

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 School Code is amended by changing Section
5 22-20 as follows:

6 (105 ILCS 5/22-20) (from Ch. 122, par. 22-20)

7 Sec. 22-20. All courts and law enforcement agencies of the
8 State of Illinois and its political subdivisions shall report
9 to the principal of any public school in this State whenever a
10 child enrolled therein is detained for proceedings under the
11 Juvenile Court Act of 1987, as heretofore and hereafter
12 amended, or for any criminal offense or any violation of a
13 municipal or county ordinance. The report shall include the
14 basis for detaining the child, circumstances surrounding the
15 events which led to the child's detention, and status of
16 proceedings. The report shall be updated as appropriate to
17 notify the principal of developments and the disposition of the
18 matter.

19 The information derived thereby shall be kept separate from
20 and shall not become a part of the official school record of
21 such child and shall not be a public record. Such information
22 shall be used solely by the appropriate school official or
23 officials whom the school has determined to have a legitimate

1 educational or safety interest ~~principal, counselors and~~
2 ~~teachers of the school~~ to aid in the proper rehabilitation of
3 the child and to protect the safety of students and employees
4 in the school.

5 (Source: P.A. 89-610, eff. 8-6-96.)

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

8 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

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

10 (A) Inspection and copying of law enforcement records
11 maintained by law enforcement agencies that relate to a minor
12 who has been arrested or taken into custody before his or her
13 17th birthday shall be restricted to the following:

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

1 created by ordinance and charged by a unit of local
2 government with the duty of investigating the conduct of
3 law enforcement officers. For purposes of this Section,
4 "criminal street gang" has the meaning ascribed to it in
5 Section 10 of the Illinois Streetgang Terrorism Omnibus
6 Prevention Act.

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

14 (3) Prosecutors and probation officers:

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

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

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

1 (4) Adult and Juvenile Prisoner Review Board.

2 (5) Authorized military personnel.

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

9 (7) Department of Children and Family Services child
10 protection investigators acting in their official
11 capacity.

12 (8) The appropriate school official.

13 (A) Inspection and copying shall be limited to law
14 enforcement records transmitted to the appropriate
15 school official or officials whom the school has
16 determined to have a legitimate educational or safety
17 interest by a local law enforcement agency under a
18 reciprocal reporting system established and maintained
19 between the school district and the local law
20 enforcement agency under Section 10-20.14 of the
21 School Code concerning a minor enrolled in a school
22 within the school district who has been arrested or
23 taken into custody for an offense classified as a
24 felony or a Class A or B misdemeanor. The information
25 derived from the law enforcement records shall be kept
26 separate from and shall not become a part of the

1 official school record of that child and shall not be a
2 public record. The information shall be used solely by
3 the appropriate school official or officials whom the
4 school has determined to have a legitimate educational
5 or safety interest to aid in the proper rehabilitation
6 of the child and to protect the safety of students and
7 employees in the school. ~~any of the following offenses:~~

8 ~~(i) unlawful use of weapons under Section 24-1 of~~
9 ~~the Criminal Code of 1961;~~

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

12 ~~(iii) a violation of the Cannabis Control Act;~~

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

15 ~~(v) a violation of the Methamphetamine Control and~~
16 ~~Community Protection Act.~~

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

1 proper rehabilitation of the child. The information
2 derived orally from the local law enforcement
3 officials shall be kept separate from and shall not
4 become a part of the official school record of the
5 child and shall not be a public record. This limitation
6 on the use of information about a minor who is the
7 subject of a current police investigation shall in no
8 way limit the use of this information by prosecutors in
9 pursuing criminal charges arising out of the
10 information disclosed during a police investigation of
11 the minor.

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

25 (B) (1) Except as provided in paragraph (2), no law
26 enforcement officer or other person or agency may knowingly

1 transmit to the Department of Corrections, Adult Division
2 or the Department of State Police or to the Federal Bureau
3 of Investigation any fingerprint or photograph relating to
4 a minor who has been arrested or taken into custody before
5 his or her 17th birthday, unless the court in proceedings
6 under this Act authorizes the transmission or enters an
7 order under Section 5-805 permitting or requiring the
8 institution of criminal proceedings.

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

1 offense other than those listed in this paragraph (2).

2 (C) 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 arrests and may not be open to public inspection or their
8 contents disclosed to the public except by order of the court
9 presiding over matters pursuant to this Act or when the
10 institution of criminal proceedings has been permitted or
11 required under Section 5-805 or such a person has been
12 convicted of a crime and is the subject of pre-sentence
13 investigation or proceedings on an application for probation or
14 when provided by law. For purposes of obtaining documents
15 pursuant to this Section, a civil subpoena is not an order of
16 the court.

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

22 (2) In cases where the records concern a juvenile court
23 case that is no longer pending, the party seeking to
24 inspect the records shall provide actual notice to the
25 minor or the minor's parent or legal guardian, and the
26 matter shall be referred to the chief judge presiding over

1 matters pursuant to this Act.

2 (3) In determining whether the records should be
3 available for inspection, the court shall consider the
4 minor's interest in confidentiality and rehabilitation
5 over the moving party's interest in obtaining the
6 information. Any records obtained in violation of this
7 subsection (C) shall not be admissible in any criminal or
8 civil proceeding, or operate to disqualify a minor from
9 subsequently holding public office or securing employment,
10 or operate as a forfeiture of any public benefit, right,
11 privilege, or right to receive any license granted by
12 public authority.

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

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

1 a minor.

2 (F) Nothing contained in this Section shall prohibit law
3 enforcement agencies from communicating with each other by
4 letter, memorandum, teletype or intelligence alert bulletin or
5 other means the identity or other relevant information
6 pertaining to a person under 17 years of age if there are
7 reasonable grounds to believe that the person poses a real and
8 present danger to the safety of the public or law enforcement
9 officers. The information provided under this subsection (F)
10 shall remain confidential and shall not be publicly disclosed,
11 except as otherwise allowed by law.

12 (G) Nothing in this Section shall prohibit the right of a
13 Civil Service Commission or appointing authority of any state,
14 county or municipality examining the character and fitness of
15 an applicant for employment with a law enforcement agency,
16 correctional institution, or fire department from obtaining
17 and examining the records of any law enforcement agency
18 relating to any record of the applicant having been arrested or
19 taken into custody before the applicant's 17th birthday.

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

21 (705 ILCS 405/5-905)

22 Sec. 5-905. Law enforcement records.

23 (1) Law Enforcement Records. Inspection and copying of law
24 enforcement records maintained by law enforcement agencies
25 that relate to a minor who has been arrested or taken into

1 custody before his or her 17th birthday shall be restricted to
2 the following and when necessary for the discharge of their
3 official duties:

4 (a) A judge of the circuit court and members of the
5 staff of the court designated by the judge;

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

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

17 (d) Adult and Juvenile Prisoner Review Boards;

18 (e) Authorized military personnel;

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

25 (g) Individuals responsible for supervising or
26 providing temporary or permanent care and custody of minors

1 pursuant to orders of the juvenile court or directives from
2 officials of the Department of Children and Family Services
3 or the Department of Human Services who certify in writing
4 that the information will not be disclosed to any other
5 party except as provided under law or order of court;

6 (h) The appropriate school official.

7 (A) Inspection and copying shall be limited to law
8 enforcement records transmitted to the appropriate
9 school official or officials whom the school has
10 determined to have a legitimate educational or safety
11 interest by a local law enforcement agency under a
12 reciprocal reporting system established and maintained
13 between the school district and the local law
14 enforcement agency under Section 10-20.14 of the
15 School Code concerning a minor enrolled in a school
16 within the school district who has been arrested or
17 taken into custody for any offense classified as a
18 felony or a Class A or B misdemeanor. The information
19 derived from the law enforcement records shall be kept
20 separate from and shall not become a part of the
21 official school record of that child and shall not be a
22 public record. The information shall be used solely by
23 the appropriate school official or officials whom the
24 school has determined to have a legitimate educational
25 or safety interest to aid in the proper rehabilitation
26 of the child and to protect the safety of students and

1 employees in the school.

2 (B) Any information provided to appropriate school
3 officials whom the school has determined to have a
4 legitimate educational or safety interest by local law
5 enforcement officials about a minor who is the subject
6 of a current police investigation that is directly
7 related to school safety shall consist of oral
8 information only, and not written law enforcement
9 records, and shall be used solely by the appropriate
10 school official or officials to protect the safety of
11 students and employees in the school and aid in the
12 proper rehabilitation of the child. The information
13 derived orally from the local law enforcement
14 officials shall be kept separate from and shall not
15 become a part of the official school record of the
16 child and shall not be a public record. This limitation
17 on the use of information about a minor who is the
18 subject of a current police investigation shall in no
19 way limit the use of this information by prosecutors in
20 pursuing criminal charges arising out of the
21 information disclosed during a police investigation of
22 the minor.

23 (2) Information identifying victims and alleged victims of
24 sex offenses, shall not be disclosed or open to public
25 inspection under any circumstances. Nothing in this Section
26 shall prohibit the victim or alleged victim of any sex offense

1 from voluntarily disclosing his or her identity.

2 (2.5) If the minor is a victim of aggravated battery,
3 battery, attempted first degree murder, or other non-sexual
4 violent offense, the identity of the victim may be disclosed to
5 appropriate school officials, for the purpose of preventing
6 foreseeable future violence involving minors, by a local law
7 enforcement agency pursuant to an agreement established
8 between the school district and a local law enforcement agency
9 subject to the approval by the presiding judge of the juvenile
10 court.

11 (3) Relevant information, reports and records shall be made
12 available to the Department of Juvenile Justice when a juvenile
13 offender has been placed in the custody of the Department of
14 Juvenile Justice.

15 (4) Nothing in this Section shall prohibit the inspection
16 or disclosure to victims and witnesses of photographs contained
17 in the records of law enforcement agencies when the inspection
18 or disclosure is conducted in the presence of a law enforcement
19 officer for purposes of identification or apprehension of any
20 person in the course of any criminal investigation or
21 prosecution.

22 (5) The records of law enforcement officers, or of an
23 independent agency created by ordinance and charged by a unit
24 of local government with the duty of investigating the conduct
25 of law enforcement officers, concerning all minors under 17
26 years of age must be maintained separate from the records of

1 adults and may not be open to public inspection or their
2 contents disclosed to the public except by order of the court
3 or when the institution of criminal proceedings has been
4 permitted under Section 5-130 or 5-805 or required under
5 Section 5-130 or 5-805 or such a person has been convicted of a
6 crime and is the subject of pre-sentence investigation or when
7 provided by law.

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

1 property from the minor.

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

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

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