

Clarifications to Expungement of Juvenile Records

Sponsors: Senator Haine/Representative Turner

SB1030
As Amended

What this Bill Does:

- ✓ **Defines expungement** as to “physically destroy the records or return them to the petitioner and to obliterate the petitioner’s name from any official index or public record, or both.”
- ✓ **Mere Arrests Only** - this bill only applies automatic expungement for arrests of youth who are NEVER referred to court after 18 months.....so this bill would only apply if a youth is arrested, and then nothing further happens in the case, including the following requirements:
 - The minor has never been the subject of a delinquency petition or adult charge.
 - The arrest was not for a homicide, an offense involving a deadly weapon, a sex offense, or aggravated domestic battery.
 - There is no ongoing investigation relating to the minor’s arrest for an act that if committed by an adult would constitute a felony.
 - There has been no further arrest within that 18 month period.
- ✓ **Maintains the current process of expunging juvenile records by petition** for youth who are not eligible for automatic expungement.
- ✓ Removes permissive reporting by local policing bodies to State Police for juveniles arrested for misdemeanors. Because the reporting requirements are permissive, the reports of juvenile arrests are not made consistently and are not statistically valid for research purposes.

Benefits of Automatic Expungement:

Allows youth to have a fresh start: Juvenile records carry countless negative consequences on youth which may prevent them from:

- Pursuing a higher education;
- Securing employment;
- Joining the military; and/or
- Obtaining or maintaining public housing.

Removes some barriers to expungement: Currently in Illinois, the process of expungement must be initiated by a former juvenile offender. The petitioning process for expungement is complicated, lengthy, and cost-prohibitive. In 2005, youth petitioned to have their law enforcement records expunged less than 1% of the time the records were eligible for expungement.

Reduces the disproportionately negative impact on minority youth: People who cannot afford expungement fees and attorneys are less able to get records expunged. This negatively impacts people of color and inner-city residents.

Expungement in Other States:

Many states automatically expunge juvenile arrest records, including: Alaska, Florida, Maryland, Montana, Nevada, North Carolina, Oregon and Pennsylvania.

Organizations Supporting this Bill:

Ben Roe, Ogle County State’s Attorney
Developing Justice Coalition of Chicago
Juvenile Justice Initiative
PTA of Illinois
Community Behavioral Health Association
Illinois Collaboration on Youth
Chicago Area Project
John Howard Association
Violence Prevention Collaborative
Latino Juvenile Justice Network
Enlace Chicago
Youth Connection Charter School
North Lawndale Juvenile Justice Collaborative
Telpochcalli Community Education Project
Institute for Metropolitan Affairs, Roosevelt University
Central States SER-Jobs for Progress
Build, Inc.
Holy Corinthian M.B. Church
Youth Pride Services
UCAN
Agape Family Life Center
AFORCE Community Development
TASC, Inc.

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