



Sen. Elgie R. Sims, Jr.

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10200SB3936sam002

LRB102 23905 RLC 35944 a

1 AMENDMENT TO SENATE BILL 3936

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3936 on page 27,  
3 by replacing lines 14 and 15 with the following:

4 "Section 915. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 1-7 and 5-915 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

1 to retain them. Inspection, copying, and disclosure of  
2 juvenile law enforcement records maintained by law enforcement  
3 agencies or records of municipal ordinance violations  
4 maintained by any State, local, or municipal agency that  
5 relate to a minor who has been investigated, arrested, or  
6 taken into custody before his or her 18th birthday shall be  
7 restricted to the following:

8 (0.05) The minor who is the subject of the juvenile  
9 law enforcement record, his or her parents, guardian, and  
10 counsel.

11 (0.10) Judges of the circuit court and members of the  
12 staff of the court designated by the judge.

13 (0.15) An administrative adjudication hearing officer  
14 or members of the staff designated to assist in the  
15 administrative adjudication process.

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

1 enforcement officer, an independent agency or its staff  
2 created by ordinance and charged by a unit of local  
3 government with the duty of investigating the conduct of  
4 law enforcement officers. 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 (2) Prosecutors, public defenders, probation officers,  
9 social workers, or other individuals assigned by the court  
10 to conduct a pre-adjudication or pre-disposition  
11 investigation, and individuals responsible for supervising  
12 or providing temporary or permanent care and custody for  
13 minors under the order of the juvenile court, when  
14 essential to performing their responsibilities.

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

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

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

24 (c) when criminal proceedings have been permitted  
25 or required under Section 5-805 and the minor is the  
26 subject of a pre-trial investigation, pre-sentence

1 investigation, fitness hearing, or proceedings on an  
2 application for probation; or

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

6 (4) Adult and Juvenile Prisoner Review Board.

7 (5) Authorized military personnel.

8 (5.5) Employees of the federal government authorized  
9 by law.

10 (6) Persons engaged in bona fide research, with the  
11 permission of the Presiding Judge and the chief executive  
12 of the respective law enforcement agency; provided that  
13 publication of such research results in no disclosure of a  
14 minor's identity and protects the confidentiality of the  
15 minor's record.

16 (7) Department of Children and Family Services child  
17 protection investigators acting in their official  
18 capacity.

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

23 (A) Inspection and copying shall be limited to  
24 juvenile law enforcement records transmitted to the  
25 appropriate school official or officials whom the  
26 school has determined to have a legitimate educational

1 or safety interest by a local law enforcement agency  
2 under a reciprocal reporting system established and  
3 maintained between the school district and the local  
4 law enforcement agency under Section 10-20.14 of the  
5 School Code concerning a minor enrolled in a school  
6 within the school district who has been arrested or  
7 taken into custody for any of the following offenses:

8 (i) any violation of Article 24 of the  
9 Criminal Code of 1961 or the Criminal Code of  
10 2012;

11 (ii) a violation of the Illinois Controlled  
12 Substances Act;

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

14 (iv) a forcible felony as defined in Section  
15 2-8 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012;

17 (v) a violation of the Methamphetamine Control  
18 and Community Protection Act;

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

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

22 (viii) a violation of Section 12-1, 12-2,  
23 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
24 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
25 Criminal Code of 1961 or the Criminal Code of  
26 2012.

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

22           (B) Any information provided to appropriate school  
23 officials whom the school has determined to have a  
24 legitimate educational or safety interest by local law  
25 enforcement officials about a minor who is the subject  
26 of a current police investigation that is directly

1 related to school safety shall consist of oral  
2 information only, and not written juvenile law  
3 enforcement records, and shall be used solely by the  
4 appropriate school official or officials to protect  
5 the safety of students and employees in the school and  
6 aid in the proper rehabilitation of the child. The  
7 information derived orally from the local law  
8 enforcement officials shall be kept separate from and  
9 shall not become a part of the official school record  
10 of the child and shall not be a public record. This  
11 limitation on the use of information about a minor who  
12 is the subject of a current police investigation shall  
13 in no way limit the use of this information by  
14 prosecutors in pursuing criminal charges arising out  
15 of the information disclosed during a police  
16 investigation of the minor. For purposes of this  
17 paragraph, "investigation" means an official  
18 systematic inquiry by a law enforcement agency into  
19 actual or suspected criminal activity.

20 (9) Mental health professionals on behalf of the  
21 Department of Corrections or the Department of Human  
22 Services or prosecutors who are evaluating, prosecuting,  
23 or investigating a potential or actual petition brought  
24 under the Sexually Violent Persons Commitment Act relating  
25 to a person who is the subject of juvenile law enforcement  
26 records or the respondent to a petition brought under the

1 Sexually Violent Persons Commitment Act who is the subject  
2 of the juvenile law enforcement records sought. Any  
3 juvenile law enforcement records and any information  
4 obtained from those juvenile law enforcement records under  
5 this paragraph (9) may be used only in sexually violent  
6 persons commitment proceedings.

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

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

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

25 (13) Collection agencies, contracted or otherwise  
26 engaged by a governmental entity, to collect any debts due



1           and owing to the governmental entity.

2           (B)(1) Except as provided in paragraph (2), no law  
3 enforcement officer or other person or agency may knowingly  
4 transmit to the Department of Corrections, the Illinois State  
5 Police, or the Federal Bureau of Investigation any fingerprint  
6 or photograph relating to a minor who has been arrested or  
7 taken into custody before his or her 18th birthday, unless the  
8 court in proceedings under this Act authorizes the  
9 transmission or enters an order under Section 5-805 permitting  
10 or requiring the institution of criminal proceedings.

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

1 enforcement agency from fingerprinting a minor taken into  
2 custody or arrested before his or her 18th birthday for an  
3 offense other than those listed in this paragraph (2).

4 (C) The records of law enforcement officers, or of an  
5 independent agency created by ordinance and charged by a unit  
6 of local government with the duty of investigating the conduct  
7 of law enforcement officers, concerning all minors under 18  
8 years of age must be maintained separate from the records of  
9 arrests and may not be open to public inspection or their  
10 contents disclosed to the public. For purposes of obtaining  
11 documents under this Section, a civil subpoena is not an order  
12 of the court.

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

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

24 (3) In determining whether the records should be  
25 available for inspection, the court shall consider the  
26 minor's interest in confidentiality and rehabilitation

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

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

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

24 (F) Nothing contained in this Section shall prohibit law  
25 enforcement agencies from communicating with each other by  
26 letter, memorandum, teletype, or intelligence alert bulletin

1 or other means the identity or other relevant information  
2 pertaining to a person under 18 years of age if there are  
3 reasonable grounds to believe that the person poses a real and  
4 present danger to the safety of the public or law enforcement  
5 officers. The information provided under this subsection (F)  
6 shall remain confidential and shall not be publicly disclosed,  
7 except as otherwise allowed by law.

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

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

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

26 (H-5) Nothing in this Section shall require any court or

1 adjudicative proceeding for traffic, boating, fish and game  
2 law, or municipal and county ordinance violations to be closed  
3 to the public.

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

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

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

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

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

15 (A) All juvenile law enforcement records which have not  
16 been expunged are confidential and may never be disclosed to  
17 the general public or otherwise made widely available.  
18 Juvenile law enforcement records may be obtained only under  
19 this Section and Section 1-8 and Part 9 of Article V of this  
20 Act, when their use is needed for good cause and with an order  
21 from the juvenile court, as required by those not authorized  
22 to retain them. Inspection, copying, and disclosure of  
23 juvenile law enforcement records maintained by law enforcement  
24 agencies or records of municipal ordinance violations  
25 maintained by any State, local, or municipal agency that

1 relate to a minor who has been investigated, arrested, or  
2 taken into custody before his or her 18th birthday shall be  
3 restricted to the following:

4 (0.05) The minor who is the subject of the juvenile  
5 law enforcement record, his or her parents, guardian, and  
6 counsel.

7 (0.10) Judges of the circuit court and members of the  
8 staff of the court designated by the judge.

9 (0.15) An administrative adjudication hearing officer  
10 or members of the staff designated to assist in the  
11 administrative adjudication process.

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

1 "criminal street gang" has the meaning ascribed to it in  
2 Section 10 of the Illinois Streetgang Terrorism Omnibus  
3 Prevention Act.

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

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

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

16 (b) when institution of criminal proceedings has  
17 been permitted or required under Section 5-805 and the  
18 minor is the subject of a proceeding to determine the  
19 conditions of pretrial release;

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

25 (d) in the course of prosecution or administrative  
26 adjudication of a violation of a traffic, boating, or

1 fish and game law, or a county or municipal ordinance.

2 (4) Adult and Juvenile Prisoner Review Board.

3 (5) Authorized military personnel.

4 (5.5) Employees of the federal government authorized  
5 by law.

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

12 (7) Department of Children and Family Services child  
13 protection investigators acting in their official  
14 capacity.

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

19 (A) Inspection and copying shall be limited to  
20 juvenile law enforcement records transmitted to the  
21 appropriate school official or officials whom the  
22 school has determined to have a legitimate educational  
23 or safety interest by a local law enforcement agency  
24 under a reciprocal reporting system established and  
25 maintained between the school district and the local  
26 law enforcement agency under Section 10-20.14 of the



1 School Code concerning a minor enrolled in a school  
2 within the school district who has been arrested or  
3 taken into custody for any of the following offenses:

4 (i) any violation of Article 24 of the  
5 Criminal Code of 1961 or the Criminal Code of  
6 2012;

7 (ii) a violation of the Illinois Controlled  
8 Substances Act;

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

10 (iv) a forcible felony as defined in Section  
11 2-8 of the Criminal Code of 1961 or the Criminal  
12 Code of 2012;

13 (v) a violation of the Methamphetamine Control  
14 and Community Protection Act;

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

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

18 (viii) a violation of Section 12-1, 12-2,  
19 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
20 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
21 Criminal Code of 1961 or the Criminal Code of  
22 2012.

23 The information derived from the juvenile law  
24 enforcement records shall be kept separate from and  
25 shall not become a part of the official school record  
26 of that child and shall not be a public record. The

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

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

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

16          (9) Mental health professionals on behalf of the  
17          Department of Corrections or the Department of Human  
18          Services or prosecutors who are evaluating, prosecuting,  
19          or investigating a potential or actual petition brought  
20          under the Sexually Violent Persons Commitment Act relating  
21          to a person who is the subject of juvenile law enforcement  
22          records or the respondent to a petition brought under the  
23          Sexually Violent Persons Commitment Act who is the subject  
24          of the juvenile law enforcement records sought. Any  
25          juvenile law enforcement records and any information  
26          obtained from those juvenile law enforcement records under

1           this paragraph (9) may be used only in sexually violent  
2           persons commitment proceedings.

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

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

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

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

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

1 Police, or the Federal Bureau of Investigation any fingerprint  
2 or photograph relating to a minor who has been arrested or  
3 taken into custody before his or her 18th birthday, unless the  
4 court in proceedings under this Act authorizes the  
5 transmission or enters an order under Section 5-805 permitting  
6 or requiring the institution of criminal proceedings.

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

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

1 independent agency created by ordinance and charged by a unit  
2 of local government with the duty of investigating the conduct  
3 of law enforcement officers, concerning all minors under 18  
4 years of age must be maintained separate from the records of  
5 arrests and may not be open to public inspection or their  
6 contents disclosed to the public. For purposes of obtaining  
7 documents under this Section, a civil subpoena is not an order  
8 of the court.

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

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

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

1           subsequently holding public office or securing employment,  
2           or operate as a forfeiture of any public benefit, right,  
3           privilege, or right to receive any license granted by  
4           public authority.

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

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

20          (F) Nothing contained in this Section shall prohibit law  
21          enforcement agencies from communicating with each other by  
22          letter, memorandum, teletype, or intelligence alert bulletin  
23          or other means the identity or other relevant information  
24          pertaining to a person under 18 years of age if there are  
25          reasonable grounds to believe that the person poses a real and  
26          present danger to the safety of the public or law enforcement

1 officers. The information provided under this subsection (F)  
2 shall remain confidential and shall not be publicly disclosed,  
3 except as otherwise allowed by law.

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

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

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

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

26 (I) Willful violation of this Section is a Class C



1 misdemeanor and each violation is subject to a fine of \$1,000.  
2 This subsection (I) shall not apply to the person who is the  
3 subject of the record.

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

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

9 on page 37, by inserting below line 18 the following:

10 "Section 995. No acceleration or delay. Where this Act  
11 makes changes in a statute that is represented in this Act by  
12 text that is not yet or no longer in effect (for example, a  
13 Section represented by multiple versions), the use of that  
14 text does not accelerate or delay the taking effect of (i) the  
15 changes made by this Act or (ii) provisions derived from any  
16 other Public Act."