



Rep. Darlene J. Senger

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LRB097 06257 KMW 54412 a

1 AMENDMENT TO HOUSE BILL 3129

2 AMENDMENT NO. _____. Amend House Bill 3129 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Park District Code is amended by changing
5 Section 8-23 as follows:

6 (70 ILCS 1205/8-23)

7 Sec. 8-23. Criminal background investigations.

8 (a) An applicant for employment with a park district is
9 required as a condition of employment to authorize an
10 investigation to determine if the applicant has been convicted
11 of, or adjudicated a delinquent minor for, any of the
12 enumerated criminal or drug offenses in subsection (c) of this
13 Section or has been convicted, within 7 years of the
14 application for employment with the park district, of any other
15 felony under the laws of this State or of any offense committed
16 or attempted in any other state or against the laws of the

1 United States that, if committed or attempted in this State,
2 would have been punishable as a felony under the laws of this
3 State. Authorization for the investigation shall be furnished
4 by the applicant to the park district. Upon receipt of this
5 authorization, the park district shall submit the applicant's
6 name, sex, race, date of birth, and social security number to
7 the Department of State Police on forms prescribed by the
8 Department of State Police. The Department of State Police
9 shall conduct a search of the Illinois criminal history records
10 database to ascertain if the applicant being considered for
11 employment has been convicted of, or adjudicated a delinquent
12 minor for, committing or attempting to commit any of the
13 enumerated criminal or drug offenses in subsection (c) of this
14 Section or has been convicted of committing or attempting to
15 commit, within 7 years of the application for employment with
16 the park district, any other felony under the laws of this
17 State. The Department of State Police shall charge the park
18 district a fee for conducting the investigation, which fee
19 shall be deposited in the State Police Services Fund and shall
20 not exceed the cost of the inquiry. The applicant shall not be
21 charged a fee by the park district for the investigation.

22 (b) If the search of the Illinois criminal history record
23 database indicates that the applicant has been convicted of, or
24 adjudicated a delinquent minor for, committing or attempting to
25 commit any of the enumerated criminal or drug offenses in
26 subsection (c) or has been convicted of committing or

1 attempting to commit, within 7 years of the application for
2 employment with the park district, any other felony under the
3 laws of this State, the Department of State Police and the
4 Federal Bureau of Investigation shall furnish, pursuant to a
5 fingerprint based background check, records of convictions or
6 adjudications as a delinquent minor, until expunged, to the
7 president of the park district. Any information concerning the
8 record of convictions or adjudications as a delinquent minor
9 obtained by the president shall be confidential and may only be
10 transmitted to those persons who are necessary to the decision
11 on whether to hire the applicant for employment. A copy of the
12 record of convictions or adjudications as a delinquent minor
13 obtained from the Department of State Police shall be provided
14 to the applicant for employment. Any person who releases any
15 confidential information concerning any criminal convictions
16 or adjudications as a delinquent minor of an applicant for
17 employment shall be guilty of a Class A misdemeanor, unless the
18 release of such information is authorized by this Section.

19 (c) No park district shall knowingly employ a person who
20 has been convicted, or adjudicated a delinquent minor, for
21 committing attempted first degree murder or for committing or
22 attempting to commit first degree murder, a Class X felony, or
23 any one or more of the following offenses: (i) those defined in
24 Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17,
25 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-7.3,
26 12-7.4, 12-7.5, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the

1 Criminal Code of 1961; (ii) those defined in the Cannabis
2 Control Act, except those defined in Sections 4(a), 4(b), and
3 5(a) of that Act; (iii) those defined in the Illinois
4 Controlled Substances Act; (iv) those defined in the
5 Methamphetamine Control and Community Protection Act; and (v)
6 any offense committed or attempted in any other state or
7 against the laws of the United States, which, if committed or
8 attempted in this State, would have been punishable as one or
9 more of the foregoing offenses. Further, no park district shall
10 knowingly employ a person who has been found to be the
11 perpetrator of sexual or physical abuse of any minor under 18
12 years of age pursuant to proceedings under Article II of the
13 Juvenile Court Act of 1987. No park district shall knowingly
14 employ a person for whom a criminal background investigation
15 has not been initiated.

16 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

17 Section 10. The Juvenile Court Act of 1987 is amended by
18 changing Sections 1-7 and 5-905 as follows:

19 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

20 Sec. 1-7. Confidentiality of law enforcement records.

21 (A) Inspection and copying of law enforcement records
22 maintained by law enforcement agencies that relate to a minor
23 who has been arrested or taken into custody before his or her
24 17th birthday shall be restricted to the following:

1 (1) Any local, State or federal law enforcement
2 officers of any jurisdiction or agency when necessary for
3 the discharge of their official duties during the
4 investigation or prosecution of a crime or relating to a
5 minor who has been adjudicated delinquent and there has
6 been a previous finding that the act which constitutes the
7 previous offense was committed in furtherance of criminal
8 activities by a criminal street gang, or, when necessary
9 for the discharge of its official duties in connection with
10 a particular investigation of the conduct of a law
11 enforcement officer, an independent agency or its staff
12 created by ordinance and charged by a unit of local
13 government with the duty of investigating the conduct of
14 law enforcement officers. For purposes of this Section,
15 "criminal street gang" has the meaning ascribed to it in
16 Section 10 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act.

18 (2) Prosecutors, probation officers, social workers,
19 or other individuals assigned by the court to conduct a
20 pre-adjudication or pre-disposition investigation, and
21 individuals responsible for supervising or providing
22 temporary or permanent care and custody for minors pursuant
23 to the order of the juvenile court, when essential to
24 performing their responsibilities.

25 (3) Prosecutors and probation officers:

26 (a) in the course of a trial when institution of

1 criminal proceedings has been permitted or required
2 under Section 5-805; or

3 (b) when institution of criminal proceedings has
4 been permitted or required under Section 5-805 and such
5 minor is the subject of a proceeding to determine the
6 amount of bail; or

7 (c) when criminal proceedings have been permitted
8 or required under Section 5-805 and such minor is the
9 subject of a pre-trial investigation, pre-sentence
10 investigation, fitness hearing, or proceedings on an
11 application for probation.

12 (4) Adult and Juvenile Prisoner Review Board.

13 (5) Authorized military personnel.

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

20 (7) Department of Children and Family Services child
21 protection investigators acting in their official
22 capacity.

23 (8) The appropriate school official. Inspection and
24 copying shall be limited to law enforcement records
25 transmitted to the appropriate school official by a local
26 law enforcement agency under a reciprocal reporting system

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

6 (i) unlawful use of weapons under Section 24-1 of
7 the Criminal Code of 1961;

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

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

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

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

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

1 commitment proceedings.

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

10 (B) (1) Except as provided in paragraph (2), no law
11 enforcement officer or other person or agency may knowingly
12 transmit to the Department of Corrections, Adult Division
13 or the Department of State Police or to the Federal Bureau
14 of Investigation any fingerprint or photograph relating to
15 a minor who has been arrested or taken into custody before
16 his or her 17th birthday, unless the court in proceedings
17 under this Act authorizes the transmission or enters an
18 order under Section 5-805 permitting or requiring the
19 institution of criminal proceedings.

20 (2) Law enforcement officers or other persons or
21 agencies shall transmit to the Department of State Police
22 copies of fingerprints and descriptions of all minors who
23 have been arrested or taken into custody before their 17th
24 birthday for the offense of unlawful use of weapons under
25 Article 24 of the Criminal Code of 1961, a Class X or Class
26 1 felony, a forcible felony as defined in Section 2-8 of

1 the Criminal Code of 1961, or a Class 2 or greater felony
2 under the Cannabis Control Act, the Illinois Controlled
3 Substances Act, the Methamphetamine Control and Community
4 Protection Act, or Chapter 4 of the Illinois Vehicle Code,
5 pursuant to Section 5 of the Criminal Identification Act.
6 Information reported to the Department pursuant to this
7 Section may be maintained with records that the Department
8 files pursuant to Section 2.1 of the Criminal
9 Identification Act. Nothing in this Act prohibits a law
10 enforcement agency from fingerprinting a minor taken into
11 custody or arrested before his or her 17th birthday for an
12 offense other than those listed in this paragraph (2).

13 (C) The records of law enforcement officers, or 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, concerning all minors under 17
17 years of age must be maintained separate from the records of
18 arrests and may not be open to public inspection or their
19 contents disclosed to the public except by order of the court
20 presiding over matters pursuant to this Act or when the
21 institution of criminal proceedings has been permitted or
22 required under Section 5-805 or such a person has been
23 convicted of a crime and is the subject of pre-sentence
24 investigation or proceedings on an application for probation or
25 when provided by law. For purposes of obtaining documents
26 pursuant to this Section, a civil subpoena is not an order of

1 the court.

2 (1) In cases where the law enforcement, or independent
3 agency, records concern a pending juvenile court case, the
4 party seeking to inspect the records shall provide actual
5 notice to the attorney or guardian ad litem of the minor
6 whose records are sought.

7 (2) In cases where the records concern a juvenile court
8 case that is no longer pending, the party seeking to
9 inspect the records shall provide actual notice to the
10 minor or the minor's parent or legal guardian, and the
11 matter shall be referred to the chief judge presiding over
12 matters pursuant to this Act.

13 (3) In determining whether the records should be
14 available for inspection, the court shall consider the
15 minor's interest in confidentiality and rehabilitation
16 over the moving party's interest in obtaining the
17 information. Any records obtained in violation of this
18 subsection (C) shall not be admissible in any criminal or
19 civil proceeding, or operate to disqualify a minor from
20 subsequently holding public office or securing employment,
21 or operate as a forfeiture of any public benefit, right,
22 privilege, or right to receive any license granted by
23 public authority.

24 (D) Nothing contained in subsection (C) of this Section
25 shall prohibit the inspection or disclosure to victims and
26 witnesses of photographs contained in the records of law

1 enforcement agencies when the inspection and disclosure is
2 conducted in the presence of a law enforcement officer for the
3 purpose of the identification or apprehension of any person
4 subject to the provisions of this Act or for the investigation
5 or prosecution of any crime.

6 (E) Law enforcement officers, and personnel of an
7 independent agency created by ordinance and charged by a unit
8 of local government with the duty of investigating the conduct
9 of law enforcement officers, may not disclose the identity of
10 any minor in releasing information to the general public as to
11 the arrest, investigation or disposition of any case involving
12 a minor.

13 (F) Nothing contained in this Section shall prohibit law
14 enforcement agencies from communicating with each other by
15 letter, memorandum, teletype or intelligence alert bulletin or
16 other means the identity or other relevant information
17 pertaining to a person under 17 years of age if there are
18 reasonable grounds to believe that the person poses a real and
19 present danger to the safety of the public or law enforcement
20 officers. The information provided under this subsection (F)
21 shall remain confidential and shall not be publicly disclosed,
22 except as otherwise allowed by law.

23 (G) Nothing in this Section shall prohibit the right of a
24 Civil Service Commission or appointing authority of any state,
25 county or municipality examining the character and fitness of
26 an applicant for employment with a law enforcement agency,

1 correctional institution, or fire department from obtaining
2 and examining the records of any law enforcement agency
3 relating to any record of the applicant having been arrested or
4 taken into custody before the applicant's 17th birthday.

5 (Source: P.A. 95-123, eff. 8-13-07; 96-419, eff. 8-13-09.)

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;

24 (c) The minor, the minor's parents or legal guardian
25 and their attorneys, but only when the juvenile has been

1 charged with an offense;

2 (d) Adult and Juvenile Prisoner Review Boards;

3 (e) Authorized military personnel;

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

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

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

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

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

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

23 (3) Relevant information, reports and records shall be made
24 available to the Department of Juvenile Justice when a juvenile
25 offender has been placed in the custody of the Department of
26 Juvenile Justice.

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

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

20 (6) Except as otherwise provided in this subsection (6),
21 law enforcement officers, and personnel of an independent
22 agency created by ordinance and charged by a unit of local
23 government with the duty of investigating the conduct of law
24 enforcement officers, may not disclose the identity of any
25 minor in releasing information to the general public as to the
26 arrest, investigation or disposition of any case involving a

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

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

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

25 (Source: P.A. 96-419, eff. 8-13-09; 96-1414, eff. 1-1-11.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".