



# Criminal justice system

## Criminal records



The criminal justice system incorporates several governmental institutions to prevent and deter crime, and sanction those who violate laws with criminal penalties and rehabilitation efforts. This *Get the Facts* provides an overview of criminal records, including obtaining copies, conducting a background check, and records sealing and expungement.

### What are criminal records?



#### How can I get a copy of my criminal records?

Criminal records, commonly known as *rap sheets*, are compiled by the Illinois State Police Department (ISP) based on arrest and court information received from local jurisdictions. Upon arrest, an individual's fingerprints are taken and submitted to ISP. Other information related to that arrest also is submitted, including findings of guilt or innocence and any other action taken by the court. Unless it is expunged, a fingerprint-based criminal record remains in the ISP database regardless of the outcome of the case.

Copies of your criminal records may be obtained from the arresting agency, circuit clerk of the court in the county where your case was handled, and the Illinois State Police Bureau of Identification. Federal court records may be obtained from the FBI CJIS Division. A copy of your fingerprints may be required. Contact as many agencies as necessary to make certain that your record is complete and accurate.

For more information on how to obtain a copy of your records from ISP, visit [www.isp.state.il.gov](http://www.isp.state.il.gov) or e-mail [boi\\_customer\\_support@isp.state.il.us](mailto:boi_customer_support@isp.state.il.us). For information on obtaining records from the FBI, call 304-625-5590 or visit [www.fbi.gov](http://www.fbi.gov).

#### Who has access to my criminal records?

By law, the public, employers, government agencies, and state licensing and regulatory bodies may access information on the crimes for which a person was convicted. A conviction is a final judgment of guilt by the court. Criminal justice agencies, however, have full access to all criminal history records, except those that were expunged.

#### How do I conduct a background check on another person?

Under Illinois' Uniform Conviction Information Act, conviction-only Illinois criminal history record information on another person may be obtained from ISP for a fee. Arrest records are not accessible through ISP. Records maintained by circuit court clerks are open to the public and will show information related to an arrest.



## How does having a criminal record affect me?

A criminal record can make it more difficult to obtain credit, employment, a residence, certain job licenses, and student loans. Police may access records in the course of a criminal investigation, and criminal records may be used in court proceedings.

## Do I have to disclose my criminal history to potential employers?

Yes. Employers may request information on misdemeanor or felony convictions occurring within the past five years. Employers may obtain conviction-only criminal records from ISP for a fee. Employers may not ask about arrests that did not lead to a conviction, and you are not required to provide information on arrests, detentions, or sealed or expunged records.

## What is expungement or sealing of criminal records?

Illinois law allows certain types of arrests, supervision, and convictions to be expunged or sealed by court order. With an expungement, the criminal record is destroyed. Sealed records are kept confidential, accessible only to criminal justice agencies and some non-criminal justice agencies by statute.

## What records can be expunged?

If you were never convicted of a crime in any state, your record may be expunged. Your record also may be expunged if you were sentenced to supervision, or if you were released without conviction following completion of supervision. Your records may still be eligible for sealing if you were convicted of a criminal offense or a municipal ordinance violation.

## How do I expunge or seal my criminal records?

Petitions to expunge or seal must be filed in the court of the county where your arrest occurred or where the charge was filed against you. Petition forms are available at the county courthouse. Certain fees apply, but fee waivers are available. Petitions require a list of charges to be sealed or expunged, the date or approximate date of arrest, and the name of the police department that arrested you. Petitions are submitted by the court to ISP for review. A decision for or against sealing or expungement will be mailed to you by the court.

## Where can I go for more information on sealing and expunging records?

The Illinois State Appellate Defender's Office can answer questions on eligibility and provide an information packet explaining the process and requirements for records expunging and sealing. Go to <http://state.il.us/defender/exp.html>. ISP's Bureau of Identification also can answer your questions. Call (815) 740-5160.

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## About *Get the Facts: Criminal Justice System*



The *Get the Facts: Criminal Justice System* series was created to answer common questions about the criminal justice system. Other topics in this series include victims' rights, arrests, the pretrial process, the courts, and sentencing.

