. For more detail on the process, read the rest of the packet.

What are the options to clear my criminal record in Illinois?

When you are arrested or charged with an offense, a criminal record is created, even if you are not found guilty. Your criminal records can be read by the public, including your family, friends, employers, trade organizations, banks, and credit agencies. To have your record erased or hidden you must file a *Request to Expunge and/or Seal Criminal Records* with the court and have a judge approve your *Request*.

There are 3 ways to clear your criminal record:

- **Expungement:** Erases arrests and court supervisions from your criminal record so it is like they never happened. Qualified Probations (see *definition on Page 16*) are only sealed by the State Police but are erased by the arresting agency.
- **Sealing:** Hides your criminal record from most of the public. Law enforcement agencies can still see sealed records. Employers required by law to conduct background checks can see sealed felony convictions. They cannot see sealed misdemeanor convictions or cases not resulting in convictions unless the employer is a law enforcement agency.
- **Executive Clemency:** If you do not qualify for expungement or sealing, you can apply for a pardon from the Governor forgiving you for your criminal convictions. A pardon does not erase or hide your conviction on its own. If you get a pardon authorizing expungement, you can then apply to have your record expunged. To learn more about getting a pardon go to: illinoislegalaid.org/legal-information/getting-executive-clemency.

What if I have Cannabis Convictions on my Record?

- If you have misdemeanor or class 4 felony convictions related to cannabis, you may not need to use these forms. You may be eligible for a Motion to Vacate or fall under the automatic expungement process for that cannabis conviction.
- You should speak with a lawyer about whether you qualify for expungement relief under the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705.

Is the expungement and sealing form right for me?

DO NOT use the *Request to Expunge & Impound and/or Seal Criminal Records* form in the following cases:

- **Stolen Identity:** If the person that was arrested was not you but impersonated you to the police, do not use this form. Instead file a request to have your record corrected due to identity theft. You can get the form to correct your record due to identity theft at: illinoislegalaid.org/legal-information/expungement-due-criminal-identity-theft.

- **Juvenile Records:** If you were detained or arrested by the police as a juvenile or charged in juvenile court, do not use this form. Instead use the court forms for expungement of your juvenile records. For more information visit: illinoislegalaid.org/legal-information/expunging-juvenile-criminal-record or illinois.gov/osad/Expungement.
- **Eviction cases:** Evictions are civil cases and do not appear on your criminal record. For more information about sealing evictions visit: illinoislegalaid.org/legal-information/getting-eviction-case-your-record.

DO NOT list the following types of cases on the *Request to Expunge & Impound and/or Seal Criminal Records* form:

- **Out of State and Federal Records:** Do not use this form for criminal records from a state other than Illinois, or for federal criminal records. Instead check with the state where you were charged to see if expungement is an option. If you were charged in federal court, check with the U.S. Department of Justice at: justice.gov/pardon.
- **Civil Cases:** If you were involved in a civil case, like an order of protection, it will not appear on your criminal record and cannot be expunged or sealed.
- **Minor Traffic Cases:** If you were arrested and charged with a minor traffic violation, do not include it on this form unless the charge was a Class A or B misdemeanor. If you were arrested but not charged for a minor traffic violation, you can use this form.

Can I apply for expungement or sealing?

- If your criminal record has arrests and charges, supervisions or qualified probations that were completed successfully, you can apply to have those criminal records expunged (erased).
- If there are any convictions on your criminal record that are not eligible for expungement, you can apply to have eligible records sealed. See “What types of offenses *can be sealed*?” in Step 2 for the exceptions.

What stops me from having my criminal record expunged (erased)?

- Any pending criminal charges; OR
- Any sentences you have not yet completed, including parole, probation, or court supervision; OR
- Any eligible court supervisions and qualified probations where the waiting period for the offense has not yet passed. See waiting periods for different offenses listed in “What types of offenses CAN be expunged (erased)?” in Step 2.

What stops me from having my criminal record sealed (hidden)?

- Any pending criminal charges;
- Any sentences you have not yet completed, including parole, probation, or court supervision; OR
- The necessary “waiting period” has not passed.

What if I have been arrested, charged with an offense, or convicted in more than one Illinois county?

You will have a criminal record in each county. You will have to:

- Get your criminal records from each county;
- Review your criminal records from each county to find out if you qualify to expunge or seal each criminal record;
- Fill out expungement and/or sealing forms for your criminal records in each county; AND
- Pay filing fees in each county (except if you qualify for a fee waiver).

If I need help completing my form, where can I go?

- Check with your local courthouse or law library, or search illinoislegalaid.org/get-legal-help/lshc-directory for free or reduced cost help. You may also contact the State Appellate Defender: illinois.gov/osad/Expungement.

What costs will I need to pay to expunge (erase) or seal (hide) my criminal record?

- Criminal Record Fees: If you are seeking to expunge or seal cases that took place in Chicago, there is a fee to get a copy of your RAP (Record of Arrests and Prosecutions) sheet from the Chicago Police Department. There is also a fee to get your Statewide Criminal History Transcript from the Illinois State Police.
- Circuit Clerk Filing Fee: To file your expungement or sealing form (unless waived). In certain places, a certified disposition fee may be required.
- Illinois State Police Processing Fee: To process your expungement or sealing court order. The Circuit Clerk collects this fee with the filing fee.

If you cannot afford the Circuit Clerk Filing Fee or the Illinois State Police Processing Fee, you can ask the court to waive them. You can find a fee waiver form, which can be used to waive fees in expungement and sealing cases, at: illinoiscourts.gov/forms/approved.

How long will it take before I know if my record will be expunged or sealed?

It may take a few months to find out if your record will be expunged or sealed because:

- The State's Attorney, the Illinois State Police, and Arresting Agencies get 60 days from the day they receive your *Request* to object to it;
- Courts are busy and it may take a while for a judge to review your *Request*; AND
- Law enforcement agencies may take up to 60 days from the day they receive your expungement or sealing court order to clear your criminal record.

What steps do I need to take to have my criminal record expunged (erased) or sealed (hidden)?

- Step 1: Get copies of your criminal records.

- Step 2: Review your criminal records and figure out if you can apply for expungement or sealing.
- Step 3: Fill out the expungement and/or sealing form.
- Step 4: File the form to begin the process.

Read the rest of this guide for information on each step.

STEP 1: GET COPIES OF YOUR CRIMINAL RECORDS

Why do I need copies of my criminal records?

Criminal records list the offenses you were arrested for, the offenses you were charged with, and the outcome of the cases including any sentences you received. You need this information to find out if your offenses can be expunged (erased) or sealed (hidden) and to fill out the form.

What are the different types of criminal records?

- Court Disposition: The final judgment or outcome in a court case. There are no court dispositions for arrests or charges that did not lead to a court case.
- Chicago RAP Sheet (Record of Arrests and Prosecutions): List of all arrests, charges, and court case outcomes that happened in Chicago.
- Illinois State Police Statewide Criminal History Transcript: List of all arrests and convictions that happened in Illinois.

How do I get copies of my criminal records?

- **Get information from the Illinois State Police.** You are allowed to access your entire criminal history information from the Illinois State Police. Although not required, it guarantees you have your entire criminal record. You can get this "Statewide Criminal History Transcript" to make sure that you have your entire criminal record in 3 ways:
 - **Directly from the Illinois State Police:** Illinois State Police, Bureau of Identification
260 North Chicago Street, Joliet, Illinois 60432
(815) 740-5160
state.il.us/crimhistory/chri.cfm
 - **Every law enforcement agency** is allowed to provide you this information. Check with your local law enforcement agency to find out costs and times for fingerprinting.
 - You can also go to any **licensed LiveScan vendor** to get your transcript. Find a LiveScan vendor at: idfpr.com/LicenseLookup/fingerprintlist.asp
- **Get information from the Circuit Clerk.** Many court records are available online. Other counties, like Cook County, do not provide online access to criminal records. In this case, go to the Circuit Clerk's Office in the county where your case was

filed. Ask the Circuit Clerk for copies of your court dispositions or use the public computer at the courthouse to look them up and print them out. There may be a fee to get copies of or print out your court dispositions, but you can look at them on the computer and write down the information for free.

Find your Circuit Clerk's website at:

ilcourtclerks.org/illinois-court-clerks/

- **Get information from the Chicago Police Department.** Order a RAP sheet from the Chicago Police Department if you were arrested in Chicago. There may be a waiting period before you get your RAP sheet. There will be a fee.
 - You must go to the Chicago Police Department to get your Chicago RAP sheet:
Chicago Police Headquarters
3510 S. Michigan Ave., Chicago, IL
(312) 745-5508
 - You should also request a copy of your Illinois State Police Statewide Criminal History Transcript. The Chicago Police will provide your state record for no additional cost.

STEP 2: REVIEW YOUR CRIMINAL RECORDS & PICK EXPUNGEMENT AND/OR SEALING

To determine if you can expunge and/or seal your criminal records, complete the Case Worksheet on page 13 of this booklet. Once you have completed your worksheet, you do not need to look at your court dispositions and RAP sheets to complete the *Request* form.

What do I look for on my criminal record?

To figure out if the offenses on your criminal record can be expunged (erased) and/or sealed (hidden), you need to look at each item in your criminal record and find the:

- Arrest dates and the police department which arrested you.
- Charge: The type of offense you were charged with in court or arrested for and released without charging.
- Disposition: The outcome of the case, for example, guilty/not guilty.
- Sentence: The punishment you received.
- The date you completed any sentence.

Once you find these on your criminal record, review the lists below to see if your offenses can be expunged and/or sealed.

What do I need to know to choose between expungement and sealing?

- You cannot expunge (erase) any record that resulted in a conviction, unless the conviction was reversed, vacated, pardoned by the Governor, or approved for expungement by the Prisoner Review Board.
- If you have been convicted and none of the exceptions apply, you may still be able to seal (hide) your conviction, depending on the charge and how much time has passed.

What types of offenses CAN be expunged (erased)?

The following types of arrests, charges, or sentences on your criminal record can be expunged:

- Arrests for misdemeanors and felonies that did not result in a conviction.
- Convictions for misdemeanors and felonies only if:
 - The conviction was reversed or vacated; OR
 - You received a pardon from the Governor allowing expungement of all convictions on your record; OR
 - As an Honorably Discharged Veteran, you have a Certificate of Eligibility for Expungement from the Prisoner Review Board allowing expungement of all convictions on your record; OR
 - An eligible misdemeanor or class 4 cannabis conviction under the Illinois Cannabis Regulation and Tax Act, [410 ILCS 705](#).
- Sentences for court supervision only if:
 - 2 years have passed since you successfully finished your court supervision, except the offenses listed directly below; OR
 - 5 years have passed since you successfully finished your court supervision for:
 - Domestic Battery
 - Criminal Sexual Abuse (victim was 18 or older)
 - Operation of an Uninsured Motor Vehicle
 - Operation of a Motor Vehicle when Registration is Suspended for Non-Insurance
 - Display of False Insurance Card
 - Scrap Processors to Keep Records
 - If you are 25 or older, your Reckless Driving supervision occurred when you were under 25, and you have no other convictions.
- Sentences of Qualified Probation, only if 5 years have passed since you successfully finished your qualified probation.
- **NOTE:** For definitions of the sentences listed above, see page 16.

What types of offenses CANNOT be expunged (erased)?

The following types of arrests, charges, or sentences on your criminal record cannot be expunged:

- Minor Traffic Offenses, unless you were released without being charged.
- Convictions for misdemeanors and felonies unless they were reversed, vacated, pardoned by the Governor, approved by the Prisoner Review Board or a cannabis conviction under the Illinois Cannabis Regulation and Tax Act, [410 ILCS 705](#).
- Court supervision or Qualified Probation that was NOT successfully completed.
- Court supervision for the following offenses:
 - Reckless Driving (if you were 25 or older at the time)
 - Driving Under the Influence
 - Sexual Offenses Against a Minor Under Age 18
- Convictions include a finding of guilt resulting in a sentence of: **probation** (other than Qualified Probation, successfully completed), **jail** or **prison** time, **conditional discharge**, **time considered served**, **fines** (with no other sentence), and supervisions or qualified probations that are not successfully completed.

What if I have some offenses that can be expunged or sealed and some that cannot?

- Even if certain cases are not eligible for expungement or sealing, you can still expunge or seal those arrests and cases that are eligible.

What types of offenses CAN be sealed (hidden)?

Arrests and charges for misdemeanors and felonies that did not lead to a conviction can be sealed at any time, except minor traffic offenses, unless you were released without being charged. Cases with the following sentences on your criminal record can be sealed if at least 3 years have passed since the successful completion of your last sentence:

- Convictions for most misdemeanors and felonies, except those listed in the next section.
- NOTE: If your conviction requires registration under the Arsonist Registration Act or the Murderer and Violent Offender Against Youth Registry, that conviction may not be sealed until you are no longer required to register.
- The following can be expunged after 5 years, but could qualify for sealing after 3 years:
 - Arrests or charges not initiated by arrest resulting in orders of first offender probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, or Section 5-6-3.3 (Second Chance Probation) of the Unified Code of Corrections.

NOTE: You may be able to seal all eligible offenses upon the completion of your LAST sentence instead of after the 3 or 5 year waiting period if you completed one of the educational goals listed below during the period of your last sentence and had not already completed the same goal. The following educational goals are eligible: (1) high school diploma; (2) associate's degree; (3) career certificate; (4) vocational or technical certification; (5) bachelor's degree; (6) passed the high school GED test.

What types of offenses CANNOT be sealed (hidden)?

The following types of arrests, charges, and sentences on your criminal record cannot be sealed:

- Convictions and supervision for these misdemeanors and felonies:
 - Minor Traffic Offenses
 - Driving Offenses
 - Driving Under the Influence ([625 ILCS 5/11-501](#))
 - Reckless Driving (unless under 25 at the time of the offense and no other convictions for DUI or reckless driving) ([625 ILCS 5/11-503](#))
 - Domestic Battery ([720 ILCS 5/12-3.2](#))
 - Violation of an Order of Protection ([720 ILCS 5/12-3.4](#)), Civil No-Contact Order ([740 ILCS 22](#)) or Stalking No-Contact Order ([740 ILCS 21/1-135](#))
 - Sexual Offenses
 - Soliciting a Prostitute or Patronizing a Prostitute ([720 ILCS 5/11-18](#))
 - Public Indecency ([720 ILCS 5/11-30](#)) if convicted of a felony (misdemeanor convictions are eligible)
 - Any other misdemeanor offense listed under Article 11 of the Criminal Code (with the exception of Prostitution) ([720 ILCS 5/11](#))
 - Any offense that requires registration under the Sex Offender Registration Act
 - Animal Offenses
 - Dog Fighting ([720 ILCS 5/48-1](#))
 - Class A misdemeanors under the Humane Care for Animals Act, such as beating or tormenting an animal, or abandonment ([510 ILCS 70/3.01](#); [510 ILCS 70/4.03](#); [510 ILCS 70/5](#); [510 ILCS 70/5.01](#); [510 ILCS 70/6](#); [510 ILCS 70/7.15](#))
- New felony convictions after you already had felony convictions sealed. **NOTE:** a new felony conviction after your sealing may result in the unsealing of your past felony convictions. ([20 ILCS 2630/5.2\(c\)\(4\)](#))

What if I have some offenses that can be sealed and some that cannot?

- The offenses that qualify for sealing can be sealed.

- The offenses that do not qualify for sealing will stay on your criminal record.

STEP 3: FILL OUT THE REQUEST TO EXPUNGE & IMPOUND AND/OR SEAL CRIMINAL RECORDS FORM

Follow these instructions only when you have determined what parts of your criminal record can be expunged (erased) and/or sealed (hidden).

What form do I need to expunge (erase) my criminal record?

- *Request to Expunge & Impound and/or Seal Criminal Records*: Gives the court the information needed to decide if you can have your criminal record expunged.
- *Additional Arrests or Cases for Expungement*: Use this form if you have more arrests or cases to expunge or seal than will fit on the *Request* form.
- *Notice of Filing for Expungement and/or Sealing*: Tells the arresting agency that you are asking the court to expunge your criminal record.
- *Additional Notice of Filing for Expungement and/or Sealing*: Use this form if you have more than 2 arresting agencies or if you were arrested in more than 2 different cities, towns, or villages.
- *Order to Expunge & Impound and/or Seal Criminal Records*: Is used by the judge to say which cases from your *Request to Expunge & Impound and/or Seal Criminal Records* are approved.
- *Order Denying Request to Expunge & Impound and/or Seal Criminal Records*: Is used by the judge to say which cases from your *Request to Expunge & Impound and/or Seal Criminal Records* are denied.

Where can I find the expungement form I need?

You can find forms at: illinoiscourts.gov/Forms/approved/

How do I fill out the *Request to Expunge & Impound and/or Seal Criminal Records* form?

The form has instructions in the column on the left side to help you. Also listed below are line-by-line instructions with more information on how to fill out the *Request to Expunge & Impound and/or Seal Criminal Records* form.

Page 1 Caption/Header: You must enter all your arrest and case numbers at the top of the form where it says, "Arrest or Case Numbers of all Eligible Criminal Offenses on your Record in this County." If all of your case numbers do not fit, you should use an *Additional Arrests or Cases for Expungement* or *Additional Arrests or Cases for Sealing* form.

Section 1: Check yes if you are requesting that some cases be expunged. If you are only requesting sealing, check no and skip to Section 12.

If you are only requesting to seal cases, do not fill out Sections 2 – 11 and skip to Section 12.

Section 2 (Cases for Expungement): Use the information you entered on your Case Worksheet to fill out the table on the first page of the form. The Case Worksheet is on page 13 of this instruction booklet and should be completed using your court disposition printouts or RAP sheet.

- Arrest or Case Number: Enter each arrest or case number listed on your court dispositions or RAP sheet.
- Arresting Agency: Enter the name of the police department that arrested you.
- Charge: Enter the name of the offense you were charged with, such as "retail theft" or "cannabis possession."
- Date of Arrest: Enter the date you were arrested listed on your court disposition or RAP sheet.
- Outcome: Enter an outcome that reflects the outcome of your case. Use the shortened version of the outcome from the Outcome Abbreviations box.

If you have more than 6 arrests or cases for expungement:

- Mark the checkbox below the table that says "I have listed additional arrests or cases on the attached *Additional Arrests or Cases for Expungement* form.
- Enter the extra arrests or cases on the *Additional Arrests or Cases for Expungement* form." You can use more than one *Additional Arrests or Cases for Expungement* form if needed.

Expungement Form Page 2 Line-By-Line Instructions:

Section 3: You cannot expunge a criminal conviction unless one of the special situations in 3a, 3b, 3c, or 3d applies.

Section 3a: Check this box if you were convicted of an offense, but the court vacated or reversed (invalidated) your conviction, making it legally void.

Section 3b: Check this box if you were convicted of an offense, but you applied for executive clemency and were given a pardon by the Governor that allows you to expunge (erase) the conviction from your record. You must attach a copy of your pardon to your *Request to Expunge & Impound and/or Seal Criminal Records*.

Section 3c: Check this box if you were convicted of an offense, but you petitioned the Prisoner Review Board and were given a Certificate of Eligibility that allows you to expunge (erase) the conviction from your

criminal record. You must attach a copy of your Certificate of Eligibility to your *Request to Expunge & Impound and/or Seal Criminal Records*.

Section 3d: Check this box if you were convicted of an offense, but later the court made a specific finding that you were factually innocent, allowing you to expunge (erase) the conviction from your criminal record.

Section 4: Check this box if you were arrested or brought into the police station, but you were released and no charges were ever filed against you.

Section 5: Check this box if you were arrested for a minor traffic offense, but you were released by the police without being charged with anything.

Section 6: Check this box if you were charged but:

- You were found not guilty; OR
- The charges were dropped and you were not sentenced to supervision or probation (*Nolle prosequi*, Stricken Off With Leave to Reinstate (SOL), non-suit, or dismissed); OR
- The court issued a finding of no probable cause.

NOTE: These terms are defined on page 16.

Section 7: Check this box if:

- You were sentenced to Qualified Probation for First Offender Cannabis, Controlled Substance, or Methamphetamine violations (sometimes called 410, 710, 1410); Second Chance Probation; Offender Initiative Program, or TASC Probation; AND
- At least 5 years have passed since you successfully completed your probation (and if TASC probation, the sentence was also vacated or cancelled by the judge).

If you check this box, attach to your forms the results of a drug test that you passed within the last 30 days.

Section 8: Check this box if you were sentenced to court supervision, you successfully completed your court supervision, and no conviction was placed on your record. Also, enough time must have passed since you completed the supervision. Use the following guidelines:

- If you received court supervision for one of the following offenses, 5 years must have passed since you successfully finished the supervision:
 - Domestic Battery
 - Criminal Sexual Abuse (victim was 18 or older)
 - Operation of an Uninsured Motor Vehicle
 - Operation of a Motor Vehicle when Registration is Suspended for Non-Insurance
 - Display of False Insurance Card
 - Scrap Processors to Keep Records

- For all other offenses for which you received court supervision, 2 years must have passed since you successfully finished the supervision.

Section 9: Check this box only if you are NOT trying to expunge a sentence of court supervision for:

- Driving Under the Influence (DUI); OR
- A sexual offense where the victim was under 18 years old; OR
- Reckless Driving when you were 25 years old or older.

Section 10: Check this box if:

- You were charged with Reckless Driving and received a sentence of supervision; AND
- You were less than 25 years old when the offense was committed; AND
- You have never been convicted of DUI of alcohol or any other drug, you have no other convictions for Reckless Driving, and you are now 25 or older.

Section 11: Check this box if:

- You qualify to have your filing fees and State Police fees waived under the Cook County Fee Waiver Pilot Program; AND
- You are filing this *Request* before January 1, 2021; AND
- You are only trying to expunge or seal arrests resulting in release without charging (RWOC) or cases resulting in acquittals, dismissals, or reversed/vacated convictions.

Section 12: Check yes if you are requesting that some cases be sealed.

If you are not requesting that any cases be sealed, skip Sections 13 – 22.

Section 13 (Cases for Sealing): Use the information you entered on your Case Worksheet to fill out the table on page 3 of the form. The Case Worksheet is on page 13 of this instruction booklet and should be completed using your court disposition printouts or RAP sheet.

- Arrest or Case Number: Enter each arrest or case number listed on your court dispositions or RAP sheet.
- Arresting Agency: enter the name of the police department that arrested you.
- Charge: Enter the name of the offense you were charged with, such as “retail theft” or “cannabis possession”.
- Date of Arrest: Enter the date you were arrested listed on your court disposition or RAP sheet.
- Outcome: Enter an outcome that reflects the outcome of your case. Use the shortened version of the outcome from the Outcome Abbreviations box.

If you have more than 6 arrests or cases for sealing:

- Mark the checkbox below the table that says, "I have listed additional arrests or cases on the attached *Additional Arrests or Cases for Sealing* form."
- Enter the extra arrests or cases on the *Additional Arrests or Cases for Sealing* form. You can use more than one *Additional Arrests or Cases for Sealing* form if needed.

Section 14: This statement in Section 14 must be true. You cannot seal arrests or charges for minor traffic offenses unless you were released by the police without being charged. The only traffic cases that can be sealed are Class A and B misdemeanors (for example, driving on a suspended license), except for reckless driving (when over 25) and DUI.

Section 15: This statement in Section 15 must be true. You can seal felony convictions that were reduced to an eligible misdemeanor or are otherwise eligible to be sealed.

See "What types of offenses CAN be sealed (hidden)?" in Step 2 for a list of the felonies that can be sealed.

To find out if an offense is a felony or misdemeanor, look at your RAP sheet or court dispositions for the "Class." There will be either an "F" for felony or "M" for misdemeanor listed. In most counties outside of Cook, felony offenses have a "CF" in the case number and misdemeanors have a "CM" in the number.

Sample RAP Sheet with class of criminal charge:

Court Charges/Disposition			
Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	CM
Disposition: COURT SUPERVISION		Disposition Date: 12/17/2010	
Case Number: 09CM117			

Section 16: This statement in Section 16 must be true. You cannot seal a felony conviction that happened after you sealed a prior felony conviction.

Section 17: Check this box if:

- You were sentenced to court supervision; AND
- You successfully completed the supervision; AND
- At least 2 years have passed since the successful completion of your last sentence.

Section 18a: Check this box if:

- You were convicted of a misdemeanor that can be sealed; AND
- At least 3 years have passed since the successful completion of your last sentence. Your "last sentence" means the latest completion date of any sentence you received in Illinois or any other state.

See "What types of offenses CAN be sealed (hidden)?" in Step 2 for a list of the misdemeanors that can be sealed.

Section 18b: Check this box if:

- You were convicted of a felony offense that can be sealed; AND
- At least 3 years have passed since the successful completion of your last sentence. Your "last sentence" means the latest completion date of any sentence you received in Illinois or any other state.

See "What types of offenses CAN be sealed (hidden)?" in Step 2 for a list of the felonies that can be sealed.

If the felony was drug-related, attach to your form the results of a drug test that you passed within the last 30 days.

Section 18c: Check this box if:

- You were sentenced to Qualified Probation for First Offender Cannabis, Controlled Substance, or Methamphetamine violations (sometimes called 410, 710, 1410); Second Chance Probation; Offender Initiative Program, or TASC Probation; AND
- At least 3 years have passed since the successful completion of your last sentence. Your "last sentence" means the latest completion date of any sentence you received in Illinois or any other state.
- If you check this box, attach to your form the results of a drug test that you passed within the last 30 days.

Section 19: Check this box if you not asking to seal a felony conviction that you have to register on a public registry for. For example, the Arsonist Registration Act, the Sex Offender Registration Act, or the Murderer and Violent Offender Against Youth Registration Act.

Section 20: Check this box if you petitioned the Prisoner Review Board and were given a Certificate of Eligibility that allows you to seal (hide) the conviction from your criminal record. You must attach a copy of your Certificate of Eligibility and the results of a drug test that you passed within the last 30 days to your *Request*.

Section 21: Check the box if:

- You have completed one of the listed educational goals during your last sentence. If Section 21 applies to you, all eligible cases can be sealed immediately after the completion of your last sentence;
- You completed the goal during the period of your last sentence; AND
- You had not already completed the same educational goal before completing your last sentence.
- If you check this box, attach to your forms any documents proving you completed the educational goal.

Section 22: Check this box if:

- You were a "trafficking victim," as defined under 720 ILCS 5/10-9(a)(10), and are requesting the

- immediate sealing of your record upon the completion of your last sentence; AND
- You were a trafficking victim when your last offense was committed; AND
- You committed the offense you are seeking to immediately seal as a direct result of either human trafficking as defined under 720 ILCS 5/10-9, or the Federal Trafficking Victims Protection Act, 22 U.S.C. 78.
- NOTE: The State's Attorney may object to your request for immediate sealing. If that happens, a hearing will be held to determine whether you meet the requirements for immediate sealing. You may want to talk to a lawyer about this issue. Contact Illinois Legal Aid Online at illinoislegalaid.org/get-legal-help or CARPLS at: carpls.org for more information and help finding a lawyer.

Section 23: Check this box if:

- You were charged with Reckless Driving and received a sentence of supervision; AND
- You were less than 25 years old when the offense was committed; AND
- You have never been convicted of Driving Under the Influence (DUI) of alcohol or any other drug, you have no other convictions for Reckless Driving, and you are now 25 or older.

Signature: You must sign and date your *Request*. Your signature means that everything you filled out on the form is true and correct to the best of your knowledge. Making a false statement on this form could be perjury.

Prepared By: Enter your name and contact information.

How do I fill out the *Notice of Filing for Expungement and/or Sealing* form?

- Enter your information on this form where instructed.
- If some of your criminal charges, or cases took place in different cities, towns, or villages in the same county, you must list all of the police departments that arrested you and the Chief Legal Officer for each city, town, or village. The Chief Legal Officer is usually the lawyer for the city or town in which you were arrested.
- Find the name and address for the county State's Attorney by asking the Circuit Clerk.
- Find the address for the Arresting Agencies (police departments) that arrested you by contacting them.
- Find the address for the Chief Legal Officer by contacting the city, town, or village you were arrested in.
- If you have more than 2 arresting agencies or if you were arrested in more than 2 different cities, towns, or villages, use an *Additional Notice of Filing for Expungement and/or Sealing* form. You may use more than one *Additional Notice of Filing for Expungement and/or Sealing*.

- The Circuit Clerk will mail a copy of this form and your *Request* to all of the agencies that are required to get notice of your *Request*.

How do I fill out the *Order to Expunge & Impound and/or Seal Criminal Records* form?

- Enter your information on this form where instructed.
- Enter the case number for all arrests, charges, and convictions in your criminal record. If an arrest did not result in formal charges, enter the arrest number.
- You will not check any boxes on the *Order* form. The judge will check the correct boxes once a decision has been made about your *Request*.
- You will get this form back from the court telling you if the court approved expungement or sealing for any of your criminal records.

How do I fill out the *Order Denying Request to Expunge & Impound and/or Seal Criminal Records* form?

- Enter your information on this form where instructed.
- The judge will enter the case numbers that are denied.
- You will not check any boxes on this form. The judge will check the correct boxes once a decision has been made about your *Request*.
- You will get this form back from the court telling you if the court denied expungement or sealing for any of your criminal records.

STEP 4: NEXT STEPS FOR EXPUNGEMENT & SEALING

What do I do after I fill out the form?

- File your form with the Circuit Clerk in the county where you were arrested or charged with the offense. In some counties, you may have to attach copies of your court dispositions.
- If your *Request to Expunge & Impound and/or Seal Criminal Records* includes criminal cases, then you may be able to file in person, by mail, or by e-filing (filing electronically). Check with your Circuit Clerk to see how to file in your county.

How to File in Person

- Go to the courthouse in the county where you were arrested or charged with the offense.
- Give the Circuit Clerk your original form and the required number of copies to stamp.
- The Circuit Clerk will keep the original form and give back your copies.
- Pay the filing fee. If you cannot afford to pay the filing fee, called assessments in a criminal case, you can ask the court to file for free *or* at a reduced cost by filing an *Application for Waiver of Criminal Court Assessments*.

How to File By Mail

- If you are asking to file for free or at a reduced cost, there may be local rules requiring you to file your *Application for Waiver of Court Fees* in person. Ask the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.
- In Cook County, you must go in person to have your fees waived.
- If you do not need to appear in person, mail your original form including your *Application for Waiver of Court Fees* and one copy to the Circuit Clerk to stamp.
- If you do not need to have your fees waived, mail your original form and the required number of copies to the Circuit Clerk to stamp.
- Include the *Letter to the Circuit Clerk* found at: illinoiscourts.gov/Forms/approved/.
- Include a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy to you.

How to E-file

- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, (2) you have a disability that keeps you from e-filing, or (3) you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer; or (2) you have trouble reading or speaking in English.
 - If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: illinoiscourts.gov/Forms/approved/.
 - File the original and 1 copy of your forms and the *Certification*, with the Circuit Clerk's office in person or by mail.
- To e-file, create an account with an e-filing service provider.
 - Visit illinoiscourts.gov/service-providers.htm to select a service provider. Some service providers are free while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp
- If you do not have access to a computer or if you need help e-filing, take your forms to the Circuit Clerk's office where you can use a public computer terminal to e-file your forms.
 - You can bring your forms on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your forms.

- The Circuit Clerk will mail your *Request* with the *Notice of Filing for Expungement and/or Sealing* to each of the following:
 - County State's Attorney
 - Arresting Agencies (police departments)
 - Chief Legal Officers of the cities, towns and villages where you were arrested
 - Illinois State Police
- Keep 1 copy of the form that was stamped by the Circuit Clerk for your own records.

What if I have arrests and charges from different counties?

If you have arrests, charges, or convictions that happened in more than one county, you must file separate requests for expungement or sealing in each county. A *Request* should only include arrests, charges, and convictions that happened in one county. You will have to pay filings fees in each county where you file a *Request*, unless they are waived in each county.

What if I move before my expungement or sealing case is over?

If you move before your case is over, immediately notify the Circuit Clerk of your new address. If you do not tell the court your new address, you may not receive notices of court dates and copies of court orders.

Can anyone keep me from getting my criminal record expunged (erased) or sealed (hidden)?

The police departments and prosecutors that you listed on the *Notice of Filing for Expungement and/or Sealing* form get a chance to object to your *Request* to expunge or seal your criminal record. They have 60 days from the day they receive your *Request* to file a written objection with the court. If they object, it means they do not want your record to be expunged or sealed. If the agencies do not object during the 60 days, they cannot object at a later time.

How will I know if someone objects to my *Request* for expungement or sealing?

The Illinois State Police will mail you a copy of their objection, if any. An objection does not mean the court is denying your *Request*. The court will consider the objection when deciding if your criminal record will be expunged or sealed.

Will I have a court date for my expungement or sealing case?

You may need to go to court for a court date in front of a judge. Some counties schedule a court date right away, but others will only schedule a court date if one of the agencies you listed on the *Notice of Filing for Expungement and/or Sealing* form objects to your *Request*.

If I am asked to come in for court date, how does the court decide to approve or deny my *Request* for expungement or sealing?

Requests for expungement or sealing are not automatically approved just because you are eligible under the law. To decide, the court may:

- Review any objections filed by the agencies you listed on your *Notice of Filing for Expungement and/or Sealing* form; AND
- Determine if you are eligible under the law; AND
- Review other factors it is allowed to consider:
 - The strength of the evidence supporting a conviction;
 - The reasons why the State, the Arresting Agencies, or Chief Legal Officers want to keep your records from being erased or hidden;
 - Your age, criminal record history, and employment history;
 - The period of time between your arrest on the charge resulting in the conviction and the filing of the *Request*; AND
 - The specific negative results you may suffer if the *Request* is denied. Be prepared to tell the judge about these.

Get ready for your court date.

- Decide and write down specific negative results you may suffer if your *Request* is denied (examples include denied a job or housing).
- Gather and make copies of pictures and documents you want the judge to see, like evidence of completion of a treatment program, letters of recommendation, proof of education, or degrees, etc.

Go to your court date.

- You must attend the court date if one is scheduled. If you do not go to your court date, your case could be dismissed.
- Bring these items with you to court:
 - Photo I.D.;
 - Stamped copies of your form;
 - *Order to Expunge & Impound and/or Seal Criminal Records*;
 - *Order Denying Request to Expunge & Impound and/or Seal Criminal Records*;
 - Notes or documents detailing your employment and educational history; AND
 - Other papers related to your *Request* (like evidence of completion of a treatment program, letters of recommendation, proof of education, or degrees, etc.).
- Get to the courthouse at least 30 minutes early.
- Go to the courtroom number listed on your court form. If your form does not have a courtroom

number, look for a list of cases at the courthouse or ask the Circuit Clerk.

- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk to the judge and introduce yourself.

How do I present my case to the judge?

- Tell the judge your side of the case and answer questions. Be prepared to tell the judge about specific negative results you may suffer if your *Request* is denied.
- You will have a chance to respond to any objections to your *Request*.
- The agencies that you listed on your *Notice of Filing for Expungement and/or Sealing* form may be at your court date and could ask you questions about your case.

How will I find out if my *Request* for expungement or sealing is approved or denied?

If you do not receive a copy of the *Order* in court, the Circuit Clerk will mail you a copy of the *Order* stating whether your *Request* was approved or denied.

What do I do with the *Order* approving or denying my *Request* for expungement or sealing after I get it?

- If your *Request* was approved, it is very important that you keep a copy of the *Order* that you receive from the Circuit Clerk in a safe place.
- Once your arrests or cases are expunged or sealed, the court no longer has a court record for you and it may be very difficult to get another copy of the *Order*.

If my *Request* is approved, how long will I have to wait before my record is expunged or sealed?

If the judge approves your *Request*, a copy of the *Order* will be sent by the Circuit Clerk to the police departments and prosecutors that you listed on the *Notice of Filing for Expungement and/or Sealing*. These agencies have 60 days from the time they receive a copy of the *Order* to expunge or seal your records.

How will I know when my record has been expunged or sealed?

The Illinois State Police will send you a letter stating that they have expunged or sealed your records. Until you receive this letter from the Illinois State Police, your records have not yet been expunged or sealed.

Can anyone find out about my criminal record once it has been expunged or sealed?

Some agencies will be able to find out that you expunged a criminal record and see your sealed records:

- Law enforcement agencies including police departments, prosecutors, correctional institutions,

military, and court services and Department of Child and Family Services can see all sealed records, expunged pardoned convictions, and some five-year-waiting-period expunged records for limited purposes.

- Any employer required by law to conduct fingerprint background checks can see sealed felony conviction records. These employers include financial institutions, fire departments, private carrier companies, schools, park districts, health care organizations, and childcare organizations.
- An employer not listed above and members of the public can't see expunged or sealed records or find out that you have had a record expunged or sealed.

If my records are expunged or sealed, do I have to tell employers or potential employers about it?

No, you do not have to tell employers about expunged or sealed criminal records.

- On job applications you may answer "no" to the question, "have you ever been convicted" if your entire criminal record was expunged or sealed.
NOTE: in Illinois, private employers with 15 or more employees are not allowed to ask if you have ever been convicted of a crime.
- If you applied for expungement or sealing and the court has not decided yet, if asked, you still have to report your criminal record to a potential employer after an interview or conditional offer of employment.
- In Illinois it is against the law for employers to ask if you have expunged or sealed any criminal records unless they are one of the agencies above authorized by law.
- If an employer finds out that you expunged or sealed any criminal records, they cannot use that against you or they will violate the Illinois Human Rights Act [775 ILCS 5/1-101-10/104](#).

What can I do if my *Request* for expungement or sealing is denied?

- Ask for Reconsideration: You can ask the circuit court to look at your *Request* again.
 - File a Motion for Reconsideration with the Circuit Clerk within 60 days from the day you received a copy of the *Order* denying your *Request*.
 - You may have to pay another filing fee unless you have a fee waiver. You have to send a copy of your Motion for Reconsideration and Notice of Motion forms to the State's Attorney, Arresting Agencies, Chief Legal Officer of the Unit of Local Government, and Illinois State Police.
- Appeal: You can ask the appellate court to review the circuit court decision.
 - File a *Notice of Appeal* with the Circuit Clerk within 30 days from the day the *Order* was entered denying your *Request*; OR
 - If you file a Motion for Reconsideration and it is denied, file a *Notice of Appeal* within 30 days

from the day the *Order* was entered denying your Motion for Reconsideration.

- You will have to pay a filing fee to the appellate court unless you have a fee waiver from the appellate court. You will have to pay a fee for the Circuit Clerk to prepare the Record on Appeal unless you have a fee waiver from the circuit court.

What if my criminal record does not qualify for expungement or sealing?

You may be able to get one of the following certificates from the Prisoner Review Board that will allow you to apply for expungement or sealing:

- Certificate of Eligibility for Expungement: You may be able to get this certificate if you were convicted of a Class 3 or Class 4 felony and enlisted in, or received an honorable discharge from the United States Armed Forces or National Guard and you served at least one tour of duty.
- Certificate of Relief from Disabilities: This certificate may help you get a professional license for jobs like a barber, therapist, real estate agent, roofer, engineer, accountant, and more. You may be able to get this certificate if you have not been convicted of aggravated DUI, aggravated domestic battery, kidnapping or aggravated kidnapping, or an offense requiring registration under the sex offense registration act.
- Certificate of Innocence: This certificate may help you get paid money from the Illinois Court of Claims for an unjust conviction. You may be able to get this certificate if you proved you were improperly convicted.
- Health Care Waiver: This certificate may help you get a health care job if you are not professionally licensed (registered nurse, licensed practical nurse) and want to work at a health care organization (nursing homes, hospitals). For more information, see the Health Care Worker Registry at: idph.state.il.us/nar/.

NOTE: Information about these certificates may be obtained from the Circuit Clerk.

To find out if you are eligible for one of these certificates, contact the Prisoner Review Board:

Illinois Prisoner Review Board
319 East Madison Street, Suite A
Springfield, IL 62701
Telephone: (217) 782-7273
Fax: (217) 524-0012
illinois.gov/prb/

What if my criminal record does not qualify for expungement or sealing and I cannot get a certificate from the Prisoner Review Board?

You may be able to get one of the following certificates from the court to help you show that you are serious about getting a job or a professional license:

- Certificate of Good Conduct: This certificate may help you get a job. You may be able to get the certificate if

it has been two years since you successfully completed your sentence. You cannot get a Certificate of Good Conduct if you have been convicted of aggravated DUI, aggravated domestic battery, kidnapping or aggravated kidnapping, or an offense requiring registration under the sex offense registration act.

- Certificate of Relief from Disabilities: This certificate may help you obtain a work-related license from the State of Illinois. You can get a Certificate of Relief from Disabilities at the time of sentencing, or any time after that. You cannot get a Certificate of Relief from Disabilities if you have been convicted of aggravated DUI, aggravated domestic battery, kidnapping or aggravated kidnapping, or an offense requiring registration under the sex offense registration act.

Appendix: Case Worksheet

Use this worksheet to get the information from your entire criminal record in one place.

- You can find all the information you need to fill in the worksheet on your court dispositions, RAP sheets, and information from the Illinois State Police Access and Review process. Below are some samples to help you locate the information you need.
- There are three tables on page 15 of this instruction booklet to help you determine if a sentence or disposition qualifies as a conviction for the purposes of expungement and sealing.

How do I complete the Case Worksheet?

Using the information on your court dispositions and any RAP sheets you have, fill in your Case Worksheet with this information for each case:

- Arrest or Case Number: Enter the arrest or case number listed on your court disposition or RAP sheet.
- Arresting Agency: Enter the name of the police department that arrested you.

- Charge: Enter all offenses you were charged with for each case number, for example “drug possession” and “possession of paraphernalia”.
- Date of Arrest: Enter the date you were arrested that is listed on your court disposition or RAP sheet.
- Outcome: enter the sentence you received for the offense.
- Completion of Sentence: Enter the date your sentence ended successfully.

What if I see an arrest on my criminal record but there is no charge, disposition or sentence listed?

- Not all arrests lead to charges, so there would not be a charge, disposition, or sentence listed on your record. All arrests without charges can be expunged if all the offenses on your entire record qualify. If not, then the arrests can be sealed. In the chart below, you only need to enter the Arresting Agency and Date of Arrest for arrests that did not result in charges.

	Arrest or Case Number	Arresting Agency	Charge	Date of Arrest	Outcome	Completion of Sentence (Date)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						

Sample County Court Disposition (Not Cook County):

Sample Illinois State Police RAP Sheet:

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
FORD COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
vs) No. **09-CM-117**
Jane Doe)
Defendant)

JUDGMENT AND SENTENCE
OF PROBATION/COURT SUPERVISION/CONDITIONAL DISCHARGE

The case coming on for sentencing, Defendant (having pled guilty of) (~~having been found guilty of~~) (~~having had probation, supervision, or conditional discharge received for~~) the offense(s) of:
Unlawful Possession of Drug Paraphernalia
Class A Misdemeanor

and a Presentence Report having been (~~prepared~~) (waived) and hearing in aggravation and mitigation (~~held~~) (waived); The Court finds there is a factual basis for a finding of guilty. The Court further finds that imprisonment in the Illinois Department of Corrections is not necessary for the protection of the public, and the following sentence does not deprecate the seriousness of the Defendant's conduct and is consistent with the ends of justice.

ACCORDINGLY IT IS THE ORDER OF THIS COURT, that the Defendant is placed on (~~probation~~) (~~court supervision~~) (~~conditional discharge~~) for a period of 12 (~~years~~) (~~months~~) (~~days~~) subject to the following conditions:

THE DEFENDANT SHALL:

GS (X) 1. not violate any criminal statute of any jurisdiction;
...
GS (X) 8. pay a fine of \$ 750 ; court costs of . . . and Probation (~~Supervision~~) fees in the amount of \$ 25 per month;

... This case is continued to 12/17/10 except for review or remission hearings.

ENTER: 12/17 , 20 09 Gerald T. Smith
JUDGE

TERMINATION DATE: 12/17 , 20 10

ILLINOIS STATE POLICE
Bureau of Identification
260 North Chicago Street
Joliet, IL 60432-4075

Criminal History Of: Doe, Jane State Identification #: IL 9876543
(Last Known Name)

Conviction Status: MISDEMEANOR CONVICTION
Custodial Status:

Alias Name(s) DOE, JANE **Date of Birth** 01/13/1981

SUBJECT IDENTIFICATION DATA

Sex: FEMALE
Race: WHITE
Height: 5'4" **Date Reported:** 10/23/2009 **FBI#:**
Weight: 105 **Date Reported:** 10/23/2009 **Chicago IR#:**
Eyes: BLUE
Hair: BLACK
Skin: MEDIUM

Scars/Marks/Tattoos TAT L LEG **Place of Birth** ILLINOIS **Driver's License #** K1234567899 **DL State** IL

CRIMINAL HISTORY DATA

Arrest
DCN: P129393 **Date of Arrest:** **10/23/2009**
Name: DOE, JANE **Date of Birth:** 01/13/1981
Residence: 123 N. Main St. Melvin, IL

Arresting Agency: **FORD COUNTY SHERIFF'S OFFICE**
Agency Case Number: 1234567 **Officer Badge Number:** 008

Arrest Charges

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	CM

State's Attorney Section
Filing Decision: FILED **Decision Date:** 10/23/2009

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	CM

Agency Name: FORD COUNTY STATE'S ATTORNEY

Court Charges/Disposition

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	CM

Disposition: **PROBATION** **Disposition Date:** **12/17/2010**

Case Number: 09CM117
Agency Name: FORD COUNTY CIRCUIT COURT

Sample Case Worksheet:

	Arrest or Case Number	Arresting Agency	Charge	Date of Arrest	Outcome	Completion of Sentence (Date)
1	09-CM-117	Ford County Sheriff's Office	Unlawful Possession of Drug Paraphernalia	10/23/2009	Probation	12/17/2010

How do I know if I was “convicted” of an offense and cannot have my criminal record expunged?

The disposition (outcome) of the offense on your record tells you if you were convicted or not. The tables below explain what the disposition codes or descriptions on your record mean and if you were convicted or not.

- If you see the disposition for your offense on Table 1 below, you were not convicted for that offense and it can be expunged.

- If you see the disposition for your offense on Table 2 below, you were convicted of that offense but you have an exception that allows you to apply for expungement.
- If you see the disposition for your offense listed on Table 3 below, you were convicted of that offense and it cannot be expunged.

Look at all of the entries in the “Outcome” column of your Case Worksheet. All cases that were not convictions are eligible for expungement (unless otherwise excluded, see page 3 of this booklet). Cases that resulted in convictions may be eligible for sealing (see page 4 of this booklet).

These dispositions/outcomes mean that you were NOT convicted and are eligible for expungement:

Code	Disposition	More Information
FNPC	Finding of No Probable Cause	The court dismissed the case because it decided that there was no probable cause (reason) to believe that you had committed the offense that you were accused of.
FNG	Found Not Guilty	The court decided you were not guilty of the offense you were charged with.
RWOC	Released without Charging	You were arrested but not charged with an offense or brought to court.
	<i>Nolle prosequi</i>	The state stopped prosecuting your case and the court dismissed the case.
	Non-suit	In an Ordinance Violation case, the local municipal attorney has the option to bring the case back up again. If they do not, the case is considered dismissed.
SOL	Stricken off with leave to reinstate	The State has the option to bring the case back up again. If they do not within 120 – 160 days, the case is considered dismissed.
	Court supervision, completed successfully	The court kept your case open for a set period of time, and because you followed all of the conditions during that time, the court dismissed the criminal charges against you.
	Successfully completed First Offender Drug Probation or Qualified Probation	This type of probation can also be called 410, 710, 1410, or TASC probation when the court determines the arrest was a result of alcohol or drug addiction, and must be reflected in the record. You can tell if you received this special type of probation by the court disposition.

Table 2: These dispositions/outcomes mean that you were convicted, but there is a special situation and are eligible for expungement:

Disposition/Sentence	More Information
Guilty/Conviction Reversed or Vacated	The court originally decided you were guilty of an offense, but then reviewed your case and decided you were not guilty, or the court cancelled the original finding of guilt.
Guilty/Conviction with a Pardon from the Governor	The court found you guilty of an offense, but the Governor granted you a pardon that allows the expungement of your criminal record.
Guilty/Conviction with a Certificate of Eligibility for Expungement from the Prisoner Review Board	You petitioned the Prisoner Review Board and were given eligibility to erase a conviction from your criminal record.

Table 3: These dispositions/outcomes mean that you were convicted (and may be eligible for sealing):

Disposition/Sentence	More Information
Time Considered Served	The court determined that you committed the offense. The time you spent in jail waiting for the court to hear your case was considered your sentence.
IDOC (Illinois Department of Corrections) or County Department of Corrections (jail)	The court determined you committed the offense. You were sentenced to time in jail or prison.
Conditional Discharge	The court determined you committed the offense. You were sentenced to meet certain conditions and if you did not you would be resentenced.
Probation (not Qualified Probation)	The court determined you committed the offense. You were sentenced to report to a Probation Officer.
Fine (without court supervision)	The court determined you committed the offense. You were sentenced to pay a fine.

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	REQUEST TO EXPUNGE & IMPOUND AND/OR SEAL CRIMINAL RECORDS	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name, birth date, race, and gender. List any other names you used when arrested on the cases listed on this form. If the Clerk gave you a new case number, enter it to the right. Enter the number for all eligible arrests and charges on your criminal record in this county. If an arrest did not result in formal charges, enter the arrest number.	Request of: _____ Your name <i>(First, middle, last name)</i> _____ Other names used in these cases _____ Date of birth Race Gender Case Number <i>(if the Clerk assigns a new number)</i>	_____ Case Number <i>(if the Clerk assigns a new number)</i>
Arrest or Case Numbers of all Eligible Criminal Offenses on your Record in this County:		
_____ _____ _____ _____		

IF YOU ARE ONLY REQUESTING TO SEAL CASES, DO NOT FILL OUT SECTIONS 2 - 11. GO TO SECTION 12.

See How to Expunge and/or Seal a Criminal Record to make sure all of your cases can be erased by expunging your record. For help filling out this table, see pages 12 – 15. Do not list any convictions in this section.

In 2, enter all eligible arrests or charges on your record. Enter all charges for each case number.

For **Outcome**, enter an outcome that matches the outcome of your case. Use the shortened version of the outcome from the Outcome Abbreviations box.

If you need more room, use the *Additional Arrests or Cases for Expungement* form and check the box.

1. I am requesting to expunge and impound records.
 Yes No *(If no, go to Section 12S)*
2. I ask the Court to **EXPUNGE AND IMPOUND** the following arrests or charges from the records of the Arresting Agency, the Circuit Clerk, and the Illinois State Police. I was arrested, or charged without being arrested, and not convicted on the dates and for the offenses listed below:

Arrest or Case Number	Arresting Agency	Charge <i>(list all charges for each case number)</i>	Date of Arrest	Outcome <i>(for example, RV, S or P)</i>

Outcome Abbreviations			
RV	Conviction Reversed or Vacated	P	Pardon from the Governor
CE	Certificate of Eligibility for Expungement from PRB	FI	Found Factually Innocent
RWC	Released Without Charge	DA	Dismissal or Acquittal
S	Supervision Successfully Completed	QP	Qualified Probation Successfully Completed

I have listed additional arrests or cases on the attached *Additional Arrests or Cases for Expungement* form.

In 3-11, check ALL boxes that apply.

In 3, you cannot expunge a criminal conviction unless one of the special situations listed under checkboxes a, b, c, or d describes your case.

In 7, your record must specifically state that you had Qualified Probation. It might also be called Second Chance, 410, 710, 1410, or TASC probation.

In 8, if you got supervision for any case, 5 years must have passed since the end of the sentence for:

- Domestic Battery;
- Criminal Sexual Abuse;
- Driving without Insurance;
- Driving with registration suspended for Non-Insurance;
- Display of False Insurance Card;
- Scrap Processors to Keep Records; OR
- 2 years must pass since the end of the sentence for all other supervisions (except those listed in 9, which can never be expunged).

IF YOU ARE ONLY REQUESTING TO EXPUNGE CASES, DO NOT FILL OUT SECTIONS 13 - 22.

See *How to Expunge and/or Seal a Criminal Record* to make sure your cases can be hidden by sealing your record. For help filling out this table see pages 12 – 15.

3. I was not convicted of any offenses I want to expunge, unless (*Check the box that applies*):
 - a. I was convicted, but the conviction was reversed or vacated; OR
 - b. I received a pardon from the Governor of the State of Illinois allowing expungement. (*Attach a copy of the pardon.*); OR
 - c. I received a Certificate of Eligibility for Expungement by the Prisoner Review Board. (*Attach a copy of the Certificate.*); OR
 - d. I was found factually innocent in the case I am asking to expunge.
4. For at least one case, I was arrested and released, and no charges were filed against me.
5. For at least one case, I was arrested for a minor traffic offense and released from custody without being charged.
6. For at least one case, I was charged, but was later acquitted, or released without being convicted.
7. For at least one case, I received a sentence of Qualified Probation; AND
 - a. At least 5 years have passed since my Qualified Probation ended successfully; AND
 - b. I have attached the results of a drug test that I passed within the last 30 days.
8. For at least one case, I received a sentence of supervision; AND
 - a. For certain offenses listed in the law, at least 5 years have passed since I completed my supervision successfully; OR
 - b. At least 2 years have passed since I completed my supervision successfully.
9. I am NOT seeking to expunge any arrests or charges that resulted in supervision for:
 - a. Driving Under the Influence; OR
 - b. Any sexual offense against a person under the age of 18; OR
 - c. Reckless Driving when I was 25 years of age or older.
10. For at least one case, I received a sentence of supervision for Reckless Driving; AND
 - a. I was under the age of 25 when the offense was committed; AND
 - b. I have no other convictions for DUI or Reckless Driving; AND
 - c. I have reached the age of 25.
11. I qualify to have my filing fees and State Police fees waived under the Cook County Fee Waiver Pilot Program:
 - a. I am filing this *Request* in Cook County prior to January 1, 2021; AND
 - b. I am only seeking to expunge or seal arrests that resulted in my release without being charged or in cases that resulted in my acquittal, dismissal of the case, or a reversed or vacated conviction.
12. I am requesting to seal records.

Yes No (*If no, skip Sections 13- 22*)

In **13**, enter all eligible arrests, charges, and convictions you want sealed. Enter all charges for each case number. For **Outcome**, enter an outcome that reflects the outcome of your case. Use the shortened version of the outcome from the Outcome Abbreviations box.

If you need more room to list additional eligible arrests or charges use the *Additional Arrests or Cases for Sealing* form and check the box.

14- 16 must be true for you to use this form.

For **14**, traffic offenses cannot be sealed unless they were an eligible Class A or B misdemeanor.

In **17 - 21**, check ALL boxes that apply.

In **17** and **18a -c**, some misdemeanor supervisions and convictions cannot be sealed, like DUI, some Reckless Driving Offenses, Domestic Battery, some Sexual Offenses, and Dog Fighting.

In **18b**, some Class 3 and Class 4 felony offenses can be sealed, like Theft, Possession of Cannabis, Possession of a Controlled Substance, and a few others.

For a complete list of crimes that can and cannot be sealed, see the *How to Expunge and/or Seal a Criminal Record*.

In **21**, check the box if you have completed one of the listed educational goals during your last sentence. If **21** applies to you, all eligible cases can be sealed immediately after the completion of your last sentence.

13. I ask the Court to **SEAL** the following arrests, charges, or convictions from the records of the Arresting Agency, the Circuit Clerk, and the Illinois State Police:

Arrest or Case Number	Arresting Agency	Charge <i>(list all charges for each case number)</i>	Date of Arrest	Outcome <i>(for example, MC, FC, or CE)</i>

Outcome Abbreviations			
MC	Misdemeanor Conviction	FC	Felony Conviction
CE	Certificate of Eligibility for Sealing from PRB	QP	Qualified Probation Successfully Completed

- I have listed additional arrests or cases on the attached *Additional Arrests or Cases for Sealing* form.
- 14.** I am not asking to seal arrests or charges for minor traffic offenses, unless I was released without being charged.
- 15.** I am not asking to seal arrests or charges for felony offenses, unless the felony was reduced to an eligible misdemeanor, or is otherwise eligible to be sealed.
- 16.** I am not asking to seal a felony conviction that happened after the sealing of a prior felony conviction.
- 17.** At least 2 years have passed since I successfully completed my supervision, for eligible offenses.
- 18.** At least 3 years have passed since the end of my last sentence (*Unless #20 applies*); AND (*Check all that apply*):
- a. I received a misdemeanor conviction for an offense subject to sealing;
 - b. I received a felony conviction for an offense subject to sealing. If it was a drug case, I have attached the results of a drug test that I passed within the last 30 days.
 - c. I successfully completed a sentence under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, or Section 5-6-3.3 (Second Chance Probation) of the Unified Code of Corrections; AND I have attached the results of a drug test that I passed within the last 30 days.
- 19.** I am not asking to seal a felony conviction for which I currently have to register on a public registry, including the Arsonist Registration Act, the Sex Offender Registration Act, or the Murder and Violent Offender Against Youth Registration Act.
- 20.** For at least one case, I received a Certificate of Eligibility for Sealing by the Prisoner Review Board. (*Attach a copy of the Certificate.*)
- 21.** I am eligible to seal all eligible cases upon completion of my LAST sentence because I received a high school diploma, associate's degree, career certificate, vocational or technical certification, or bachelor's degree, or passed the high school GED Test; AND
- a. I did so during the period of my LAST sentence, aftercare release, or mandatory

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	ORDER TO EXPUNGE & IMPOUND AND/OR SEAL CRIMINAL RECORDS	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name, birth date, race, and gender. List any other names you used when arrested on the cases listed on this form. If the Clerk gave you a new case number, enter it to the right. In 1 , enter the number for all cases listed under Number 2 on the <i>Request</i> form for the cases you want to have expunged. If you completed an <i>Additional Arrests or Cases for Expungement</i> form, fill out an additional <i>Order</i> and list those cases. In 2 , enter the number for all cases listed under Number 14 on the <i>Request</i> form for the cases you want to have sealed. If you completed an <i>Additional Arrests or Cases for Sealing</i> form, fill out an additional <i>Order</i> and list those cases.	Request of: _____ Your name (<i>First, middle, last name</i>) _____ Other names used in these cases _____ Date of birth Race Gender	_____ Case Number (<i>if the Clerk assigns a new number</i>):
1. Arrest or Case Numbers of all Eligible Criminal Offenses for Expungement in this County: _____ _____ _____ _____ <input type="checkbox"/> I have attached an additional <i>Order</i> form.		
2. Arrest or Case Numbers of all Eligible Criminal Offenses for Sealing in this County: _____ _____ _____ _____ <input type="checkbox"/> I have attached an additional <i>Order</i> form.		

DO NOT check this box. The judge will check the correct boxes.

The judge will cross out the case numbers that are denied and include them on the *Order Denying Request To Expunge & Impound and/or Seal Criminal Records*.

- IT IS ORDERED:**
- Your *Request* for expungement is **GRANTED** for the above cases and within 60 days of this *Order*:
- The Arresting Agencies must expunge these records as required by law.
 - The Clerk of the Circuit Court must impound these records as required by law.
 - The Illinois State Police must expunge or impound these records as required by law.
 - The Illinois State Police and the Arresting Agencies must request the return of all arrest or conviction records from any agencies that were previously notified of these records as required by law.
 - The Illinois State Police must expunge any pardoned conviction and other arrests by sealing these records as required by law.

(Continued on next page)

IT IS ORDERED:

DO NOT check this box. The judge will check the correct box.

Your *Request* for sealing is **GRANTED** for the above cases and within 60 days of receiving this *Order*:

- The Illinois State Police, the Arresting Agencies, and the Clerk of the Circuit Court must seal these records as required by law.
- The Illinois State Police and the Arresting Agencies must request the return of all arrest or conviction records from any agencies that were previously notified of these records as required by law.

DO NOT fill in these lines. The judge will sign and enter date here.

ENTERED:

Judge: _____ Date: _____

Enter the name and contact information of the person completing the *Order*.

Prepared by: _____
Street Address: _____ Phone Number: _____
City, State, ZIP: _____ Email Address: _____

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	ORDER DENYING REQUEST TO EXPUNGE & IMPOUND AND/OR SEAL CRIMINAL RECORDS	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name, birth date, race, and gender. List any other names you used when arrested on the cases listed on this form. If the Clerk gave you a new case number, enter it to the right.	Request of: _____ Your name <i>(First, middle, last name)</i> _____ Other names used in these cases _____ Date of birth Race Gender	_____ Case Number <i>(if the Clerk assigns a new number)</i>

DO NOT fill in these lines. The judge will fill out and check the correct boxes.

IT IS ORDERED:

- Your *Request* is **DENIED** for all cases sought to be expunged; **OR**
- Your *Request* is **DENIED** for the following cases: _____

The reason your *Request* is denied for these cases: *(check all that apply)*

- Your records are not legally eligible to be expunged.
- You failed to attach the required drug test.
- The court finds that the public's interest in retaining your criminal records is greater than your interest in expunging your records.
- Other: _____

DO NOT fill in these lines. The judge will fill out and check the correct boxes.

IT IS ORDERED:

- Your *Request* is **DENIED** for all cases sought to be sealed; **OR**
- Your *Request* is **DENIED** for the following cases: _____

The reason your *Request* is denied for these cases: *(check all that apply)*

- Your records are not legally eligible to be sealed.
- You failed to attach the required drug test.
- The court finds that the public's interest in retaining your criminal records is greater than your interest in sealing your records.
- Other: _____

DO NOT fill in these lines. The judge will sign and enter date here.

ENTERED:

Judge: _____ Date: _____

Enter the name and contact information of the person completing the *Order*.

Prepared by: _____
 Street Address: _____ Phone Number: _____
 City, State, ZIP: _____ Email Address: _____

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	ADDITIONAL ARRESTS OR CASES FOR EXPUNGEMENT	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name, birth date, race, and gender. List any other names you used when arrested on the cases listed on this form. If the Clerk gave you a new case number, enter it to the right.	Request of: _____ Your name (First, middle, last) _____ Other names used in these cases _____ Date of birth Race Gender	Case Number (if the Clerk assigns a new number)
Enter the number for each additional arrest, charge, and conviction you want expunged. If an arrest did not result in formal charges, enter arrest number.	Arrest or Case Numbers of Additional Criminal Offenses in your Record in this County: _____ _____ _____ _____	

See *How to Expunge and/or Seal a Criminal Record* to make sure all of your cases can be erased by expunging your record. For help filling out this table, see pages 12 – 15.

Enter the additional eligible arrests or charges on your record that you want expunged, but could not fit on the *Request*. Enter all charges for each case number.

For **Outcome**, enter an outcome that reflects the outcome of your case. Use the shortened version of the outcome from the Outcome Abbreviations box.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

After you finish this form, file it with your *Request*.

Arrest or Case Number	Arresting Agency	Charge <i>(list all charges for each case number)</i>	Date of Arrest	Outcome <i>(for example, RV, S or P)</i>
Outcome Abbreviations				
RV	Conviction Reversed or Vacated	P	Pardon from the Governor	
CE	Certificate of Eligibility for Expungement from PRB	FI	Found Factually Innocent	
RWC	Released Without Charge	DA	Dismissal or Acquittal	
S	Supervision Successfully Completed	QP	Qualified Probation Successfully Completed	

/s/ _____ Date _____
Your Signature *Date*

Prepared by: _____
 Street Address: _____
 City, State, ZIP: _____
 Phone Number: _____

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	ADDITIONAL NOTICE OF FILING FOR EXPUNGEMENT AND/OR SEALING	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name, birth date, race, and gender. List any other names you used when arrested on the cases listed on this form. If the Clerk gave you a new case number, enter it to the right. Enter the number for all eligible arrests and charges on your criminal record in this county. If an arrest did not result in formal charges, enter the arrest number.	Request of: _____ Your name <i>(First, middle, last name)</i> _____ Other names used in these cases _____ Date of birth Race Gender _____ Arrest or Case Numbers of all Eligible Criminal Offenses on your Record in this County: _____ _____ _____ _____	_____ Case Number <i>(if the Clerk assigns a new number)</i>

In **1**, enter the additional local police agencies that arrested you.

1. To: Additional Arresting Agencies that arrested you:

Name	Name
Street Address	Street Address
City State ZIP	City State ZIP

In **2**, enter the names and addresses of the additional Chief Legal Officers of the Units of Local Government that arrested you.

 The Chief Legal Officer is usually the lawyer for the city or town in which you were arrested.

2. To: Additional Chief Legal Officers of the Units of Local Government that arrested you:

Name	Name
Street Address	Street Address
City State ZIP	City State ZIP

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

/s/ _____ Date _____
 Your Signature

After you finish this form, file it with your Notice.

Prepared by: _____
 Street Address: _____
 City, State, ZIP: _____
 Phone Number: _____