

Having a Criminal Record May Affect Your Chances in Life

Having a criminal record—an arrest, misdemeanor or felony charge, or conviction—can have serious consequences for your life. It may affect your chances of getting a job, getting into schools, finding a place to live, or receiving financial aid.

Illinois has laws that give people with criminal records a second chance. These laws may allow you to clear part or all of your criminal record, either altogether or from public view, and may help you move beyond your past and move forward with your life. While the laws are complicated, and not everyone is eligible to take advantage of them, it is worth checking to see if you are.

DISCLAIMER: *The information provided herein is not and should not be considered legal advice. It is intended to be accurate and current, however we cannot guarantee it is, given that laws, rules, and relevant information changes regularly. Individuals should consult a licensed attorney for information related to their legal circumstances.*

What Can I Do About My Criminal Record?

There are several ways to clear a criminal record in Illinois. Keep in mind that laws may change, so check with an attorney and/or the sources listed in this brochure about new opportunities or requirements for clearing your record.

Vacating a Judgment Under the TASC Program

The law on TASC probation permits the judge, in some cases, to “vacate”—to cancel or erase—the judgment of conviction that was entered into the record when you agreed to participate in the program, and to dismiss the charge against you. This does not clear your arrest record related to this offense (see expungement section).

IMPORTANT: Vacation of judgment under the TASC program does not happen automatically. **Your lawyer has to ask the judge to do this within 60 days of successful discharge from probation.** Because of this short timeline, talk to your lawyer right away about this possibility.

Expungement and Sealing

Expungement means that your arrest, supervision, or certain qualified probation records are physically destroyed or returned to you, and that your name is removed from any official file or public record. Only certain offenses are eligible for expungement, and a previous conviction affects eligibility. Some records that are not eligible for expungement may still be eligible for sealing.

Sealing means that your records are physically and electronically maintained but unavailable to the public without a court order, and that your name is removed from any official file or public record that would come up in a private background check. Law enforcement agencies and courts still have access to the records, as well as other organizations or people allowed by law. However, overall, sealed records are not available for consideration by other public or private organizations.

Other Options

If you are not eligible for expungement or sealing, there may be other ways to clear your record or remove barriers to employment, including **executive clemency** (a pardon from the Governor), and **certificates of good conduct, certificates of relief from disabilities, or waivers**, which help remove statutory barriers to certain jobs and professional licenses. See the Office of the State Appellate Defender’s website (listed at the end of this document) for more information.

What Should I Expect?

The processes for many of these options are **complicated**, and are **usually different for adults and juveniles**. For expungement and sealing, often there is a long waiting period after your case ends before you can request that your records be expunged or sealed, and the exact length depends on your offense. One of the most challenging parts often is knowing exactly what is on your criminal record.

There are **government agencies and legal aid organizations that may be able to provide information or assistance at low cost or for free**. See the end of this document for more information.

Do I Need a Lawyer?

You are **not required to have a lawyer** in order to ask that your case be expunged or sealed, or to pursue most other options to clear your record, but it can be helpful. A lawyer can help you determine if you are eligible to expunge or seal your record, or to help you navigate other options, and provide information about what steps to take.

Drug Testing

Expungement and sealing may require recent drug testing. TASCLabs is one place where you can take a drug test (a \$25 fee is charged). Find your local TASC office at www.tasc.org, and contact them for specimen collection sites and hours, and for information about what you need to bring with you and how to get your results.

Illinois Code References

Vacating a judgment after TASC probation — 20 ILCS 301/40-10(e)
Expungement and sealing of adult records — 20 ILCS 2630/5.2
Expungement of juvenile records — 705 ILCS 405/5-915

For More Information

Administrative Office of the Illinois Courts

Statewide expungement and sealing info and forms
www.illinoiscourts.gov/forms/approved/expungement/expungement.asp

Office of the State Appellate Defender

Expungement, sealing, certificates, and waivers info
Phone: (866) 787-1776
Email: Expungement@osad.state.il.us
www.illinois.gov/osad/Expungement

Illinois Prisoner Review Board

Executive clemency and expungement information
www.illinois.gov/prb/Pages/prbexclelex.aspx

Illinois Attorney General

Referrals for legal assistance throughout Illinois
www.illinoisattorneygeneral.gov/about/probono.html

Illinois Legal Aid

Legal assistance information
www.illinoislegalaid.org

Cabrini Green Legal Aid

Legal assistance information throughout Illinois
Help desks in Cook County
www.cglanet.net | (312) 738-2452

CARPLS

Legal assistance information in Cook County
www.carpls.org
(312) 738-9200 | info@carpls.org

Legal Aid Chicago

Expungement, sealing, certificates, waivers in Cook Co., some services available throughout Illinois
www.legalaidchicago.org
(312) 229-6071 | criminalrecords@legalaidchicago.org

Prairie State Legal Services

Legal assistance info in northern and central Illinois
Expungement services vary by location
www.pslegal.org | (800) 531-7057

Juvenile Expungement Help Desk (Cook County)

Legal assistance information
(312) 229-6049