

1 AN ACT concerning juveniles.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Section 5-905 as follows:

6 (705 ILCS 405/5-905)

7 Sec. 5-905. Law enforcement records.

8 (1) Law Enforcement Records. Inspection and copying of law  
9 enforcement records maintained by law enforcement agencies  
10 that relate to a minor who has been arrested or taken into  
11 custody before his or her 17th birthday shall be restricted to  
12 the following and when necessary for the discharge of their  
13 official duties:

14 (a) A judge of the circuit court and members of the  
15 staff of the court designated by the judge;

16 (b) Law enforcement officers, probation officers or  
17 prosecutors or their staff, or, when necessary for the  
18 discharge of its official duties in connection with a  
19 particular investigation of the conduct of a law  
20 enforcement officer, an independent agency or its staff  
21 created by ordinance and charged by a unit of local  
22 government with the duty of investigating the conduct of  
23 law enforcement officers;

1           (c) The minor, the minor's parents or legal guardian  
2           and their attorneys, but only when the juvenile has been  
3           charged with an offense;

4           (d) Adult and Juvenile Prisoner Review Boards;

5           (e) Authorized military personnel;

6           (f) Persons engaged in bona fide research, with the  
7           permission of the judge of juvenile court and the chief  
8           executive of the agency that prepared the particular  
9           recording: provided that publication of such research  
10           results in no disclosure of a minor's identity and protects  
11           the confidentiality of the record;

12           (g) Individuals responsible for supervising or  
13           providing temporary or permanent care and custody of minors  
14           pursuant to orders of the juvenile court or directives from  
15           officials of the Department of Children and Family Services  
16           or the Department of Human Services who certify in writing  
17           that the information will not be disclosed to any other  
18           party except as provided under law or order of court;

19           (h) The appropriate school official. Inspection and  
20           copying shall be limited to law enforcement records  
21           transmitted to the appropriate school official by a local  
22           law enforcement agency under a reciprocal reporting system  
23           established and maintained between the school district and  
24           the local law enforcement agency under Section 10-20.14 of  
25           the School Code concerning a minor enrolled in a school  
26           within the school district who has been arrested for any

1 offense classified as a felony or a Class A or B  
2 misdemeanor.

3 (2) Information identifying victims and alleged victims of  
4 sex offenses, shall not be disclosed or open to public  
5 inspection under any circumstances. Nothing in this Section  
6 shall prohibit the victim or alleged victim of any sex offense  
7 from voluntarily disclosing his or her identity.

8 (2.5) If the minor is a victim of aggravated battery,  
9 battery, attempted first degree murder, or other non-sexual  
10 violent offense, the identity of the victim may be disclosed to  
11 appropriate school officials, for the purpose of preventing  
12 foreseeable future violence involving minors, by a local law  
13 enforcement agency pursuant to an agreement established  
14 between the school district and a local law enforcement agency  
15 subject to the approval by the presiding judge of the juvenile  
16 court.

17 (3) Relevant information, reports and records shall be made  
18 available to the Department of Juvenile Justice when a juvenile  
19 offender has been placed in the custody of the Department of  
20 Juvenile Justice.

21 (4) Nothing in this Section shall prohibit the inspection  
22 or disclosure to victims and witnesses of photographs contained  
23 in the records of law enforcement agencies when the inspection  
24 or disclosure is conducted in the presence of a law enforcement  
25 officer for purposes of identification or apprehension of any  
26 person in the course of any criminal investigation or

1 prosecution.

2 (5) The records of law enforcement officers, or of an  
3 independent agency created by ordinance and charged by a unit  
4 of local government with the duty of investigating the conduct  
5 of law enforcement officers, concerning all minors under 17  
6 years of age must be maintained separate from the records of  
7 adults and may not be open to public inspection or their  
8 contents disclosed to the public except by order of the court  
9 or when the institution of criminal proceedings has been  
10 permitted under Section 5-130 or 5-805 or required under  
11 Section 5-130 or 5-805 or such a person has been convicted of a  
12 crime and is the subject of pre-sentence investigation or when  
13 provided by law.

14 (6) Except as otherwise provided in this subsection (6),  
15 law enforcement officers, and personnel of an independent  
16 agency created by ordinance and charged by a unit of local  
17 government with the duty of investigating the conduct of law  
18 enforcement officers, may not disclose the identity of any  
19 minor in releasing information to the general public as to the  
20 arrest, investigation or disposition of any case involving a  
21 minor. Any victim or parent or legal guardian of a victim may  
22 petition the court to disclose the name and address of the  
23 minor and the minor's parents or legal guardian, or both. Upon  
24 a finding by clear and convincing evidence that the disclosure  
25 is either necessary for the victim to pursue a civil remedy  
26 against the minor or the minor's parents or legal guardian, or

1 both, or to protect the victim's person or property from the  
2 minor, then the court may order the disclosure of the  
3 information to the victim or to the parent or legal guardian of  
4 the victim only for the purpose of the victim pursuing a civil  
5 remedy against the minor or the minor's parents or legal  
6 guardian, or both, or to protect the victim's person or  
7 property from the minor.

8 (7) Nothing contained in this Section shall prohibit law  
9 enforcement agencies when acting in their official capacity  
10 from communicating with each other by letter, memorandum,  
11 teletype or intelligence alert bulletin or other means the  
12 identity or other relevant information pertaining to a person  
13 under 17 years of age. The information provided under this  
14 subsection (7) shall remain confidential and shall not be  
15 publicly disclosed, except as otherwise allowed by law.

16 (8) No person shall disclose information under this Section  
17 except when acting in his or her official capacity and as  
18 provided by law or order of court.

19 (Source: P.A. 96-419, eff. 8-13-09.)