

EXPUNGING and SEALING YOUR RECORD

WHAT IS EXPUNGEMENT?

Expungement is a way of limiting access to your criminal record. Expungement means the record is destroyed. Expungement is only available in very limited situations.

WHAT IS SEALING?

Sealing is a way of limiting access to your criminal record. Sealing means the record is kept confidential and can only be accessed for limited purposes related to law enforcement and sentencing. Sealed criminal records cannot be released to the general public, however, some future employers may still access them as a criminal background check is part of employment, for instance schools and day care centers.

CAN ALL CRIMINAL RECORDS BE EXPUNGED OR SEALED?

NO!!! Under Illinois law there are limited circumstances where records can be expunged or sealed. You CANNOT obtain expungement for any crime for which you are actually convicted. **CONVICTIONS CAN NEVER BE EXPUNGED.** Furthermore, if you have a single conviction on your record it can keep you from expunging other non conviction records.

You can usually expunge your record if you successfully completed the diversion program, supervision or your charge was dismissed.

RECORDS that can NEVER BE EXPUNGED:

Even if you successfully complete supervision for the following convictions, the record can never be expunged:

- ◆ DUI
- ◆ Dog fighting
- ◆ Any sex offense against a minor
- ◆ Reckless Driving

DO YOU NEED A LAWYER?

You do not have to have a lawyer to seal or expunge your record, but you may decide to hire one to help with the process.

RESOURCES ON EXPUNGEMENT AND SEALING RECORDS:

Illinois Attorney General's Office website at: <http://www.illinois.gov/osad/Expungement/Pages/default.aspx>.

This website has forms to use when filing the Expungement or Sealing a record.

Illinois Legal Aid website at: www.illinoislegalaid.org.

This website has a decision tree to help you determine if you qualify for either expungement or sealing your record. To use this decision tree you will need your court record and your Illinois State Police RAP sheet.

WHAT BENEFITS ARE THERE TO EXPUNGING MY RECORD:

- ◆ The single biggest benefit for a sealed or expunged record is the that it is no longer a public record.
- ◆ **Job Applications**
 - Most job applications include one of the following questions:
Have you ever been convicted of a criminal offense? Have you ever been arrested?
This always creates an awkward situation for someone with a criminal record. You can answer truthfully and risk not getting the job. Or if you successfully expunge your record, you will be able to truthfully answer NO to either question(s).
- ◆ **Personal Loans & Financial Obligations**

Some loan agencies think that a criminal convictions is an indication that someone is less likely to meet their financial obligations.
- ◆ **Peace of Mind**

When you clear your record you have a clean slate. Even if you have taken your punishment for your offense, it's sometimes hard to feel like it's completely behind you while your criminal record is still out there.

DOES EXPUNGEMENT REALLY “MAKE IT LIKE IT NEVER HAPPENED?”

When your record is expunged, the court will impound the physical file and delete it from their computers so that it no longer exists. The court will also order that any interested police departments must destroy all records pertaining to that case. Your eligibility to expunge will depend on the details relating to your case.



***SOMETIMES YOU CAN PETITION TO EXPUNGE IMMEDIATELY
AND SOMETIMES YOU MUST WAIT TWO YEARS FROM THE DATE OF SUCCESSFUL COMPLETION OF
YOUR SUPERVISION OR DIVERSION.***



**EXPUNGEMENT IS NOT AUTOMATIC AND IT IS NOT FREE.
YOU MUST PAY A FILING FEE AND FILE A PETITION TO
START THE PROCESS.**



The information contained herein is not intended as a substitute for legal advice. Students who are confronted with legal problems or who need specific advice are encouraged to seek assistance from a licensed attorney.

**Eastern Illinois University
Student Legal Service
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