

August 25, 2009

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Governor and General Assembly Improve Process to Help Juveniles Become Successful Adults with a Clean Slate

SPRINGFIELD, IL – Governor Pat Quinn has signed legislation improving the process for juveniles with arrests for misdemeanor offenses to clear their records and maintaining safeguards to ensure public safety.

A research project at Loyola School of Law in Chicago was the genesis of Senate Bill 1030, and it is a product of extensive discussions among law enforcement and juvenile advocates.

Effective January 1, 2010, SB 1030 provides for a hearing to be held when a juvenile with a first offense misdemeanor turns 18 or upon completion of the sentence, whichever comes later. If local prosecutors do not file objections, expungement will be automatic. The limited objections that could be considered by a judge include if the arrest was for a homicide, an offense involving a deadly weapon, a sex offense, or aggravated domestic battery; if the offense for which the minor was arrested is still under active investigation; or if the minor is a potential witness in an upcoming court proceeding.

SB1030 also prohibits the transfer of confidential juvenile arrest records from the Department of State Police to the Federal Bureau of Investigation to help further prevent the unnecessary release of confidential juvenile data.

“Juvenile arrest records are supposed to be confidential, but the reality is that they often are not and follow the young person far into adult years,” said Betsy Clarke, President of the Juvenile Justice Initiative. “An arrest that never leads to a conviction at age 15 can be a roadblock to employment when the same person is an adult raising a family and well on the road to rehabilitation. It is critical that we adhere to the confidentiality provisions in the Juvenile Court Act to offer youth the best opportunity possible to lead successful lives.”

“Young adults who committed a minor offense and who have completed their sentence deserve a chance at a clean record if we expect them to go to college or find a job,” said Clarke. “A record of a poor decision as a teenager can often haunt them for life. Once they complete their sentence and become an adult, we should give them the opportunity to compete without that baggage.”

Currently in Illinois, the process of expungement must be initiated by a former juvenile offender. The petitioning process for expungement is complicated, lengthy, and often requires the help of lawyers that most juveniles cannot afford. In 2005, youth petitioned to have their law enforcement records expunged less than 1% of the time the records were eligible for expungement. Although this legislation does not change the current process for juveniles to petition the court for an expungement, it should speed the process for those juveniles mostly likely to qualify through the petition process and allow them to clear their records without hiring a lawyer.

Legislative sponsors of this bill include: Senators Bill Haine (D-Alton), Jacqueline Collins (D-Chicago), Donne Trotter (D-Chicago), William Delgado (D-Chicago), and Mattie Hunter (D-Chicago), and Representatives Art Turner (D-Chicago), Esther Golar (D-Chicago), Dennis Reboletti (R-Addison), Annazette Collins (D-Chicago), Jay Hoffman (D-Collinsville), Jim Sacia (R-Freeport), Patricia Bellock (R-Westmont), Eddie Jackson Sr. (D-East St. Louis), Lisa Dugan (D-Kankakee), Careen Gordon (D-Coal City), Karen May (D-Highwood), Monique Davis (D-Chicago), and Charles Jefferson (D-Rockford).