

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 by  
10 any law enforcement agency or circuit court records maintained  
11 by any circuit clerk relating to any investigation or  
12 proceeding pertaining to a criminal sexual offense, by any  
13 person, except a judge, state's attorney, assistant state's  
14 attorney, psychologist, psychiatrist, social worker, doctor,  
15 parent, defendant or defendant's attorney in any criminal  
16 proceeding or investigation related thereto, shall be  
17 restricted to exclude the identity of any child who is a victim  
18 of such criminal sexual offense or alleged criminal sexual  
19 offense. A court may for the child's protection and for good  
20 cause shown, prohibit any person or agency present in court  
21 from further disclosing the child's identity.

22 When a criminal sexual offense is committed or alleged to  
23 have been committed by a school district employee or any

1 individual contractually employed by a school district ~~on the~~  
2 ~~premises under the jurisdiction of a public school district or~~  
3 ~~during an official school sponsored activity,~~ a copy of the  
4 criminal history record information ~~law enforcement records~~  
5 ~~maintained by any law enforcement agency or circuit court~~  
6 ~~records maintained by any circuit clerk~~ relating to the  
7 investigation of the offense or alleged offense shall be  
8 transmitted to ~~made available for inspection and copying by~~ the  
9 superintendent of schools of the district immediately upon  
10 request or if the law enforcement agency knows that a school  
11 district employee or any individual contractually employed by a  
12 school district has committed or is alleged to have committed a  
13 criminal sexual offense, the superintendent of schools of the  
14 district shall be immediately provided a copy of the criminal  
15 history record information. The superintendent shall be  
16 restricted from specifically revealing the name of the victim  
17 without written consent of the victim or victim's parent or  
18 guardian.

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

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

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

26 For the purposes of this Act, "criminal history record

1 information" means:

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

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

7 (iii) court records that are public;

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

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

14 (Source: P.A. 87-553.)