

1 AN ACT concerning juveniles.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 22-20 as follows:

6 (105 ILCS 5/22-20) (from Ch. 122, par. 22-20)

7 Sec. 22-20. All courts and law enforcement agencies of the  
8 State of Illinois and its political subdivisions shall report  
9 to the principal of any public school in this State whenever a  
10 child enrolled therein is detained for proceedings under the  
11 Juvenile Court Act of 1987, as heretofore and hereafter  
12 amended, or for any criminal offense or any violation of a  
13 municipal or county ordinance. The report shall include the  
14 basis for detaining the child, circumstances surrounding the  
15 events which led to the child's detention, and status of  
16 proceedings. The report shall be updated as appropriate to  
17 notify the principal of developments and the disposition of the  
18 matter.

19 The information derived thereby shall be kept separate from  
20 and shall not become a part of the official school record of  
21 such child and shall not be a public record. Such information  
22 shall be used solely by the appropriate school official or  
23 officials whom the school has determined to have a legitimate

1 educational or safety interest ~~principal, counselors and~~  
2 ~~teachers of the school~~ to aid in the proper rehabilitation of  
3 the child and to protect the safety of students and employees  
4 in the school.

5 (Source: P.A. 89-610, eff. 8-6-96.)

6 Section 10. The Juvenile Court Act of 1987 is amended by  
7 changing Sections 1-7 and 5-905 as follows:

8 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

9 Sec. 1-7. Confidentiality of law enforcement records.

10 (A) Inspection and copying of law enforcement records  
11 maintained by law enforcement agencies that relate to a minor  
12 who has been arrested or taken into custody before his or her  
13 17th birthday shall be restricted to the following:

14 (1) Any local, State or federal law enforcement  
15 officers of any jurisdiction or agency when necessary for  
16 the discharge of their official duties during the  
17 investigation or prosecution of a crime or relating to a  
18 minor who has been adjudicated delinquent and there has  
19 been a previous finding that the act which constitutes the  
20 previous offense was committed in furtherance of criminal  
21 activities by a criminal street gang, or, when necessary  
22 for the discharge of its official duties in connection with  
23 a particular investigation of the conduct of a law  
24 enforcement officer, an independent agency or its staff

1 created by ordinance and charged by a unit of local  
2 government with the duty of investigating the conduct of  
3 law enforcement officers. For purposes of this Section,  
4 "criminal street gang" has the meaning ascribed to it in  
5 Section 10 of the Illinois Streetgang Terrorism Omnibus  
6 Prevention Act.

7 (2) Prosecutors, probation officers, social workers,  
8 or other individuals assigned by the court to conduct a  
9 pre-adjudication or pre-disposition investigation, and  
10 individuals responsible for supervising or providing  
11 temporary or permanent care and custody for minors pursuant  
12 to the order of the juvenile court, when essential to  
13 performing their responsibilities.

14 (3) Prosecutors and probation officers:

15 (a) in the course of a trial when institution of  
16 criminal proceedings has been permitted or required  
17 under Section 5-805; or

18 (b) when institution of criminal proceedings has  
19 been permitted or required under Section 5-805 and such  
20 minor is the subject of a proceeding to determine the  
21 amount of bail; or

22 (c) when criminal proceedings have been permitted  
23 or required under Section 5-805 and such minor is the  
24 subject of a pre-trial investigation, pre-sentence  
25 investigation, fitness hearing, or proceedings on an  
26 application for probation.

1 (4) Adult and Juvenile Prisoner Review Board.

2 (5) Authorized military personnel.

3 (6) Persons engaged in bona fide research, with the  
4 permission of the Presiding Judge of the Juvenile Court and  
5 the chief executive of the respective law enforcement  
6 agency; provided that publication of such research results  
7 in no disclosure of a minor's identity and protects the  
8 confidentiality of the minor's record.

9 (7) Department of Children and Family Services child  
10 protection investigators acting in their official  
11 capacity.

12 (8) The appropriate school official only if the agency  
13 or officer believes that there is an imminent threat of  
14 physical harm to students, school personnel, or others who  
15 are present in the school or on school grounds.

16 (A) Inspection and copying shall be limited to law  
17 enforcement records transmitted to the appropriate  
18 school official or officials whom the school has  
19 determined to have a legitimate educational or safety  
20 interest by a local law enforcement agency under a  
21 reciprocal reporting system established and maintained  
22 between the school district and the local law  
23 enforcement agency under Section 10-20.14 of the  
24 School Code concerning a minor enrolled in a school  
25 within the school district who has been arrested or  
26 taken into custody for any of the following offenses:

1 (i) any violation of Article 24 ~~unlawful use of~~  
2 ~~weapons under Section 24-1~~ of the Criminal Code of  
3 1961;

4 (ii) a violation of the Illinois Controlled  
5 Substances Act;

6 (iii) a violation of the Cannabis Control Act;

7 (iv) a forcible felony as defined in Section 2-8 of  
8 the Criminal Code of 1961; ~~or~~

9 (v) a violation of the Methamphetamine Control and  
10 Community Protection Act; ~~or~~

11 (vi) a violation of Section 1-2 of the Harassing  
12 and Obscene Communications Act;

13 (vii) a violation of the Hazing Act; or

14 (viii) a violation of Section 12-1, 12-2, 12-3,  
15 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3,  
16 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of  
17 1961.

18 The information derived from the law enforcement  
19 records shall be kept separate from and shall not  
20 become a part of the official school record of that  
21 child and shall not be a public record. The information  
22 shall be used solely by the appropriate school official  
23 or officials whom the school has determined to have a  
24 legitimate educational or safety interest to aid in the  
25 proper rehabilitation of the child and to protect the  
26 safety of students and employees in the school. If the

1 designated law enforcement and school officials deem  
2 it to be in the best interest of the minor, the student  
3 may be referred to in-school or community based social  
4 services if those services are available.  
5 "Rehabilitation services" may include interventions by  
6 school support personnel, evaluation for eligibility  
7 for special education, referrals to community-based  
8 agencies such as youth services, behavioral healthcare  
9 service providers, drug and alcohol prevention or  
10 treatment programs, and other interventions as deemed  
11 appropriate for the student.

12 (B) Any information provided to appropriate school  
13 officials whom the school has determined to have a  
14 legitimate educational or safety interest by local law  
15 enforcement officials about a minor who is the subject  
16 of a current police investigation that is directly  
17 related to school safety shall consist of oral  
18 information only, and not written law enforcement  
19 records, and shall be used solely by the appropriate  
20 school official or officials to protect the safety of  
21 students and employees in the school and aid in the  
22 proper rehabilitation of the child. The information  
23 derived orally from the local law enforcement  
24 officials shall be kept separate from and shall not  
25 become a part of the official school record of the  
26 child and shall not be a public record. This limitation

1           on the use of information about a minor who is the  
2           subject of a current police investigation shall in no  
3           way limit the use of this information by prosecutors in  
4           pursuing criminal charges arising out of the  
5           information disclosed during a police investigation of  
6           the minor. For purposes of this paragraph,  
7           "investigation" means an official systematic inquiry  
8           by a law enforcement agency into actual or suspected  
9           criminal activity.

10           (9) Mental health professionals on behalf of the  
11           Illinois Department of Corrections or the Department of  
12           Human Services or prosecutors who are evaluating,  
13           prosecuting, or investigating a potential or actual  
14           petition brought under the Sexually Violent Persons  
15           Commitment Act relating to a person who is the subject of  
16           juvenile law enforcement records or the respondent to a  
17           petition brought under the Sexually Violent Persons  
18           Commitment Act who is the subject of the juvenile law  
19           enforcement records sought. Any records and any  
20           information obtained from those records under this  
21           paragraph (9) may be used only in sexually violent persons  
22           commitment proceedings.

23           (B) (1) Except as provided in paragraph (2), no law  
24           enforcement officer or other person or agency may knowingly  
25           transmit to the Department of Corrections, Adult Division  
26           or the Department of State Police or to the Federal Bureau

1 of Investigation any fingerprint or photograph relating to  
2 a minor who has been arrested or taken into custody before  
3 his or her 17th birthday, unless the court in proceedings  
4 under this Act authorizes the transmission or enters an  
5 order under Section 5-805 permitting or requiring the  
6 institution of criminal proceedings.

7 (2) Law enforcement officers or other persons or  
8 agencies shall transmit to the Department of State Police  
9 copies of fingerprints and descriptions of all minors who  
10 have been arrested or taken into custody before their 17th  
11 birthday for the offense of unlawful use of weapons under  
12 Article 24 of the Criminal Code of 1961, a Class X or Class  
13 1 felony, a forcible felony as defined in Section 2-8 of  
14 the Criminal Code of 1961, or a Class 2 or greater felony  
15 under the Cannabis Control Act, the Illinois Controlled  
16 Substances Act, the Methamphetamine Control and Community  
17 Protection Act, or Chapter 4 of the Illinois Vehicle Code,  
18 pursuant to Section 5 of the Criminal Identification Act.  
19 Information reported to the Department pursuant to this  
20 Section may be maintained with records that the Department  
21 files pursuant to Section 2.1 of the Criminal  
22 Identification Act. Nothing in this Act prohibits a law  
23 enforcement agency from fingerprinting a minor taken into  
24 custody or arrested before his or her 17th birthday for an  
25 offense other than those listed in this paragraph (2).

26 (C) The records of law enforcement officers, or of an



1 independent agency created by ordinance and charged by a unit  
2 of local government with the duty of investigating the conduct  
3 of law enforcement officers, concerning all minors under 17  
4 years of age must be maintained separate from the records of  
5 arrests and may not be open to public inspection or their  
6 contents disclosed to the public except by order of the court  
7 presiding over matters pursuant to this Act or when the  
8 institution of criminal proceedings has been permitted or  
9 required under Section 5-805 or such a person has been  
10 convicted of a crime and is the subject of pre-sentence  
11 investigation or proceedings on an application for probation or  
12 when provided by law. For purposes of obtaining documents  
13 pursuant to this Section, a civil subpoena is not an order of  
14 the court.

15 (1) In cases where the law enforcement, or independent  
16 agency, records concern a pending juvenile court case, the  
17 party seeking to inspect the records shall provide actual  
18 notice to the attorney or guardian ad litem of the minor  
19 whose records are sought.

20 (2) In cases where the records concern a juvenile court  
21 case that is no longer pending, the party seeking to  
22 inspect the records shall provide actual notice to the  
23 minor or the minor's parent or legal guardian, and the  
24 matter shall be referred to the chief judge presiding over  
25 matters pursuant to this Act.

26 (3) In determining whether the records should be

1 available for inspection, the court shall consider the  
2 minor's interest in confidentiality and rehabilitation  
3 over the moving party's interest in obtaining the  
4 information. Any records obtained in violation of this  
5 subsection (C) shall not be admissible in any criminal or  
6 civil proceeding, or operate to disqualify a minor from  
7 subsequently holding public office or securing employment,  
8 or operate as a forfeiture of any public benefit, right,  
9 privilege, or right to receive any license granted by  
10 public authority.

11 (D) Nothing contained in subsection (C) of this Section  
12 shall prohibit the inspection or disclosure to victims and  
13 witnesses of photographs contained in the records of law  
14 enforcement agencies when the inspection and disclosure is  
15 conducted in the presence of a law enforcement officer for the  
16 purpose of the identification or apprehension of any person  
17 subject to the provisions of this Act or for the investigation  
18 or prosecution of any crime.

19 (E) Law enforcement officers, and personnel of an  
20 independent agency created by ordinance and charged by a unit  
21 of local government with the duty of investigating the conduct  
22 of law enforcement officers, may not disclose the identity of  
23 any minor in releasing information to the general public as to  
24 the arrest, investigation or disposition of any case involving  
25 a minor.

26 (F) Nothing contained in this Section shall prohibit law

1 enforcement agencies from communicating with each other by  
2 letter, memorandum, teletype or intelligence alert bulletin or  
3 other means the identity or other relevant information  
4 pertaining to a person under 17 years of age if there are  
5 reasonable grounds to believe that the person poses a real and  
6 present danger to the safety of the public or law enforcement  
7 officers. The information provided under this subsection (F)  
8 shall remain confidential and shall not be publicly disclosed,  
9 except as otherwise allowed by law.

10 (G) Nothing in this Section shall prohibit the right of a  
11 Civil Service Commission or appointing authority of any state,  
12 county or municipality examining the character and fitness of  
13 an applicant for employment with a law enforcement agency,  
14 correctional institution, or fire department from obtaining  
15 and examining the records of any law enforcement agency  
16 relating to any record of the applicant having been arrested or  
17 taken into custody before the applicant's 17th birthday.

18 (Source: P.A. 95-123, eff. 8-13-07; 96-419, eff. 8-13-09.)

19 (705 ILCS 405/5-905)

20 Sec. 5-905. Law enforcement records.

21 (1) Law Enforcement Records. Inspection and copying of law  
22 enforcement records maintained by law enforcement agencies  
23 that relate to a minor who has been arrested or taken into  
24 custody before his or her 17th birthday shall be restricted to  
25 the following and when necessary for the discharge of their

1 official duties:

2 (a) A judge of the circuit court and members of the  
3 staff of the court designated by the judge;

4 (b) Law enforcement officers, probation officers or  
5 prosecutors or their staff, or, when necessary for the  
6 discharge of its official duties in connection with a  
7 particular investigation of the conduct of a law  
8 enforcement officer, an independent agency or its staff  
9 created by ordinance and charged by a unit of local  
10 government with the duty of investigating the conduct of  
11 law enforcement officers;

12 (c) The minor, the minor's parents or legal guardian  
13 and their attorneys, but only when the juvenile has been  
14 charged with an offense;

15 (d) Adult and Juvenile Prisoner Review Boards;

16 (e) Authorized military personnel;

17 (f) Persons engaged in bona fide research, with the  
18 permission of the judge of juvenile court and the chief  
19 executive of the agency that prepared the particular  
20 recording: provided that publication of such research  
21 results in no disclosure of a minor's identity and protects  
22 the confidentiality of the record;

23 (g) Individuals responsible for supervising or  
24 providing temporary or permanent care and custody of minors  
25 pursuant to orders of the juvenile court or directives from  
26 officials of the Department of Children and Family Services

1 or the Department of Human Services who certify in writing  
2 that the information will not be disclosed to any other  
3 party except as provided under law or order of court;

4 (h) The appropriate school official only if the agency  
5 or officer believes that there is an imminent threat of  
6 physical harm to students, school personnel, or others who  
7 are present in the school or on school grounds.

8 (A) Inspection and copying shall be limited to law  
9 enforcement records transmitted to the appropriate  
10 school official or officials whom the school has  
11 determined to have a legitimate educational or safety  
12 interest by a local law enforcement agency under a  
13 reciprocal reporting system established and maintained  
14 between the school district and the local law  
15 enforcement agency under Section 10-20.14 of the  
16 School Code concerning a minor enrolled in a school  
17 within the school district who has been arrested or  
18 taken into custody for any of the following offenses:

19 (i) any violation of Article 24 of the Criminal  
20 Code of 1961;

21 (ii) a violation of the Illinois Controlled  
22 Substances Act;

23 (iii) a violation of the Cannabis Control Act;

24 (iv) a forcible felony as defined in Section 2-8 of  
25 the Criminal Code of 1961;

26 (v) a violation of the Methamphetamine Control and

1           Community Protection Act;

2           (vi) a violation of Section 1-2 of the Harassing  
3           and Obscene Communications Act;

4           (vii) a violation of the Hazing Act; or

5           (viii) a violation of Section 12-1, 12-2, 12-3,  
6           12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3,  
7           12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of  
8           1961.

9           The information derived from the law enforcement  
10          records shall be kept separate from and shall not  
11          become a part of the official school record of that  
12          child and shall not be a public record. The information  
13          shall be used solely by the appropriate school official  
14          or officials whom the school has determined to have a  
15          legitimate educational or safety interest to aid in the  
16          proper rehabilitation of the child and to protect the  
17          safety of students and employees in the school. If the  
18          designated law enforcement and school officials deem  
19          it to be in the best interest of the minor, the student  
20          may be referred to in-school or community based social  
21          services if those services are available.  
22          "Rehabilitation services" may include interventions by  
23          school support personnel, evaluation for eligibility  
24          for special education, referrals to community-based  
25          agencies such as youth services, behavioral healthcare  
26          service providers, drug and alcohol prevention or

1 treatment programs, and other interventions as deemed  
2 appropriate for the student.

3 (B) Any information provided to appropriate school  
4 officials whom the school has determined to have a  
5 legitimate educational or safety interest by local law  
6 enforcement officials about a minor who is the subject  
7 of a current police investigation that is directly  
8 related to school safety shall consist of oral  
9 information only, and not written law enforcement  
10 records, and shall be used solely by the appropriate  
11 school official or officials to protect the safety of  
12 students and employees in the school and aid in the  
13 proper rehabilitation of the child. The information  
14 derived orally from the local law enforcement  
15 officials shall be kept separate from and shall not  
16 become a part of the official school record of the  
17 child and shall not be a public record. This limitation  
18 on the use of information about a minor who is the  
19 subject of a current police investigation shall in no  
20 way limit the use of this information by prosecutors in  
21 pursuing criminal charges arising out of the  
22 information disclosed during a police investigation of  
23 the minor. For purposes of this paragraph,  
24 "investigation" means an official systematic inquiry  
25 by a law enforcement agency into actual or suspected  
26 criminal activity. offense classified as a felony or a

1           ~~Class A or B misdemeanor.~~

2           (2) Information identifying victims and alleged victims of  
3 sex offenses, shall not be disclosed or open to public  
4 inspection under any circumstances. Nothing in this Section  
5 shall prohibit the victim or alleged victim of any sex offense  
6 from voluntarily disclosing his or her identity.

7           (2.5) If the minor is a victim of aggravated battery,  
8 battery, attempted first degree murder, or other non-sexual  
9 violent offense, the identity of the victim may be disclosed to  
10 appropriate school officials, for the purpose of preventing  
11 foreseeable future violence involving minors, by a local law  
12 enforcement agency pursuant to an agreement established  
13 between the school district and a local law enforcement agency  
14 subject to the approval by the presiding judge of the juvenile  
15 court.

16           (3) Relevant information, reports and records shall be made  
17 available to the Department of Juvenile Justice when a juvenile  
18 offender has been placed in the custody of the Department of  
19 Juvenile Justice.

20           (4) Nothing in this Section shall prohibit the inspection  
21 or disclosure to victims and witnesses of photographs contained  
22 in the records of law enforcement agencies when the inspection  
23 or disclosure is conducted in the presence of a law enforcement  
24 officer for purposes of identification or apprehension of any  
25 person in the course of any criminal investigation or  
26 prosecution.



1           (5) The records of law enforcement officers, or of an  
2 independent agency created by ordinance and charged by a unit  
3 of local government with the duty of investigating the conduct  
4 of law enforcement officers, concerning all minors under 17  
5 years of age must be maintained separate from the records of  
6 adults and may not be open to public inspection or their  
7 contents disclosed to the public except by order of the court  
8 or when the institution of criminal proceedings has been  
9 permitted under Section 5-130 or 5-805 or required under  
10 Section 5-130 or 5-805 or such a person has been convicted of a  
11 crime and is the subject of pre-sentence investigation or when  
12 provided by law.

13           (6) Except as otherwise provided in this subsection (6),  
14 law enforcement officers, and personnel of an independent  
15 agency created by ordinance and charged by a unit of local  
16 government with the duty of investigating the conduct of law  
17 enforcement officers, may not disclose the identity of any  
18 minor in releasing information to the general public as to the  
19 arrest, investigation or disposition of any case involving a  
20 minor. Any victim or parent or legal guardian of a victim may  
21 petition the court to disclose the name and address of the  
22 minor and the minor's parents or legal guardian, or both. Upon  
23 a finding by clear and convincing evidence that the disclosure  
24 is either necessary for the victim to pursue a civil remedy  
25 against the minor or the minor's parents or legal guardian, or  
26 both, or to protect the victim's person or property from the

1 minor, then the court may order the disclosure of the  
2 information to the victim or to the parent or legal guardian of  
3 the victim only for the purpose of the victim pursuing a civil  
4 remedy against the minor or the minor's parents or legal  
5 guardian, or both, or to protect the victim's person or  
6 property from the minor.

7 (7) Nothing contained in this Section shall prohibit law  
8 enforcement agencies when acting in their official capacity  
9 from communicating with each other by letter, memorandum,  
10 teletype or intelligence alert bulletin or other means the  
11 identity or other relevant information pertaining to a person  
12 under 17 years of age. The information provided under this  
13 subsection (7) shall remain confidential and shall not be  
14 publicly disclosed, except as otherwise allowed by law.

15 (8) No person shall disclose information under this Section  
16 except when acting in his or her official capacity and as  
17 provided by law or order of court.

18 (Source: P.A. 96-419, eff. 8-13-09; 96-1414, eff. 1-1-11.)