



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5099

Introduced 1/27/2022, by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-7
705 ILCS 405/1-8

Amends the Juvenile Court Act of 1987. Provides that any juvenile law enforcement records and any information obtained from those records by the Department of Transportation may be used only for accident or crash reporting or any other lawful purpose as required under State or federal law.

LRB102 25039 LNS 34297 b

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-7 and 1-8 as follows:

6 (705 ILCS 405/1-7)

7 (Text of Section before amendment by P.A. 101-652)

8 Sec. 1-7. Confidentiality of juvenile law enforcement and
9 municipal ordinance violation records.

10 (A) All juvenile law enforcement records which have not
11 been expunged are confidential and may never be disclosed to
12 the general public or otherwise made widely available.
13 Juvenile law enforcement records may be obtained only under
14 this Section and Section 1-8 and Part 9 of Article V of this
15 Act, when their use is needed for good cause and with an order
16 from the juvenile court, as required by those not authorized
17 to retain them. Inspection, copying, and disclosure of
18 juvenile law enforcement records maintained by law enforcement
19 agencies or records of municipal ordinance violations
20 maintained by any State, local, or municipal agency that
21 relate to a minor who has been investigated, arrested, or
22 taken into custody before his or her 18th birthday shall be
23 restricted to the following:

1 (0.05) The minor who is the subject of the juvenile
2 law enforcement record, his or her parents, guardian, and
3 counsel.

4 (0.10) Judges of the circuit court and members of the
5 staff of the court designated by the judge.

6 (0.15) An administrative adjudication hearing officer
7 or members of the staff designated to assist in the
8 administrative adjudication process.

9 (1) Any local, State, or federal law enforcement
10 officers or designated law enforcement staff of any
11 jurisdiction or agency when necessary for the discharge of
12 their official duties during the investigation or
13 prosecution of a crime or relating to a minor who has been
14 adjudicated delinquent and there has been a previous
15 finding that the act which constitutes the previous
16 offense was committed in furtherance of criminal
17 activities by a criminal street gang, or, when necessary
18 for the discharge of its official duties in connection
19 with a particular investigation of the conduct of a law
20 enforcement officer, an independent agency or its staff
21 created by ordinance and charged by a unit of local
22 government with the duty of investigating the conduct of
23 law enforcement officers. For purposes of this Section,
24 "criminal street gang" has the meaning ascribed to it in
25 Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 (2) Prosecutors, public defenders, probation officers,
2 social workers, or other individuals assigned by the court
3 to conduct a pre-adjudication or pre-disposition
4 investigation, and individuals responsible for supervising
5 or providing temporary or permanent care and custody for
6 minors under the order of the juvenile court, when
7 essential to performing their responsibilities.

8 (3) Federal, State, or local prosecutors, public
9 defenders, probation officers, and designated staff:

10 (a) in the course of a trial when institution of
11 criminal proceedings has been permitted or required
12 under Section 5-805;

13 (b) when institution of criminal proceedings has
14 been permitted or required under Section 5-805 and the
15 minor is the subject of a proceeding to determine the
16 amount of bail;

17 (c) when criminal proceedings have been permitted
18 or required under Section 5-805 and the minor is the
19 subject of a pre-trial investigation, pre-sentence
20 investigation, fitness hearing, or proceedings on an
21 application for probation; or

22 (d) in the course of prosecution or administrative
23 adjudication of a violation of a traffic, boating, or
24 fish and game law, or a county or municipal ordinance.

25 (4) Adult and Juvenile Prisoner Review Board.

26 (5) Authorized military personnel.

1 (5.5) Employees of the federal government authorized
2 by law.

3 (6) Persons engaged in bona fide research, with the
4 permission of the Presiding Judge and the chief executive
5 of the respective law enforcement agency; provided that
6 publication of such research results in no disclosure of a
7 minor's identity and protects the confidentiality of the
8 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
17 juvenile law enforcement records transmitted to the
18 appropriate school official or officials whom the
19 school has determined to have a legitimate educational
20 or safety interest by a local law enforcement agency
21 under a reciprocal reporting system established and
22 maintained between the school district and the local
23 law 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 of the
2 Criminal Code of 1961 or the Criminal Code of
3 2012;

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
8 2-8 of the Criminal Code of 1961 or the Criminal
9 Code of 2012;

10 (v) a violation of the Methamphetamine Control
11 and Community Protection Act;

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

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

15 (viii) a violation of Section 12-1, 12-2,
16 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
17 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
18 Criminal Code of 1961 or the Criminal Code of
19 2012.

20 The information derived from the juvenile law
21 enforcement records shall be kept separate from and
22 shall not become a part of the official school record
23 of that child and shall not be a public record. The
24 information shall be used solely by the appropriate
25 school official or officials whom the school has
26 determined to have a legitimate educational or safety

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

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

1 enforcement officials shall be kept separate from and
2 shall not become a part of the official school record
3 of the child and shall not be a public record. This
4 limitation on the use of information about a minor who
5 is the subject of a current police investigation shall
6 in no way limit the use of this information by
7 prosecutors in pursuing criminal charges arising out
8 of the information disclosed during a police
9 investigation of the minor. For purposes of this
10 paragraph, "investigation" means an official
11 systematic inquiry by a law enforcement agency into
12 actual or suspected criminal activity.

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

26 (10) The president of a park district. Inspection and

1 copying shall be limited to juvenile law enforcement
2 records transmitted to the president of the park district
3 by the Illinois State Police under Section 8-23 of the
4 Park District Code or Section 16a-5 of the Chicago Park
5 District Act concerning a person who is seeking employment
6 with that park district and who has been adjudicated a
7 juvenile delinquent for any of the offenses listed in
8 subsection (c) of Section 8-23 of the Park District Code
9 or subsection (c) of Section 16a-5 of the Chicago Park
10 District Act.

11 (11) Persons managing and designated to participate in
12 a court diversion program as designated in subsection (6)
13 of Section 5-105.

14 (12) The Public Access Counselor of the Office of the
15 Attorney General, when reviewing juvenile law enforcement
16 records under its powers and duties under the Freedom of
17 Information Act.

18 (13) Collection agencies, contracted or otherwise
19 engaged by a governmental entity, to collect any debts due
20 and owing to the governmental entity.

21 (B)(1) Except as provided in paragraph (2), no law
22 enforcement officer or other person or agency may knowingly
23 transmit to the Department of Corrections, the Illinois State
24 Police, or the Federal Bureau of Investigation any fingerprint
25 or photograph relating to a minor who has been arrested or
26 taken into custody before his or her 18th birthday, unless the

1 court in proceedings under this Act authorizes the
2 transmission or enters an order under Section 5-805 permitting
3 or requiring the institution of criminal proceedings.

4 (2) Law enforcement officers or other persons or agencies
5 shall transmit to the Illinois State Police copies of
6 fingerprints and descriptions of all minors who have been
7 arrested or taken into custody before their 18th birthday for
8 the offense of unlawful use of weapons under Article 24 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
10 or Class 1 felony, a forcible felony as defined in Section 2-8
11 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
12 Class 2 or greater felony under the Cannabis Control Act, the
13 Illinois Controlled Substances Act, the Methamphetamine
14 Control and Community Protection Act, or Chapter 4 of the
15 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
16 Identification Act. Information reported to the Department
17 pursuant to this Section may be maintained with records that
18 the Department files pursuant to Section 2.1 of the Criminal
19 Identification Act. Nothing in this Act prohibits a law
20 enforcement agency from fingerprinting a minor taken into
21 custody or arrested before his or her 18th birthday for an
22 offense other than those listed in this paragraph (2).

23 (C) The records of law enforcement officers, or of an
24 independent agency created by ordinance and charged by a unit
25 of local government with the duty of investigating the conduct
26 of law enforcement officers, concerning all minors under 18

1 years of age must be maintained separate from the records of
2 arrests and may not be open to public inspection or their
3 contents disclosed to the public. For purposes of obtaining
4 documents under this Section, a civil subpoena is not an order
5 of the court.

6 (1) In cases where the law enforcement, or independent
7 agency, records concern a pending juvenile court case, the
8 party seeking to inspect the records shall provide actual
9 notice to the attorney or guardian ad litem of the minor
10 whose records are sought.

11 (2) In cases where the records concern a juvenile
12 court case that is no longer pending, the party seeking to
13 inspect the records shall provide actual notice to the
14 minor or the minor's parent or legal guardian, and the
15 matter shall be referred to the chief judge presiding over
16 matters pursuant to this Act.

17 (3) In determining whether the records should be
18 available for inspection, the court shall consider the
19 minor's interest in confidentiality and rehabilitation
20 over the moving party's interest in obtaining the
21 information. Any records obtained in violation of this
22 subsection (C) shall not be admissible in any criminal or
23 civil proceeding, or operate to disqualify a minor from
24 subsequently holding public office or securing employment,
25 or operate as a forfeiture of any public benefit, right,
26 privilege, or right to receive any license granted by

1 public authority.

2 (D) Nothing contained in subsection (C) of this Section
3 shall prohibit the inspection or disclosure to victims and
4 witnesses of photographs contained in the records of law
5 enforcement agencies when the inspection and disclosure is
6 conducted in the presence of a law enforcement officer for the
7 purpose of the identification or apprehension of any person
8 subject to the provisions of this Act or for the investigation
9 or prosecution of any crime.

10 (E) Law enforcement officers, and personnel of an
11 independent agency created by ordinance and charged by a unit
12 of local government with the duty of investigating the conduct
13 of law enforcement officers, may not disclose the identity of
14 any minor in releasing information to the general public as to
15 the arrest, investigation or disposition of any case involving
16 a minor.

17 (F) Nothing contained in this Section shall prohibit law
18 enforcement agencies from communicating with each other by
19 letter, memorandum, teletype, or intelligence alert bulletin
20 or other means the identity or other relevant information
21 pertaining to a person under 18 years of age if there are
22 reasonable grounds to believe that the person poses a real and
23 present danger to the safety of the public or law enforcement
24 officers. The information provided under this subsection (F)
25 shall remain confidential and shall not be publicly disclosed,
26 except as otherwise allowed by law.

1 (G) Nothing in this Section shall prohibit the right of a
2 Civil Service Commission or appointing authority of any
3 federal government, state, county or municipality examining
4 the character and fitness of an applicant for employment with
5 a law enforcement agency, correctional institution, or fire
6 department from obtaining and examining the records of any law
7 enforcement agency relating to any record of the applicant
8 having been arrested or taken into custody before the
9 applicant's 18th birthday.

10 (G-5) Information identifying victims and alleged victims
11 of sex offenses shall not be disclosed or open to the public
12 under any circumstances. Nothing in this Section shall
13 prohibit the victim or alleged victim of any sex offense from
14 voluntarily disclosing his or her own identity.

15 (H) The changes made to this Section by Public Act 98-61
16 apply to law enforcement records of a minor who has been
17 arrested or taken into custody on or after January 1, 2014 (the
18 effective date of Public Act 98-61).

19 (H-5) Nothing in this Section shall require any court or
20 adjudicative proceeding for traffic, boating, fish and game
21 law, or municipal and county ordinance violations to be closed
22 to the public.

23 (I) Willful violation of this Section is a Class C
24 misdemeanor and each violation is subject to a fine of \$1,000.
25 This subsection (I) shall not apply to the person who is the
26 subject of the record.

1 (J) A person convicted of violating this Section is liable
2 for damages in the amount of \$1,000 or actual damages,
3 whichever is greater.

4 (Source: P.A. 102-538, eff. 8-20-21.)

5 (Text of Section after amendment by P.A. 101-652)

6 Sec. 1-7. Confidentiality of juvenile law enforcement and
7 municipal ordinance violation records.

8 (A) All juvenile law enforcement records which have not
9 been expunged are confidential and may never be disclosed to
10 the general public or otherwise made widely available.
11 Juvenile law enforcement records may be obtained only under
12 this Section and Section 1-8 and Part 9 of Article V of this
13 Act, when their use is needed for good cause and with an order
14 from the juvenile court, as required by those not authorized
15 to retain them. Inspection, copying, and disclosure of
16 juvenile law enforcement records maintained by law enforcement
17 agencies or records of municipal ordinance violations
18 maintained by any State, local, or municipal agency that
19 relate to a minor who has been investigated, arrested, or
20 taken into custody before his or her 18th birthday shall be
21 restricted to the following:

22 (0.05) The minor who is the subject of the juvenile
23 law enforcement record, his or her parents, guardian, and
24 counsel.

25 (0.10) Judges of the circuit court and members of the

1 staff of the court designated by the judge.

2 (0.15) An administrative adjudication hearing officer
3 or members of the staff designated to assist in the
4 administrative adjudication process.

5 (1) Any local, State, or federal law enforcement
6 officers or designated law enforcement staff of any
7 jurisdiction or agency when necessary for the discharge of
8 their official duties during the investigation or
9 prosecution of a crime or relating to a minor who has been
10 adjudicated delinquent and there has been a previous
11 finding that the act which constitutes the previous
12 offense was committed in furtherance of criminal
13 activities by a criminal street gang, or, when necessary
14 for the discharge of its official duties in connection
15 with a particular investigation of the conduct of a law
16 enforcement officer, an independent agency or its staff
17 created by ordinance and charged by a unit of local
18 government with the duty of investigating the conduct of
19 law enforcement officers. For purposes of this Section,
20 "criminal street gang" has the meaning ascribed to it in
21 Section 10 of the Illinois Streetgang Terrorism Omnibus
22 Prevention Act.

23 (2) Prosecutors, public defenders, probation officers,
24 social workers, or other individuals assigned by the court
25 to conduct a pre-adjudication or pre-disposition
26 investigation, and individuals responsible for supervising

1 or providing temporary or permanent care and custody for
2 minors under the order of the juvenile court, when
3 essential to performing their responsibilities.

4 (3) Federal, State, or local prosecutors, public
5 defenders, probation officers, and designated staff:

6 (a) in the course of a trial when institution of
7 criminal proceedings has been permitted or required
8 under Section 5-805;

9 (b) when institution of criminal proceedings has
10 been permitted or required under Section 5-805 and the
11 minor is the subject of a proceeding to determine the
12 conditions of pretrial release;

13 (c) when criminal proceedings have been permitted
14 or required under Section 5-805 and the minor is the
15 subject of a pre-trial investigation, pre-sentence
16 investigation, fitness hearing, or proceedings on an
17 application for probation; or

18 (d) in the course of prosecution or administrative
19 adjudication of a violation of a traffic, boating, or
20 fish and game law, or a county or municipal ordinance.

21 (4) Adult and Juvenile Prisoner Review Board.

22 (5) Authorized military personnel.

23 (5.5) Employees of the federal government authorized
24 by law.

25 (6) Persons engaged in bona fide research, with the
26 permission of the Presiding Judge and the chief executive

1 of the respective law enforcement agency; provided that
2 publication of such research results in no disclosure of a
3 minor's identity and protects the confidentiality of the
4 minor's record.

5 (7) Department of Children and Family Services child
6 protection investigators acting in their official
7 capacity.

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

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

23 (i) any violation of Article 24 of the
24 Criminal Code of 1961 or the Criminal Code of
25 2012;

26 (ii) a violation of the Illinois Controlled

- 1 Substances Act;
- 2 (iii) a violation of the Cannabis Control Act;
- 3 (iv) a forcible felony as defined in Section
- 4 2-8 of the Criminal Code of 1961 or the Criminal
- 5 Code of 2012;
- 6 (v) a violation of the Methamphetamine Control
- 7 and Community Protection Act;
- 8 (vi) a violation of Section 1-2 of the
- 9 Harassing and Obscene Communications Act;
- 10 (vii) a violation of the Hazing Act; or
- 11 (viii) a violation of Section 12-1, 12-2,
- 12 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
- 13 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
- 14 Criminal Code of 1961 or the Criminal Code of
- 15 2012.

16 The information derived from the juvenile law

17 enforcement records shall be kept separate from and

18 shall not become a part of the official school record

19 of that child and shall not be a public record. The

20 information shall be used solely by the appropriate

21 school official or officials whom the school has

22 determined to have a legitimate educational or safety

23 interest to aid in the proper rehabilitation of the

24 child and to protect the safety of students and

25 employees in the school. If the designated law

26 enforcement and school officials deem it to be in the

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

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

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

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

22 (10) The president of a park district. Inspection and
23 copying shall be limited to juvenile law enforcement
24 records transmitted to the president of the park district
25 by the Illinois State Police under Section 8-23 of the
26 Park District Code or Section 16a-5 of the Chicago Park

1 District Act concerning a person who is seeking employment
2 with that park district and who has been adjudicated a
3 juvenile delinquent for any of the offenses listed in
4 subsection (c) of Section 8-23 of the Park District Code
5 or subsection (c) of Section 16a-5 of the Chicago Park
6 District Act.

7 (11) Persons managing and designated to participate in
8 a court diversion program as designated in subsection (6)
9 of Section 5-105.

10 (12) The Public Access Counselor of the Office of the
11 Attorney General, when reviewing juvenile law enforcement
12 records under its powers and duties under the Freedom of
13 Information Act.

14 (13) Collection agencies, contracted or otherwise
15 engaged by a governmental entity, to collect any debts due
16 and owing to the governmental entity.

17 (14) Any juvenile law enforcement records and any
18 information obtained from those records by the Department
19 of Transportation may be used only for accident or crash
20 reporting or any other lawful purpose as required under
21 State or federal law.

22 (B)(1) Except as provided in paragraph (2), no law
23 enforcement officer or other person or agency may knowingly
24 transmit to the Department of Corrections, the Illinois State
25 Police, or the Federal Bureau of Investigation any fingerprint
26 or photograph relating to a minor who has been arrested or

1 taken into custody before his or her 18th birthday, unless the
2 court in proceedings under this Act authorizes the
3 transmission or enters an order under Section 5-805 permitting
4 or requiring the institution of criminal proceedings.

5 (2) Law enforcement officers or other persons or agencies
6 shall transmit to the Illinois State Police copies of
7 fingerprints and descriptions of all minors who have been
8 arrested or taken into custody before their 18th birthday for
9 the offense of unlawful use of weapons under Article 24 of the
10 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
11 or Class 1 felony, a forcible felony as defined in Section 2-8
12 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
13 Class 2 or greater felony under the Cannabis Control Act, the
14 Illinois Controlled Substances Act, the Methamphetamine
15 Control and Community Protection Act, or Chapter 4 of the
16 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
17 Identification Act. Information reported to the Department
18 pursuant to this Section may be maintained with records that
19 the Department files pursuant to Section 2.1 of the Criminal
20 Identification Act. Nothing in this Act prohibits a law
21 enforcement agency from fingerprinting a minor taken into
22 custody or arrested before his or her 18th birthday for an
23 offense other than those listed in this paragraph (2).

24 (C) The records of law enforcement officers, or of an
25 independent agency created by ordinance and charged by a unit
26 of local government with the duty of investigating the conduct

1 of law enforcement officers, concerning all minors under 18
2 years of age must be maintained separate from the records of
3 arrests and may not be open to public inspection or their
4 contents disclosed to the public. For purposes of obtaining
5 documents under this Section, a civil subpoena is not an order
6 of the court.

7 (1) In cases where the law enforcement, or independent
8 agency, records concern a pending juvenile court case, the
9 party seeking to inspect the records shall provide actual
10 notice to the attorney or guardian ad litem of the minor
11 whose records are sought.

12 (2) In cases where the records concern a juvenile
13 court case that is no longer pending, the party seeking to
14 inspect the records shall provide actual notice to the
15 minor or the minor's parent or legal guardian, and the
16 matter shall be referred to the chief judge presiding over
17 matters pursuant to this Act.

18 (3) In determining whether the records should be
19 available for inspection, the court shall consider the
20 minor's interest in confidentiality and rehabilitation
21 over the moving party's interest in obtaining the
22 information. Any records obtained in violation of this
23 subsection (C) shall not be admissible in any criminal or
24 civil proceeding, or operate to disqualify a minor from
25 subsequently holding public office or securing employment,
26 or operate as a forfeiture of any public benefit, right,

1 privilege, or right to receive any license granted by
2 public authority.

3 (D) Nothing contained in subsection (C) of this Section
4 shall prohibit the inspection or disclosure to victims and
5 witnesses of photographs contained in the records of law
6 enforcement agencies when the inspection and disclosure is
7 conducted in the presence of a law enforcement officer for the
8 purpose of the identification or apprehension of any person
9 subject to the provisions of this Act or for the investigation
10 or prosecution of any crime.

11 (E) Law enforcement officers, and personnel of an
12 independent agency created by ordinance and charged by a unit
13 of local government with the duty of investigating the conduct
14 of law enforcement officers, may not disclose the identity of
15 any minor in releasing information to the general public as to
16 the arrest, investigation or disposition of any case involving
17 a minor.

18 (F) Nothing contained in this Section shall prohibit law
19 enforcement agencies from communicating with each other by
20 letter, memorandum, teletype, or intelligence alert bulletin
21 or other means the identity or other relevant information
22 pertaining to a person under 18 years of age if there are
23 reasonable grounds to believe that the person poses a real and
24 present danger to the safety of the public or law enforcement
25 officers. The information provided under this subsection (F)
26 shall remain confidential and shall not be publicly disclosed,

1 except as otherwise allowed by law.

2 (G) Nothing in this Section shall prohibit the right of a
3 Civil Service Commission or appointing authority of any
4 federal government, state, county or municipality examining
5 the character and fitness of an applicant for employment with
6 a law enforcement agency, correctional institution, or fire
7 department from obtaining and examining the records of any law
8 enforcement agency relating to any record of the applicant
9 having been arrested or taken into custody before the
10 applicant's 18th birthday.

11 (G-5) Information identifying victims and alleged victims
12 of sex offenses shall not be disclosed or open to the public
13 under any circumstances. Nothing in this Section shall
14 prohibit the victim or alleged victim of any sex offense from
15 voluntarily disclosing his or her own identity.

16 (H) The changes made to this Section by Public Act 98-61
17 apply to law enforcement records of a minor who has been
18 arrested or taken into custody on or after January 1, 2014 (the
19 effective date of Public Act 98-61).

20 (H-5) Nothing in this Section shall require any court or
21 adjudicative proceeding for traffic, boating, fish and game
22 law, or municipal and county ordinance violations to be closed
23 to the public.

24 (I) Willful violation of this Section is a Class C
25 misdemeanor and each violation is subject to a fine of \$1,000.
26 This subsection (I) shall not apply to the person who is the

1 subject of the record.

2 (J) A person convicted of violating this Section is liable
3 for damages in the amount of \$1,000 or actual damages,
4 whichever is greater.

5 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
6 revised 10-13-21.)

7 (705 ILCS 405/1-8)

8 (Text of Section before amendment by P.A. 101-652)

9 Sec. 1-8. Confidentiality and accessibility of juvenile
10 court records.

11 (A) A juvenile adjudication shall never be considered a
12 conviction nor shall an adjudicated individual be considered a
13 criminal. Unless expressly allowed by law, a juvenile
14 adjudication shall not operate to impose upon the individual
15 any of the civil disabilities ordinarily imposed by or
16 resulting from conviction. Unless expressly allowed by law,
17 adjudications shall not prejudice or disqualify the individual
18 in any civil service application or appointment, from holding
19 public office, or from receiving any license granted by public
20 authority. All juvenile court records which have not been
21 expunged are sealed and may never be disclosed to the general
22 public or otherwise made widely available. Sealed juvenile
23 court records may be obtained only under this Section and
24 Section 1-7 and Part 9 of Article V of this Act, when their use
25 is needed for good cause and with an order from the juvenile

1 court. Inspection and copying of juvenile court records
2 relating to a minor who is the subject of a proceeding under
3 this Act shall be restricted to the following:

4 (1) The minor who is the subject of record, his or her
5 parents, guardian, and counsel.

6 (2) Law enforcement officers and law enforcement
7 agencies when such information is essential to executing
8 an arrest or search warrant or other compulsory process,
9 or to conducting an ongoing investigation or relating to a
10 minor who has been adjudicated delinquent and there has
11 been a previous finding that the act which constitutes the
12 previous offense was committed in furtherance of criminal
13 activities by a criminal street gang.

14 Before July 1, 1994, for the purposes of this Section,
15 "criminal street gang" means any ongoing organization,
16 association, or group of 3 or more persons, whether formal
17 or informal, having as one of its primary activities the
18 commission of one or more criminal acts and that has a
19 common name or common identifying sign, symbol or specific
20 color apparel displayed, and whose members individually or
21 collectively engage in or have engaged in a pattern of
22 criminal activity.

23 Beginning July 1, 1994, for purposes of this Section,
24 "criminal street gang" has the meaning ascribed to it in
25 Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 (3) Judges, hearing officers, prosecutors, public
2 defenders, probation officers, social workers, or other
3 individuals assigned by the court to conduct a
4 pre-adjudication or pre-disposition investigation, and
5 individuals responsible for supervising or providing
6 temporary or permanent care and custody for minors under
7 the order of the juvenile court when essential to
8 performing their responsibilities.

9 (4) Judges, federal, State, and local prosecutors,
10 public defenders, probation officers, and designated
11 staff:

12 (a) in the course of a trial when institution of
13 criminal proceedings has been permitted or required
14 under Section 5-805;

15 (b) when criminal proceedings have been permitted
16 or required under Section 5-805 and a minor is the
17 subject of a proceeding to determine the amount of
18 bail;

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

24 (d) when a minor becomes 18 years of age or older,
25 and is the subject of criminal proceedings, including
26 a hearing to determine the amount of bail, a pre-trial

1 investigation, a pre-sentence investigation, a fitness
2 hearing, or proceedings on an application for
3 probation.

4 (5) Adult and Juvenile Prisoner Review Boards.

5 (6) Authorized military personnel.

6 (6.5) Employees of the federal government authorized
7 by law.

8 (7) Victims, their subrogees and legal
9 representatives; however, such persons shall have access
10 only to the name and address of the minor and information
11 pertaining to the disposition or alternative adjustment
12 plan of the juvenile court.

13 (8) Persons engaged in bona fide research, with the
14 permission of the presiding judge of the juvenile court
15 and the chief executive of the agency that prepared the
16 particular records; provided that publication of such
17 research results in no disclosure of a minor's identity
18 and protects the confidentiality of the record.

19 (9) The Secretary of State to whom the Clerk of the
20 Court shall report the disposition of all cases, as
21 required in Section 6-204 of the Illinois Vehicle Code.
22 However, information reported relative to these offenses
23 shall be privileged and available only to the Secretary of
24 State, courts, and police officers.

25 (10) The administrator of a bonafide substance abuse
26 student assistance program with the permission of the

1 presiding judge of the juvenile court.

2 (11) Mental health professionals on behalf of the
3 Department of Corrections or the Department of Human
4 Services or prosecutors who are evaluating, prosecuting,
5 or investigating a potential or actual petition brought
6 under the Sexually Violent Persons Commitment Act relating
7 to a person who is the subject of juvenile court records or
8 the respondent to a petition brought under the Sexually
9 Violent Persons Commitment Act, who is the subject of
10 juvenile court records sought. Any records and any
11 information obtained from those records under this
12 paragraph (11) may be used only in sexually violent
13 persons commitment proceedings.

14 (12) Collection agencies, contracted or otherwise
15 engaged by a governmental entity, to collect any debts due
16 and owing to the governmental entity.

17 (A-1) Findings and exclusions of paternity entered in
18 proceedings occurring under Article II of this Act shall be
19 disclosed, in a manner and form approved by the Presiding
20 Judge of the Juvenile Court, to the Department of Healthcare
21 and Family Services when necessary to discharge the duties of
22 the Department of Healthcare and Family Services under Article
23 X of the Illinois Public Aid Code.

24 (B) A minor who is the victim in a juvenile proceeding
25 shall be provided the same confidentiality regarding
26 disclosure of identity as the minor who is the subject of

1 record.

2 (C)(0.1) In cases where the records concern a pending
3 juvenile court case, the requesting party seeking to inspect
4 the juvenile court records shall provide actual notice to the
5 attorney or guardian ad litem of the minor whose records are
6 sought.

7 (0.2) In cases where the juvenile court records concern a
8 juvenile court case that is no longer pending, the requesting
9 party seeking to inspect the juvenile court records shall
10 provide actual notice to the minor or the minor's parent or
11 legal guardian, and the matter shall be referred to the chief
12 judge presiding over matters pursuant to this Act.

13 (0.3) In determining whether juvenile court records should
14 be made available for inspection and whether inspection should
15 be limited to certain parts of the file, the court shall
16 consider the minor's interest in confidentiality and
17 rehabilitation over the requesting party's interest in
18 obtaining the information. The State's Attorney, the minor,
19 and the minor's parents, guardian, and counsel shall at all
20 times have the right to examine court files and records.

21 (0.4) Any records obtained in violation of this Section
22 shall not be admissible in any criminal or civil proceeding,
23 or operate to disqualify a minor from subsequently holding
24 public office, or operate as a forfeiture of any public
25 benefit, right, privilege, or right to receive any license
26 granted by public authority.

1 (D) Pending or following any adjudication of delinquency
2 for any offense defined in Sections 11-1.20 through 11-1.60 or
3 12-13 through 12-16 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, the victim of any such offense shall
5 receive the rights set out in Sections 4 and 6 of the Bill of
6 Rights for Victims and Witnesses of Violent Crime Act; and the
7 juvenile who is the subject of the adjudication,
8 notwithstanding any other provision of this Act, shall be
9 treated as an adult for the purpose of affording such rights to
10 the victim.

11 (E) Nothing in this Section shall affect the right of a
12 Civil Service Commission or appointing authority of the
13 federal government, or any state, county, or municipality
14 examining the character and fitness of an applicant for
15 employment with a law enforcement agency, correctional
16 institution, or fire department to ascertain whether that
17 applicant was ever adjudicated to be a delinquent minor and,
18 if so, to examine the records of disposition or evidence which
19 were made in proceedings under this Act.

20 (F) Following any adjudication of delinquency for a crime
21 which would be a felony if committed by an adult, or following
22 any adjudication of delinquency for a violation of Section
23 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, the State's Attorney shall ascertain
25 whether the minor respondent is enrolled in school and, if so,
26 shall provide a copy of the dispositional order to the

1 principal or chief administrative officer of the school.
2 Access to the dispositional order shall be limited to the
3 principal or chief administrative officer of the school and
4 any school counselor designated by him or her.

5 (G) Nothing contained in this Act prevents the sharing or
6 disclosure of information or records relating or pertaining to
7 juveniles subject to the provisions of the Serious Habitual
8 Offender Comprehensive Action Program when that information is
9 used to assist in the early identification and treatment of
10 habitual juvenile offenders.

11 (H) When a court hearing a proceeding under Article II of
12 this Act becomes aware that an earlier proceeding under
13 Article II had been heard in a different county, that court
14 shall request, and the court in which the earlier proceedings
15 were initiated shall transmit, an authenticated copy of the
16 juvenile court record, including all documents, petitions, and
17 orders filed and the minute orders, transcript of proceedings,
18 and docket entries of the court.

19 (I) The Clerk of the Circuit Court shall report to the
20 Illinois State Police, in the form and manner required by the
21 Illinois State Police, the final disposition of each minor who
22 has been arrested or taken into custody before his or her 18th
23 birthday for those offenses required to be reported under
24 Section 5 of the Criminal Identification Act. Information
25 reported to the Department under this Section may be
26 maintained with records that the Department files under

1 Section 2.1 of the Criminal Identification Act.

2 (J) The changes made to this Section by Public Act 98-61
3 apply to juvenile law enforcement records of a minor who has
4 been arrested or taken into custody on or after January 1, 2014
5 (the effective date of Public Act 98-61).

6 (K) Willful violation of this Section is a Class C
7 misdemeanor and each violation is subject to a fine of \$1,000.
8 This subsection (K) shall not apply to the person who is the
9 subject of the record.

10 (L) A person convicted of violating this Section is liable
11 for damages in the amount of \$1,000 or actual damages,
12 whichever is greater.

13 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
14 revised 10-12-21.)

15 (Text of Section after amendment by P.A. 101-652)

16 Sec. 1-8. Confidentiality and accessibility of juvenile
17 court records.

18 (A) A juvenile adjudication shall never be considered a
19 conviction nor shall an adjudicated individual be considered a
20 criminal. Unless expressly allowed by law, a juvenile
21 adjudication shall not operate to impose upon the individual
22 any of the civil disabilities ordinarily imposed by or
23 resulting from conviction. Unless expressly allowed by law,
24 adjudications shall not prejudice or disqualify the individual
25 in any civil service application or appointment, from holding

1 public office, or from receiving any license granted by public
2 authority. All juvenile court records which have not been
3 expunged are sealed and may never be disclosed to the general
4 public or otherwise made widely available. Sealed juvenile
5 court records may be obtained only under this Section and
6 Section 1-7 and Part 9 of Article V of this Act, when their use
7 is needed for good cause and with an order from the juvenile
8 court. Inspection and copying of juvenile court records
9 relating to a minor who is the subject of a proceeding under
10 this Act shall be restricted to the following:

11 (1) The minor who is the subject of record, his or her
12 parents, guardian, and counsel.

13 (2) Law enforcement officers and law enforcement
14 agencies when such information is essential to executing
15 an arrest or search warrant or other compulsory process,
16 or to conducting an ongoing investigation or relating to a
17 minor who has been adjudicated delinquent and there has
18 been a previous finding that the act which constitutes the
19 previous offense was committed in furtherance of criminal
20 activities by a criminal street gang.

21 Before July 1, 1994, for the purposes of this Section,
22 "criminal street gang" means any ongoing organization,
23 association, or group of 3 or more persons, whether formal
24 or informal, having as one of its primary activities the
25 commission of one or more criminal acts and that has a
26 common name or common identifying sign, symbol or specific

1 color apparel displayed, and whose members individually or
2 collectively engage in or have engaged in a pattern of
3 criminal activity.

4 Beginning July 1, 1994, for purposes of this Section,
5 "criminal street gang" has the meaning ascribed to it in
6 Section 10 of the Illinois Streetgang Terrorism Omnibus
7 Prevention Act.

8 (3) Judges, hearing officers, prosecutors, public
9 defenders, probation officers, social workers, or other
10 individuals assigned by the court to conduct a
11 pre-adjudication or pre-disposition investigation, and
12 individuals responsible for supervising or providing
13 temporary or permanent care and custody for minors under
14 the order of the juvenile court when essential to
15 performing their responsibilities.

16 (4) Judges, federal, State, and local prosecutors,
17 public defenders, probation officers, and designated
18 staff:

19 (a) in the course of a trial when institution of
20 criminal proceedings has been permitted or required
21 under Section 5-805;

22 (b) when criminal proceedings have been permitted
23 or required under Section 5-805 and a minor is the
24 subject of a proceeding to determine the conditions of
25 pretrial release;

26 (c) when criminal proceedings have been permitted

1 or required under Section 5-805 and a minor is the
2 subject of a pre-trial investigation, pre-sentence
3 investigation or fitness hearing, or proceedings on an
4 application for probation; or

5 (d) when a minor becomes 18 years of age or older,
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7 a hearing to determine the conditions of pretrial
8 release, a pre-trial investigation, a pre-sentence
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10 application for probation.

11 (5) Adult and Juvenile Prisoner Review Boards.

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15 (7) Victims, their subrogees and legal
16 representatives; however, such persons shall have access
17 only to the name and address of the minor and information
18 pertaining to the disposition or alternative adjustment
19 plan of the juvenile court.

20 (8) Persons engaged in bona fide research, with the
21 permission of the presiding judge of the juvenile court
22 and the chief executive of the agency that prepared the
23 particular records; provided that publication of such
24 research results in no disclosure of a minor's identity
25 and protects the confidentiality of the record.

26 (9) The Secretary of State to whom the Clerk of the

1 Court shall report the disposition of all cases, as
2 required in Section 6-204 of the Illinois Vehicle Code.
3 However, information reported relative to these offenses
4 shall be privileged and available only to the Secretary of
5 State, courts, and police officers.

6 (10) The administrator of a bonafide substance abuse
7 student assistance program with the permission of the
8 presiding judge of the juvenile court.

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

21 (12) Collection agencies, contracted or otherwise
22 engaged by a governmental entity, to collect any debts due
23 and owing to the governmental entity.

24 (13) Any information obtained from the juvenile court
25 records by the Department of Transportation may be used
26 only for accident or crash reporting or any other lawful

1 purpose as required under State or federal law.

2 (A-1) Findings and exclusions of paternity entered in
3 proceedings occurring under Article II of this Act shall be
4 disclosed, in a manner and form approved by the Presiding
5 Judge of the Juvenile Court, to the Department of Healthcare
6 and Family Services when necessary to discharge the duties of
7 the Department of Healthcare and Family Services under Article
8 X of the Illinois Public Aid Code.

9 (B) A minor who is the victim in a juvenile proceeding
10 shall be provided the same confidentiality regarding
11 disclosure of identity as the minor who is the subject of
12 record.

13 (C) (0.1) In cases where the records concern a pending
14 juvenile court case, the requesting party seeking to inspect
15 the juvenile court records shall provide actual notice to the
16 attorney or guardian ad litem of the minor whose records are
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19 juvenile court case that is no longer pending, the requesting
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22 legal guardian, and the matter shall be referred to the chief
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13 for any offense defined in Sections 11-1.20 through 11-1.60 or
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15 Criminal Code of 2012, the victim of any such offense shall
16 receive the rights set out in Sections 4 and 6 of the Bill of
17 Rights for Victims and Witnesses of Violent Crime Act; and the
18 juvenile who is the subject of the adjudication,
19 notwithstanding any other provision of this Act, shall be
20 treated as an adult for the purpose of affording such rights to
21 the victim.

22 (E) Nothing in this Section shall affect the right of a
23 Civil Service Commission or appointing authority of the
24 federal government, or any state, county, or municipality
25 examining the character and fitness of an applicant for
26 employment with a law enforcement agency, correctional

1 institution, or fire department to ascertain whether that
2 applicant was ever adjudicated to be a delinquent minor and,
3 if so, to examine the records of disposition or evidence which
4 were made in proceedings under this Act.

5 (F) Following any adjudication of delinquency for a crime
6 which would be a felony if committed by an adult, or following
7 any adjudication of delinquency for a violation of Section
8 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, the State's Attorney shall ascertain
10 whether the minor respondent is enrolled in school and, if so,
11 shall provide a copy of the dispositional order to the
12 principal or chief administrative officer of the school.
13 Access to the dispositional order shall be limited to the
14 principal or chief administrative officer of the school and
15 any school counselor designated by him or her.

16 (G) Nothing contained in this Act prevents the sharing or
17 disclosure of information or records relating or pertaining to
18 juveniles subject to the provisions of the Serious Habitual
19 Offender Comprehensive Action Program when that information is
20 used to assist in the early identification and treatment of
21 habitual juvenile offenders.

22 (H) When a court hearing a proceeding under Article II of
23 this Act becomes aware that an earlier proceeding under
24 Article II had been heard in a different county, that court
25 shall request, and the court in which the earlier proceedings
26 were initiated shall transmit, an authenticated copy of the

1 juvenile court record, including all documents, petitions, and
2 orders filed and the minute orders, transcript of proceedings,
3 and docket entries of the court.

4 (I) The Clerk of the Circuit Court shall report to the
5 Illinois State Police, in the form and manner required by the
6 Illinois State Police, the final disposition of each minor who
7 has been arrested or taken into custody before his or her 18th
8 birthday for those offenses required to be reported under
9 Section 5 of the Criminal Identification Act. Information
10 reported to the Department under this Section may be
11 maintained with records that the Department files under
12 Section 2.1 of the Criminal Identification Act.

13 (J) The changes made to this Section by Public Act 98-61
14 apply to juvenile law enforcement records of a minor who has
15 been arrested or taken into custody on or after January 1, 2014
16 (the effective date of Public Act 98-61).

17 (K) Willful violation of this Section is a Class C
18 misdemeanor and each violation is subject to a fine of \$1,000.
19 This subsection (K) shall not apply to the person who is the
20 subject of the record.

21 (L) A person convicted of violating this Section is liable
22 for damages in the amount of \$1,000 or actual damages,
23 whichever is greater.

24 (Source: P.A. 101-652, eff. 1-1-23; 102-197, eff. 7-30-21;
25 102-538, eff. 8-20-21; revised 10-12-21.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.