

Support HB 2373: Expand Record Sealing Eligibility

Lilly – Cassidy –Hernandez – Gordon-Booth

Support Opportunities for Hardworking Individuals with Criminal Records

Each and every day, nearly 4 million men and women in Illinois are being denied opportunities to decent employment and housing. Current law and practices prevent hard working, law abiding individuals the chance to move forward without the stigma and barrier of a criminal record. HB 2373 expands eligibility for the sealing of felony convictions, allowing more people to petition the Court for consideration.

42%ⁱ

Percentage of Illinois adults with criminal records, including arrests and convictions.

5 Yearsⁱⁱ

Number of years after an offense when recidivism drops markedly, similar to the crime rate of those without a record.

50+%ⁱⁱⁱ

Reduction of the likelihood of an employer callback for people with criminal records; with an even higher rate for African American applicants.

Safeguards in the Sealing Process

1. Formal adversarial hearings are held before the court

- Individuals must file a petition in each district where they have an arrest or court case.
- Law enforcement is involved in the process and receives opportunity to object.

2. Sealing is not automatic or guaranteed

- The court always has **discretion** to seal past records.
- The sealing of criminal records is only available to individuals who have proven themselves to be law abiding and deserving of the relief – the Criminal Identification Act lays out factors for the court to consider.
- Certain convictions remain ineligible, including sex offenses, domestic battery, violations of orders of protection, animal crimes and DUIs/reckless driving.

3. Sealed records are still accessible through the Illinois State Police by:

- Law enforcement agencies; and
- Employers that require fingerprinting for employment, such as schools, park districts, health care organizations, and financial institutions.

SUPPORTED BY THE RESTORING RIGHTS AND OPPORTUNITIES COALITION OF ILLINOIS (RROCI)

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i. National Employment Law Project, “65 Million Need Not Apply,” March 2011.

ii. Pager, D. *The Mark of a Criminal Record*, American Journal of Sociology, 108(5), 937-975 (2003).

iii. Blumstein and Nakamura, *Redemption in the Era of Widespread Criminal Background Checks*, NIJ Journal No. 263, June 2009