

# YOUR ILLINOIS MISDEMEANOR CRIMINAL RECORD

*IS IT HERE TO STAY?*

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If you have been a defendant in a criminal matter in the state of Illinois, it may be possible to remove that matter from the public records. This can be done by way of expungement or sealing of records.

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# EXPUNGEMENT OF RECORDS:

- ▶ The destruction or returning to the petitioner (you) records of your arrest and to remove your name from official indexes and public records related to the case.
- ▶ Only available for criminal arrests or cases not resulting in a conviction.
  - ▶ May be undertaken immediately following an acquittal after trial, a pre-trial dismissal of the case, or if the arrest does not result in the filing of criminal charges.
  - ▶ If the matter resulted in a disposition of court supervision, then the waiting period to file an expungement is generally **TWO YEARS** after successful completion of the supervision.





# EXPUNGEMENT OF RECORDS *CONTINUED*

- ▶ A waiting period of 5 years is required for court supervision for the following offenses:
  - Driving while uninsured
  - Driving with suspended registration for non insurance
  - Display of fake insurance
  - Failure of scrap dealer to keep records



# EXPUNGEMENT OF RECORDS *CONTINUED*

- ▶ Expungement is not available following court supervision for the following offenses:
  - Driving under the influence
  - Dog fighting
  - Sexual offense against a minor
- ▶ Probation for the following offenses may be expunged after a 5 year waiting period:
  - Violation of the Cannabis Control Act (1<sup>st</sup> offense only)
  - Violation of the Illinois Controlled Substance Act (1<sup>st</sup> offense only)
  - Violation of the Illinois Alcoholism & Other Drug Dependency Act, if the conviction has been vacated



# SEALING OF RECORDS:

- ▶ For misdemeanors which resulted in a conviction.
- ▶ Records are maintained but are unavailable to the public without a court order.
- ▶ Your name is removed from official indexes and public records
- ▶ Law enforcement agencies and courts retain access to the records.





# ARE THESE REMEDIES MINE AS A MATTER OF RIGHT?

- ▶ No; both expungement and sealing of records are discretionary.
- ▶ Many factors are considered, including your criminal conduct prior to and following the offense which you are trying to expunge or seal.



# HOW DO I GET STARTED?

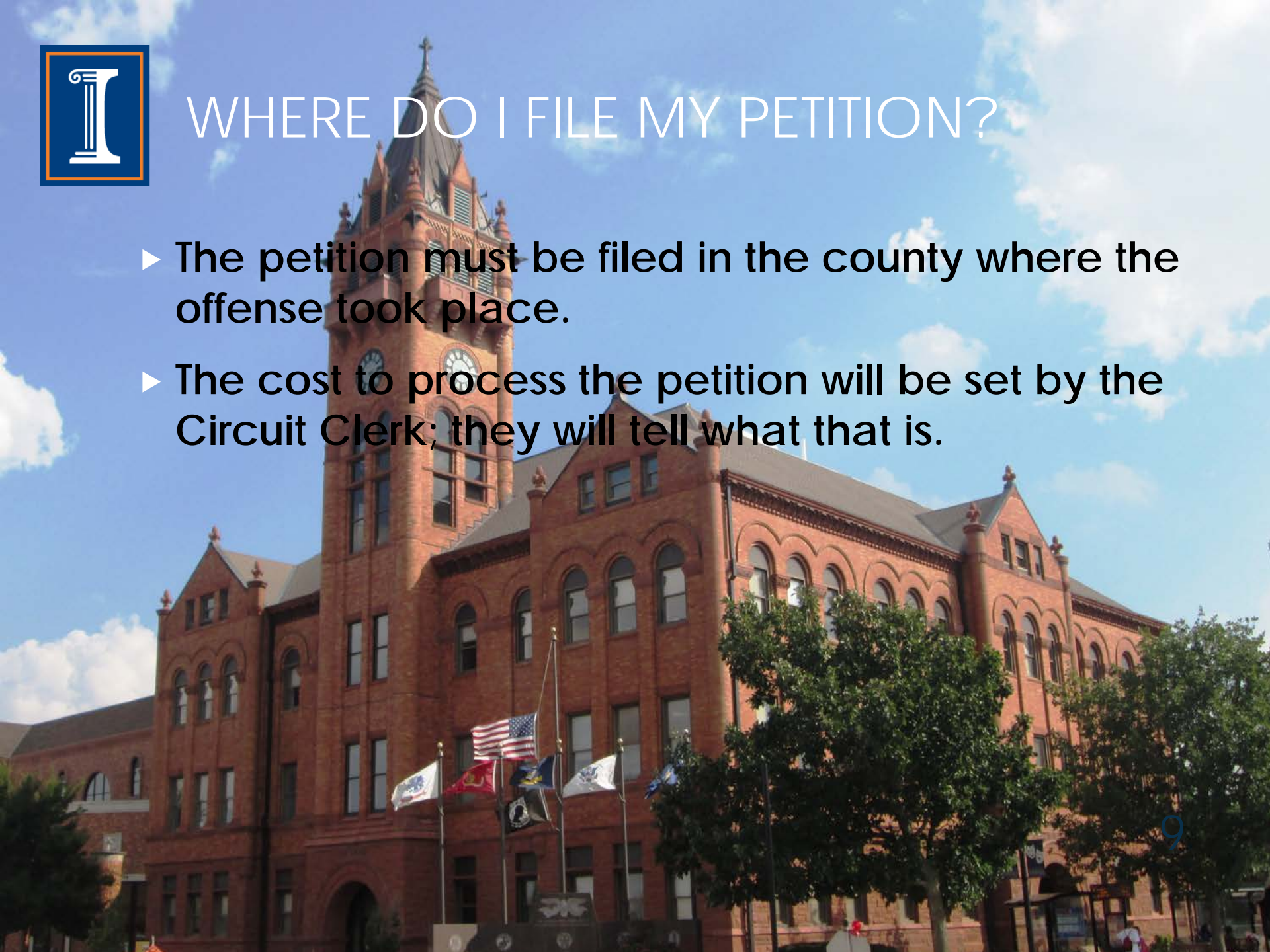
- ▶ In Champaign County, go to the Circuit Clerk's website, [www.cccircuitclerk.com](http://www.cccircuitclerk.com), click on the link for 'Forms' and download the Expungement section.
- ▶ It will include a set of instructions, as well as 5 separate packets.
- ▶ After reading the instructions, select the packet that best applies to you, and fill out the forms.





# WHERE DO I FILE MY PETITION?

- ▶ The petition must be filed in the county where the offense took place.
- ▶ The cost to process the petition will be set by the Circuit Clerk; they will tell what that is.





# WILL I NEED TO APPEAR IN COURT?

- ▶ If there are no objections to the petition, probably not.
- ▶ If any agency objects, a court appearance will be necessary.



# IF MY PETITION TO EXPUNGE/SEAL IS GRANTED, WILL IT BE AS IF NONE OF THIS EVER HAPPENED?

- ▶ Almost. Agencies such as the Federal Bureau of Investigation (FBI), other federal agencies, social media and other collections of information are not subject to order expunge or seal.
- ▶ With a few exceptions, Illinois employees are not permitted to ask about anything you may have had expunged or sealed.
- ▶ If you are seeking licenses as an attorney, for example, you will need to need disclose your entire background, including anything you have had expunged or sealed.





## CONTACT INFO:

- ▶ Champaign County Sheriff: 204 E. Main St., Urbana, 61801
- ▶ Champaign Police Department: 102 N. Neil St., Champaign, 61820
- ▶ Urbana Police Department: 400 S. Vine St., Urbana, 61801
- ▶ For the U of I Police Department:

Julia Harper  
Office of University Counsel  
258 Henry Administration Bldg.  
506 South Wright St.  
Urbana, IL 61801

- ▶ Champaign County States Attorney: 101 E. Main St., Urbana, 61801
- ▶ Urbana City Attorney: 400 S. Vine St., Urbana, 61801
- ▶ Champaign City Attorney: 102 N. Neil St., Champaign, 61820
- ▶ Federal Bureau of Investigation (FBI): [www.FBI.gov](http://www.FBI.gov)



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