

## EXPUNGING AND SEALING IF DEFENDANT OWES MONEY

The statute ONLY refers to “sealing,” when it directs that outstanding financial obligations are NOT an impediment. The next paragraph in the statute “(D)” clearly includes both “a petition to expunge or seal.”

Therefore, it may be interpreted that if a defendant still owes fines/costs/assessments, that a request to expunge may be denied. However, sealing of the file is still an option.

### 20 ILCS 2630/5.2

C) Notwithstanding any other provision of law, the court shall not deny a petition for sealing under this Section because the petitioner has not satisfied an outstanding legal financial obligation established, imposed, or originated by a court, law enforcement agency, or a municipal, State, county, or other unit of local government, including, but not limited to, any cost, assessment, fine, or fee. An outstanding legal financial obligation does not include any court ordered restitution to a victim under Section 5-5-6 of the Unified Code of Corrections, unless the restitution has been converted to a civil judgment.

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### 20 ILCS 2630/5.2

(D) Notwithstanding any other provision of law, the court shall not deny a petition to expunge or seal under this Section because the petitioner has submitted a drug test taken within 30 days before the filing of the petition to expunge or seal that indicates a positive test for the presence of cannabis within the petitioner's body. In this subparagraph (D), “cannabis” has the meaning ascribed to it in Section 3 of the Cannabis Control Act.