

SB2339



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2339

Introduced 2/26/2021, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

725 ILCS 190/3

from Ch. 38, par. 1453

Amends the Privacy of Child Victims of Criminal Sexual Offenses Act. Provides that law enforcement agency records and all circuit court records relating to any investigation or proceeding pertaining to a criminal sexual offense shall be restricted to exclude the identity of a child victim, and shall not be restricted to exclude the identity of any child who is a victim of such criminal sexual offense or alleged criminal sexual offense only if a court order is issued authorizing the disclosure of a particular case or particular cases records maintained by any circuit court clerk.

LRB102 16187 KMF 21566 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Privacy of Child Victims of Criminal Sexual
5 Offenses Act is amended by changing Section 3 as follows:

6 (725 ILCS 190/3) (from Ch. 38, par. 1453)

7 Sec. 3. Confidentiality of Law Enforcement and Court
8 Records. Notwithstanding any other law to the contrary,
9 inspection and copying of law enforcement records maintained
10 by any law enforcement agency or all circuit court records
11 maintained by any circuit clerk relating to any investigation
12 or proceeding pertaining to a criminal sexual offense, by any
13 person, except a judge, state's attorney, assistant state's
14 attorney, psychologist, psychiatrist, social worker, doctor,
15 parent, parole agent, aftercare specialist, probation officer,
16 defendant or defendant's attorney in any criminal proceeding
17 or investigation related thereto, (a) shall be restricted to
18 exclude the identity of any child who is a victim of such
19 criminal sexual offense or alleged criminal sexual offense and
20 (b) shall not be restricted to exclude the identity of any
21 child who is a victim of such criminal sexual offense or
22 alleged criminal sexual offense only if a court order is
23 issued authorizing the disclosure of a particular case or

1 particular cases records maintained by any circuit court
2 clerk. A court may for the child's protection and for good
3 cause shown, prohibit any person or agency present in court
4 from further disclosing the child's identity.

5 When a criminal sexual offense is committed or alleged to
6 have been committed by a school district employee or any
7 individual contractually employed by a school district, a copy
8 of the criminal history record information relating to the
9 investigation of the offense or alleged offense shall be
10 transmitted to the superintendent of schools of the district
11 immediately upon request or if the law enforcement agency
12 knows that a school district employee or any individual
13 contractually employed by a school district has committed or
14 is alleged to have committed a criminal sexual offense, the
15 superintendent of schools of the district shall be immediately
16 provided a copy of the criminal history record information.
17 The superintendent shall be restricted from specifically
18 revealing the name of the victim without written consent of
19 the victim or victim's parent or guardian.

20 A court may prohibit such disclosure only after giving
21 notice and a hearing to all affected parties. In determining
22 whether to prohibit disclosure of the minor's identity the
23 court shall consider:

24 (a) the best interest of the child; and

25 (b) whether such nondisclosure would further a
26 compelling State interest.

1 For the purposes of this Act, "criminal history record
2 information" means:

3 (i) chronologically maintained arrest information,
4 such as traditional arrest logs or blotters;

5 (ii) the name of a person in the custody of a law
6 enforcement agency and the charges for which that person
7 is being held;

8 (iii) court records that are public;

9 (iv) records that are otherwise available under State
10 or local law; or

11 (v) records in which the requesting party is the
12 individual identified, except as provided under part (vii)
13 of paragraph (c) of subsection (1) of Section 7 of the
14 Freedom of Information Act.

15 (Source: P.A. 98-558, eff. 1-1-14.)