



Who is Eligible for Criminal Records Relief in Illinois?

If you have been arrested or convicted of a violation under the Illinois criminal code, a city or municipal ordinance, or the vehicle code (serious violations), you have a criminal history.

Due to the routine use of criminal background checks in employment, being able to remove your criminal history from public records is a valuable tool for those who do not want to be judged by their past mistakes.

Several remedies enable you to eliminate your criminal history record. Whether you qualify to use any of them will depend on several factors:

- 1) Whether you have an arrest history and/or a conviction history
- 2) Whether you have been convicted of a non-violent or violent offense
- 3) Whether you have been convicted of a misdemeanor and/or felony offense
- 4) Whether you have been convicted of a serious traffic offense (DUI)

Record Removal Remedies

Expungement (adult record)

You can expunge your criminal history if you've been arrested but never convicted of a crime. When an arrest record is expunged it is as if it never happened. If you've pled guilty but received supervision (with some exceptions), a special form of probation (710-1410, TASC), community service, or theft school, you have not been convicted of a crime. You need to

complete your supervision or special probation "satisfactorily" to avoid being given a conviction.

Expungement (juvenile record)

You can expunge your juvenile history (arrests, station adjustments, delinquency findings) in most cases when you turn 18 or 21 (depending on the seriousness of the charges against you), provided that you have not been convicted of a criminal offense as an adult.

Unlike an adult record, in Illinois a juvenile record is considered sealed as a matter of law. In other words, you don't need to file a petition to seal your juvenile record. This information is never made available to the public.

Sealing (adult record)

Currently, you can seal your criminal history if you've been convicted of one of the following:

- ✓ Non-violent misdemeanor offense (e.g., retail theft, disorderly conduct)
- ✓ Prostitution (class 4 felony)
- ✓ Possession of cannabis or a controlled substance (class 4 felony)

The effect of sealing a record is that it is no longer available to the public. In other words, the record will not be found if a criminal background check is done using public records.

You have a conviction record if you were sentenced to probation, conditional discharge, ordered to pay a fine (*with no other conditions*), failed to complete your supervision or special probation satisfactorily, prison, "time served" (remained in custody due to inability to post bond), judgment on bond forfeiture (due to your failure to appear in court).

Starting January 1, 2014, you will be able to petition to seal these class 3 and 4 felonies: theft, retail theft, deceptive practices, forgery, possession of a controlled substance with intent

to deliver or manufacture (class 3), and possession of burglary tools (class 4).

Certificate of Eligibility for Sealing (adult record)

If you have been convicted of certain non-violent class 3 and 4 felonies that are not included among the offenses eligible for sealing, you may apply for a Certificate of Eligibility for Sealing from the Prisoner Review Board (PRB). If granted, the certificate enables you to file for sealing. You can only obtain one certificate during your lifetime for one case. The PRB is expected to start accepting applications for the certificate in the fall of 2013.

Executive Clemency (adult record)

Executive clemency (pardon) is the only way to remove a violent misdemeanor (e.g., battery, assault, domestic violence) or non-sealable felony conviction record from public access. If the Governor grants you a pardon “with permission to expunge” you may then file a petition to expunge the record, which is similar to sealing your record.

Waiver Remedies

For those who do not qualify to expunge or seal their record there are other remedies available which help waive the adverse consequences of having a conviction record. These remedies do not remove your history from public access or relieve you from the duty to disclose it.

Certificate of Good Conduct (adult record)

A Certificate of Good Conduct (CGC) is an objective finding made by a judge that you are rehabilitated. Individuals who have a history of non-sealable misdemeanor or felony offenses can apply for a CGC. You do not qualify for a CGC if you have been convicted of a violent

felony or a Class X felony offense (includes aggravated DUI).

If you want a job in a field that, by law, would prohibit an employer from hiring you based on your criminal history (e.g., school districts cannot hire someone with certain drug convictions), obtaining a CGC can waive this statutory bar. It is still within the employer’s discretion whether to hire you but if it does, it will not be violating state law.

Certificate of Relief from Disabilities (adult record)

This certificate is helpful if you have been convicted of a felony or crimes involving dishonesty, drugs, or violence and want to apply for a professional or occupational license from the Illinois Department of Financial and Professional Regulation. Twenty-seven licensing statutes are covered by this certificate.

Health Care Worker Waiver (adult record)

If you have been convicted of certain offenses and want a job in a health care facility that places you in contact with patients (not limited to direct patient care), you must obtain a Health Care Worker Waiver from the Illinois Department of Public Health. Without this waiver, an employer cannot hire you. Offenses subject to the waiver include: assault/battery, forgery, burglary, domestic violence.

If you have a criminal history, you owe it to yourself to find out whether you can expunge or seal your record, or use one of the other remedies. If you want to find out what you can do about your criminal history, contact **A Bridge Forward LLC** at 312-994-4381 or visit our website at www.abridgeforward.com.

Don't let your criminal history cast a cloud over your plans for the future.