



Executive Committee

Filed: 4/22/2010

09600SB3540ham002

LRB096 19411 RLC 40413 a

1 AMENDMENT TO SENATE BILL 3540

2 AMENDMENT NO. _____. Amend Senate Bill 3540 on page 1, by
3 replacing line 5 with the following:

4 "changing Sections 5-615, 5-715, and 5-905 as follows:"; and

5 on page 15, by inserting immediately below line 11 the
6 following:

7 "(705 ILCS 405/5-905)

8 Sec. 5-905. Law enforcement records.

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

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

1 (b) Law enforcement officers, probation officers or
2 prosecutors or their staff, or, when necessary for the
3 discharge of its official duties in connection with a
4 particular investigation of the conduct of a law
5 enforcement officer, an independent agency or its staff
6 created by ordinance and charged by a unit of local
7 government with the duty of investigating the conduct of
8 law enforcement officers;

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

12 (d) Adult and Juvenile Prisoner Review Boards;

13 (e) Authorized military personnel;

14 (f) Persons engaged in bona fide research, with the
15 permission of the judge of juvenile court and the chief
16 executive of the agency that prepared the particular
17 recording: provided that publication of such research
18 results in no disclosure of a minor's identity and protects
19 the confidentiality of the record;

20 (g) Individuals responsible for supervising or
21 providing temporary or permanent care and custody of minors
22 pursuant to orders of the juvenile court or directives from
23 officials of the Department of Children and Family Services
24 or the Department of Human Services who certify in writing
25 that the information will not be disclosed to any other
26 party except as provided under law or order of court;

1 (h) The appropriate school official. Inspection and
2 copying shall be limited to law enforcement records
3 transmitted to the appropriate school official by a local
4 law enforcement agency under a reciprocal reporting system
5 established and maintained between the school district and
6 the local law enforcement agency under Section 10-20.14 of
7 the School Code concerning a minor enrolled in a school
8 within the school district who has been arrested for any
9 offense classified as a felony or a Class A or B
10 misdemeanor.

11 (2) Information identifying victims and alleged victims of
12 sex offenses, shall not be disclosed or open to public
13 inspection under any circumstances. Nothing in this Section
14 shall prohibit the victim or alleged victim of any sex offense
15 from voluntarily disclosing his or her identity.

16 (2.5) If the minor is a victim of aggravated battery,
17 battery, attempted first degree murder, or other non-sexual
18 violent offense, the identity of the victim may be disclosed to
19 appropriate school officials, for the purpose of preventing
20 foreseeable future violence involving minors, by a local law
21 enforcement agency pursuant to an agreement established
22 between the school district and a local law enforcement agency
23 subject to the approval by the presiding judge of the juvenile
24 court.

25 (3) Relevant information, reports and records shall be made
26 available to the Department of Juvenile Justice when a juvenile

1 offender has been placed in the custody of the Department of
2 Juvenile Justice.

3 (4) Nothing in this Section shall prohibit the inspection
4 or disclosure to victims and witnesses of photographs contained
5 in the records of law enforcement agencies when the inspection
6 or disclosure is conducted in the presence of a law enforcement
7 officer for purposes of identification or apprehension of any
8 person in the course of any criminal investigation or
9 prosecution.

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

22 (6) Except as otherwise provided in this subsection (6),
23 law enforcement officers, and personnel of an independent
24 agency created by ordinance and charged by a unit of local
25 government with the duty of investigating the conduct of law
26 enforcement officers, may not disclose the identity of any

1 minor in releasing information to the general public as to the
2 arrest, investigation or disposition of any case involving a
3 minor. Any victim or parent or legal guardian of a victim may
4 petition the court to disclose the name and address of the
5 minor and the minor's parents or legal guardian, or both. Upon
6 a finding by clear and convincing evidence that the disclosure
7 is either necessary for the victim to pursue a civil remedy
8 against the minor or the minor's parents or legal guardian, or
9 both, or to protect the victim's person or property from the
10 minor, then the court may order the disclosure of the
11 information to the victim or to the parent or legal guardian of
12 the victim only for the purpose of the victim pursuing a civil
13 remedy against the minor or the minor's parents or legal
14 guardian, or both, or to protect the victim's person or
15 property from the minor.

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

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

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