



ILLINOIS CANNABIS EXPUNGEMENT PROCESS



Convictions up to 30 grams (Governor)

Governor will pardon and authorize expungement for misdemeanor and class 4 felony convictions of possession, manufacture, delivery, possession with intent to deliver up to 30 grams. Convictions may not be associated with a violent offense.

- State Police has identified all eligible convictions and sent them to the Prisoner Review Board (statutory deadline 180 days after effective date).
- PRB is reviewing these records to ensure they meet the statutory criteria (e.g. not associated with a violent offense) and making recommendation to Governor.
- Once granted, the Attorney General will file petitions with circuit courts to execute the expungement. Courts have 90 days to enter order expunging records.

Convictions up to 500 grams (State's Attorney and Individuals)

States' Attorneys may file motions to vacate convictions for misdemeanors and class 4 felonies for possession (up to 500 grams) and manufacture/intent to deliver (up to 30 grams). No exclusion for convictions related to violent offenses.

- State's Attorney Kim Foxx is filing first batch of motions to vacate Cook County.
- Governor will not issue pardons for those convictions covered by State's Attorney Foxx's efforts.
- The PRB and ISP have worked with State's Attorney Foxx to identify and provide records of convictions in Cook County.
- PRB has not received notice from other State's Attorneys about plans to file motions to vacate, but ISP and PRB are willing to work with other counties if requested.

Individuals may seek a motion to vacate convictions up to 500 grams; civil legal aid organizations may file such motions for groups of individuals on their behalf.

- A working group with Administrative Office of Illinois Courts is drafting templates for these filings.

Records of arrests up to 30 grams (ISP and Local Law Enforcement)

Local law enforcement and ISP will automatically expunge arrests not resulting in a conviction for possession and manufacture/delivery/possession with intent to deliver for up to 30 grams. Arrests may not be associated with a violent offense.

- Statutory timelines for expunging arrest records:
 - Deadline Jan. 1, 2021: records of arrest between Jan. 1, 2013 – effective date
 - Deadline Jan. 1, 2023: records of arrest between Jan. 1, 2000 – Jan. 1, 2013
 - Deadline Jan. 1, 2025: records of arrest prior to Jan. 1, 2000
- ISP is identifying eligible arrest records and is on track to complete the expungement of its own records by the statutory deadlines.

Changes in the trailer bill

- Increased notification to require court clerks to include certificate of disposition in notice to individuals after automatic expungement of court records. This may be used by those who need documentation of their conviction or arrest.
- Individuals may file motions to vacate despite outstanding fines or fees.
- Courts may notify individuals of automatic expungement by electronic means, if available, and motions to vacate may be prepared, presented and signed electronically.
- Court clerks will serve motions to vacate on State's Attorney if filed by an individual or legal aid.