



# Expungement and Sealing

## Frequently Asked Questions about Expungements

### **What is expungement?**

- To “expunge” a record means that law enforcement agencies will physically destroy the records and remove the petitioner’s name from any official index or public record.
- The court clerk does not physically destroy the records, but impounds records relating to arrests and charges that a court orders expunged.
- Expunged records do not appear in background checks.

### **What offenses are ineligible for expungements?**

If a non-conviction sentence is completed satisfactorily, the case is eligible for expungement, EXCEPT for supervision for the following offenses:

1. Sex offenses involving a minor (e.g., sexual abuse of a minor)
2. DUI
3. Reckless driving, unless the Youthful Offender Exception applies

### **What is sealing?**

- To “seal” a record means to make the records unavailable to the public without a court order.
- Police agencies and prosecutors will continue to have access to records.
- Your name is also unavailable for the sealed record in the Clerk’s Office’s electronic docket system.
  - Employers required by law to do fingerprint background checks such as schools and hospitals, can still access sealed felony convictions.

### **What convictions ineligible for sealing?**

Effective August 27, 2017, the Illinois legislature expanded the sealing of criminal records of adults and of minors prosecuted as adults. All misdemeanor and felony convictions are eligible to be sealed EXCEPT these 4 situations:

1. Domestic Battery & Violations of Orders of Protection and Stalking No Contact Orders
2. Violations of the Humane Care for Animals Act
  - Class A misdemeanor and above
3. Most sex crimes
  - Except prostitution and misdemeanor public indecency
4. Driving Under the Influence, Reckless Driving
  - Except youthful offenders

### **What is a Certificate of Good Conduct and the Prisoner Review Board?**

#### **Circuit Court**

- A Certificate of Good Conduct is a court order that says someone has rehabilitated from past criminal conduct, relieving previously incarcerated people from barriers to employment or housing resulting from being convicted of a crime. Certificates of Good Conduct are not considered pardons.

#### **Prisoner Review Board (PRB)**

- Executive Clemency: The Governor of Illinois has the power under the Illinois Constitution to forgive a crime and grant a pardon. The PRB makes a recommendation as to whether a pardon should be granted, the Governor is not required under Illinois law to follow the PRB’s recommendation.
- Certificate of Eligibility of Sealing or Expungement: The PRB may also issue a certificate of eligibility for sealing or for expungement recommending that the court order the sealing or expungement of all official records.

## Frequently Asked Questions Continued

### ***Is there a waiting period?***

- Cases that result in acquittals & dismissals have no waiting period before you can petition to have those records expunged.
- Cases that result in supervision require 2 years from the successful completion of the sentence before the records can be expunged.
- Cases that result in qualified probations require 5 years from the successful completion of the sentence before the records can be expunged.
- Cases that result in convictions require 3 years from completion of most recent sentence of all your conviction cases before the records can be sealed. Convictions for offenses that require a person to be listed on a registry cannot be sealed until the registry requirement has been satisfied.

Even if a petition for expungement or sealing is filed, there can be a significant period of time before the petition is heard by the court. The State's Attorney's Office has 60 days from the filing of the petition to object to the petition.

### ***Is there a fee?***

- It costs \$151.50 to file a petition to expunge or seal records and/or charges in Cook County.
- However, this fee can be waived by the court if you file a fee waiver application and appear in court for a hearing on your fee waiver.
- Please keep in mind that you can list all of the qualifying cases on each petition for a municipal district within Cook County to expunge or seal.

### ***Can I get the filing fee waived?***

If you have no income, or a very low income, you may qualify for a fee waiver. To waive your fee, you must file a fee waiver form from our office where you are filing your petition. A judge who will determine whether or not to waive your fee. If you are filing your petition in multiple courthouses, you will have to file multiple petitions.

### ***Do I need to get a rap sheet (arrest record)? How do I get my rap sheet?***

You need to get your rap sheet and be finger printed if are filing your petition in Chicago. The rap sheet costs \$16.00 and can be obtained at Chicago Police Headquarters located at 3510 S. Michigan, Chicago (Mon-Fri 8:30am-noon). You will return about one week later to pick up your rap sheet.

### ***How long does the entire process take to expunge or seal my record?***

From the date you file your petition until your record is actually expunged or sealed usually takes about 4 to 6 months in the suburban districts.

### ***What happens after I file my Petition?***

- The State's Attorney Office (SAO) has 60 days to review your petition. During this review, they will determine whether they will file an objection OR non-objection to your petition for expungement/sealing. During this time you will NOT receive a court date.
- If the SAO files an objection you will receive a notice providing you a copy of the objection filed as well as a court date for you to appear for a hearing.
- If the SAO files a NON-objection, your case will be placed on the next available non-objection call for a hearing before the court. Your presence is NOT required for this hearing.
- Once a hearing is held you will receive a copy of your order that either grants or denies your expungement. A copy of this order will also be sent to the Illinois State Police and the arresting agency so that they may update their records.

Office of the Clerk of the Circuit Court of Cook County  
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