

## What Can Be Expunged Or Sealed?

**Any arrests or convictions are public record unless expunged or sealed**

**“Expunge” means to erase or destroy criminal records relating to an arrest or court case**

Arrests and criminal cases are eligible for expungement if they result in no conviction.

**“Seal” means to hide records from public view accessible only to law enforcement and those with legal authorization**

Any employer required by law to conduct fingerprint background checks can access sealed felony records (such as school districts, healthcare workers, park districts, public transit and law enforcement).

### **Cannot Be Sealed or Expunged (convictions and supervisions only)**

1. DUI/Reckless Driving (Reckless driving under 25 years old at time of conviction is eligible)
2. Dog Fighting / Animal Cruelty
3. Domestic Battery / Violations of Orders of Protection / Stalking No Contact Order
4. Sex Crimes (Prostitution and misdemeanor public indecency are eligible)

### **Judges Still Have Discretion**

Here are some of the factors a judge will consider, even if you technically qualify to have your record expunged or sealed:

The strength of the evidence supporting the conviction.

Reasons why the State wants to keep your record public.

Your age, criminal record, and employment history.

The period of time between your most recent case or arrest and the date of the hearing.

Specific negative results you may suffer if your petition is denied.

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### Cannabis convictions

Certain types of cannabis convictions can be vacated (dismissed) and expunged. Eligible convictions must meet all the following criteria:

1. Convictions must have occurred before June 25, 2019
2. Must be a misdemeanor or class 4 felony
3. Must be one of the following offenses:
  - a. Possession of Cannabis
  - b. Attempted possession of Cannabis
  - c. Manufacture/Delivery of Cannabis
  - d. Attempted Manufacture/Delivery of Cannabis

### Do I have any other options?

Expungement and Sealing may not be the right answer for everyone, and not everyone qualifies to have their record expunged or sealed. Here are some other options:

**Healthcare Worker Waiver** - allows people with certain “disqualifying convictions” to work in the healthcare industry regardless of expungement or sealing (such as nurses, CNAs, janitorial staff, and medical billing and coding)

### Certificates of Good Conduct and Relief from Disabilities

A Certificate of Good Conduct may help with certain legal barriers to employment in state law, such as the Illinois School and Park District Codes, Metropolitan Transit Act

A Certificate of Relief from Disabilities may help for occupational licenses required for some jobs, such as cosmetologists, barbers, athletic trainers, real estate and insurance.

**Executive Clemency** - the Governor of Illinois may grant a pardon or commutation that can may restore certain rights (pardon) or shorten a person’s sentence if incarcerated (commutation)