

Expunging and Sealing Criminal Records in Illinois

Cases that CAN be expunged:

a. Cases in which you are acquitted or released without being convicted (including cases in which you have not been charged). Petitions to Expunge may be filed immediately upon acquittal or release without conviction.

b. Cases, other than those listed in section c. below, in which an Order of supervision was entered and two (2) years have passed since discharge and dismissal of supervision.

c. Cases in which an Order of supervision was entered and five (5) years have passed since termination of supervision for the following charges:

- 625 ILCS 5/3-707 - Uninsured Motor Vehicle
- 625 ILCS 5/3-708 - Suspended Registration for Non-Insurance
- 625 ILCS 5/3-710 - Display of False Insurance
- 625 ILCS 5/5-401.3 - Scrap Processor to Keep Records
- 625 ILCS 5/11-503 - Reckless Driving
- 720 ILCS 5/12-3.2 - Domestic Battery
- 720 ILCS 5/12-15 - Criminal Sexual Abuse
- 720 ILCS 5/12-4.3 - Aggravated battery of a Child
- 720 ILCS 5/16 A-3 - Offense Retail Theft

d. Cases in which an Order was entered terminating probation and at least five (5) years have passed since the order of termination was entered, under the following statutes

- 720 ILCS 550/10 - Cannabis Control Act (First Time Offender Only)
- 720 ILCS 570/410 - Control Substance Act (First Time Offender Only)
- 720 ILCS 570/312(j) - Steroid Control Act

- 20 ILCS 305/10-102 or 301/40-10 - Alcohol and Drug Dependency Act

e. Cases in which the Governor has issued a pardon that specifically states that your records should be expunged.

Cases that CANNOT be expunged:

Convictions, including:

- a. A guilty plea, guilty finding, or guilty verdict which results in a sentence other than probation under the Cannabis, Controlled Substances, Steroid Control, and Alcohol and Drug Dependency Acts (720 ILCS 550/10, 720 ILCS 570/410, 720 ILCS 570/312(j), and 20 ILCS 305/10-102 or 301/40-10),
- b. Probation (except under the Cannabis, Controlled Substances, Steroid Control, and Alcohol and Drug Dependency Acts);
- c. Cases where the defendant was granted supervision for or was convicted of a sexual offense committed against a minor under 18 years of age (20 ILCS 2630/5(g));
- d. Conditional Discharge; and
- e. D.U.I. Supervision (20 ILCS 2630/5).

Cases that CAN be Sealed:

- Adult or minor prosecuted as an adult for misdemeanors or municipal ordinance violations which result in an acquittal, release without conviction, conviction reversed, or a sentence of supervision for misdemeanor **AND** Defendant/Petitioner was not convicted of a felony or misdemeanor or placed on supervision for a misdemeanor for 3 years after the acquittal; or release or reversal of conviction, or completion of the terms and conditions of the supervision.
- Adult or minor prosecuted as an adult which results in a conviction for a misdemeanor **AND** Defendant/Petitioner was not convicted of a felony or misdemeanor or placed on supervision for a misdemeanor for 4 years after the completion of the sentence.

Cases that CANNOT be Sealed:

Pursuant to 20 ILCS 2630/5, the following case types and dispositions are not eligible for sealing of records:

- DUI, 625 ILCS 5/11-501
- Article 11, Criminal Code
- Criminal Sexual Abuse, 720 ILCS 5/12-15
- Violation of Order of Protection, 720 US 5/12-30
- Dog Fighting, 720 US 5/26-5
- Misdemeanor Crime of Violence under Section 2, Criminal Victims Compensation Act
- Class A Misdemeanor, Humane Care of Animals Act
- Sex Offender Registration Act Offenses

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