



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3936

Introduced 1/21/2022, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 100/5-45.21 new

5 ILCS 140/7

from Ch. 116, par. 207

20 ILCS 2605/2605-620 new

705 ILCS 405/5-915

Creates the Student Confidential Reporting Act. Subject to appropriation, requires the Illinois State Police, in consultation with the Illinois Emergency Management Agency, State Board of Education, Department of Children and Family Services, and the Department of Human Services, to establish a program for receiving reports and other information from the public regarding potential self-harm or potential harm or criminal acts directed at school students, school employees, or schools in this State. Requires the program to include a Safe2Help Illinois helpline (defined as a school helpline involving a statewide toll-free telephone number, social media, a website, or other means of communication, or a combination of a toll-free telephone number and another means of communication, that transmits voice, text, photographic, or other messages and information to the Safe2Help Illinois operators). Provides for referrals from and the discontinuance of other State-operated school violence help lines (excluding the CPS Violence Prevention Hotline). Sets forth other program and Illinois State Police requirements. Contains provisions concerning the confidentiality of reported information, funding, and annual reporting. Provides that a Safe2Help Illinois employee, law enforcement agency, or law enforcement official acting in good faith in compliance with the Act shall have immunity from any civil or criminal liability that might otherwise occur as a result of handling tips, with the exception of willful or wanton misconduct. Provides that the Illinois State Police may adopt emergency rules to implement the Act. Amends various Acts to make conforming changes.

LRB102 23905 RLC 33103 b

1 AN ACT concerning schools.

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

4 Section 1. Short title. This Act may be cited as the
5 Student Confidential Reporting Act.

6 Section 5. Definitions. In this Act:

7 "Safe2Help Illinois" means a school helpline involving a
8 statewide toll-free telephone number, social media, a website,
9 or other means of communication, or a combination of a
10 toll-free telephone number and another means of communication,
11 that transmits voice, text, photographic, or other messages
12 and information to the Safe2Help Illinois operators.

13 "School" means a public or nonpublic school offering any
14 grade from kindergarten through 12, regardless of whether
15 school is in session. "School" includes all school property.

16 "School employee" means a full-time or part-time employee
17 of a school or school district, including a school
18 administrator, a volunteer with a school or school district,
19 or any other person who provides services to a school or school
20 district, while he or she is on school property. A person
21 described in this definition is considered a school employee
22 regardless of whether school is in session.

23 "School site" means a building, a playing field, or

1 property used for school purposes to impart instruction to
2 school students or used for school purposes, functions, or
3 events, regardless of whether school is in session. "School
4 property" includes a school bus.

5 "School student" means a person who is enrolled as a
6 student in a school regardless of whether school is in
7 session.

8 Section 10. Safe2Help Illinois program management and
9 administration.

10 (a) The Illinois State Police, in consultation with the
11 Illinois Emergency Management Agency, State Board of
12 Education, Department of Human Services, and Department of
13 Children and Family Services shall, to the extent that funds
14 are appropriated for that purpose, establish a program for
15 receiving reports and other information from the public
16 regarding potential self-harm or potential harm or criminal
17 acts directed at school students, school employees, or schools
18 in this State. The Illinois State Police shall establish the
19 program in accordance with this Act. The Illinois State Police
20 shall have access to the information needed to meet the
21 reporting requirements of Section 35.

22 (b) The program shall include a Safe2Help Illinois
23 helpline for operators to receive reports and information from
24 the general public as described in subsection (a). The
25 helpline shall be available for use 24 hours a day, 365 days a

1 year.

2 (c) The Department of Innovation and Technology shall
3 operate a dedicated website to provide mental health and risk
4 assessment information for students, promotional information
5 to local law enforcement officials, school officials, and the
6 general public regarding the program.

7 (d) Beginning on the date that Safe2Help Illinois is
8 operational, all calls received by any State-operated school
9 violence help line in operation prior to the establishment of
10 Safe2Help Illinois shall be directed to Safe2Help Illinois. In
11 addition, any State-operated school violence help line in
12 operation prior to the establishment of Safe2Help Illinois
13 shall be disconnected within 6 months after Safe2Help Illinois
14 is operational. The CPS Violence Prevention Hotline
15 established under Section 34-21.8 of the School Code and the
16 Safe2Help Illinois shall cooperate with each other. If the
17 Safe2Help Illinois helpline receives information about
18 incidents occurring in the Chicago public schools, it shall
19 transmit that information to the CPS Violence Prevention
20 Hotline. For the purposes of this subsection (d), a
21 State-operated school violence help line does not include the
22 CPS Violence Prevention Hotline established under Section
23 34-21.8 of the School Code. Instead, the Illinois State Police
24 shall work in conjunction with the Chicago Board of Education
25 and the Chicago Police Department to direct all applicable
26 calls received by Safe2Help to the CPS Violence Prevention

1 Hotline.

2 (e) The Illinois State Police shall be responsible for the
3 continued operational and administrative oversight of the
4 program. The program shall provide for a means to review all
5 reports and information submitted through Safe2Help Illinois
6 and to direct those reports and that information, including
7 any analysis of the potential threat as determined appropriate
8 by the Illinois State Police, to local law enforcement
9 officials and school officials.

10 (f) The Illinois State Police shall ensure that
11 appropriate training is provided to program personnel in all
12 of the following areas:

13 (1) Crisis management, including recognizing mental
14 illness and emotional disturbance.

15 (2) The resources that are available in the community
16 for providing mental health treatment and other human
17 services.

18 (3) Other matters determined by the Illinois State
19 Police to be relevant to the administration and operation
20 of the program.

21 (4) Handling of criminal intelligence information
22 regarding primary and data collection, storage, and
23 dissemination.

24 (g) A report or other information submitted to the program
25 is considered to be a report to a law enforcement agency and
26 shall be maintained as a record by the Illinois State Police

1 for at least 5 years, subject to the confidentiality
2 requirements of this Act.

3 (h) The Illinois State Police shall ensure that any
4 information submitted to the program where mental health
5 emergencies are needed to be immediately referred to the
6 appropriate centralized reporting system as provided in
7 Section 76 of the Mental Health and Developmental Disabilities
8 Administrative Act.

9 Section 15. Management of confidential information.

10 (a) Any report or information submitted to the program
11 under Section 10 is confidential, may not be released except
12 as otherwise provided in this Act or in the Juvenile Court Act
13 of 1987, and is not subject to disclosure under the Freedom of
14 Information Act.

15 (b) Any report or information submitted to the program and
16 forwarded by the vendor described in subsection (d) of Section
17 10 to a law enforcement official or to a school official is
18 confidential, may not be released except as otherwise provided
19 in this Act, and is not subject to disclosure under the Freedom
20 of Information Act.

21 (c) A person who intentionally discloses information to
22 another person in violation of subsection (a) or (b) commits a
23 Class C misdemeanor.

24 Section 20. Exemptions to confidentiality of reported

1 information. Information regarding a report or information
2 submitted to the program under Section 10, including any
3 identifying information, may be disclosed as follows:

4 (1) By the Illinois State Police, a law enforcement
5 agency, a school, or a community mental health service
6 program or an employee of one of those entities acting in
7 the course of his or her duties. However, this paragraph
8 (1) does not allow the disclosure of information that
9 would identify the person who submitted the report or
10 information to the program under Section 10, except for an
11 imminent threat that poses a clear and present danger to
12 the person.

13 (2) With the permission of the person or, if the
14 person is a minor, with the permission of the minor and his
15 or her parents or guardian.

16 (3) Pursuant to a court order issued under Section 25.

17 Section 25. Release of confidential information.

18 (a) A person who is charged with a criminal offense as a
19 result of a report or information submitted under Section 10
20 may petition the court for disclosure of the report or
21 information, including any identifying information, as
22 provided in this subsection (a). The State's Attorney having
23 jurisdiction shall be notified of the petition not less than 7
24 days before the hearing on the petition, or as otherwise
25 provided by the court, and have the right to appear in the

1 proceedings to oppose the petition.

2 If a petition is filed under this subsection (a), the
3 court may conduct a hearing on the petition. If a hearing is
4 conducted, it shall be conducted in chambers outside of the
5 presence of the petitioner.

6 If the court determines that the report or information,
7 including any identifying information, is relevant to the
8 criminal proceedings and is essential to the fair trial of the
9 person, the court may order the disclosure of that report or
10 information, including any identifying information, as
11 determined appropriate by the court.

12 The court may place restrictions on the release and use of
13 the report or information, including any identifying
14 information, obtained under this subsection (a) or may redact
15 material as it considers appropriate. Material reviewed by the
16 court that is not ordered released or that is redacted shall be
17 maintained by the court under seal for purposes of appeal
18 only.

19 (b) If the State's Attorney has reason to believe that a
20 report or other information provided under Section 10 was
21 falsely provided to the Illinois State Police, the State's
22 Attorney may petition the court to disclose the report or
23 information, including any identifying information.

24 The Attorney General shall be notified of the petition not
25 less than 7 days before the hearing on the petition, or as
26 otherwise provided by the court, and has the right to appear in

1 the proceedings to oppose the petition.

2 If the court determines that there is reason to believe
3 that the report or information may have been falsely provided,
4 the court may order the disclosure of the report or
5 information, including any identifying information, as
6 determined appropriate by the court.

7 The court may place restrictions on the release and use of
8 the report or information, including any identifying
9 information, obtained under this subsection (b) or may redact
10 material as it considers appropriate. Material reviewed by the
11 court that is not ordered released or that is redacted shall be
12 maintained by the court under seal for purposes of appeal
13 only.

14 (c) The Attorney General may also appear in any other
15 action to oppose the release of any report or information
16 obtained under Section 10, including any identifying
17 information.

18 Section 30. Funding.

19 (a) The Illinois State Police may receive money or other
20 assets from any source for deposit into the State Police
21 Operations Assistance Fund. All moneys deposited under this
22 Act into the State Police Operations Assistance Fund shall be
23 used, subject to appropriation, by the Illinois State Police
24 only for one or more of the following purposes:

25 (1) To pay the costs of the Illinois State Police for

1 administering this Act.

2 (2) To pay the costs of personnel to staff the program
3 under Section 10.

4 (3) To pay for equipment and software for operating
5 the program.

6 (4) To promote public awareness of the program,
7 including the availability of Safe2Help Illinois and the
8 dedicated website operated by the Illinois State Police
9 under subsection (c) of Section 10.

10 (5) To support the delivery of training and education
11 on topics that address prevention of potential harm or
12 criminal activities directed at school students, school
13 employees, and schools.

14 (b) The Illinois State Police may also accept
15 contributions, grants, gifts, assets, donations, services, or
16 other financial assistance from any individual, association,
17 corporation, or other organization having a legitimate
18 interest in the Safe2Help Illinois helpline and the health and
19 well-being of students which shall be deposited in the State
20 Police Operations Assistance Fund.

21 Section 35. Procurement; rulemaking.

22 (a) The Illinois State Police, in consultation with and
23 subject to the approval of the Chief Procurement Officer, may
24 procure a single contract or multiple contracts to implement
25 the provisions of this Act. A contract or contracts under this

1 subsection are not subject to the provisions of the Illinois
2 Procurement Code, except for Sections 20-60, 20-65, 20-70, and
3 20-160 and Article 50 of that Code, provided that the Chief
4 Procurement Officer may, in writing with justification, waive
5 any certification required under Article 50.

6 (b) To provide for the expeditious and timely
7 implementation of this Act, emergency rules to implement any
8 provision of this Act may be adopted by the Illinois State
9 Police subject to the provisions of Section 5-45 of the
10 Illinois Administrative Procedure Act for a period not to
11 exceed 180 days after the effective date of this Act.

12 Section 40. Annual reporting. The Illinois State Police,
13 in consultation with the State Board of Education, shall
14 prepare an annual report under this Act. The report shall be
15 filed no later than 90 days after the conclusion of the
16 calendar year. Copies of the report shall be filed with the
17 Governor and the General Assembly as provided in Section 3.1
18 of the General Assembly Organization Act. The report shall
19 also be maintained on the Illinois State Police's dedicated
20 website under subsection (c) of Section 10. The report shall
21 contain, but is not limited to, all of the following
22 information:

23 (1) The number of reports submitted to the program
24 under Section 10.

25 (2) The number of reports submitted to the program

1 that are forwarded to local law enforcement officials and
2 school officials.

3 (3) The number of reports submitted to the program
4 resulting in referrals to mental health services.

5 (4) The nature of the reports and information
6 submitted to the program in categories established by the
7 Illinois State Police.

8 (5) An analysis of the overall effectiveness of the
9 program in addressing potential self-harm or potential
10 harm or criminal acts directed at schools, school
11 employees, and school students.

12 Section 45. Immunity. A Safe2Help Illinois helpline
13 employee, law enforcement agency, or law enforcement official
14 acting in good faith in compliance with this Act shall have
15 immunity from any civil or criminal liability that might
16 otherwise occur as a result of handling tips described in this
17 Act, with the exception of willful or wanton misconduct.

18 Section 900. The Illinois Administrative Procedure Act is
19 amended by adding Section 5-45.21 as follows:

20 (5 ILCS 100/5-45.21 new)

21 Sec. 5-45.21. Emergency rulemaking; Student Confidential
22 Reporting Act. To provide for the expeditious and timely
23 implementation of the provisions of the Student Confidential

1 Reporting Act, emergency rules implementing the Student
2 Confidential Reporting Act may be adopted in accordance with
3 Section 5-45 by the Illinois State Police. The adoption of
4 emergency rules authorized by Section 5-45 and this Section is
5 deemed to be necessary for the public interest, safety, and
6 welfare.

7 This Section is repealed on January 1, 2024.

8 Section 905. The Freedom of Information Act is amended by
9 changing Section 7 as follows:

10 (5 ILCS 140/7) (from Ch. 116, par. 207)

11 Sec. 7. Exemptions.

12 (1) When a request is made to inspect or copy a public
13 record that contains information that is exempt from
14 disclosure under this Section, but also contains information
15 that is not exempt from disclosure, the public body may elect
16 to redact the information that is exempt. The public body
17 shall make the remaining information available for inspection
18 and copying. Subject to this requirement, the following shall
19 be exempt from inspection and copying:

20 (a) Information specifically prohibited from
21 disclosure by federal or State law or rules and
22 regulations implementing federal or State law.

23 (b) Private information, unless disclosure is required
24 by another provision of this Act, a State or federal law or

1 a court order.

2 (b-5) Files, documents, and other data or databases
3 maintained by one or more law enforcement agencies and
4 specifically designed to provide information to one or
5 more law enforcement agencies regarding the physical or
6 mental status of one or more individual subjects.

7 (c) Personal information contained within public
8 records, the disclosure of which would constitute a
9 clearly unwarranted invasion of personal privacy, unless
10 the disclosure is consented to in writing by the
11 individual subjects of the information. "Unwarranted
12 invasion of personal privacy" means the disclosure of
13 information that is highly personal or objectionable to a
14 reasonable person and in which the subject's right to
15 privacy outweighs any legitimate public interest in
16 obtaining the information. The disclosure of information
17 that bears on the public duties of public employees and
18 officials shall not be considered an invasion of personal
19 privacy.

20 (d) Records in the possession of any public body
21 created in the course of administrative enforcement
22 proceedings, and any law enforcement or correctional
23 agency for law enforcement purposes, but only to the
24 extent that disclosure would:

25 (i) interfere with pending or actually and
26 reasonably contemplated law enforcement proceedings

1 conducted by any law enforcement or correctional
2 agency that is the recipient of the request;

3 (ii) interfere with active administrative
4 enforcement proceedings conducted by the public body
5 that is the recipient of the request;

6 (iii) create a substantial likelihood that a
7 person will be deprived of a fair trial or an impartial
8 hearing;

9 (iv) unavoidably disclose the identity of a
10 confidential source, confidential information
11 furnished only by the confidential source, or persons
12 who file complaints with or provide information to
13 administrative, investigative, law enforcement, or
14 penal agencies; except that the identities of
15 witnesses to traffic accidents, traffic accident
16 reports, and rescue reports shall be provided by
17 agencies of local government, except when disclosure
18 would interfere with an active criminal investigation
19 conducted by the agency that is the recipient of the
20 request;

21 (v) disclose unique or specialized investigative
22 techniques other than those generally used and known
23 or disclose internal documents of correctional
24 agencies related to detection, observation or
25 investigation of incidents of crime or misconduct, and
26 disclosure would result in demonstrable harm to the

1 agency or public body that is the recipient of the
2 request;

3 (vi) endanger the life or physical safety of law
4 enforcement personnel or any other person; or

5 (vii) obstruct an ongoing criminal investigation
6 by the agency that is the recipient of the request.

7 (d-5) A law enforcement record created for law
8 enforcement purposes and contained in a shared electronic
9 record management system if the law enforcement agency
10 that is the recipient of the request did not create the
11 record, did not participate in or have a role in any of the
12 events which are the subject of the record, and only has
13 access to the record through the shared electronic record
14 management system.

15 (d-6) Records contained in the Officer Professional
16 Conduct Database under Section 9.2 ~~9.4~~ of the Illinois
17 Police Training Act, except to the extent authorized under
18 that Section. This includes the documents supplied to the
19 Illinois Law Enforcement Training Standards Board from the
20 Illinois State Police and Illinois State Police Merit
21 Board.

22 (e) Records that relate to or affect the security of
23 correctional institutions and detention facilities.

24 (e-5) Records requested by persons committed to the
25 Department of Corrections, Department of Human Services
26 Division of Mental Health, or a county jail if those

1 materials are available in the library of the correctional
2 institution or facility or jail where the inmate is
3 confined.

4 (e-6) Records requested by persons committed to the
5 Department of Corrections, Department of Human Services
6 Division of Mental Health, or a county jail if those
7 materials include records from staff members' personnel
8 files, staff rosters, or other staffing assignment
9 information.

10 (e-7) Records requested by persons committed to the
11 Department of Corrections or Department of Human Services
12 Division of Mental Health if those materials are available
13 through an administrative request to the Department of
14 Corrections or Department of Human Services Division of
15 Mental Health.

16 (e-8) Records requested by a person committed to the
17 Department of Corrections, Department of Human Services
18 Division of Mental Health, or a county jail, the
19 disclosure of which would result in the risk of harm to any
20 person or the risk of an escape from a jail or correctional
21 institution or facility.

22 (e-9) Records requested by a person in a county jail
23 or committed to the Department of Corrections or
24 Department of Human Services Division of Mental Health,
25 containing personal information pertaining to the person's
26 victim or the victim's family, including, but not limited

1 to, a victim's home address, home telephone number, work
2 or school address, work telephone number, social security
3 number, or any other identifying information, except as
4 may be relevant to a requester's current or potential case
5 or claim.

6 (e-10) Law enforcement records of other persons
7 requested by a person committed to the Department of
8 Corrections, Department of Human Services Division of
9 Mental Health, or a county jail, including, but not
10 limited to, arrest and booking records, mug shots, and
11 crime scene photographs, except as these records may be
12 relevant to the requester's current or potential case or
13 claim.

14 (f) Preliminary drafts, notes, recommendations,
15 memoranda and other records in which opinions are
16 expressed, or policies or actions are formulated, except
17 that a specific record or relevant portion of a record
18 shall not be exempt when the record is publicly cited and
19 identified by the head of the public body. The exemption
20 provided in this paragraph (f) extends to all those
21 records of officers and agencies of the General Assembly
22 that pertain to the preparation of legislative documents.

23 (g) Trade secrets and commercial or financial
24 information obtained from a person or business where the
25 trade secrets or commercial or financial information are
26 furnished under a claim that they are proprietary,

1 privileged, or confidential, and that disclosure of the
2 trade secrets or commercial or financial information would
3 cause competitive harm to the person or business, and only
4 insofar as the claim directly applies to the records
5 requested.

6 The information included under this exemption includes
7 all trade secrets and commercial or financial information
8 obtained by a public body, including a public pension
9 fund, from a private equity fund or a privately held
10 company within the investment portfolio of a private
11 equity fund as a result of either investing or evaluating
12 a potential investment of public funds in a private equity
13 fund. The exemption contained in this item does not apply
14 to the aggregate financial performance information of a
15 private equity fund, nor to the identity of the fund's
16 managers or general partners. The exemption contained in
17 this item does not apply to the identity of a privately
18 held company within the investment portfolio of a private
19 equity fund, unless the disclosure of the identity of a
20 privately held company may cause competitive harm.

21 Nothing contained in this paragraph (g) shall be
22 construed to prevent a person or business from consenting
23 to disclosure.

24 (h) Proposals and bids for any contract, grant, or
25 agreement, including information which if it were
26 disclosed would frustrate procurement or give an advantage

1 to any person proposing to enter into a contractor
2 agreement with the body, until an award or final selection
3 is made. Information prepared by or for the body in
4 preparation of a bid solicitation shall be exempt until an
5 award or final selection is made.

6 (i) Valuable formulae, computer geographic systems,
7 designs, drawings and research data obtained or produced
8 by any public body when disclosure could reasonably be
9 expected to produce private gain or public loss. The
10 exemption for "computer geographic systems" provided in
11 this paragraph (i) does not extend to requests made by
12 news media as defined in Section 2 of this Act when the
13 requested information is not otherwise exempt and the only
14 purpose of the request is to access and disseminate
15 information regarding the health, safety, welfare, or
16 legal rights of the general public.

17 (j) The following information pertaining to
18 educational matters:

19 (i) test questions, scoring keys and other
20 examination data used to administer an academic
21 examination;

22 (ii) information received by a primary or
23 secondary school, college, or university under its
24 procedures for the evaluation of faculty members by
25 their academic peers;

26 (iii) information concerning a school or

1 university's adjudication of student disciplinary
2 cases, but only to the extent that disclosure would
3 unavoidably reveal the identity of the student; and

4 (iv) course materials or research materials used
5 by faculty members.

6 (k) Architects' plans, engineers' technical
7 submissions, and other construction related technical
8 documents for projects not constructed or developed in
9 whole or in part with public funds and the same for
10 projects constructed or developed with public funds,
11 including, but not limited to, power generating and
12 distribution stations and other transmission and
13 distribution facilities, water treatment facilities,
14 airport facilities, sport stadiums, convention centers,
15 and all government owned, operated, or occupied buildings,
16 but only to the extent that disclosure would compromise
17 security.

18 (l) Minutes of meetings of public bodies closed to the
19 public as provided in the Open Meetings Act until the
20 public body makes the minutes available to the public
21 under Section 2.06 of the Open Meetings Act.

22 (m) Communications between a public body and an
23 attorney or auditor representing the public body that
24 would not be subject to discovery in litigation, and
25 materials prepared or compiled by or for a public body in
26 anticipation of a criminal, civil, or administrative

1 proceeding upon the request of an attorney advising the
2 public body, and materials prepared or compiled with
3 respect to internal audits of public bodies.

4 (n) Records relating to a public body's adjudication
5 of employee grievances or disciplinary cases; however,
6 this exemption shall not extend to the final outcome of
7 cases in which discipline is imposed.

8 (o) Administrative or technical information associated
9 with automated data processing operations, including, but
10 not limited to, software, operating protocols, computer
11 program abstracts, file layouts, source listings, object
12 modules, load modules, user guides, documentation
13 pertaining to all logical and physical design of
14 computerized systems, employee manuals, and any other
15 information that, if disclosed, would jeopardize the
16 security of the system or its data or the security of
17 materials exempt under this Section.

18 (p) Records relating to collective negotiating matters
19 between public bodies and their employees or
20 representatives, except that any final contract or
21 agreement shall be subject to inspection and copying.

22 (q) Test questions, scoring keys, and other
23 examination data used to determine the qualifications of
24 an applicant for a license or employment.

25 (r) The records, documents, and information relating
26 to real estate purchase negotiations until those

1 negotiations have been completed or otherwise terminated.
2 With regard to a parcel involved in a pending or actually
3 and reasonably contemplated eminent domain proceeding
4 under the Eminent Domain Act, records, documents, and
5 information relating to that parcel shall be exempt except
6 as may be allowed under discovery rules adopted by the
7 Illinois Supreme Court. The records, documents, and
8 information relating to a real estate sale shall be exempt
9 until a sale is consummated.

10 (s) Any and all proprietary information and records
11 related to the operation of an intergovernmental risk
12 management association or self-insurance pool or jointly
13 self-administered health and accident cooperative or pool.
14 Insurance or self insurance (including any
15 intergovernmental risk management association or self
16 insurance pool) claims, loss or risk management
17 information, records, data, advice or communications.

18 (t) Information contained in or related to
19 examination, operating, or condition reports prepared by,
20 on behalf of, or for the use of a public body responsible
21 for the regulation or supervision of financial
22 institutions, insurance companies, or pharmacy benefit
23 managers, unless disclosure is otherwise required by State
24 law.

25 (u) Information that would disclose or might lead to
26 the disclosure of secret or confidential information,

1 codes, algorithms, programs, or private keys intended to
2 be used to create electronic signatures under the Uniform
3 Electronic Transactions Act.

4 (v) Vulnerability assessments, security measures, and
5 response policies or plans that are designed to identify,
6 prevent, or respond to potential attacks upon a
7 community's population or systems, facilities, or
8 installations, the destruction or contamination of which
9 would constitute a clear and present danger to the health
10 or safety of the community, but only to the extent that
11 disclosure could reasonably be expected to jeopardize the
12 effectiveness of the measures or the safety of the
13 personnel who implement them or the public. Information
14 exempt under this item may include such things as details
15 pertaining to the mobilization or deployment of personnel
16 or equipment, to the operation of communication systems or
17 protocols, or to tactical operations.

18 (w) (Blank).

19 (x) Maps and other records regarding the location or
20 security of generation, transmission, distribution,
21 storage, gathering, treatment, or switching facilities
22 owned by a utility, by a power generator, or by the
23 Illinois Power Agency.

24 (y) Information contained in or related to proposals,
25 bids, or negotiations related to electric power
26 procurement under Section 1-75 of the Illinois Power

1 Agency Act and Section 16-111.5 of the Public Utilities
2 Act that is determined to be confidential and proprietary
3 by the Illinois Power Agency or by the Illinois Commerce
4 Commission.

5 (z) Information about students exempted from
6 disclosure under Sections 10-20.38 or 34-18.29 of the
7 School Code, and information about undergraduate students
8 enrolled at an institution of higher education exempted
9 from disclosure under Section 25 of the Illinois Credit
10 Card Marketing Act of 2009.

11 (aa) Information the disclosure of which is exempted
12 under the Viatical Settlements Act of 2009.

13 (bb) Records and information provided to a mortality
14 review team and records maintained by a mortality review
15 team appointed under the Department of Juvenile Justice
16 Mortality Review Team Act.

17 (cc) Information regarding interments, entombments, or
18 inurnments of human remains that are submitted to the
19 Cemetery Oversight Database under the Cemetery Care Act or
20 the Cemetery Oversight Act, whichever is applicable.

21 (dd) Correspondence and records (i) that may not be
22 disclosed under Section 11-9 of the Illinois Public Aid
23 Code or (ii) that pertain to appeals under Section 11-8 of
24 the Illinois Public Aid Code.

25 (ee) The names, addresses, or other personal
26 information of persons who are minors and are also

1 participants and registrants in programs of park
2 districts, forest preserve districts, conservation
3 districts, recreation agencies, and special recreation
4 associations.

5 (ff) The names, addresses, or other personal
6 information of participants and registrants in programs of
7 park districts, forest preserve districts, conservation
8 districts, recreation agencies, and special recreation
9 associations where such programs are targeted primarily to
10 minors.

11 (gg) Confidential information described in Section
12 1-100 of the Illinois Independent Tax Tribunal Act of
13 2012.

14 (hh) The report submitted to the State Board of
15 Education by the School Security and Standards Task Force
16 under item (8) of subsection (d) of Section 2-3.160 of the
17 School Code and any information contained in that report.

18 (ii) Records requested by persons committed to or
19 detained by the Department of Human Services under the
20 Sexually Violent Persons Commitment Act or committed to
21 the Department of Corrections under the Sexually Dangerous
22 Persons Act if those materials: (i) are available in the
23 library of the facility where the individual is confined;
24 (ii) include records from staff members' personnel files,
25 staff rosters, or other staffing assignment information;
26 or (iii) are available through an administrative request

1 to the Department of Human Services or the Department of
2 Corrections.

3 (jj) Confidential information described in Section
4 5-535 of the Civil Administrative Code of Illinois.

5 (kk) The public body's credit card numbers, debit card
6 numbers, bank account numbers, Federal Employer
7 Identification Number, security code numbers, passwords,
8 and similar account information, the disclosure of which
9 could result in identity theft or impersonation or defrauding
10 of a governmental entity or a person.

11 (ll) Records concerning the work of the threat
12 assessment team of a school district.

13 (mm) Information prohibited from being disclosed under
14 subsections (a) and (b) of Section 15 of the Student
15 Confidential Reporting Act.

16 (1.5) Any information exempt from disclosure under the
17 Judicial Privacy Act shall be redacted from public records
18 prior to disclosure under this Act.

19 (2) A public record that is not in the possession of a
20 public body but is in the possession of a party with whom the
21 agency has contracted to perform a governmental function on
22 behalf of the public body, and that directly relates to the
23 governmental function and is not otherwise exempt under this
24 Act, shall be considered a public record of the public body,
25 for purposes of this Act.

26 (3) This Section does not authorize withholding of

1 information or limit the availability of records to the
2 public, except as stated in this Section or otherwise provided
3 in this Act.

4 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
5 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
6 6-25-21; 102-558, eff. 8-20-21; revised 11-22-21.)

7 Section 910. The Illinois State Police Law of the Civil
8 Administrative Code of Illinois is amended by adding Section
9 2605-620 as follows:

10 (20 ILCS 2605/2605-620 new)

11 Sec. 2605-620. School helpline program. The Illinois State
12 Police shall establish a school helpline program in accordance
13 with the Student Confidential Reporting Act.

14 Section 915. The Juvenile Court Act of 1987 is amended by
15 changing Section 5-915 as follows:

16 (705 ILCS 405/5-915)

17 Sec. 5-915. Expungement of juvenile law enforcement and
18 juvenile court records.

19 (0.05) (Blank).

20 (0.1) (a) The Illinois State Police and all law
21 enforcement agencies within the State shall automatically
22 expunge, on or before January 1 of each year, except as

1 described in paragraph (c) of subsection (0.1), all juvenile
2 law enforcement records relating to events occurring before an
3 individual's 18th birthday if:

4 (1) one year or more has elapsed since the date of the
5 arrest or law enforcement interaction documented in the
6 records;

7 (2) no petition for delinquency or criminal charges
8 were filed with the clerk of the circuit court relating to
9 the arrest or law enforcement interaction documented in
10 the records; and

11 (3) 6 months have elapsed since the date of the arrest
12 without an additional subsequent arrest or filing of a
13 petition for delinquency or criminal charges whether
14 related or not to the arrest or law enforcement
15 interaction documented in the records.

16 (b) If the law enforcement agency is unable to verify
17 satisfaction of conditions (2) and (3) of this subsection
18 (0.1), records that satisfy condition (1) of this subsection
19 (0.1) shall be automatically expunged if the records relate to
20 an offense that if committed by an adult would not be an
21 offense classified as a Class 2 felony or higher, an offense
22 under Article 11 of the Criminal Code of 1961 or Criminal Code
23 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
24 12-15, or 12-16 of the Criminal Code of 1961.

25 (c) If the juvenile law enforcement record was received
26 through a public submission to a statewide student

1 confidential reporting system administered by the Illinois
2 State Police, the record will maintained for a period of 5
3 years according to all other provisions in subsection (0.1).

4 (0.15) If a juvenile law enforcement record meets
5 paragraph (a) of subsection (0.1) of this Section, a juvenile
6 law enforcement record created:

7 (1) prior to January 1, 2018, but on or after January
8 1, 2013 shall be automatically expunged prior to January
9 1, 2020;

10 (2) prior to January 1, 2013, but on or after January
11 1, 2000, shall be automatically expunged prior to January
12 1, 2023; and

13 (3) prior to January 1, 2000 shall not be subject to
14 the automatic expungement provisions of this Act.

15 Nothing in this subsection (0.15) shall be construed to
16 restrict or modify an individual's right to have his or her
17 juvenile law enforcement records expunged except as otherwise
18 may be provided in this Act.

19 (0.2) (a) Upon dismissal of a petition alleging
20 delinquency or upon a finding of not delinquent, the
21 successful termination of an order of supervision, or the
22 successful termination of an adjudication for an offense which
23 would be a Class B misdemeanor, Class C misdemeanor, or a petty
24 or business offense if committed by an adult, the court shall
25 automatically order the expungement of the juvenile court
26 records and juvenile law enforcement records. The clerk shall

1 deliver a certified copy of the expungement order to the
2 Illinois State Police and the arresting agency. Upon request,
3 the State's Attorney shall furnish the name of the arresting
4 agency. The expungement shall be completed within 60 business
5 days after the receipt of the expungement order.

6 (b) If the chief law enforcement officer of the agency, or
7 his or her designee, certifies in writing that certain
8 information is needed for a pending investigation involving
9 the commission of a felony, that information, and information
10 identifying the juvenile, may be retained until the statute of
11 limitations for the felony has run. If the chief law
12 enforcement officer of the agency, or his or her designee,
13 certifies in writing that certain information is needed with
14 respect to an internal investigation of any law enforcement
15 office, that information and information identifying the
16 juvenile may be retained within an intelligence file until the
17 investigation is terminated or the disciplinary action,
18 including appeals, has been completed, whichever is later.
19 Retention of a portion of a juvenile's law enforcement record
20 does not disqualify the remainder of his or her record from
21 immediate automatic expungement.

22 (0.3) (a) Upon an adjudication of delinquency based on any
23 offense except a disqualified offense, the juvenile court
24 shall automatically order the expungement of the juvenile
25 court and law enforcement records 2 years after the juvenile's
26 case was closed if no delinquency or criminal proceeding is

1 pending and the person has had no subsequent delinquency
2 adjudication or criminal conviction. The clerk shall deliver a
3 certified copy of the expungement order to the Illinois State
4 Police and the arresting agency. Upon request, the State's
5 Attorney shall furnish the name of the arresting agency. The
6 expungement shall be completed within 60 business days after
7 the receipt of the expungement order. In this subsection
8 (0.3), "disqualified offense" means any of the following
9 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
10 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
11 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
12 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
13 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
14 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
15 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
16 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
17 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
18 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
19 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
20 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
21 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
22 paragraph (1) of subsection (a) of Section 12-9, subparagraph
23 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
24 paragraph (1) of subsection (a) of Section 25-1, or subsection
25 (a-7) of Section 31-1 of the Criminal Code of 2012.

26 (b) If the chief law enforcement officer of the agency, or

1 his or her designee, certifies in writing that certain
2 information is needed for a pending investigation involving
3 the commission of a felony, that information, and information
4 identifying the juvenile, may be retained in an intelligence
5 file until the investigation is terminated or for one
6 additional year, whichever is sooner. Retention of a portion
7 of a juvenile's juvenile law enforcement record does not
8 disqualify the remainder of his or her record from immediate
9 automatic expungement.

10 (0.4) Automatic expungement for the purposes of this
11 Section shall not require law enforcement agencies to
12 obliterate or otherwise destroy juvenile law enforcement
13 records that would otherwise need to be automatically expunged
14 under this Act, except after 2 years following the subject
15 arrest for purposes of use in civil litigation against a
16 governmental entity or its law enforcement agency or personnel
17 which created, maintained, or used the records. However, these
18 juvenile law enforcement records shall be considered expunged
19 for all other purposes during this period and the offense,
20 which the records or files concern, shall be treated as if it
21 never occurred as required under Section 5-923.

22 (0.5) Subsection (0.1) or (0.2) of this Section does not
23 apply to violations of traffic, boating, fish and game laws,
24 or county or municipal ordinances.

25 (0.6) Juvenile law enforcement records of a plaintiff who
26 has filed civil litigation against the governmental entity or

1 its law enforcement agency or personnel that created,
2 maintained, or used the records, or juvenile law enforcement
3 records that contain information related to the allegations
4 set forth in the civil litigation may not be expunged until
5 after 2 years have elapsed after the conclusion of the
6 lawsuit, including any appeal.

7 (0.7) Officer-worn body camera recordings shall not be
8 automatically expunged except as otherwise authorized by the
9 Law Enforcement Officer-Worn Body Camera Act.

10 (1) Whenever a person has been arrested, charged, or
11 adjudicated delinquent for an incident occurring before his or
12 her 18th birthday that if committed by an adult would be an
13 offense, and that person's juvenile law enforcement and
14 juvenile court records are not eligible for automatic
15 expungement under subsection (0.1), (0.2), or (0.3), the
16 person may petition the court at any time for expungement of
17 juvenile law enforcement records and juvenile court records
18 relating to the incident and, upon termination of all juvenile
19 court proceedings relating to that incident, the court shall
20 order the expungement of all records in the possession of the
21 Illinois State Police, the clerk of the circuit court, and law
22 enforcement agencies relating to the incident, but only in any
23 of the following circumstances:

24 (a) the minor was arrested and no petition for
25 delinquency was filed with the clerk of the circuit court;

26 (a-5) the minor was charged with an offense and the

1 petition or petitions were dismissed without a finding of
2 delinquency;

3 (b) the minor was charged with an offense and was
4 found not delinquent of that offense;

5 (c) the minor was placed under supervision under
6 Section 5-615, and the order of supervision has since been
7 successfully terminated; or

8 (d) the minor was adjudicated for an offense which
9 would be a Class B misdemeanor, Class C misdemeanor, or a
10 petty or business offense if committed by an adult.

11 (1.5) The Illinois State Police shall allow a person to
12 use the Access and Review process, established in the Illinois
13 State Police, for verifying that his or her juvenile law
14 enforcement records relating to incidents occurring before his
15 or her 18th birthday eligible under this Act have been
16 expunged.

17 (1.6) (Blank).

18 (1.7) (Blank).

19 (1.8) (Blank).

20 (2) Any person whose delinquency adjudications are not
21 eligible for automatic expungement under subsection (0.3) of
22 this Section may petition the court to expunge all juvenile
23 law enforcement records relating to any incidents occurring
24 before his or her 18th birthday which did not result in
25 proceedings in criminal court and all juvenile court records
26 with respect to any adjudications except those based upon

1 first degree murder or an offense under Article 11 of the
2 Criminal Code of 2012 if the person is required to register
3 under the Sex Offender Registration Act at the time he or she
4 petitions the court for expungement; provided that 2 years
5 have elapsed since all juvenile court proceedings relating to
6 him or her have been terminated and his or her commitment to
7 the Department of Juvenile Justice under this Act has been
8 terminated.

9 (2.5) If a minor is arrested and no petition for
10 delinquency is filed with the clerk of the circuit court at the
11 time the minor is released from custody, the youth officer, if
12 applicable, or other designated person from the arresting
13 agency, shall notify verbally and in writing to the minor or
14 the minor's parents or guardians that the minor shall have an
15 arrest record and shall provide the minor and the minor's
16 parents or guardians with an expungement information packet,
17 information regarding this State's expungement laws including
18 a petition to expunge juvenile law enforcement and juvenile
19 court records obtained from the clerk of the circuit court.

20 (2.6) If a minor is referred to court, then, at the time of
21 sentencing, dismissal of the case, or successful completion of
22 supervision, the judge shall inform the delinquent minor of
23 his or her rights regarding expungement and the clerk of the
24 circuit court shall provide an expungement information packet
25 to the minor, written in plain language, including information
26 regarding this State's expungement laws and a petition for

1 expungement, a sample of a completed petition, expungement
2 instructions that shall include information informing the
3 minor that (i) once the case is expunged, it shall be treated
4 as if it never occurred, (ii) he or she may apply to have
5 petition fees waived, (iii) once he or she obtains an
6 expungement, he or she may not be required to disclose that he
7 or she had a juvenile law enforcement or juvenile court
8 record, and (iv) if petitioning he or she may file the petition
9 on his or her own or with the assistance of an attorney. The
10 failure of the judge to inform the delinquent minor of his or
11 her right to petition for expungement as provided by law does
12 not create a substantive right, nor is that failure grounds
13 for: (i) a reversal of an adjudication of delinquency; (ii) a
14 new trial; or (iii) an appeal.

15 (2.7) (Blank).

16 (2.8) (Blank).

17 (3) (Blank).

18 (3.1) (Blank).

19 (3.2) (Blank).

20 (3.3) (Blank).

21 (4) (Blank).

22 (5) (Blank).

23 (5.5) Whether or not expunged, records eligible for
24 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
25 (0.3) (a) may be treated as expunged by the individual subject
26 to the records.

1 (6) (Blank).

2 (6.5) The Illinois State Police or any employee of the
3 Illinois State Police shall be immune from civil or criminal
4 liability for failure to expunge any records of arrest that
5 are subject to expungement under this Section because of
6 inability to verify a record. Nothing in this Section shall
7 create Illinois State Police liability or responsibility for
8 the expungement of juvenile law enforcement records it does
9 not possess.

10 (7) (Blank).

11 (7.5) (Blank).

12 (8) The expungement of juvenile law enforcement or
13 juvenile court records under subsection (0.1), (0.2), or (0.3)
14 of this Section shall be funded by appropriation by the
15 General Assembly for that purpose.

16 (9) (Blank).

17 (10) (Blank).

18 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)