

EXPUNGEMENTS

by Judge Miller 8.2023

OFFENSE	EXPUNGE	SEAL
Most Misdemeanors	2 years past successful Court Supervision	2 years past successful Court Supervision
Misdemeanors and Felonies	Acquittals & Dismissals Any time - No waiting period for Not Guilty Findings and Dismissals	3 years past last successful sentence completion for convictions.
Domestic Battery	5 years past successful Court Supervision (now no supervision)	Cannot Seal
Viol Order of Prot. Civil & Stalking	OK	Cannot Seal
DUI	Cannot Expunge	Cannot Seal
Reckless Driving if 25 or older at time of offense	Cannot Expunge	Cannot Seal
Reckless Driving if under 25 at time of offense AND no prior DUI or reckless driving convictions	OK	OK
Qualified Probation	5 years past successful Probation dismissal	3 years past last successful sentence completion
Minor Traffic Offenses	Cannot Expunge	Cannot Seal
No Insurance	5 years past successful Court Supervision	OK
Registration Suspended for No Insurance	5 years past successful Court Supervision	OK
False Insurance Card	5 years past successful Court Supervision	OK

OFFENSE	EXPUNGE	SEAL
Animal Cruelty	(No Supervision)	Cannot Seal
Dog Fighting	(No Supervision)	Cannot Seal
Any Misdemeanor under 725 ILCS 5/11 (Sex Offenses)	Cannot Expunge	Cannot Seal
Sexual Offenses against minors under 18	Cannot Expunge	Cannot Seal
Any offense requiring Sex Offender Registration	Cannot Expunge	Cannot Seal
Criminal Sexual Abuse	5 years past successful Court Supervision (now no supervision)	Cannot Seal
Public Indecency - FELONY ONLY	(No Supervision)	Cannot Seal
Soliciting Prostitute	OK	Cannot Seal

FELONY DRUG OFFENSE - SEALING & EXPUNGING QUALIFIED PROBATION

Drug test. The petitioner must attach to the petition proof that the petitioner has taken within 30 days before the filing of the petition a test showing the absence within his or her body of all illegal substances (cannabis is allowed) as defined by the Illinois Controlled Substances Act and the Methamphetamine Control and Community Protection Act if he or she is petitioning to seal a felony drug related conviction or expunge qualified probation. (20 ILCS 2630/5.2)

DEFINITIONS

“Criminal offense” means a petty offense, business offense, misdemeanor, felony, or municipal ordinance violation (as defined in subsection (a)(1)(H)). As used in this Section, a minor traffic offense (as defined in subsection (a)(1)(G)) shall not be considered a criminal offense. 20 Ill. Comp. Stat. Ann. 2630/5.2

(H)“Municipal ordinance violation” means an offense defined by a municipal or local ordinance that is criminal in nature and with which the petitioner was charged or for which the petitioner was arrested and released without charging. 20 Ill. Comp. Stat. Ann. 2630/5.2

“Minor traffic offense” means a petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance. 20 Ill. Comp. Stat. Ann. 2630/5.2

Operating a vehicle without insurance is a petty offense. 625 ILCS 5/3-707
Third Offense is a business offense.

If Bodily Harm caused and no insurance - Class A Misdemeanor.

Speeding 725 5/11-601.5

Over 26 but less than 35 = Class B Misdemeanor

35 or more over limit = Class A Misdemeanor

A speeding ticket is a petty offense. The maximum fine for a petty offense is \$1,000.

Speeding in a Construction Zone

Petty Offense Minimum Fine - \$250

Second Offense Minimum Fine = \$750

Over 26 but less than 35 = Class B Misdemeanor

35 or more over limit = Class A Misdemeanor

A person may not have subsequent felony conviction records sealed if he is convicted of any felony offense after the date of the sealing of prior felony convictions. The court may, upon conviction for a subsequent felony offense, order the unsealing of prior felony conviction records previously ordered sealed by the court.

EDUCATION EXCEPTION

All eligible cases can be sealed immediately after the completion of the last sentence if Petitioner received a high school diploma, associate's degree, career certificate, vocational or technical certification, or bachelor's degree, or passed the high school GED Test during the period of the LAST sentence, aftercare release, or mandatory supervised release. Petitioner must not have completed the same educational goal before, and must have attached proof of the program completed to the petition.