



- (7) 720 ILCS 5/16A-3 - Retail Theft;  
and it has been FIVE years since the successful discharge and dismissal from supervision; or
5. The Defendant/Petitioner was released without conviction following a sentence of supervision for an offense which is not set forth above, and it has been TWO years since the successful discharge and dismissal from supervision, or
  6. The Defendant/Petitioner was released without conviction following a sentence of probation under:
    - a. 720 ILCS 550/10 - Section 10 of the Cannabis Control Act, or
    - b. 720 ILCS 570/410 - Section 410 of the Illinois Controlled Substances Act, or
    - c. 720 ILCS 5/12-4.3 (if charged before January 1, 1996) - Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (Aggravated Battery of a Child, as those provision existed before their deletion by Public Act 89-313), or
    - d. 20 ILCS 301/40-10 - Section 40-10 of the Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, or
    - e. 20 ILCS 301/10-102 - Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act (as those provisions existed before their deletion by Public Act 88-80) when the judgment of conviction has been vacated, or
    - f. Section 10 of the Steroid Control Act (repealed); or
    - g. 720 ILCS 646/70 - Section 70 of the Methamphetamine Control and Community Protection Act;  
and it has been FIVE years since the successful termination of probation.
  7. In the case sought to be expunged, the Defendant/Petitioner was not granted court supervision for (1) driving under the influence; (2) reckless driving; or (3) any sexual offense committed against a minor under 18 years of age as a result of this arrest.
  8. The Defendant/Petitioner has paid all costs and fees for the filing of this Petition, or has been granted a fee waiver by the Court.
  9. The Circuit Clerk has served notice on the Arresting Authority, the Department of the State Police, the State's Attorney and the Chief Legal Officer of the unit of local government affecting the arrest and
    - a. neither of said agencies has filed an objection to the Petition to Expunge within 60 days from the date of service;  
or
    - b. following the filing of an objection, this Court, having heard evidence in the matter, finds that the records should be expunged.

**IT IS THEREFORE ORDERED** as follows:

That the Petition to Expunge the Defendant/Petitioner's arrest record is **GRANTED**, and that the official records be **EXPUNGED** as follows:

1. All records relating to arrest or charges, or both, shall be physically destroyed or return to the petitioner, and the petitioner's name must be obliterated from any official index or public record, or both. Nothing in this Act shall require the physical destruction of the circuit court file, but such records relating to arrests or charges, or both, ordered expunged, shall be impounded. Said records shall be expunged by the arresting agency, the Department, and any other agency as ordered by the court, within 60 days of the date of service of this order, unless a motion to vacate, modify, or reconsider the order is filed. In response to an inquiry for expunged records, the Circuit Clerk

of the Court, the Department, or the agency receiving such inquiry, shall reply as it does in response to inquiries when no records ever existed.

2. The records of the Circuit Court Clerk shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order.
3. Nothing in this Order shall prevent the Department of State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act.
4. The Clerk of the Circuit Court shall provide copies of this order to the petitioner, to the Department of State Police (in the form and manner prescribed), to the State's Attorney or prosecutor charged with the duty of prosecuting the offense, to the arresting agency, to the chief legal officer of the unit of local government effecting the arrest, and to such other criminal justice agencies as may be ordered by the court.
5. Further, the Department may charge the petitioner a fee equivalent to the cost of processing any order before expunging the records. Notwithstanding any provision of the Clerks of Courts Act to the contrary, the Circuit Court Clerk may also charge a fee equivalent to the cost associated with the expungement of the records.
6. This order becomes a final and appealable order 30 days after service of the order on the petitioner and all parties entitled to notice of the petition.

IT IS SO ORDERED.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

ENTER:

\_\_\_\_\_  
Judge

**Prepared by:**

Name: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

ADRC: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_