

HOW TO VACATE & EXPUNGE ELIGIBLE CANNABIS CONVICTIONS

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OVERVIEW TO VACATING AND EXPUNGING ELIGIBLE CANNABIS CONVICTIONS

This page is an overview of the process. For more detail on the process, read the rest of the packet.

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at illinoislegalaid.org/lexicon/glossary. For more help and information, see newleafillinois.org.

What does it mean to vacate and expunge my cannabis conviction?

Some cannabis convictions are eligible to be vacated and expunged. To 'vacate' a cannabis conviction means to set aside the finding of guilt, as if it did not happen.

To 'expunge' means to erase the police and court records of the conviction.

Why should I vacate and expunge my convictions?

Vacating a conviction erases the legal effects of the conviction. This means:

- o If your conviction is vacated, you can legally state that you do not have a conviction for that cannabis case.
- o If your only felony conviction is for an eligible Class 4 felony cannabis conviction, and it is vacated, **you are no longer a convicted felon.**
- o If you were barred from having a Firearm Owners Identification (FOID) Card due only to a Class 4 felony cannabis conviction, and that conviction is vacated, you will then be eligible for a FOID Card.

What types of Convictions can be expunged using these forms?

These types of convictions for cannabis offenses can be expunged:

- o Convictions include a finding of guilt resulting in a disposition of:
 - **Probation** (other than Qualified Probation, successfully completed),
 - **Jail or prison time,**
 - **Conditional discharge,**
 - **Time considered served,**
 - **Fines** (with no other sentence), and
 - **Supervisions or qualified probations** that are not successfully completed.

NOTE: For definitions of the dispositions listed above, including the difference between **probation** and **qualified probation**, see page 14.

The following table is a guide for misdemeanor/Class 4 felony cannabis convictions that may be vacated and expunged using these forms. Convictions must have occurred **BEFORE June 25, 2019:**

CHARGE CONVICTED OF:	AMOUNT OF CANNABIS:
POSSESSION OF CANNABIS (all dates before 6/25/19)	500 grams or less
ATTEMPTED POSSESSION OF CANNABIS (between 8/15/97 and 6/24/19)	2000 grams or less
ATTEMPTED POSSESSION OF CANNABIS (prior to 8/15/97)	Any amount
MANUFACTURE / DELIVERY OF CANNABIS (between 9/24/83 and 6/24/19)	30 grams or less
ATTEMPTED MANUFACTURE / DELIVERY OF CANNABIS (between 9/24/83 and 6/24/19)	500 grams or less

What types of cannabis offenses DO NOT qualify?

The following types of arrests, charges, or convictions on your criminal record **CANNOT** be expunged using these forms:

- o Convictions for any Class 3 felony, Class 2 felony, Class 1 felony, or Class X felony Cannabis offenses.
- o A cannabis conviction not under section 4 or 5 of the Cannabis Control Act. For example, delivery on school grounds, cannabis trafficking, or possession of cannabis plants.
- o Arrests or charges not leading to conviction.
- o Court supervision or Qualified Probation that was successfully completed. These sentences are not convictions under Illinois law and qualify for expungement without a motion to vacate.
- o Cannabis conviction records that are from out of state and federal court: Check with the state where you were charged to see what options are available. If you were charged in federal court, check with the U.S. Department of Justice at: justice.gov/pardon.

What if I have cases that do not qualify to be vacated and expunged?

The vast majority of dismissed cases and cases where supervision or "qualified probation" was satisfactorily completed may still be expunged, and misdemeanors and felonies may be sealed using a different form.

- o If you have other charges or convictions that do not qualify, see *How to Expunge and/or Seal Criminal*

Records at <https://www.illinoiscourts.gov/documents-and-forms/approved-forms/> for more information.

What stops me from having my eligible cannabis conviction vacated and expunged?

- If you are still serving the sentence for the cannabis offense; OR
- If you have not completed all the conditions of the sentence; OR
- If you were also convicted of a non-cannabis offense in the same case
 - For example, if in one case, you were convicted of one count of misdemeanor cannabis possession, and one count of retail theft, the case is NOT eligible to be vacated and expunged.
- The judge may deny your request. See “How does the judge decide to approve or deny my *Motion to Vacate & Expunge Eligible Cannabis Convictions?*” in **Step 4** below.

What if I have been convicted of an eligible cannabis offense in more than one Illinois county?

You will have to file a separate motion in each county.

If I need help filling out my form, where can I go?

You may find more information, resources, and the location of your local legal self-help center at illinoislegalaid.org/get-legal-help/lshc-directory.

What costs will I need to pay to expunge my criminal record?

- Criminal Record Fees: If you are seeking to verify your records, there is a fee to get a copy of your RAP (Record of Arrests and Prosecutions) sheet from the Chicago Police Department. There is also a fee to get your Statewide Criminal History Transcript from the Illinois State Police.
- Circuit Clerk Filing Fee: To file your *Motion to Vacate & Expunge* form (unless waived). In certain places, a certified disposition fee may be required.
- If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost by filing the *Application for Waiver of Court Fees* which you can find at <https://www.illinoiscourts.gov/documents-and-forms/approved-forms/>.

How long will it take before I know if the court will grant my *Motion to Vacate & Expunge Eligible Cannabis Convictions?*

It may take a few months to get a decision because:

- The county State’s Attorney gets a chance to object to your *Motion to Vacate & Expunge Eligible Cannabis Convictions*. They have 60 days from the day they receive your *Motion* to file a written

objection. If they object, it means they do not want your record to be vacated or expunged.

- Courts are busy and it may take a while for a judge to review your *Motion*

How do I vacate and expunge my cannabis conviction?

To vacate and expunge an eligible cannabis conviction, you must file a *Motion to Vacate & Expunge Eligible Cannabis Convictions*. These instructions will guide you through the process.

STEP 1: RESEARCH YOUR CRIMINAL RECORDS

Why do I need to research my criminal records?

Criminal records list the offenses you were arrested for, the offenses you were charged with, and the outcome of the cases including any convictions you received. You need this information to find out if you qualify to file a *Motion to Vacate & Expunge Eligible Cannabis Convictions*.

What are the different types of criminal records?

- Court Disposition: The final judgment or outcome in a court case. There are no court dispositions for arrests or charges that did not lead to a court case.
- Chicago RAP Sheet (Record of Arrests and Prosecutions): List of all arrests, charges, and court case outcomes that happened in Chicago.
- Illinois State Police Statewide Criminal History Transcript: List of most arrests and convictions that happened in Illinois.

Where do I look for my criminal records?

- **Get information from the Illinois State Police.** You are allowed to access your entire criminal history from the Illinois State Police. Although not required, it is the best available source for your entire criminal record. Please note, there might be discrepancies or missing information. You can get a "Statewide Criminal History Transcript" in 1 of 3 ways:
 - **Directly from the Illinois State Police:** Illinois State Police, Bureau of Identification
260 North Chicago Street
Joliet, Illinois 60432
(815) 740-5160
<https://isp.illinois.gov/BureauOfIdentification/MyRecord>
 - **Every law enforcement agency** is allowed to provide you this information. [Check](#) with your local law enforcement agency to find out costs and times for fingerprinting.

- You can also go to any **licensed LiveScan vendor** to get your transcript. Find a LiveScan vendor at: idfpr.com/LicenseLookUp/fingerprintlist.asp
- **Get information from the Circuit Clerk.** Many court records are available online. Other counties, like Cook County, do not provide online access to criminal records. In this case, go to the Circuit Clerk's office in the county where your case was filed. Ask the Circuit Clerk for copies of your court dispositions or use the public computer at the courthouse to look them up and print them out. The Clerk may charge a fee for copies of your court dispositions. To save costs, you can look at dispositions on the clerk's computer and write down the information. Find your Circuit Clerk's website at: illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/.
- **Get information from the Chicago Police Department.** Order a RAP sheet from the Chicago Police Department if you were arrested in Chicago. There will be a fee to get your RAP sheet, and you will have to return around a week later to pick it up.
 - Go to the Chicago Police Department to get your Chicago RAP sheet:
Chicago Police Headquarters
3510 S. Michigan Ave., Chicago, IL 60653
(312) 745-5508
 - Ask for a copy of your Illinois State Police Statewide Criminal History Transcript. The Chicago Police will provide your state record at no extra cost.

STEP 2: REVIEW YOUR CRIMINAL RECORDS TO SEE IF YOU QUALIFY

What do I look for on my criminal record?

To figure out if the cannabis convictions on your criminal record qualify to be vacated and expunged, you need to look at each item in your criminal record and find the:

- Arrest dates and the police department which arrested you;
- Charge: The type of offense you were charged with in court and the "class" of offense;
- Disposition: The outcome of the case, for example, guilty/not guilty;
- Sentence: The punishment you received; and,
- Date you completed any sentence.

Once you find these on your criminal record, review the table on page 1 to see if your conviction qualifies to file a *Motion to Vacate & Expunge Eligible Cannabis Convictions*.

STEP 3: FILL OUT THE MOTION TO VACATE & EXPUNGE ELIGIBLE CANNABIS CONVICTIONS

What forms do I need to vacate & expunge my eligible cannabis convictions?

- *Motion to Vacate & Expunge Eligible Cannabis Convictions*: Gives the court the information needed to decide if you have eligible cannabis convictions. The email address (if you have one) and mailing address you put on the *Motion* is where important legal documents will be sent to you. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.
- *Notice of Motion to Vacate & Expunge Eligible Cannabis Convictions*: use this form to schedule the court date when you will see the judge. This form:
 - Lists the date, time, and place where you will see the judge;
 - Lists the name and address of the State's Attorney; AND
 - Lets the State's Attorney in the case know about the court date.
- *Order Granting or Denying Motion to Vacate & Expunge Eligible Cannabis Convictions*: Is used by the judge to say which cases from your *Motion to Vacate and Expunge* are approved.

Where can I find the forms I need?

You can find forms at <https://www.illinoiscourts.gov/documents-and-forms/approved-forms/>.

How do I fill out the *Motion to Vacate & Expunge Eligible Cannabis Conviction*?

The form has instructions in the column on the left side to help you. Also, listed below are line-by-line instructions with more information on how to fill out the *Motion to Vacate & Expunge Eligible Cannabis Convictions* form.

Page 1 Caption/Header: Enter all your case numbers in that county at the top of the form where it says "Case Numbers of all Eligible Cannabis Convictions on your Record in this County."

Section 1: Use this form if you have either misdemeanor or Class 4 felony convictions for cannabis offenses only.

- To find out if an offense is a Class 4 felony or misdemeanor, look at your RAP sheet or court

disposition for the "Type" of crime. There will be either an "F" for felony or "M" for misdemeanor.

Then, look for the "Class" of misdemeanor or felony. Misdemeanors can have a Class A, B or C. Felonies can have a Class X, 1, 2, 3 or 4. In most counties outside of Cook, felony offenses have a "CF" in the case number and misdemeanors have a "CM" in the number. [NOTE: You can also be convicted of a misdemeanor in a "CF" case.]

For the purposes of this form, cannabis convictions for any Class misdemeanor and Class 4 felony may be eligible to vacate. Examples of a conviction include: Fine Only, County Jail, Supervision Terminated *Unsatisfactory*, Conditional Discharge, 710, 1410, TASC or Second Chance Probation Terminated *Unsatisfactory* and Department of Corrections.

Example Misdemeanor Case:

Court Charges/Disposition			
Count	Statute Citation	Literal Description Type	Class
1	720 ILCS 550/4	Poss. Of Cannabis	M A
Disposition: 6 MOS. CONDITIONAL DISCHARGE		Disposition Date: 12/17/2010	
Case Number: 09CM117			

"M" stands for "Misdemeanor"

Check if your case is eligible. CM indicates misdemeanor.

Example Felony Case:

Court Charges/Disposition			
Count	Statute Citation	Literal Description	Type Class
1	720 ILCS 550/4D	Poss. Of Cann. 30-500g	F 4
Disposition: 24 MOS. PROBATION		Disposition Date: 11/2/2001	
Case Number: 01CF420			

"F" for "Felony," "M" for "Misdemeanor"

Class "X", "1", "2", "3", or "4"

Check if your case is eligible. CF indicates felony outside of Cook County.

Check this box if any of the cases listed at the top of Page 1 (called a Caption or Header) resulted in misdemeanor convictions for cannabis offenses only.

- For example, if in a case you received a conviction for a misdemeanor cannabis offense on Count 1, and you had a charge for theft that was dismissed on Count 2, check this box. However, if you pleaded

guilty and were given supervision or convicted on the theft charge in Count 2, you cannot use this form. Instead, see *How to Expunge and/or Seal Criminal Records* at illinoiscourts.gov/documents-and-forms/approved-forms.

Section 1b: Check this box if any of the cases listed at the top of Page 1 (Caption/Header) resulted in Class 4 convictions for cannabis offenses only.

- For example, if in a case you received a conviction for a Class 4 felony cannabis offense, and you had a charge of Driving on a Suspended License that was dismissed on Count 2, check this box. However, if you pleaded guilty and were given supervision or convicted on the Driving on Suspended License charge in Count 2, you cannot use this form. Instead, see *How to Expunge and/or Seal Criminal Records* at illinoiscourts.gov/documents-and-forms/approved-forms for more information.

Section 2: Did all your cannabis convictions happen before June 25, 2019? Check this box if all of the cannabis convictions you want to vacate happened before June 25, 2019.

- NOTE:** If any of your cannabis convictions happened on or after June 25, 2019, you cannot use this form for those convictions. See *How to Expunge and/or Seal Criminal Records* at illinoiscourts.gov/documents-and-forms/approved-forms for more information.

Section 3: Have you completed your sentence on EACH of the cases listed on the top of Page 1 (Caption/Header)?

- For example, if you are currently on probation or conditional discharge for a cannabis case, you cannot file a *Motion to Vacate & Expunge Eligible Cannabis Convictions* for this case until the sentence has been discharged or conditions have been otherwise completed.

Section 4: Check this box to ask the court to vacate and expunge the cases you will list in the table below. Starting from left-to-right:

- Case Number: Enter each case number listed on your court dispositions or RAP sheet.
- Arresting Agency: Enter the name of the police department that arrested you.
- Cannabis Conviction: Check the applicable box whether your cannabis conviction was a misdemeanor or Class 4 felony.
- Date of Arrest: Enter the date you were arrested as listed on your court disposition or RAP sheet.

If you have more than 18 misdemeanor or Class 4 felony cannabis convictions in one County:

- Mark the checkbox below the table that says "I have listed additional arrests or cases on the attached *Additional Cannabis Convictions* form."

Find Illinois Supreme Court approved forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

- Enter the extra cases on the *Additional Cannabis Convictions* form.” You can use more than one *Additional* form if needed.
 - ☑ **Section 5a:** Fill in the blank with your current age.
 - ☑ **Section 5b:** Fill in the blank with your age at the time of the most recent date of arrest listed in Section 3.
 - ☑ **Section 5c:** Fill in the blank with the years or months that have passed since your last conviction(s).
 - ☑ **Section 6:** Explain why it is important to have your cannabis conviction(s) vacated and expunged.
- If you have been denied employment, housing, educational or other opportunities due to your cannabis conviction(s), describe the opportunities denied to you in as much detail as possible.
- For example, if you were denied a job and you were told that it was due to your cannabis convictions, explain that in this section. Or, if your application for a Firearm Owner’s Identification Card was denied due to your cannabis convictions, explain that in this section.

If you have other reasons that you wish to vacate and expunge your cannabis convictions, list them in as much detail as possible.

- For example, if you are concerned about information regarding your cannabis convictions being available on the internet, explain that in this section.

Signature: Sign and date your *Motion*. Your signature means that everything you filled out on the form is true and correct to the best of your knowledge. Making a false statement on this form could be perjury.

Prepared By: Enter your name and contact information.

How do I fill out the *Notice of Motion to Vacate & Expunge Eligible Cannabis Convictions*?

- Enter your information on this form where instructed.
- Find the name and address for the county State’s Attorney by asking the Circuit Clerk.
- The Clerk must mail a copy of this form and your *Motion to Vacate & Expunge Eligible Cannabis Convictions* to the county State’s Attorney.

How do I fill out the *Order Granting or Denying Motion to Vacate & Expunge Eligible Cannabis Convictions*?

Enter your information on this form where instructed.

- Enter the case numbers for all eligible cannabis convictions in your criminal record. These should match the case numbers on the top of Page 1 (Caption/Header) of your *Motion to Vacate & Expunge Eligible Cannabis Convictions* form.

- If you have more than 18 eligible cannabis convictions, you will need to fill out additional orders
- You will not check any boxes on the *Order* form. The judge will check the correct boxes once a decision has been made about your *Motion*.
- You will get the *Order* back from the court telling you if the judge approved or denied your *Motion to Vacate & Expunge Eligible Cannabis Convictions*.

STEP 4: NEXT STEPS FOR MOTION TO VACATE & EXPUNGE ELIGIBLE CANNABIS CONVICTIONS

What do I do after I fill out the form?

Part A. File your form with the Circuit Clerk in the county where the eligible cannabis arrest, charge, and conviction occurred.

- In some counties, you may have to attach copies of your court dispositions. A “disposition” is a court record showing the outcome of the case.
- You may be able to file in person, by mail, or by e-filing (filing electronically). Check with your Circuit Clerk to see how to file in your county.
- There may be a fee to file your *Motion to Vacate & Expunge Eligible Cannabis Convictions*. The Circuit Clerk can let you know the amount of the fee. Ask the Circuit Clerk and ask how much it will cost to file your forms and the types of payment (cash, check, credit, online) they take.
- If you cannot afford to pay the filing fee, you can ask the court to pay for free or at a reduced cost by filing an *Application for Waiver of Court Fees* which you can find at: <https://www.illinoiscourts.gov/documents-and-forms/approved-forms/>.

How to File in Person

- Go to the courthouse in the county where you were arrested or charged with the offense.
- Give the Circuit Clerk your original form and the required number of copies to stamp.
- The Circuit Clerk will keep the original form and give back your copies.
- Pay the filing fee. If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost by filing an *Application for Waiver of Court Fees*.

How to File by Mail

- If you are asking to file for free or at a reduced cost, there may be local rules requiring you to file your *Application for Waiver of Court Fees* in person. Ask

the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.

- If you do not need to appear in person, mail your original form including your *Application for Waiver of Court Fees* and one copy to the Circuit Clerk to stamp.
- If you do not need to have your fees waived, mail your original form and the required number of copies along with the filing fee to the Circuit Clerk to stamp.
- Include a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy to you.

How to E-file

- In counties that accept e-filing for criminal matters, you may electronically file (e-file) (you can go to efile.illinoiscourts.gov/active-courts.htm to see if your court accepts criminal e-filings) you may e-file the *Motion to Vacate & Expunge Eligible Cannabis Convictions*.
- To e-file, create an account with an e-filing service provider.
 - Visit illinoiscourts.gov/service-providers.htm to select a service provider. Some service providers are free while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: illinoiscourts.gov/self-help/how-to-e-file/.
- If you do not have access to a computer or if you need help e-filing, take your forms to the Circuit Clerk's office where you can use a public computer terminal to e-file your forms.
 - You can bring your forms on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your forms.
- The Circuit Clerk will mail your *Motion* with the *Notice of Motion* to the county State's Attorney.
- Keep 1 copy of the form that was stamped by the Circuit Clerk for your own records.

Part B. Ask for a court date.

- You may need to go to court for a court date in front of a judge. Some counties schedule a court date right away, but others will only schedule a court date if the county State's Attorney objects to your *Motion*.
- If you need to schedule the court date, ask the Circuit Clerk how to do so. The Circuit Clerk may schedule the court date, or you may have to speak with other court staff.

Make sure you know how you are to attend your court date.

Your court date could be in person, by phone or by video. If it is by phone or video it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit illinoiscourts.gov/court/CircuitCourt/CircuitCourtJudges/CCC_County.asp.

- When you get your court date, the Circuit Clerk will send notice of the court date to the county State's Attorney.

How does the judge decide to approve or deny my *Motion to Vacate & Expunge Eligible Cannabis Convictions*?

Requests are not automatically approved just because you are eligible under the law. To decide, the court may:

- Review any objections from the county State's Attorney,
- Consider any response to the objections that you give in person at court or in writing;
- Determine if you are eligible under the law; AND
- Review other factors the judge is allowed to consider under the law, including:
 - The reasons why the State wants to keep your records from being vacated and expunged;
 - Your age now and at the time of the offense;
 - The period of time between the conviction and the filing of the *Motion*; AND
 - The specific negative results you may suffer if the *Motion* is denied. Be prepared to tell the judge about these.

Get ready for your court date.

- Think about and write down specific negative results you may suffer if your *Motion* is denied (examples include denial of job or housing).
- Make copies of any court records that show you have an eligible cannabis conviction, such as the court disposition or sentencing order. If your court date is by phone or video, contact the Circuit Clerk and ask how you can get a copy of these items to the judge. You might have to e-file them like your other documents.
- Gather and make copies of other documents you want the judge to see, like evidence of completion of a treatment program, letters of recommendation, proof of education, or diplomas, etc.

Attend your court date.

- You must attend the court date if one is scheduled. If you do not, the judge could enter an order or judgment against you.
 - If your court date is by phone or video:
 - Make sure to have the call-in or login information for your court date and make sure your technology is working.
 - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit

Find Illinois Supreme Court approved forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

Court or visit their websites for specific technology instructions.

- Follow these recommendations to appear by phone or video:
 - <https://www.illinoiscourts.gov/self-help/court-by-phone-or-video>
- Have these items with you on your court date:
 - Photo ID;
 - Copies of all the documents you filed with the Circuit Clerk;
 - Copy of your *Order*; and
 - Other papers or proof related to your *Motion*.
- Arrive for your court date at least 15 minutes early. If you are going in person to court, add more time for getting through security.
- If your hearing is in person, find the courtroom number listed on your court form. If your forms do not have a courtroom number, look for a list of cases at the courthouse or ask the Circuit Clerk.
- You may need to check in with the courtroom staff. Then, wait for your name and case number to be called.
- When your case is called, introduce yourself to the judge. If you are attending by phone or video, remember to unmute yourself.

How do I present my case to the judge?

- Tell the judge your side of the case and answer their questions. Be prepared to tell the judge about specific negative results you have suffered or may suffer if your *Motion* is denied.
- You will have a chance to respond to any objections to your *Motion*.
- The county State's Attorney will be at your court date and could ask you questions about your case.

How will I find out if my *Motion* is granted or denied?

The judge will either make a decision at the court date, inform you that the decision will be mailed to you, or give you a new court date to come back to learn the judge's decision.

What do I do with the *Order* granting or denying my *Motion* after I get it?

- If your *Motion* is granted, it is very important that you keep a copy of the *Order* that you receive from the Circuit Clerk in a safe place.
- You should also send a copy to the Illinois State Police and law enforcement agency that arrested you.
- Once your arrests or cases are expunged or sealed, the Circuit Clerk no longer has a court record for you

and it may be very difficult to get another copy of the *Order*.

If my *Motion* is granted, how long will I have to wait before my record is expunged?

- If the judge approves your *Motion*, you need to send a copy of the *Order* to the arresting police departments and Illinois State Police. Those agencies have 60 days from receipt of the *Order* to comply.

How will I know when my record has been expunged?

- The Illinois State Police will send you a letter stating that they have expunged your record. Until you receive this letter from the Illinois State Police, your records have not yet been expunged. The Illinois State Police will also send a copy of the *Order* to the Federal Bureau of Investigation (FBI). The FBI does not send verification that they have expunged your records; you may check that the FBI has expunged your records by getting an FBI background check at: [fbi.gov/services/cjis/identity-history-summary-checks](https://www.fbi.gov/services/cjis/identity-history-summary-checks).
- The Circuit Clerk will remove your name from the public record. You can search your name and/or case number(s) in that county to make sure it happened. If it did not happen, contact your Circuit Clerk, and be prepared to show them a copy of the order granting your expungement.

Can anyone find out about my cannabis conviction once it has been vacated and expunged?

An employer and members of the public cannot see expunged records or find out that you have had a record expunged. However, some federal agencies will be able to see your expunged records.

If my records are expunged, do I have to tell potential employers or landlords about it?

No, you do not have to tell employers or landlords about your vacated and expunged cannabis conviction.

- Your expunged records cannot be used against you. If they are, it may be a violation of the Illinois Human Rights Act, [775 ILCS 5/1-101-10/104](https://www.ilcs.com/775-ILCS-5-1-101-10-104)
- On job or rental applications you may answer "no" to the question, "have you ever been convicted" if your entire criminal record was expunged or sealed. **NOTE:** in Illinois, private employers may not ask on a job application if you have ever been arrested and charged with a crime.
- In Illinois, it is against the law for employers to ask if you have expunged or sealed any criminal records unless they are one of the agencies authorized by law to do so.

- If you filed a *Motion to Vacate & Expunge Eligible Cannabis Conviction* and the court has not yet decided your *Motion*, if asked, you still have to report your criminal record to a potential employer after an interview or conditional offer of employment.
- However, if you have other convictions on your criminal record in addition to the cannabis case, they still must be disclosed unless they are sealed or expunged.
- File a Petition for Executive Clemency: You can file a petition with the Prisoner Review Board requesting the Governor grant a pardon authorizing expungement. For more information, go to state.il.us/prb.

What can I do if my *Motion* is denied?

- Ask for Reconsideration: You can ask the judge to look at your *Motion* again.
 - File a Motion for Reconsideration with the Circuit Clerk within 60 days from the day you received a copy of the *Order* denying your *Motion*.
 - You may have to pay another filing fee unless you have a fee waiver. Send a copy of your Motion for Reconsideration and Notice of Motion forms to the county State's Attorney.
 - If you file a Motion for Reconsideration and it is denied, file a *Notice of Appeal* within 30 days from the day the *Order* was entered denying your Motion for Reconsideration.
- Appeal: You can ask the appellate court to review the judge's decision. You must file a Notice of Appeal within 30 days. You may find the *Notice of Appeal* at illinoiscourts.gov/documents-and-forms/approved-forms.
 - File a *Notice of Appeal* with the Circuit Clerk within 30 days from the day the *Order* was entered denying your *Motion*;
 - You will have to pay a filing fee to the appellate court unless you have a fee waiver from the appellate court. There is another fee for the Circuit Clerk to prepare the *Request for Preparation of Record on Appeal*. Give the Circuit Clerk a copy of your *Order for Waiver of Court Fees* (if you have one) and pay your portion of the fees. You can find more information about *Request for Preparation of Record on Appeal* at illinoiscourts.gov/documents-and-forms/approved-forms.
 - If you choose to appeal, the appellate court decision may become part of the public record, so even if you are ultimately successful in your expungement of your criminal records, the appellate case (including information on your expunged criminal record) will not be expunged.
- File to Seal: All cannabis conviction records are eligible for sealing in Illinois so long as the waiting period has passed. See *Instructions on How to Expunge and/or Seal Criminal Records*

Find Illinois Supreme Court approved forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

Appendix: Case Worksheet

Use this worksheet to get the information from your entire criminal record in one place.

- You can find all the information you need to fill in the worksheet on your court dispositions, RAP sheets, and information from the Illinois State Police Access and Review process. Below are some samples to help you locate the information you need.
- There are three tables on page 14 of this instruction booklet to help you determine if a sentence or disposition qualifies as a conviction for the purposes of expungement and sealing.

How do I complete the Case Worksheet?

Using the information on your court dispositions and any RAP sheets you have, fill in your Case Worksheet with this information for each case:

- **Case Number:** Enter the case number listed on your court disposition or RAP sheet.
- **Arresting Agency:** Enter the name of the police department that arrested you.
- **Charge:** Enter all offenses you were charged with for each case number, for example “possession of cannabis” and “possession of drug paraphernalia.”

- **Misdemeanor or Class of Felony:** Enter whether each charge was a misdemeanor or, the class of felony. For example, if the charge is a class B misdemeanor, enter as a "misdemeanor". If the charge is a class 3 felony, enter as a "class 3 felony".
- **Date of Arrest:** Enter the date you were arrested that is listed on your court disposition or RAP sheet
- **Outcome:** See Tables 1, 2, and 3 below for types of outcomes.
- **Conviction (Y/N):** The types of outcomes listed in Table 3 are convictions.
- **Completion of Sentence:** Enter the date your sentence ended.

What if I see an arrest on my criminal record but there is no charge, disposition or sentence listed?

Not all arrests lead to charges, so there may not be a charge, disposition, or sentence listed on your record. Since there was no conviction involved, this is not the proper form to use. See *Instructions on How to Expunge and/or Seal Criminal Records* at illinoiscourts.gov/documents-and-forms/approved-forms for more information on expunging such cases.

	Case Number	Arresting Agency	Charge	Misdemeanor or Class of Felony	Date of Arrest	Type of Sentence	Conviction (Y/N)	Completion of Sentence (Date)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								

Find Illinois Supreme Court approved forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

Do not file this worksheet with the court. It is only for helping you fill out the motion form.

Sample Cook County Court Disposition:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

VS NUMBER 051219789
01

JOHN DOE

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify

The State's Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

Charging the above named defendant with:

720-550/4-C M A POSSESSION OF CANNABIS

The following disposition(s) was/were rendered before the Honorable Judge(s):

11/05/2005 BOND SET BY RULE OF COURT	11/17/2005 3154
Smith, Gerald T.	
11/17/2005 BOND FORFEITURE	B001
Smith, Gerald T.	
12/13/2005 PLEA OF GUILTY	C001
Smith, Gerald T.	
12/13/2005 FINDING OF GUILTY	C001
Smith, Gerald T.	
12/13/2005 COOK COUNTY DEPARTMENT OF CORRECTIONS- 1 DAY	C001
Smith, Gerald T.	
12/13/2005 TIME CONSIDERED SERVED	C001
Smith, Gerald T.	

Sample Chicago Police RAP Sheet:

CHICAGO POLICE DEPARTMENT
3510 S. Michigan Avenue/Chicago, IL 60653
Identification Section

Criminal History Report

DOE, JOHN
IR # 978380 MALE
SID # WHITE
FBI # 5'10"
IDOC # EYES: BRO
Current Arrest Information: HAIR: BLK

Date of Birth: 2-OCT-1974
Age: 39 years

Place of Birth: CHICAGO, IL
SSN:
Driver's License #: Q4838171920282782
Driver's Lic. State: ILLINOIS
Scars, Marks & Tattoos:

Criminal Justice Summary: Total arrests: 1 (1 Misdemeanor) Total Convictions: 1

ARREST

Arrest Name: DOE, JOHN Date: 11/4/2005 Holding Facility: NORRIDGE
Date of Birth: 2-OCT-1974 Arrest Address: 145 W. State St., Chicago, IL
DCN or CB: 05456347 Residence: 230 E. Green St., Chicago, IL
Officer: JONES Officer Badge #: 53 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description
[1]	A	M	720 ILCS 550/4c	Possession of Cannabis

COURT CHARGES/ DISPOSITION

Statute	Charge	Class	Case#
720 ILCS 550/4c	Possession of Cannabis	M	05121978901

Disposition: SENTENCED/JAIL *Disposition Date:* 13-DEC-2005
Sentence: JAIL 0 YEARS 0 *Sentence Date:* 13-DEC-2005
MONTHS 1 DAYS

Sample Case Worksheet:

Case Number	Arresting Agency	Charge	Misdemeanor or Class of Felony	Date of Arrest	Type of Sentence	Conviction (Y/N)	Completion of Sentence (Date)
05121978901	Chicago	Possession of Cannabis	Misdemeanor	11/4/05	CJ	Y	12/13/05

In the example above, the defendant, John Doe, was charged with a misdemeanor cannabis offense and was sentenced to County Jail. His sentence was completed. He is eligible to use this form to vacate and expunge this conviction.

Find Illinois Supreme Court approved forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

Sample County Court Judgment Order (Not Cook County):

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT
FORD COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
vs) No. 09- CF-117
Jane Doe)
Defendant)

JUDGMENT AND SENTENCE
OF PROBATION/COURT SUPERVISION/CONDITIONAL
DISCHARGE

The case coming on for sentencing, Defendant (having pled guilty of)
-the offense(s) of:

Unlawful Possession of Cannabis 30 to 500 grams
Class 4 Felony

and a Presentence Report having been waived and hearing
in aggravation and mitigation waived; The Court finds there is a
factual basis for a finding of guilty. The Court further
finds that imprisonment in the Illinois Department of Corrections is not
necessary for the protection of the public, and the following sentence
does not deprecate the seriousness of the Defendant's conduct and is
consistent with the ends of justice.

ACCORDINGLY IT IS THE ORDER OF THIS COURT, that the
Defendant is placed on probation
for a period of 12 (months) subject
to the following conditions:

THE DEFENDANT SHALL:

GS (X) 1. not violate any criminal statute of any jurisdiction;
...
GS (X) 8. pay a fine of \$ 750 ; court costs of . . .
and Probation fees in the amount of
\$ 25 per month;
...
This case is continued to 12/17/10 except for review or
remission hearings.

ENTER: 12/17 , 20 09 Gerald T. Smith
JUDGE

TERMINATION DATE: 12/17 , 20 10

Sample Illinois State Police RAP Sheet:

ILLINOIS STATE POLICE

Bureau of Identification
260 North Chicago Street

Joliet, IL 60432-4075

Criminal History Of: Doe, Jane State Identification #: IL 9876543
(Last Known Name)

Conviction Status: FELONY CONVICTION
Custodial Status:

Alias Name(s) DOE, JANE	Date of Birth 01/13/1981
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SUBJECT IDENTIFICATION DATA

Sex: FEMALE
Race: WHITE
Height: 5'4" **Date Reported:** 10/23/2009 **FBI#:**
Weight: 105 **Date Reported:** 10/23/2009 **Chicago IR#:**
Eyes: BLUE
Hair: BLACK
Skin: MEDIUM

Scars/Marks/Tattoos TAT L LEG	Place of Birth ILLINOIS	Driver's License # K1234567899	DL State IL
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CRIMINAL HISTORY DATA

Arrest

DCN: P129393 **Date of Arrest:** 10/23/2009
Name: DOE, JANE **Date of Birth:** 01/13/1981
Residence: 123 N. Main St. Melvin, IL

Arresting Agency: FORD COUNTY SHERIFF'S OFFICE
Agency Case Number: 1234567 **Officer Badge Number:** 008

Arrest Charges

Count	Statute Citation	Literal Description	Class
1	720 ILCS 550/4	Poss. Of Cannabis	4

State's Attorney Section

Filing Decision: FILED **Decision Date:** 10/23/2009

Count	Statute Citation	Literal Description	Class
1	720 ILCS 550/4	Poss. Of Cannabis	4

Agency Name: FORD COUNTY STATE'S ATTORNEY

Court Charges/Disposition

Count	Statute Citation	Literal Description	Class
1	720 ILCS 550/4	Poss. Of Cannabis	4

Disposition: PROBATION **Disposition Date:** 12/17/2010
Case Number: 09CF117 **Agency Name:** FORD COUNTY
CIRCUIT CLERK

Sample Case Worksheet:

Case Number	Arresting Agency	Charge	Misdemeanor or Class of Felony	Date of Arrest	Type of Sentence	Conviction (Y/N)	Completion of Sentence (Date)
09-CF-117	Ford County Sheriff	Possession of Cannabis	Felony- Class 4	10/23/2009	PR	Y	12/17/2010

In the example above, the defendant, Jane Doe, was charged with a Class 4 felony cannabis offense and was sentenced to probation. Her sentence was completed. She is eligible to use this form to vacate and expunge this conviction.

How do I know if I was “convicted” of an eligible Cannabis offense and can use this form?

The disposition (outcome) of the offense on your record tells you if you were convicted or not. The tables below explain what the disposition codes or descriptions on your record mean and if you were convicted or not.

- o If you see the disposition for your offense on Table 1 on page 14 then you were not convicted for that offense. Offenses without convictions may be expunged, but require a different form. See *Instructions on How to Expunge and/or Seal Criminal Records* at illinoiscourts.gov/documents-and-forms/approved-forms for more information on expunging such cases.
If you are uncertain of the type or class of your conviction, contact the Circuit Clerk of the county where you were convicted.
- o If you see the disposition for your offense on Table 2 on page 14, then you were convicted of that offense but you have an exception that allows you to apply for expungement on a different form. See *Instructions on How to Expunge and/or Seal Criminal Records* at illinoiscourts.gov/documents-and-forms/approved-forms for more information on expunging such cases
- o If you see the disposition for your offense listed on Table 3 on page 14, you were convicted of that offense. If you were convicted of a misdemeanor or Class 4 felony cannabis offense, it can be vacated and expunged **using this form only**.

If I was arrested and charged with a Felony Class X, 1, 2, 3 Cannabis offense that ended in a conviction, can I vacate and expunge?

- The only way you would be eligible to vacate and expunge the case is if the court amended and reduced your Cannabis charge to a Class 4 felony or misdemeanor conviction.
- o On your RAP Sheet, disposition or other court documents, if you see “charge amended,” “charge reduced” or “amended to misdemeanor,” your cannabis conviction may be able to be vacated and expunged. If you are uncertain of the type or class of your conviction, the Circuit Clerk of the county where you were convicted.
 - o See example of an amended/reduced disposition directly below.

Court Charges/Disposition				
Count	Statute Citation	Literal Description	Type	Class
1	720 ILCS 550/5D	Del. Of Cann. 30-500g F		3
Disposition: CHARGE AMENDED			Disposition Date: 11/2/2001	
Count	Statute Citation	Literal Description	Type	Class
1	720 ILCS 550/4D	Poss. Of Cann. 30-500g F		4
Disposition 24 MOS. PROBATION			Disposition Date: 11/2/2001	

CASE OUTCOME DEFINITIONS

Look at all of the entries in the “Outcome” column of your Case Worksheet. Outcomes in Tables 1 and 2 are not convictions and are not eligible for a *Motion to Vacate & Expunge Cannabis Convictions*. Outcomes in Table 3 MAY be eligible for a *Motion to Vacate & Expunge Cannabis Convictions*, depending on the type of offense.

Table 1: These dispositions/outcomes mean that you were NOT convicted and are eligible for expungement. These dispositions are NOT eligible for a *Motion to Vacate & Expunge Cannabis Convictions*. Instead, see *Expungement and Sealing Instructions* at illinoiscourts.gov/documents-and-forms/approved-forms.

Code	Disposition	More Information
FNPC	Finding of No Probable Cause	The court dismissed the case because it decided that there was no probable cause (reason) to believe that you had committed the offense that you were accused of.
FNG	Found Not Guilty	The court decided you were not guilty of the offense you were charged with.
RWOC	Released without Charging	You were arrested but not charged with an offense or brought to court.
	<i>Nolle prosequi</i>	The state stopped prosecuting your case and the court dismissed the case.
	Non-suit	In an Ordinance Violation case, the local municipal attorney has the option to bring the case back up again. If they do not, the case is considered dismissed.
SOL	Stricken off with leave to reinstate	The State has the option to bring the case back up again. If they do not within 120 – 160 days, the case is considered dismissed.
	Court supervision, completed successfully	The court kept your case open for a set period of time, and because you followed all of the conditions during that time, the court dismissed the criminal charges against you.
	Qualified Probation or Successfully completed First Offender Drug Probation	This type of probation can also be called 410, 710, 1410, or TASC probation when the court determines the arrest was a result of alcohol or drug addiction, and must be reflected in the record. You can tell if you received this special type of probation by the court disposition.

Table 2: These dispositions/outcomes mean that you were convicted, but there is a special situation and are eligible for expungement. However, these dispositions are NOT eligible for A *Motion to Vacate & Expunge Cannabis Convictions*. Instead, see *Expungement and Sealing Instructions* at illinoiscourts.gov/documents-and-forms/approved-forms.

Disposition/Sentence	More Information
Guilty/Conviction Reversed or Vacated	The court originally decided you were guilty of an offense, but then reviewed your case and decided you were not guilty, or the court cancelled the original finding.
Guilty/Conviction with a Pardon from the Governor	The court found you guilty of an offense, but the Governor granted you a pardon that allows the expungement of your criminal record.
Guilty/Conviction with a Certificate of Eligibility for Expungement from the Prisoner Review Board	You petitioned the Prisoner Review Board and were given eligibility to erase a conviction from your criminal record.

Table 3: These dispositions/outcomes mean that you were convicted and *may* be eligible for expungement through a *Motion to Vacate and Expunge Cannabis Convictions*. If it is not an eligible cannabis conviction, instead see *Expungement and Sealing Instructions* at illinoiscourts.gov/documents-and-forms/approved-forms.

Disposition/Sentence	More Information
Time Considered Served	The court determined that you committed the offense. The time you spent in jail waiting for the court to hear your case was considered your sentence.
IDOC (Illinois Department of Corrections) or County Department of Corrections (jail)	The court determined you committed the offense. You were sentenced to time in jail or prison.
Conditional Discharge	The court determined you committed the offense. You were sentenced to meet certain conditions and if you did not you would be resentenced.
Probation (not Qualified Probation)	The court determined you committed the offense. You were sentenced to report to a Probation Officer.
Fine (without court supervision)	The court determined you committed the offense. You were sentenced to pay a fine.