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Criminal Record Review

Remedies in Illinois

If you have been arrested or convicted of a crime under the Illinois Criminal Code, a city or municipal ordinance, or the vehicle code (serious violations), you have a searchable criminal record – meaning a potential employer, romantic partner, or landlord can see it.

Because this information is readily available, no one should fail to take advantage of the state law remedies enacted in Illinois to help people avoid being judged solely based on their criminal background.

1. What remedy to use depends on several factors:
2. Whether you have an arrest or conviction record;
3. What crime(s) you've been convicted of; and

To what extent one's criminal history has negatively affected him/her professionally or personally.

Record Removal Remedies

Expungement (adult record)

You can expunge an arrest record. When an arrest record is expunged it's as if it never happened. This includes cases where one pleads guilty to a crime but is sentenced to court supervision or a special form of probation (e.g., first offender, 710-1410, TASC). A supervision/special probation sentence must be completed "satisfactorily" to qualify for expungement.

Expungement (juvenile record)

Over the last several years the expungement rules for juvenile records (arrests, station adjustments, delinquency findings) have expanded.

Today, when someone can expunge a juvenile record depends on the outcome of the case and the type of charges.

Some juvenile records are immediately expungeable, while other have a waiting period. When a juvenile record is immediately expungeable a court has no role in deciding whether the record should be expunged. Other juvenile records can only be expunged at the court's discretion.



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In Illinois, unexpunged juvenile records are sealed as a matter of law. Unlike some states, juvenile records are not available to the public except under extremely limited circumstances in Illinois.

Sealing (adult record)

- With the passage of House Bill 2373 in 2017 most crimes can now be sealed. Instead of listing what offenses can be sealed, we list what offenses can't be sealed. They include:
- Any domestic-related crime of violence
- Any DUI offense
- Offenses requiring current registration as a sex offender
- Offenses requiring current registration under the Violent Offender Against Youth Registration Act
- Offenses involving cruelty to animals

When a criminal record is sealed the information is no longer seen by the public. In other words, if a public records background check is performed (by a potential employer, landlord or licensing agency), the record won't be found.

You have a conviction record if you are sentenced to probation, conditional discharge, ordered to pay a fine (with no other conditions), failed to satisfactorily complete a sentence of supervision or special probation, prison, "time served", or an ex parte or default judgment (occurs when someone fails to show up for their criminal or traffic court date).

Executive Clemency (adult record)

Executive clemency (pardon) is the remedy of last resort.

People petition for clemency when their conviction is not eligible to seal, want to reinstate their gun (FOID card) rights, eliminate a statutory barrier to employment or professional licensing, or ask the U.S. government to reconsider a deportation order (due to a conviction for something other than a felony drug offense).

In the event the Governor grants clemency "with permission to expunge," a judge must grant the petition to expunge.



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Waiver Remedies

For those who do not qualify to expunge or seal their record there are other remedies available that help overcome some of the negative consequences of having a criminal record. These remedies **do not** remove the information from public access.

Certificate of Good Conduct (adult record)

A Certificate of Good Conduct (CGC) is issued by a judge after a hearing is held to assess whether the individual has been rehabilitated for a non-sealable offense (or one where the court refused to seal the conviction/arrest), or where the conviction, even if sealed, still statutorily bars that person from working in a certain industry.

For example, if you want to work for a school district but have a felony drug conviction, you could seek a CGC and ask a judge to waive the statutory bar prohibiting a K-12 school district from hiring someone who has a felony drug conviction on their record.

Certificate of Relief from Disabilities (adult record)

Like the CGC, this certificate helps someone who has been convicted of a crime (not sealed) and wants to apply for one of 27 designated occupational licenses from the Illinois Department of Financial and Professional Regulation. The certificate serves as objective proof of rehabilitation.

Health Care Worker Waiver (adult record)

If you have been convicted of certain criminal offenses and want to work in health care, you first need to obtain a Health Care Worker Waiver from the Illinois Department of Public Health. Without this waiver, an employer is barred from hiring you.

**Want to learn how to go
about eliminating your criminal history?**

Contact A Bridge Forward
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Don't let your criminal history cast a cloud over your dreams.