

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, Attorney General, Assistant Attorney General,
15 psychologist, psychiatrist, social worker, doctor, parent,
16 parole agent, aftercare specialist, probation officer,
17 defendant, ~~or~~ defendant's attorney, advocate, or victim's
18 attorney (as defined in Section 3 of the Illinois Rights of
19 Crime Victims and Witnesses Act) in any criminal proceeding or
20 investigation related thereto, shall be restricted to exclude
21 the identity of any child who is a victim of such criminal
22 sexual offense or alleged criminal sexual offense unless a
23 court order is issued authorizing the removal of such

1 restriction as provided under this Section of a particular
2 case record or particular records of cases maintained by any
3 circuit court clerk. A court may for the child's protection
4 and for good cause shown, prohibit any person or agency
5 present in court from further disclosing the child's identity.

6 A court may prohibit such disclosure only after giving
7 notice and a hearing to all affected parties. In determining
8 whether to prohibit disclosure of the minor's identity, the
9 court shall consider:

10 (1) the best interest of the child; and

11 (2) whether such nondisclosure would further a
12 compelling State interest.

13 When a criminal sexual offense is committed or alleged to
14 have been committed by a school district employee or any
15 individual contractually employed by a school district, a copy
16 of the criminal history record information relating to the
17 investigation of the offense or alleged offense shall be
18 transmitted to the superintendent of schools of the district
19 immediately upon request or if the law enforcement agency
20 knows that a school district employee or any individual
21 contractually employed by a school district has committed or
22 is alleged to have committed a criminal sexual offense, the
23 superintendent of schools of the district shall be immediately
24 provided a copy of the criminal history record information.
25 The copy of the criminal history record information to be
26 provided under this Section shall exclude the identity of the

1 child victim. The superintendent shall be restricted from
2 ~~specifically~~ revealing the identity ~~name~~ of the victim ~~without~~
3 ~~written consent of the victim or victim's parent or guardian.~~
4 Nothing in this Article precludes or may be used to preclude a
5 mandated reporter from reporting child abuse or child neglect
6 as required under the Abused and Neglected Child Reporting
7 Act.

8 ~~A court may prohibit such disclosure only after giving~~
9 ~~notice and a hearing to all affected parties. In determining~~
10 ~~whether to prohibit disclosure of the minor's identity the~~
11 ~~court shall consider:~~

12 ~~(a) the best interest of the child; and~~

13 ~~(b) whether such nondisclosure would further a~~
14 ~~compelling State interest.~~

15 For the purposes of this Act, "criminal history record
16 information" means:

17 (i) chronologically maintained arrest information,
18 such as traditional arrest logs or blotters;

19 (ii) the name of a person in the custody of a law
20 enforcement agency and the charges for which that person
21 is being held;

22 (iii) court records that are public;

23 (iv) records that are otherwise available under State
24 or local law; or

25 (v) records in which the requesting party is the
26 individual identified, except as provided under part (vii)

1 of paragraph (c) of subsection (1) of Section 7 of the

2 Freedom of Information Act.

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