

Transformative Justice Law Project of Illinois

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Criminal Record Expungement and Sealing Basics in Cook County, IL

Expunging or sealing your criminal record can be a complicated process so you should talk to an attorney before you file a petition. You can talk to a lawyer in Room 1006 of the Daley Center from 9am-12noon Monday-Friday, located at 55 W. Randolph in the Loop. You can also call or email Owen Daniel-McCarter, project attorney for TJLP ask him for legal assistance or a referral. His email is owen@tjlp.org and his number is 773-272-1822.

How do you start the process?

Before you can start the expungement or sealing process, you must get a copy of your RAP Sheet from the Chicago Police if you have been arrested by the Chicago Police Department.

- Go to 3510 South Michigan Avenue, 1st Floor, 312-745-5570
- Fingerprints are taken Monday-Friday 8am-12noon
- Pick Up results the next day, Monday-Friday 2pm-3:30pm
- Fee: \$16 (no fee waiver)

Who can expunge their criminal record?

A person can only expunge their record if they have *never been convicted of a crime*. Even ONE conviction makes an entire record ineligible for expungement.

Convictions cannot be expunged. Convictions include: probation, conditional discharge, time considered served, prison or jail time, fines (municipal ordinance violations). Things that are not convictions include: Dismissals and Acquittals, Release Without Charging, Supervision, 710-1410 Probation. NOTE: there are waiting periods to expunge supervision, 2 or 5 years depending on what you got supervision for. If there is a waiting period, the longest waiting period must pass to expunge ANY of your record.

Who can seal their criminal record?

If you have convictions, you won't be able to expunge your record, but you might be able to seal it. Criminal records that can be sealed include:

- Misdemeanor acquittals and dismissals
- Some misdemeanor convictions and supervisions
- Only four Class 4 (lowest-level) felony convictions:
 - Prostitution
 - Carry/Possession of a Firearm between 1995 and 1999
 - Possession of Cannabis
 - Possession of a Controlled Substance
 - NOTE: for the drug convictions you'll need to prove clean on a drug test in order to file your petition to seal this conviction.

What is the difference between sealing and expungement?

An expunged record makes your criminal record more invisible to more people. Generally only the State's Attorney, Department of Corrections, and Police can see an expunged record but a sealed record can also be seen by some potential employers, DCFS, school boards, and others.

How long does it take to find out if your record has been sealed or expunged?

It is taking about 4-6 months in Cook County right now to complete the expungement/sealing process. There is a \$120 fee to file, but you can be eligible for a fee waiver if you can show a judge that you are living in poverty, getting food stamps, etc.