



Office of the City Clerk

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Legislation Details (With Text)

File #: R2016-326
Type: Resolution **Status:** Adopted
File created: 5/18/2016 **In control:** City Council
Final action: 7/20/2016
Title: Call for Illinois General Assembly to pass legislative reforms to allow sealing of criminal records from public view
Sponsors: Cappelman, James, Austin, Carrie M., Sawyer, Roderick T., Moreno, Proco Joe, Hairston, Leslie A., Villegas, Gilbert, Curtis, Derrick G., Munoz, Ricardo, Smith, Michele, Reboyras, Ariel, Mitts, Emma
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Attachments: 1. R2016-326.pdf

Date	Ver.	Action By	Action	Result
7/20/2016	1	City Council	Adopted	Pass
7/11/2016	1	Committee on Public Safety	Recommended to Pass	Pass
5/18/2016	1	City Council	Referred	

Committee on Public Safety

RESOLUTION

WHEREAS, Sealing is a process by which a former criminal offender can apply to have his or her record closed to most viewers, thereby removing one of the most significant barriers to employment; and

WHEREAS, An ex-offender can obtain record sealing through an adversarial process in court, whereby the candidate submits an application to a judge; and

WHEREAS, All affected parties, including the candidate, the State's Attorney, the State Police, the arresting agency, and the chief legal officer of the municipality effecting the arrest would receive notice of the application and would be permitted to oppose the record sealing; and

WHEREAS, The presiding judge then uses judicial discretion to decide if the record sealing is appropriate; and

WHEREAS, Record sealing would not preempt law enforcement from seeing all convictions and arrest records; and

WHEREAS, Certain employers, such as school boards, Department of Children and Family Services, private carrier companies that provide public transportation and financial institutions are still able to access sealed records; and

WHEREAS, Currently, state law limits record sealing to only about fifteen Class 3 and 4 felony offenses; and

WHEREAS, Among those offenses not currently eligible for record sealing is misdemeanor public indecency, which disproportionately affects indigent and homeless whose actions should not preempt them from attempting to change their circumstances; and

WHEREAS, The Safer Foundation published a study in 2008 that illustrated the importance of re-entry services to limit the level of recidivism among ex-offenders; and

WHEREAS, According to the Illinois Sentencing Policy Advisory Council, 48% of those released from prison each year recidivate within three years of release and 19% will recidivate within one year of release; and

WHEREAS, Each recidivism event in Illinois costs \$118,746, with a total 5 year cost of \$16.7 billion to the State; and

WHEREAS, Reducing recidivism rates can save the State hundreds of millions of dollars annually; and

WHEREAS, The Safer Foundation found that less than one in five ex-offenders returned to prison within three years of their release from prison after receiving a job opportunity; and

WHEREAS, After an offender has successfully served a sentence, the presumption should be that the offender has paid his or her "debt to society"; and

Committee on Public Safety

WHEREAS, A criminal record should not play a role in an ex-offender's everyday life, except where absolutely and clearly necessary to protect public safety; NOW THEREFORE

BE IT RESOLVED, That we the Mayor and the members of the City Council of the City of Chicago do hereby urge the Illinois General Assembly to pass meaningful record sealing reform to allow rehabilitated individuals the opportunity to move on from their past.

BE IT FURTHER RESOLVED, That a suitable copy of this resolution be presented to Governor Bruce Rauner, Illinois Senate President John Cullerton, Illinois Senate Minority Leader Christine Radogno, Illinois Speaker of the House of Representatives Michael Madigan, Illinois House of Representatives Minority Leader Jim Durkin and the Chicago delegation of the Illinois State General Assembly.