



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### HB4538

by Rep. Elaine Nekritz

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-7	from Ch. 37, par. 801-7
705 ILCS 405/1-8	from Ch. 37, par. 801-8
705 ILCS 405/5-120	
705 ILCS 405/5-407	
705 ILCS 405/5-805	
705 ILCS 405/5-901	
705 ILCS 405/5-905	
705 ILCS 405/5-130 rep.	
725 ILCS 5/115-10.5	

Amends the Juvenile Court Act of 1987. Eliminates provisions that require automatic prosecution of minors as adults. Eliminates mandatory and presumptive transfers to adult criminal prosecution. Provides that all transfers to adult criminal prosecution are discretionary transfers. Provides that if a petition alleges commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of the State and, on motion of the State's Attorney to permit prosecution of the minor under the criminal laws, a Juvenile Judge assigned by the Chief Judge of the Circuit to hear and determine those motions, after hearing but before commencement of the trial, finds that there is probable cause to believe that the allegations in the motion are true and that it is not in the best interests of the public to proceed under the Act, the court may enter an order permitting prosecution under the criminal laws. Provides that the factors that the court must consider for discretionary transfer apply to any act that if committed by an adult would constitute a crime that would subject a minor to juvenile jurisdiction if not transferred for adult criminal prosecution. Provides that the changes made to this provision by the amendatory Act apply to a minor who has been arrested or taken into custody on or after the effective date of the amendatory Act. Amends the Code of Criminal Procedure of 1963 to make a conforming change.

LRB098 13303 RLC 47823 b

1 AN ACT concerning courts.

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 Sections 1-7, 1-8, 5-120, 5-407, 5-805, 5-810, 5-901,  
6 and 5-905 as follows:

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

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

9 (A) Inspection and copying of law enforcement records  
10 maintained by law enforcement agencies that relate to a minor  
11 who has been arrested or taken into custody before his or her  
12 18th birthday shall be restricted to the following:

13 (1) Any local, State or federal law enforcement  
14 officers of any jurisdiction or agency when necessary for  
15 the discharge of their official duties during the  
16 investigation or prosecution of a crime or relating to a  
17 minor who has been adjudicated delinquent and there has  
18 been a previous finding that the act which constitutes the  
19 previous offense was committed in furtherance of criminal  
20 activities by a criminal street gang, or, when necessary  
21 for the discharge of its official duties in connection with  
22 a particular investigation of the conduct of a law  
23 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 only if the agency  
13 or officer believes that there is an imminent threat of  
14 physical harm to students, school personnel, or others who  
15 are present in the school or on school grounds.

16 (A) Inspection and copying shall be limited to law  
17 enforcement records transmitted to the appropriate  
18 school official or officials whom the school has  
19 determined to have a legitimate educational or safety  
20 interest by a local law enforcement agency under a  
21 reciprocal reporting system established and maintained  
22 between the school district and the local law  
23 enforcement agency under Section 10-20.14 of the  
24 School Code concerning a minor enrolled in a school  
25 within the school district who has been arrested or  
26 taken into custody for any of the following offenses:

1 (i) any violation of Article 24 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012;

3 (ii) a violation of the Illinois Controlled  
4 Substances Act;

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

6 (iv) a forcible felony as defined in Section  
7 2-8 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012;

9 (v) a violation of the Methamphetamine Control  
10 and Community Protection Act;

11 (vi) a violation of Section 1-2 of the  
12 Harassing and Obscene Communications Act;

13 (vii) a violation of the Hazing Act; or

14 (viii) a violation of Section 12-1, 12-2,  
15 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
16 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012.

18 The information derived from the law enforcement  
19 records shall be kept separate from and shall not  
20 become a part of the official school record of that  
21 child and shall not be a public record. The information  
22 shall be used solely by the appropriate school official  
23 or officials whom the school has determined to have a  
24 legitimate educational or safety interest to aid in the  
25 proper rehabilitation of the child and to protect the  
26 safety of students and employees in the school. If the

1 designated law enforcement and school officials deem  
2 it to be in the best interest of the minor, the student  
3 may be referred to in-school or community based social  
4 services if those services are available.  
5 "Rehabilitation services" may include interventions by  
6 school support personnel, evaluation for eligibility  
7 for special education, referrals to community-based  
8 agencies such as youth services, behavioral healthcare  
9 service providers, drug and alcohol prevention or  
10 treatment programs, and other interventions as deemed  
11 appropriate for the student.

12 (B) Any information provided to appropriate school  
13 officials whom the school has determined to have a  
14 legitimate educational or safety interest by local law  
15 enforcement officials about a minor who is the subject  
16 of a current police investigation that is directly  
17 related to school safety shall consist of oral  
18 information only, and not written law enforcement  
19 records, and shall be used solely by the appropriate  
20 school official or officials to protect the safety of  
21 students and employees in the school and aid in the  
22 proper rehabilitation of the child. The information  
23 derived orally from the local law enforcement  
24 officials shall be kept separate from and shall not  
25 become a part of the official school record of the  
26 child and shall not be a public record. This limitation

1 on the use of information about a minor who is the  
2 subject of a current police investigation shall in no  
3 way limit the use of this information by prosecutors in  
4 pursuing criminal charges arising out of the  
5 information disclosed during a police investigation of  
6 the minor. For purposes of this paragraph,  
7 "investigation" means an official systematic inquiry  
8 by a law enforcement agency into actual or suspected  
9 criminal activity.

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

23 (10) The president of a park district. Inspection and  
24 copying shall be limited to law enforcement records  
25 transmitted to the president of the park district by the  
26 Illinois State Police under Section 8-23 of the Park

1 District Code or Section 16a-5 of the Chicago Park District  
2 Act concerning a person who is seeking employment with that  
3 park district and who has been adjudicated a juvenile  
4 delinquent for any of the offenses listed in subsection (c)  
5 of Section 8-23 of the Park District Code or subsection (c)  
6 of Section 16a-5 of the Chicago Park District Act.

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

17 (2) Law enforcement officers or other persons or  
18 agencies shall transmit to the Department of State Police  
19 copies of fingerprints and descriptions of all minors who  
20 have been arrested or taken into custody before their 18th  
21 birthday for the offense of unlawful use of weapons under  
22 Article 24 of the Criminal Code of 1961 or the Criminal  
23 Code of 2012, a Class X or Class 1 felony, a forcible  
24 felony as defined in Section 2-8 of the Criminal Code of  
25 1961 or the Criminal Code of 2012, or a Class 2 or greater  
26 felony under the Cannabis Control Act, the Illinois



1           Controlled Substances Act, the Methamphetamine Control and  
2           Community Protection Act, or Chapter 4 of the Illinois  
3           Vehicle Code, pursuant to Section 5 of the Criminal  
4           Identification Act. Information reported to the Department  
5           pursuant to this Section may be maintained with records  
6           that the Department files pursuant to Section 2.1 of the  
7           Criminal Identification Act. Nothing in this Act prohibits  
8           a law enforcement agency from fingerprinting a minor taken  
9           into custody or arrested before his or her 18th birthday  
10          for an offense other than those listed in this paragraph  
11          (2).

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

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

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

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

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

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

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

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

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

1 and examining the records of any law enforcement agency  
2 relating to any record of the applicant having been arrested or  
3 taken into custody before the applicant's 18th birthday.

4 The changes made to this Section by this amendatory Act of  
5 the 98th General Assembly apply to law enforcement records of a  
6 minor who has been arrested or taken into custody on or after  
7 the effective date of this amendatory Act.

8 (Source: P.A. 97-700, eff. 6-22-12; 97-1083, eff. 8-24-12;  
9 97-1104, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-61, eff.  
10 1-1-14.)

11 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

12 Sec. 1-8. Confidentiality and accessibility of juvenile  
13 court records.

14 (A) Inspection and copying of juvenile court records  
15 relating to a minor who is the subject of a proceeding under  
16 this Act shall be restricted to the following:

17 (1) The minor who is the subject of record, his  
18 parents, guardian and counsel.

19 (2) Law enforcement officers and law enforcement  
20 agencies when such information is essential to executing an  
21 arrest or search warrant or other compulsory process, or to  
22 conducting an ongoing investigation or relating to a minor  
23 who has been adjudicated delinquent and there has been a  
24 previous finding that the act which constitutes the  
25 previous offense was committed in furtherance of criminal

1 activities by a criminal street gang.

2 Before July 1, 1994, for the purposes of this Section,  
3 "criminal street gang" means any ongoing organization,  
4 association, or group of 3 or more persons, whether formal  
5 or informal, having as one of its primary activities the  
6 commission of one or more criminal acts and that has a  
7 common name or common identifying sign, symbol or specific  
8 color apparel displayed, and whose members individually or  
9 collectively engage in or have engaged in a pattern of  
10 criminal activity.

11 Beginning July 1, 1994, for purposes of this Section,  
12 "criminal street gang" has the meaning ascribed to it in  
13 Section 10 of the Illinois Streetgang Terrorism Omnibus  
14 Prevention Act.

15 (3) Judges, hearing officers, prosecutors, probation  
16 officers, social workers or other individuals assigned by  
17 the court to conduct a pre-adjudication or predisposition  
18 investigation, and individuals responsible for supervising  
19 or providing temporary or permanent care and custody for  
20 minors pursuant to the order of the juvenile court when  
21 essential to performing their responsibilities.

22 (4) Judges, prosecutors and probation officers:

23 (a) in the course of a trial when institution of  
24 criminal proceedings has been permitted ~~or required~~  
25 under Section 5-805; or

26 (b) when criminal proceedings have been permitted

1       ~~or required~~ under Section 5-805 and a minor is the  
2       subject of a proceeding to determine the amount of  
3       bail; or

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

9               (d) when a minor becomes 17 years of age or older,  
10       and is the subject of criminal proceedings, including a  
11       hearing to determine the amount of bail, a pre-trial  
12       investigation, a pre-sentence investigation, a fitness  
13       hearing, or proceedings on an application for  
14       probation.

15               (5) Adult and Juvenile Prisoner Review Boards.

16               (6) Authorized military personnel.

17               (7) Victims, their subrogees and legal  
18       representatives; however, such persons shall have access  
19       only to the name and address of the minor and information  
20       pertaining to the disposition or alternative adjustment  
21       plan of the juvenile court.

22               (8) Persons engaged in bona fide research, with the  
23       permission of the presiding judge of the juvenile court and  
24       the chief executive of the agency that prepared the  
25       particular records; provided that publication of such  
26       research results in no disclosure of a minor's identity and

1 protects the confidentiality of the record.

2 (9) The Secretary of State to whom the Clerk of the  
3 Court shall report the disposition of all cases, as  
4 required in Section 6-204 of the Illinois Vehicle Code.  
5 However, information reported relative to these offenses  
6 shall be privileged and available only to the Secretary of  
7 State, courts, and police officers.

8 (10) The administrator of a bonafide substance abuse  
9 student assistance program with the permission of the  
10 presiding judge of the juvenile court.

11 (11) Mental health professionals on behalf of the  
12 Illinois Department of Corrections or the Department of  
13 Human Services or prosecutors who are evaluating,  
14 prosecuting, or investigating a potential or actual  
15 petition brought under the Sexually Violent Persons  
16 Commitment Act relating to a person who is the subject of  
17 juvenile court records or the respondent to a petition  
18 brought under the Sexually Violent Persons Commitment Act,  
19 who is the subject of juvenile court records sought. Any  
20 records and any information obtained from those records  
21 under this paragraph (11) may be used only in sexually  
22 violent persons commitment proceedings.

23 (A-1) Findings and exclusions of paternity entered in  
24 proceedings occurring under Article II of this Act shall be  
25 disclosed, in a manner and form approved by the Presiding Judge  
26 of the Juvenile Court, to the Department of Healthcare and

1 Family Services when necessary to discharge the duties of the  
2 Department of Healthcare and Family Services under Article X of  
3 the Illinois Public Aid Code.

4 (B) A minor who is the victim in a juvenile proceeding  
5 shall be provided the same confidentiality regarding  
6 disclosure of identity as the minor who is the subject of  
7 record.

8 (C) Except as otherwise provided in this subsection (C),  
9 juvenile court records shall not be made available to the  
10 general public but may be inspected by representatives of  
11 agencies, associations and news media or other properly  
12 interested persons by general or special order of the court  
13 presiding over matters pursuant to this Act.

14 (0.1) In cases where the records concern a pending  
15 juvenile court case, the party seeking to inspect the  
16 juvenile court records shall provide actual notice to the  
17 attorney or guardian ad litem of the minor whose records  
18 are sought.

19 (0.2) In cases where the records concern a juvenile  
20 court case that is no longer pending, the party seeking to  
21 inspect the juvenile court records shall provide actual  
22 notice to the minor or the minor's parent or legal  
23 guardian, and the matter shall be referred to the chief  
24 judge presiding over matters pursuant to this Act.

25 (0.3) In determining whether the records should be  
26 available for inspection, the court shall consider the



1 minor's interest in confidentiality and rehabilitation  
2 over the moving party's interest in obtaining the  
3 information. The State's Attorney, the minor, and the  
4 minor's parents, guardian, and counsel shall at all times  
5 have the right to examine court files and records. For  
6 purposes of obtaining documents pursuant to this Section, a  
7 civil subpoena is not an order of the court.

8 (0.4) Any records obtained in violation of this  
9 subsection (C) shall not be admissible in any criminal or  
10 civil proceeding, or operate to disqualify a minor from  
11 subsequently holding public office, or operate as a  
12 forfeiture of any public benefit, right, privilege, or  
13 right to receive any license granted by public authority.

14 (1) The court shall allow the general public to have  
15 access to the name, address, and offense of a minor who is  
16 adjudicated a delinquent minor under this Act under either  
17 of the following circumstances:

18 (A) The adjudication of delinquency was based upon  
19 the minor's commission of first degree murder, attempt  
20 to commit first degree murder, aggravated criminal  
21 sexual assault, or criminal sexual assault; or

22 (B) The court has made a finding that the minor was  
23 at least 13 years of age at the time the act was  
24 committed and the adjudication of delinquency was  
25 based upon the minor's commission of: (i) an act in  
26 furtherance of the commission of a felony as a member

1 of or on behalf of a criminal street gang, (ii) an act  
2 involving the use of a firearm in the commission of a  
3 felony, (iii) an act that would be a Class X felony  
4 offense under or the minor's second or subsequent Class  
5 2 or greater felony offense under the Cannabis Control  
6 Act if committed by an adult, (iv) an act that would be  
7 a second or subsequent offense under Section 402 of the  
8 Illinois Controlled Substances Act if committed by an  
9 adult, (v) an act that would be an offense under  
10 Section 401 of the Illinois Controlled Substances Act  
11 if committed by an adult, (vi) an act that would be a  
12 second or subsequent offense under Section 60 of the  
13 Methamphetamine Control and Community Protection Act,  
14 or (vii) an act that would be an offense under another  
15 Section of the Methamphetamine Control and Community  
16 Protection Act.

17 (2) The court shall allow the general public to have  
18 access to the name, address, and offense of a minor who is  
19 at least 13 years of age at the time the offense is  
20 committed and who is convicted, in criminal proceedings  
21 permitted ~~or required~~ under Section 5-805 ~~5-4~~, under either  
22 of the following circumstances:

23 (A) The minor has been convicted of first degree  
24 murder, attempt to commit first degree murder,  
25 aggravated criminal sexual assault, or criminal sexual  
26 assault,

1 (B) The court has made a finding that the minor was  
2 at least 13 years of age at the time the offense was  
3 committed and the conviction was based upon the minor's  
4 commission of: (i) an offense in furtherance of the  
5 commission of a felony as a member of or on behalf of a  
6 criminal street gang, (ii) an offense involving the use  
7 of a firearm in the commission of a felony, (iii) a  
8 Class X felony offense under or a second or subsequent  
9 Class 2 or greater felony offense under the Cannabis  
10 Control Act, (iv) a second or subsequent offense under  
11 Section 402 of the Illinois Controlled Substances Act,  
12 (v) an offense under Section 401 of the Illinois  
13 Controlled Substances Act, (vi) an act that would be a  
14 second or subsequent offense under Section 60 of the  
15 Methamphetamine Control and Community Protection Act,  
16 or (vii) an act that would be an offense under another  
17 Section of the Methamphetamine Control and Community  
18 Protection Act.

19 (D) Pending or following any adjudication of delinquency  
20 for any offense defined in Sections 11-1.20 through 11-1.60 or  
21 12-13 through 12-16 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, the victim of any such offense shall  
23 receive the rights set out in Sections 4 and 6 of the Bill of  
24 Rights for Victims and Witnesses of Violent Crime Act; and the  
25 juvenile who is the subject of the adjudication,  
26 notwithstanding any other provision of this Act, shall be

1 treated as an adult for the purpose of affording such rights to  
2 the victim.

3 (E) Nothing in this Section shall affect the right of a  
4 Civil Service Commission or appointing authority of any state,  
5 county or municipality examining the character and fitness of  
6 an applicant for employment with a law enforcement agency,  
7 correctional institution, or fire department to ascertain  
8 whether that applicant was ever adjudicated to be a delinquent  
9 minor and, if so, to examine the records of disposition or  
10 evidence which were made in proceedings under this Act.

11 (F) Following any adjudication of delinquency for a crime  
12 which would be a felony if committed by an adult, or following  
13 any adjudication of delinquency for a violation of Section  
14 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, the State's Attorney shall ascertain  
16 whether the minor respondent is enrolled in school and, if so,  
17 shall provide a copy of the dispositional order to the  
18 principal or chief administrative officer of the school. Access  
19 to such juvenile records shall be limited to the principal or  
20 chief administrative officer of the school and any guidance  
21 counselor designated by him.

22 (G) Nothing contained in this Act prevents the sharing or  
23 disclosure of information or records relating or pertaining to  
24 juveniles subject to the provisions of the Serious Habitual  
25 Offender Comprehensive Action Program when that information is  
26 used to assist in the early identification and treatment of

1 habitual juvenile offenders.

2 (H) When a Court hearing a proceeding under Article II of  
3 this Act becomes aware that an earlier proceeding under Article  
4 II had been heard in a different county, that Court shall  
5 request, and the Court in which the earlier proceedings were  
6 initiated shall transmit, an authenticated copy of the Court  
7 record, including all documents, petitions, and orders filed  
8 therein and the minute orders, transcript of proceedings, and  
9 docket entries of the Court.

10 (I) The Clerk of the Circuit Court shall report to the  
11 Department of State Police, in the form and manner required by  
12 the Department of State Police, the final disposition of each  
13 minor who has been arrested or taken into custody before his or  
14 her 17th birthday for those offenses required to be reported  
15 under Section 5 of the Criminal Identification Act. Information  
16 reported to the Department under this Section may be maintained  
17 with records that the Department files under Section 2.1 of the  
18 Criminal Identification Act.

19 (Source: P.A. 96-212, eff. 8-10-09; 96-1551, eff. 7-1-11;  
20 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)

21 (705 ILCS 405/5-120)

22 Sec. 5-120. Exclusive jurisdiction. Proceedings may be  
23 instituted under the provisions of this Article concerning any  
24 minor who prior to his or her 18th birthday has violated or  
25 attempted to violate, regardless of where the act occurred, any

1 federal, State, county or municipal law or ordinance. Except as  
2 provided in Sections 5-125, ~~5-130~~, 5-805, and 5-810 of this  
3 Article, no minor who was under 18 years of age at the time of  
4 the alleged offense may be prosecuted under the criminal laws  
5 of this State.

6 The changes made to this Section by this amendatory Act of  
7 the 98th General Assembly apply to violations or attempted  
8 violations committed on or after the effective date of this  
9 amendatory Act.

10 (Source: P.A. 98-61, eff. 1-1-14.)

11 (705 ILCS 405/5-407)

12 Sec. 5-407. Processing of juvenile in possession of a  
13 firearm.

14 (a) If a law enforcement officer detains a minor pursuant  
15 to Section 10-27.1A of the School Code, the officer shall  
16 deliver the minor to the nearest juvenile officer, in the  
17 manner prescribed by subsection (2) of Section 5-405 of this  
18 Act. The juvenile officer shall deliver the minor without  
19 unnecessary delay to the court or to the place designated by  
20 rule or order of court for the reception of minors. In no event  
21 shall the minor be eligible for any other disposition by the  
22 juvenile police officer, notwithstanding the provisions of  
23 subsection (3) of Section 5-405 of this Act.

24 (b) ~~Minors not excluded from this Act's jurisdiction under~~  
25 ~~subsection (3)(a) of Section 5-130 of this Act shall be brought~~

1 before a judicial officer within 40 hours, exclusive of  
2 Saturdays, Sundays, and court-designated holidays, for a  
3 detention hearing to determine whether he or she shall be  
4 further held in custody. If the court finds that there is  
5 probable cause to believe that the minor is a delinquent minor  
6 by virtue of his or her violation of item (4) of subsection (a)  
7 of Section 24-1 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012 while on school grounds, that finding shall create  
9 a presumption that immediate and urgent necessity exists under  
10 subdivision (2) of Section 5-501 of this Act. Once the  
11 presumption of immediate and urgent necessity has been raised,  
12 the burden of demonstrating the lack of immediate and urgent  
13 necessity shall be on any party that is opposing detention for  
14 the minor. Should the court order detention pursuant to this  
15 Section, the minor shall be detained, pending the results of a  
16 court-ordered psychological evaluation to determine if the  
17 minor is a risk to himself, herself, or others. Upon receipt of  
18 the psychological evaluation, the court shall review the  
19 determination regarding the existence of urgent and immediate  
20 necessity. The court shall consider the psychological  
21 evaluation in conjunction with the other factors identified in  
22 subdivision (2) of Section 5-501 of this Act in order to make a  
23 de novo determination regarding whether it is a matter of  
24 immediate and urgent necessity for the protection of the minor  
25 or of the person or property of another that the minor be  
26 detained or placed in a shelter care facility. In addition to

1 the pre-trial conditions found in Section 5-505 of this Act,  
2 the court may order the minor to receive counseling and any  
3 other services recommended by the psychological evaluation as a  
4 condition for release of the minor.

5 (c) Upon making a determination that the student presents a  
6 risk to himself, herself, or others, the court shall issue an  
7 order restraining the student from entering the property of the  
8 school if he or she has been suspended or expelled from the  
9 school as a result of possessing a firearm. The order shall  
10 restrain the student from entering the school and school owned  
11 or leased property, including any conveyance owned, leased, or  
12 contracted by the school to transport students to or from  
13 school or a school-related activity. The order shall remain in  
14 effect until such time as the court determines that the student  
15 no longer presents a risk to himself, herself, or others.

16 (d) Psychological evaluations ordered pursuant to  
17 subsection (b) of this Section and statements made by the minor  
18 during the course of these evaluations, shall not be admissible  
19 on the issue of delinquency during the course of any  
20 adjudicatory hearing held under this Act.

21 (e) In this Section:

22 "School" means any public or private elementary or  
23 secondary school.

24 "School grounds" includes the real property comprising any  
25 school, any conveyance owned, leased, or contracted by a school  
26 to transport students to or from school or a school-related



1 activity, or any public way within 1,000 feet of the real  
2 property comprising any school.

3 (Source: P.A. 97-1150, eff. 1-25-13.)

4 (705 ILCS 405/5-805)

5 Sec. 5-805. Transfer of jurisdiction.

6 (1) (Blank) ~~Mandatory transfers.~~

7 ~~(a) If a petition alleges commission by a minor 15~~  
8 ~~years of age or older of an act that constitutes a forcible~~  
9 ~~felony under the laws of this State, and if a motion by the~~  
10 ~~State's Attorney to prosecute the minor under the criminal~~  
11 ~~laws of Illinois for the alleged forcible felony alleges~~  
12 ~~that (i) the minor has previously been adjudicated~~  
13 ~~delinquent or found guilty for commission of an act that~~  
14 ~~constitutes a felony under the laws of this State or any~~  
15 ~~other state and (ii) the act that constitutes the offense~~  
16 ~~was committed in furtherance of criminal activity by an~~  
17 ~~organized gang, the Juvenile Judge assigned to hear and~~  
18 ~~determine those motions shall, upon determining that there~~  
19 ~~is probable cause that both allegations are true, enter an~~  
20 ~~order permitting prosecution under the criminal laws of~~  
21 ~~Illinois.~~

22 ~~(b) If a petition alleges commission by a minor 15~~  
23 ~~years of age or older of an act that constitutes a felony~~  
24 ~~under the laws of this State, and if a motion by a State's~~  
25 ~~Attorney to prosecute the minor under the criminal laws of~~

1 ~~Illinois for the alleged felony alleges that (i) the minor~~  
2 ~~has previously been adjudicated delinquent or found guilty~~  
3 ~~for commission of an act that constitutes a forcible felony~~  
4 ~~under the laws of this State or any other state and (ii)~~  
5 ~~the act that constitutes the offense was committed in~~  
6 ~~furtherance of criminal activities by an organized gang,~~  
7 ~~the Juvenile Judge assigned to hear and determine those~~  
8 ~~motions shall, upon determining that there is probable~~  
9 ~~cause that both allegations are true, enter an order~~  
10 ~~permitting prosecution under the criminal laws of~~  
11 ~~Illinois.~~

12 ~~(c) If a petition alleges commission by a minor 15~~  
13 ~~years of age or older of: (i) an act that constitutes an~~  
14 ~~offense enumerated in the presumptive transfer provisions~~  
15 ~~of subsection (2); and (ii) the minor has previously been~~  
16 ~~adjudicated delinquent or found guilty of a forcible~~  
17 ~~felony, the Juvenile Judge designated to hear and determine~~  
18 ~~those motions shall, upon determining that there is~~  
19 ~~probable cause that both allegations are true, enter an~~  
20 ~~order permitting prosecution under the criminal laws of~~  
21 ~~Illinois.~~

22 ~~(d) If a petition alleges commission by a minor 15~~  
23 ~~years of age or older of an act that constitutes the~~  
24 ~~offense of aggravated discharge of a firearm committed in a~~  
25 ~~school, on the real property comprising a school, within~~  
26 ~~1,000 feet of the real property comprising a school, at a~~

1 ~~school related activity, or on, boarding, or departing from~~  
2 ~~any conveyance owned, leased, or contracted by a school or~~  
3 ~~school district to transport students to or from school or~~  
4 ~~a school related activity, regardless of the time of day or~~  
5 ~~the time of year, the juvenile judge designated to hear and~~  
6 ~~determine those motions shall, upon determining that there~~  
7 ~~is probable cause that the allegations are true, enter an~~  
8 ~~order permitting prosecution under the criminal laws of~~  
9 ~~Illinois.~~

10 ~~For purposes of this paragraph (d) of subsection (1):~~

11 ~~"School" means a public or private elementary or~~  
12 ~~secondary school, community college, college, or~~  
13 ~~university.~~

14 ~~"School related activity" means any sporting, social,~~  
15 ~~academic, or other activity for which students' attendance~~  
16 ~~or participation is sponsored, organized, or funded in~~  
17 ~~whole or in part by a school or school district.~~

18 (2) (Blank) ~~Presumptive transfer.~~

19 ~~(a) If the State's Attorney files a petition, at any~~  
20 ~~time prior to commencement of the minor's trial, to permit~~  
21 ~~prosecution under the criminal laws and the petition~~  
22 ~~alleges the commission by a minor 15 years of age or older~~  
23 ~~of: (i) a Class X felony other than armed violence; (ii)~~  
24 ~~aggravated discharge of a firearm; (iii) armed violence~~  
25 ~~with a firearm when the predicate offense is a Class 1 or~~  
26 ~~Class 2 felony and the State's Attorney's motion to~~

1 ~~transfer the case alleges that the offense committed is in~~  
2 ~~furtherance of the criminal activities of an organized~~  
3 ~~gang; (iv) armed violence with a firearm when the predicate~~  
4 ~~offense is a violation of the Illinois Controlled~~  
5 ~~Substances Act, a violation of the Cannabis Control Act, or~~  
6 ~~a violation of the Methamphetamine Control and Community~~  
7 ~~Protection Act; (v) armed violence when the weapon involved~~  
8 ~~was a machine gun or other weapon described in subsection~~  
9 ~~(a)(7) of Section 24-1 of the Criminal Code of 1961 or the~~  
10 ~~Criminal Code of 2012; (vi) an act in violation of Section~~  
11 ~~401 of the Illinois Controlled Substances Act which is a~~  
12 ~~Class X felony, while in a school, regardless of the time~~  
13 ~~of day or the time of year, or on any conveyance owned,~~  
14 ~~leased, or contracted by a school to transport students to~~  
15 ~~or from school or a school related activity, or on~~  
16 ~~residential property owned, operated, or managed by a~~  
17 ~~public housing agency or leased by a public housing agency~~  
18 ~~as part of a scattered site or mixed income development; or~~  
19 ~~(vii) an act in violation of Section 401 of the Illinois~~  
20 ~~Controlled Substances Act and the offense is alleged to~~  
21 ~~have occurred while in a school or on a public way within~~  
22 ~~1,000 feet of the real property comprising any school,~~  
23 ~~regardless of the time of day or the time of year when the~~  
24 ~~delivery or intended delivery of any amount of the~~  
25 ~~controlled substance is to a person under 17 years of age,~~  
26 ~~(to qualify for a presumptive transfer under paragraph (vi))~~

1 ~~or (vii) of this clause (2) (a), the violation cannot be~~  
2 ~~based upon subsection (b) of Section 407 of the Illinois~~  
3 ~~Controlled Substances Act) and, if the juvenile judge~~  
4 ~~assigned to hear and determine motions to transfer a case~~  
5 ~~for prosecution in the criminal court determines that there~~  
6 ~~is probable cause to believe that the allegations in the~~  
7 ~~petition and motion are true, there is a rebuttable~~  
8 ~~presumption that the minor is not a fit and proper subject~~  
9 ~~to be dealt with under the Juvenile Justice Reform~~  
10 ~~Provisions of 1998 (Public Act 90 590), and that, except as~~  
11 ~~provided in paragraph (b), the case should be transferred~~  
12 ~~to the criminal court.~~

13 ~~(b) The judge shall enter an order permitting~~  
14 ~~prosecution under the criminal laws of Illinois unless the~~  
15 ~~judge makes a finding based on clear and convincing~~  
16 ~~evidence that the minor would be amenable to the care,~~  
17 ~~treatment, and training programs available through the~~  
18 ~~facilities of the juvenile court based on an evaluation of~~  
19 ~~the following:~~

20 ~~(i) the age of the minor,~~

21 ~~(ii) the history of the minor, including:~~

22 ~~(A) any previous delinquent or criminal~~  
23 ~~history of the minor,~~

24 ~~(B) any previous abuse or neglect history of~~  
25 ~~the minor, and~~

26 ~~(C) any mental health, physical or educational~~

1 ~~history of the minor or combination of these~~  
2 ~~factors;~~

3 ~~(iii) the circumstances of the offense, including:~~

4 ~~(A) the seriousness of the offense,~~

5 ~~(B) whether the minor is charged through~~  
6 ~~accountability,~~

7 ~~(C) whether there is evidence the offense was~~  
8 ~~committed in an aggressive and premeditated~~  
9 ~~manner,~~

10 ~~(D) whether there is evidence the offense~~  
11 ~~caused serious bodily harm,~~

12 ~~(E) whether there is evidence the minor~~  
13 ~~possessed a deadly weapon;~~

14 ~~(iv) the advantages of treatment within the~~  
15 ~~juvenile justice system including whether there are~~  
16 ~~facilities or programs, or both, particularly~~  
17 ~~available in the juvenile system;~~

18 ~~(v) whether the security of the public requires~~  
19 ~~sentencing under Chapter V of the Unified Code of~~  
20 ~~Corrections:~~

21 ~~(A) the minor's history of services, including~~  
22 ~~the minor's willingness to participate~~  
23 ~~meaningfully in available services;~~

24 ~~(B) whether there is a reasonable likelihood~~  
25 ~~that the minor can be rehabilitated before the~~  
26 ~~expiration of the juvenile court's jurisdiction;~~

1                   ~~(C) the adequacy of the punishment or~~  
2                   ~~services.~~

3                   ~~In considering these factors, the court shall give~~  
4                   ~~greater weight to the seriousness of the alleged offense~~  
5                   ~~and the minor's prior record of delinquency than to the~~  
6                   ~~other factors listed in this subsection.~~

7                   ~~For purposes of clauses (2) (a) (vi) and (vii):~~

8                   ~~"School" means a public or private elementary or secondary~~  
9                   ~~school, community college, college, or university.~~

10                  ~~"School related activity" means any sporting, social,~~  
11                  ~~academic, or other activity for which students' attendance or~~  
12                  ~~participation is sponsored, organized, or funded in whole or in~~  
13                  ~~part by a school or school district.~~

14                  (3) Discretionary transfer.

15                  (a) If a petition alleges commission by a minor 13  
16                  years of age or over of an act that constitutes a crime  
17                  under the laws of this State and, on motion of the State's  
18                  Attorney to permit prosecution of the minor under the  
19                  criminal laws, a Juvenile Judge assigned by the Chief Judge  
20                  of the Circuit to hear and determine those motions, after  
21                  hearing but before commencement of the trial, finds that  
22                  there is probable cause to believe that the allegations in  
23                  the motion are true and that it is not in the best  
24                  interests of the public to proceed under this Act, the  
25                  court may enter an order permitting prosecution under the  
26                  criminal laws.

1           (b) In making its determination on the motion to permit  
2 prosecution under the criminal laws, the court shall  
3 consider among other matters:

4           (i) the age of the minor;

5           (ii) the history of the minor, including:

6               (A) any previous delinquent or criminal  
7 history of the minor,

8               (B) any previous abuse or neglect history of  
9 the minor, and

10              (C) any mental health, physical, or  
11 educational history of the minor or combination of  
12 these factors;

13           (iii) the circumstances of the offense, including:

14               (A) the seriousness of the offense,

15               (B) whether the minor is charged through  
16 accountability,

17               (C) whether there is evidence the offense was  
18 committed in an aggressive and premeditated  
19 manner,

20               (D) whether there is evidence the offense  
21 caused serious bodily harm,

22               (E) whether there is evidence the minor  
23 possessed a deadly weapon;

24           (iv) the advantages of treatment within the  
25 juvenile justice system including whether there are  
26 facilities or programs, or both, particularly



1 available in the juvenile system;

2 (v) whether the security of the public requires  
3 sentencing under Chapter V of the Unified Code of  
4 Corrections:

5 (A) the minor's history of services, including  
6 the minor's willingness to participate  
7 meaningfully in available services;

8 (B) whether there is a reasonable likelihood  
9 that the minor can be rehabilitated before the  
10 expiration of the juvenile court's jurisdiction;

11 (C) the adequacy of the punishment or  
12 services.

13 In considering these factors, the court shall give  
14 greater weight to the seriousness of the alleged offense  
15 and the minor's prior record of delinquency than to the  
16 other factors listed in this subsection.

17 (4) The rules of evidence for this hearing shall be the  
18 same as under Section 5-705 of this Act. A minor must be  
19 represented in court by counsel before the hearing may be  
20 commenced.

21 (5) If criminal proceedings are instituted, the petition  
22 for adjudication of wardship shall be dismissed insofar as the  
23 act or acts involved in the criminal proceedings. Taking of  
24 evidence in a trial on petition for adjudication of wardship is  
25 a bar to criminal proceedings based upon the conduct alleged in  
26 the petition.

1       (6) The changes made to this Section by this amendatory Act  
2       of the 98th General Assembly apply to a minor who has been  
3       arrested or taken into custody on or after the effective date  
4       of this amendatory Act.

5       (Source: P.A. 97-1150, eff. 1-25-13.)

6               (705 ILCS 405/5-901)

7               Sec. 5-901. Court file.

8               (1) The Court file with respect to proceedings under this  
9       Article shall consist of the petitions, pleadings, victim  
10       impact statements, process, service of process, orders, writs  
11       and docket entries reflecting hearings held and judgments and  
12       decrees entered by the court. The court file shall be kept  
13       separate from other records of the court.

14               (a) The file, including information identifying the  
15       victim or alleged victim of any sex offense, shall be  
16       disclosed only to the following parties when necessary for  
17       discharge of their official duties:

18                       (i) A judge of the circuit court and members of the  
19                       staff of the court designated by the judge;

20                       (ii) Parties to the proceedings and their  
21                       attorneys;

22                       (iii) Victims and their attorneys, except in cases  
23                       of multiple victims of sex offenses in which case the  
24                       information identifying the nonrequesting victims  
25                       shall be redacted;

1           (iv) Probation officers, law enforcement officers  
2           or prosecutors or their staff;

3           (v) Adult and juvenile Prisoner Review Boards.

4           (b) The Court file redacted to remove any information  
5           identifying the victim or alleged victim of any sex offense  
6           shall be disclosed only to the following parties when  
7           necessary for discharge of their official duties:

8           (i) Authorized military personnel;

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

16          (iii) The Secretary of State to whom the Clerk of  
17          the Court shall report the disposition of all cases, as  
18          required in Section 6-204 or Section 6-205.1 of the  
19          Illinois Vehicle Code. However, information reported  
20          relative to these offenses shall be privileged and  
21          available only to the Secretary of State, courts, and  
22          police officers;

23          (iv) The administrator of a bonafide substance  
24          abuse student assistance program with the permission  
25          of the presiding judge of the juvenile court;

26          (v) Any individual, or any public or private agency

1 or institution, having custody of the juvenile under  
2 court order or providing educational, medical or  
3 mental health services to the juvenile or a  
4 court-approved advocate for the juvenile or any  
5 placement provider or potential placement provider as  
6 determined by the court.

7 (3) A minor who is the victim or alleged victim in a  
8 juvenile proceeding shall be provided the same confidentiality  
9 regarding disclosure of identity as the minor who is the  
10 subject of record. Information identifying victims and alleged  
11 victims of sex offenses, shall not be disclosed or open to  
12 public inspection under any circumstances. Nothing in this  
13 Section shall prohibit the victim or alleged victim of any sex  
14 offense from voluntarily disclosing his or her identity.

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

19 (5) Except as otherwise provided in this subsection (5),  
20 juvenile court records shall not be made available to the  
21 general public but may be inspected by representatives of  
22 agencies, associations and news media or other properly  
23 interested persons by general or special order of the court.  
24 The State's Attorney, the minor, his or her parents, guardian  
25 and counsel shall at all times have the right to examine court  
26 files and records.

1           (a) The court shall allow the general public to have  
2 access to the name, address, and offense of a minor who is  
3 adjudicated a delinquent minor under this Act under either  
4 of the following circumstances:

5           (i) The adjudication of delinquency was based upon  
6 the minor's commission of first degree murder, attempt  
7 to commit first degree murder, aggravated criminal  
8 sexual assault, or criminal sexual assault; or

9           (ii) The court has made a finding that the minor  
10 was at least 13 years of age at the time the act was  
11 committed and the adjudication of delinquency was  
12 based upon the minor's commission of: (A) an act in  
13 furtherance of the commission of a felony as a member  
14 of or on behalf of a criminal street gang, (B) an act  
15 involving the use of a firearm in the commission of a  
16 felony, (C) an act that would be a Class X felony  
17 offense under or the minor's second or subsequent Class  
18 2 or greater felony offense under the Cannabis Control  
19 Act if committed by an adult, (D) an act that would be  
20 a second or subsequent offense under Section 402 of the  
21 Illinois Controlled Substances Act if committed by an  
22 adult, (E) an act that would be an offense under  
23 Section 401 of the Illinois Controlled Substances Act  
24 if committed by an adult, or (F) an act that would be  
25 an offense under the Methamphetamine Control and  
26 Community Protection Act if committed by an adult.

1 (b) The court shall allow the general public to have  
2 access to the name, address, and offense of a minor who is  
3 at least 13 years of age at the time the offense is  
4 committed and who is convicted, in criminal proceedings  
5 permitted ~~or required~~ under Section 5-805, under either of  
6 the following circumstances:

7 (i) The minor has been convicted of first degree  
8 murder, attempt to commit first degree murder,  
9 aggravated criminal sexual assault, or criminal sexual  
10 assault,

11 (ii) The court has made a finding that the minor  
12 was at least 13 years of age at the time the offense  
13 was committed and the conviction was based upon the  
14 minor's commission of: (A) an offense in furtherance of  
15 the commission of a felony as a member of or on behalf  
16 of a criminal street gang, (B) an offense involving the  
17 use of a firearm in the commission of a felony, (C) a  
18 Class X felony offense under the Cannabis Control Act  
19 or a second or subsequent Class 2 or greater felony  
20 offense under the Cannabis Control Act, (D) a second or  
21 subsequent offense under Section 402 of the Illinois  
22 Controlled Substances Act, (E) an offense under  
23 Section 401 of the Illinois Controlled Substances Act,  
24 or (F) an offense under the Methamphetamine Control and  
25 Community Protection Act.

26 (6) Nothing in this Section shall be construed to limit the

1 use of a adjudication of delinquency as evidence in any  
2 juvenile or criminal proceeding, where it would otherwise be  
3 admissible under the rules of evidence, including but not  
4 limited to, use as impeachment evidence against any witness,  
5 including the minor if he or she testifies.

6 (7) Nothing in this Section shall affect the right of a  
7 Civil Service Commission or appointing authority examining the  
8 character and fitness of an applicant for a position as a law  
9 enforcement officer to ascertain whether that applicant was  
10 ever adjudicated to be a delinquent minor and, if so, to  
11 examine the records or evidence which were made in proceedings  
12 under this Act.

13 (8) Following any adjudication of delinquency for a crime  
14 which would be a felony if committed by an adult, or following  
15 any adjudication of delinquency for a violation of Section  
16 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, the State's Attorney shall ascertain  
18 whether the minor respondent is enrolled in school and, if so,  
19 shall provide a copy of the sentencing order to the principal  
20 or chief administrative officer of the school. Access to such  
21 juvenile records shall be limited to the principal or chief  
22 administrative officer of the school and any guidance counselor  
23 designated by him or her.

24 (9) Nothing contained in this Act prevents the sharing or  
25 disclosure of information or records relating or pertaining to  
26 juveniles subject to the provisions of the Serious Habitual

1 Offender Comprehensive Action Program when that information is  
2 used to assist in the early identification and treatment of  
3 habitual juvenile offenders.

4 (11) The Clerk of the Circuit Court shall report to the  
5 Department of State Police, in the form and manner required by  
6 the Department of State Police, the final disposition of each  
7 minor who has been arrested or taken into custody before his or  
8 her 18th birthday for those offenses required to be reported  
9 under Section 5 of the Criminal Identification Act. Information  
10 reported to the Department under this Section may be maintained  
11 with records that the Department files under Section 2.1 of the  
12 Criminal Identification Act.

13 (12) Information or records may be disclosed to the general  
14 public when the court is conducting hearings under Section  
15 5-805 or 5-810.

16 The changes made to this Section by this amendatory Act of  
17 the 98th General Assembly apply to juvenile court records of a  
18 minor who has been arrested or taken into custody on or after  
19 the effective date of this amendatory Act.

20 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14.)

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 18th 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 only if the agency  
7           or officer believes that there is an imminent threat of  
8           physical harm to students, school personnel, or others who  
9           are present in the school or on school grounds.

10           (A) Inspection and copying shall be limited to law  
11           enforcement records transmitted to the appropriate  
12           school official or officials whom the school has  
13           determined to have a legitimate educational or safety  
14           interest by a local law enforcement agency under a  
15           reciprocal reporting system established and maintained  
16           between the school district and the local law  
17           enforcement agency under Section 10-20.14 of the  
18           School Code concerning a minor enrolled in a school  
19           within the school district who has been arrested or  
20           taken into custody for any of the following offenses:

21                   (i) any violation of Article 24 of the Criminal  
22                   Code of 1961 or the Criminal Code of 2012;

23                   (ii) a violation of the Illinois Controlled  
24                   Substances Act;

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

26                   (iv) a forcible felony as defined in Section

1 2-8 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012;

3 (v) a violation of the Methamphetamine Control  
4 and Community Protection Act;

5 (vi) a violation of Section 1-2 of the  
6 Harassing and Obscene Communications Act;

7 (vii) a violation of the Hazing Act; or

8 (viii) a violation of Section 12-1, 12-2,  
9 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
10 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012.

12 The information derived from the law enforcement  
13 records shall be kept separate from and shall not  
14 become a part of the official school record of that  
15 child and shall not be a public record. The information  
16 shall be used solely by the appropriate school official  
17 or officials whom the school has determined to have a  
18 legitimate educational or safety interest to aid in the  
19 proper rehabilitation of the child and to protect the  
20 safety of students and employees in the school. If the  
21 designated law enforcement and school officials deem  
22 it to be in the best interest of the minor, the student  
23 may be referred to in-school or community based social  
24 services if those services are available.  
25 "Rehabilitation services" may include interventions by  
26 school support personnel, evaluation for eligibility

1 for special education, referrals to community-based  
2 agencies such as youth services, behavioral healthcare  
3 service providers, drug and alcohol prevention or  
4 treatment programs, and other interventions as deemed  
5 appropriate for the student.

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

1 "investigation" means an official systematic inquiry  
2 by a law enforcement agency into actual or suspected  
3 criminal activity;

4 (i) The president of a park district. Inspection and  
5 copying shall be limited to law enforcement records  
6 transmitted to the president of the park district by the  
7 Illinois State Police under Section 8-23 of the Park  
8 District Code or Section 16a-5 of the Chicago Park District  
9 Act concerning a person who is seeking employment with that  
10 park district and who has been adjudicated a juvenile  
11 delinquent for any of the offenses listed in subsection (c)  
12 of Section 8-23 of the Park District Code or subsection (c)  
13 of Section 16a-5 of the Chicago Park District Act.

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

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

1 court.

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

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

13 (5) 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 18  
17 years of age must be maintained separate from the records of  
18 adults and may not be open to public inspection or their  
19 contents disclosed to the public except by order of the court  
20 or when the institution of criminal proceedings has been  
21 permitted under Section ~~5-130 or 5-805 or required under~~  
22 ~~Section 5-130 or 5-805~~ or such a person has been convicted of a  
23 crime and is the subject of pre-sentence investigation or when  
24 provided by law.

25 (6) Except as otherwise provided in this subsection (6),  
26 law enforcement officers, and personnel of an independent

1 agency created by ordinance and charged by a unit of local  
2 government with the duty of investigating the conduct of law  
3 enforcement officers, may not disclose the identity of any  
4 minor in releasing information to the general public as to the  
5 arrest, investigation or disposition of any case involving a  
6 minor. Any victim or parent or legal guardian of a victim may  
7 petition the court to disclose the name and address of the  
8 minor and the minor's parents or legal guardian, or both. Upon  
9 a finding by clear and convincing evidence that the disclosure  
10 is either necessary for the victim to pursue a civil remedy  
11 against the minor or the minor's parents or legal guardian, or  
12 both, or to protect the victim's person or property from the  
13 minor, then the court may order the disclosure of the  
14 information to the victim or to the parent or legal guardian of  
15 the victim only for the purpose of the victim pursuing a civil  
16 remedy against the minor or the minor's parents or legal  
17 guardian, or both, or to protect the victim's person or  
18 property from the minor.

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

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

4 The changes made to this Section by this amendatory Act of  
5 the 98th General Assembly apply to law enforcement records of a  
6 minor who has been arrested or taken into custody on or after  
7 the effective date of this amendatory Act.

8 (Source: P.A. 97-700, eff. 6-22-12; 97-1104, eff. 1-1-13;  
9 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14.)

10 (705 ILCS 405/5-130 rep.)

11 Section 10. The Juvenile Court Act of 1987 is amended by  
12 repealing Section 5-130.

13 Section 15. The Code of Criminal Procedure of 1963 is  
14 amended by changing Section 115-10.5 as follows:

15 (725 ILCS 5/115-10.5)

16 Sec. 115-10.5. Hearsay exception regarding safe zone  
17 testimony.

18 (a) In any prosecution for any offense charged as a  
19 violation of Section 407 of the Illinois Controlled Substances  
20 Act or ~~7~~ Section 55 of the Methamphetamine Control and  
21 Community Protection Act, ~~or Section 5-130 of the Juvenile~~  
22 ~~Court Act of 1987~~ the following evidence shall be admitted as  
23 an exception to the hearsay rule any testimony by any qualified



1 individual regarding the status of any property as:

2 (1) a truck stop or safety rest area, or

3 (2) a school or conveyance owned, leased or contracted  
4 by a school to transport students to or from school, or

5 (3) residential property owned, operated, and managed  
6 by a public housing agency, or

7 (4) a public park, or

8 (5) the real property comprising any church,  
9 synagogue, or other building, structure, or place used  
10 primarily for religious worship, or

11 (6) the real property comprising any of the following  
12 places, buildings, or structures used primarily for  
13 housing or providing space for activities for senior  
14 citizens: nursing homes, assisted-living centers, senior  
15 citizen housing complexes, or senior centers oriented  
16 toward daytime activities.

17 (b) As used in this Section, "qualified individual" means  
18 any person who (i) lived or worked within the territorial  
19 jurisdiction where the offense took place when the offense took  
20 place; and (ii) is familiar with various public places within  
21 the territorial jurisdiction where the offense took place when  
22 the offense took place.

23 (c) For the purposes of this Section, "qualified  
24 individual" includes any peace officer, or any member of any  
25 duly organized State, county, or municipal peace unit, assigned  
26 to the territorial jurisdiction where the offense took place

1 when the offense took place.

2 (d) This Section applies to all prosecutions pending at the  
3 time this amendatory Act of the 91st General Assembly takes  
4 effect and to all prosecutions commencing on or after its  
5 effective date.

6 (Source: P.A. 94-556, eff. 9-11-05.)