



February 9, 2016

Immediate Sealing Bill

With input from Clerk of the Cook County Circuit Court Dorothy Brown, I recently filed legislation that aims to increase justice for those accused of a crime but who are later found to be innocent.

Fr. Tom Walsh, my Pastor at St. Martin de Porres Church in Austin, has said, “Every day, people who have been arrested and either spend time at Cook County Jail or are out on bond are found innocent of all the charges brought against them. Many people are arrested who did not commit the crime they are accused of, and eventually a judge or jury finds them innocent. Unfortunately, these charges will remain on their record. As a result, when they apply for a job or if their current employer looks at their record, they will find that these charges still on their record even if they have been found innocent. In order to get these charges removed from their records, there is a long process which involves fees which penalizes a person who is indeed innocent of the crime they were charged with. This practice is wrong, and it creates a barrier for many people who are law-abiding citizens who are trying to support themselves and their families and lead honest lives – this situation affects many people who live within our community.”

House Bill 4954 amends the Criminal Identification Act and provides that records of charges that result in an acquittal or dismissal with prejudice, except for minor traffic offenses, may be immediately sealed after the final disposition of the case. Upon entry of judgment, the defendant shall be informed of this right and the proper procedures to follow to have records that are eligible be immediately sealed. A petition may be filed on behalf of the defendant by his or her attorney at the final disposition hearing or by the defendant at any time. The State's Attorney may not object to an immediate sealing petition, and the presiding trial judge shall enter an order granting or denying the petition during the hearing in which the petition is filed.

Clerk Brown’s office drafted the legislation that promotes the immediate sealing of criminal cases that result in acquittal or dismissal with prejudice (charges cannot be brought again). Clerk Brown noted that Clerk’s Office records show that in close to 10% of the more than one million (1,022,678) criminal court hearings in Cook County in 2015, the final disposition was a finding of no guilt. Not all of these cases would qualify for immediate sealing under the new legislation; however, thousands of individuals would benefit from having their criminal records expeditiously sealed if this bill is passed.

Clerk Brown said, "The passage of Immediate Sealing legislation will be life-changing for so many people. It will impact not only the individuals with the final dispositions of no wrongdoing or no finding of guilt, but also their families and children/people they take care of as well as the communities where they live and to which they may contribute. This legislation will unburden people from the explanations and the expenses in time and money currently required to complete the process of sealing criminal records that qualify."

The tide is turning in America, and the arc of the moral universe is bending a little closer towards justice. When we have leaders like Clerk Dorothy Brown and others working together to help pass legislation in Springfield, criminal justice reform is a little bit easier as we start by correcting flaws in our justice system. This bill is a simple bill, and it corrects an unjust practice. It is great to work with Clerk Brown who saw the need for this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Ford', with a stylized flourish at the end.

La Shawn K. Ford
State Representative-Eighth District