



Rep. Kelly M. Cassidy

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1 AMENDMENT TO SENATE BILL 1342

2 AMENDMENT NO. _____. Amend Senate Bill 1342 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Independent Juvenile Ombudsman Act.

6 Section 5. Purpose. The purpose of this Act is to create
7 the Office of Independent Juvenile Ombudsman as a state agency
8 established for the purpose of investigating complaints,
9 evaluating policies and procedures, and securing the rights of
10 youth committed to the Department of Juvenile Justice,
11 including youth released on aftercare before final discharge.

12 Section 10. Definitions. In this Act, unless the context
13 requires otherwise:

14 "Department" means the Department of Juvenile Justice.

15 "Director" means the Director of Juvenile Justice.

1 "Employee" means (i) any person employed full-time,
2 part-time, or under a contract and whose employment duties are
3 subject to the direction and control of an employer with regard
4 to the material details of how the work is to be performed or
5 (ii) any appointed or elected commissioner, trustee, director,
6 or board member of a board of a State agency, including any
7 retirement system or investment board subject to the Illinois
8 Pension Code or (iii) any other appointee.

9 "Immediate family or household member" means the spouse,
10 child, parent, brother, sister, grandparent, or grandchild,
11 whether of the whole blood or half blood or by adoption, or a
12 person who shares a common dwelling.

13 "Juvenile justice system" means all activities by public or
14 private agencies or persons pertaining to youth involved in or
15 having contact with the police, courts, or corrections.

16 "Office" means the Office of the Independent Juvenile
17 Ombudsman.

18 "Ombudsman" means the Independent Juvenile Ombudsman.

19 "State agency" means that term as defined in the Illinois
20 State Auditing Act.

21 "Youth" means any person committed by court order to the
22 custody of the Department of Juvenile Justice, including youth
23 released on aftercare before final discharge.

24 Section 15. Appointment of Independent Juvenile Ombudsman.
25 The Governor shall appoint the Independent Juvenile Ombudsman

1 with the advice and consent of the Senate for a term of 4
2 years, with the first term expiring February 1, 2017. A person
3 appointed as Ombudsman may be reappointed to one or more
4 subsequent terms. A vacancy shall occur upon resignation,
5 death, or removal. The Ombudsman may only be removed by the
6 Governor for incompetency, malfeasance, neglect of duty, or
7 conviction of a felony. If the Senate is not in session or is
8 in recess when an appointment subject to its confirmation is
9 made, the Governor shall make a temporary appointment which
10 shall be subject to subsequent Senate approval. The Ombudsman
11 may employ deputies to perform, under the direction of the
12 Ombudsman, the same duties and exercise the same powers as the
13 Ombudsman, and may employ other support staff as deemed
14 necessary. The Independent Juvenile Ombudsman and deputies
15 must:

16 (1) be over the age of 21 years;

17 (2) have a bachelor's or advanced degree from an
18 accredited college or university; and

19 (3) have relevant expertise in areas such as the
20 juvenile justice system, investigations, or civil rights
21 advocacy as evidenced by experience in the field or by
22 academic background.

23 Section 20. Conflicts of interest. A person may not serve
24 as Independent Juvenile Ombudsman or as a deputy if the person
25 or the person's immediate family or household member:

1 (1) is or has been employed by the Department of Juvenile
2 Justice or Department of Corrections within one year prior to
3 appointment;

4 (2) participates in the management of a business entity or
5 other organization receiving funds from the Department of
6 Juvenile Justice;

7 (3) owns or controls, directly or indirectly, any interest
8 in a business entity or other organization receiving funds from
9 the Department of Juvenile Justice;

10 (4) uses or receives any amount of tangible goods,
11 services, or funds from the Department of Juvenile Justice; or

12 (5) is required to register as a lobbyist for an
13 organization that interacts with the juvenile justice system.

14 Section 25. Duties and powers.

15 (a) The Independent Juvenile Ombudsman in the performance
16 of his or her duties and exercise of his or her powers under
17 this Act operates independently of the Department of Juvenile
18 Justice and shall establish rules and standards as may be
19 necessary or desirable to carry out his or her duties. Funding
20 for the Office shall be appropriated separately from funding
21 for the Department. The Office may, with the approval of the
22 Office of the Governor, assign to and share functions, powers,
23 duties, and personnel with other State agencies so that
24 administrative services and administrative facilities are
25 provided by a shared administrative service center.

1 (b) The Office of Independent Juvenile Ombudsman shall have
2 the following duties:

3 (1) review and monitor the implementation of the rules
4 and standards established by the Department of Juvenile
5 Justice and evaluate the delivery of services to youth to
6 ensure that the rights of youth are fully observed;

7 (2) provide assistance to a youth or family who the
8 Ombudsman determines is in need of assistance, including
9 advocating with an agency, provider, or other person in the
10 best interests of the youth;

11 (3) conduct investigations of complaints, and make
12 every effort to resolve the complaints, other than
13 complaints alleging criminal behavior, if the Office
14 determines that:

15 (A) a youth committed to the Department of Juvenile
16 Justice or the youth's family may be in need of
17 assistance from the Office; or

18 (B) a systemic issue in the Department of Juvenile
19 Justice's provision of services is raised by a
20 complaint;

21 (4) review or inspect periodically the facilities and
22 procedures of any facility in which a youth has been placed
23 by the Department of Juvenile Justice to ensure that the
24 rights of youth are fully observed; and

25 (5) be accessible to and meet confidentially and
26 regularly with youth committed to the Department and serve

1 as a resource by informing them of pertinent laws,
2 regulations, and policies, and their rights thereunder.

3 (c) In performance of duties, the Office of the Independent
4 Juvenile Ombudsman may:

5 (1) review court files as provided in Section 5-901 of
6 the Juvenile Court Act of 1987;

7 (2) recommend policies, regulations, and legislation
8 designed to protect youth;

9 (3) make appropriate referrals under any of the duties
10 and powers listed in this Section;

11 (4) attend internal administrative and disciplinary
12 hearings to ensure the rights of youth are fully observed
13 and advocate for the best interest of youth when deemed
14 necessary; and

15 (5) perform other acts, otherwise permitted or
16 required by law, in furtherance of the purpose of this Act.

17 (d) To assess if a youth's rights have been violated, the
18 Ombudsman may, in any matter that does not involve alleged
19 criminal behavior, contact or consult with an administrator,
20 employee, youth, parent, expert, or any other individual in the
21 course of his or her investigation or to secure information as
22 necessary to fulfill his or her duties.

23 (e) Notwithstanding any other provision of law, the
24 Ombudsman may not investigate alleged criminal behavior. If the
25 Ombudsman determines that a possible criminal act has been
26 committed, or that special expertise is required in the

1 investigation, he or she shall immediately notify the
2 Department of State Police. Any investigation conducted by the
3 Ombudsman shall be independent and separate from the
4 investigation mandated by the Abused and Neglected Child
5 Reporting Act and the State Officials and Employees Ethics Act.
6 All investigations conducted by the Ombudsman shall be
7 conducted in a manner designed to ensure the preservation of
8 evidence for possible use in a criminal prosecution.

9 (f) The following cases shall be reported immediately to
10 the Director of Juvenile Justice and the Governor:

11 (1) cases of severe abuse or injury of a youth;

12 (2) serious misconduct, misfeasance, malfeasance, or
13 serious violations of policies and procedures concerning
14 the administration of a Department of Juvenile Justice
15 program or operation;

16 (3) serious problems concerning the delivery of
17 services in a facility operated by or under contract with
18 the Department of Juvenile Justice;

19 (4) interference by the Department of Juvenile Justice
20 with an investigation conducted by the Office; and

21 (5) other cases as deemed necessary by the Ombudsman.

22 Section 30. Duties of the Department of Juvenile Justice.

23 (a) The Department of Juvenile Justice shall allow any
24 youth to communicate with the Ombudsman or a deputy at any
25 time. The communication:

1 (1) may be in person, by phone, by mail, or by any
2 other means deemed appropriate in light of security
3 concerns; and

4 (2) is confidential and privileged.

5 (b) The Department shall allow the Ombudsman and deputies
6 full and unannounced access to youth and Department facilities
7 at any time. The Department shall furnish the Ombudsman and
8 deputies with appropriate meeting space in each facility in
9 order to preserve confidentiality.

10 (c) The Department shall allow the Ombudsman and deputies
11 to participate in professional development opportunities
12 provided by the Department of Juvenile Justice as practical and
13 to attend appropriate professional training when requested by
14 the Ombudsman.

15 (d) The Department shall provide the Ombudsman copies of
16 critical incident reports involving a youth residing in a
17 facility operated by the Department. Critical incidents
18 include, but are not limited to, severe injuries that result in
19 hospitalization, suicide attempts that require medical
20 intervention, sexual abuse, and escapes.

21 (e) The Department shall provide the Ombudsman with
22 reasonable advance notice of all internal administrative and
23 disciplinary hearings regarding a youth residing in a facility
24 operated by the Department.

25 Section 35. Reports. The Independent Juvenile Ombudsman

1 shall provide to the General Assembly and the Governor, no
2 later than January 1 of each year, a summary of activities and
3 investigations made under this Act for the prior fiscal year.
4 The summaries shall contain data both aggregated and
5 disaggregated by individual facility and describe:

6 (1) the work of the Ombudsman;

7 (2) the status of any review or investigation undertaken by
8 the Ombudsman, including sanctions and final disposition of
9 those recommendations, as well as reviews or investigation of
10 services contracted by the Department of Juvenile Justice, but
11 may not contain any confidential or identifying information
12 concerning the subjects of the reports and investigations; and

13 (3) any recommendations that the Independent Juvenile
14 Ombudsman has in relation to administrative actions and any
15 other matters for consideration by the General Assembly.

16 Section 40. Complaints. The Office of Independent Juvenile
17 Ombudsman shall promptly and efficiently act on complaints
18 filed with the Office that relate to the operations or staff of
19 the Department of Juvenile Justice. The Office shall maintain
20 information about parties to the complaint, the subject matter
21 of the complaint, a summary of the results of the review or
22 investigation of the complaint, and the disposition of the
23 complaint. The Office shall make information available
24 describing its procedures for complaint investigation and
25 resolution. When applicable, the Office shall notify the

1 complaining youth that an investigation and resolution may
2 result in or will require disclosure of the complaining youth's
3 identity. The Office shall periodically notify the complaint
4 parties of the status of the complaint until final disposition.

5 Section 45. Confidentiality. The records of the Office are
6 confidential, except that the Office shall disclose its records
7 if required by a court order on a showing of good cause. The
8 name, address, or other personally identifiable information of
9 a person who files a complaint with the Office, information
10 generated by the Office in the course of an investigation, and
11 confidential records obtained by the Office are confidential
12 and not subject to disclosure under the Freedom of Information
13 Act, except that the information and records, other than
14 confidential information and records concerning a pending law
15 enforcement investigation or criminal action, may be disclosed
16 to the appropriate person in accordance with the Freedom of
17 Information Act.

18 Section 50. Promotion and Awareness of Office. The
19 Independent Juvenile Ombudsman shall promote awareness among
20 the public and youth of:

- 21 (1) the rights of youth committed to the Department;
- 22 (2) purpose of the Office;
- 23 (3) how the Office may be contacted;
- 24 (4) the confidential nature of communications; and

1 (5) the services the Office provides.

2 Section 55. Retaliation. The Department of Juvenile
3 Justice may not discharge, demote, discipline, or in any manner
4 discriminate or retaliate against a youth or an employee who in
5 good faith makes a complaint to the Independent Juvenile
6 Ombudsman or cooperates with the Office in an investigation.

7 Section 60. Access to information of governmental
8 entities.

9 (a) The Department of Juvenile Justice shall allow the
10 Independent Juvenile Ombudsman access to its records relating
11 to youth committed to the Department's care or custody under
12 Section 3-2-5 of the Unified Code of Corrections. Access to
13 educational, social, psychological, mental health, substance
14 abuse, and medical records shall not be disclosed except as
15 provided in Section 5-910 of the Juvenile Court Act of 1987,
16 the Mental Health and Developmental Disabilities
17 Confidentiality Act, the School Code, and any applicable
18 federal laws that govern access to those records.

19 (b) A local law enforcement agency shall allow the
20 Independent Juvenile Ombudsman access to its records relating
21 to youth committed to the Department's care or custody as
22 provided in Section 5-905 of the Juvenile Court Act of 1987,
23 the Mental Health and Developmental Disabilities
24 Confidentiality Act, and the School Code.

1 Section 105. The Juvenile Court Act of 1987 is amended by
2 changing Sections 5-901 and 5-905 as follows:

3 (705 ILCS 405/5-901)

4 Sec. 5-901. Court file.

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

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

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

17 (ii) Parties to the proceedings and their
18 attorneys;

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

23 (iv) Probation officers, law enforcement officers
24 or prosecutors or their staff;

1 (v) Adult and juvenile Prisoner Review Boards.

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

6 (i) Authorized military personnel;

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

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

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

24 (v) Any individual, or any public or private agency
25 or institution, having custody of the juvenile under
26 court order or providing educational, medical or

1 mental health services to the juvenile or a
2 court-approved advocate for the juvenile or any
3 placement provider or potential placement provider as
4 determined by the court.

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

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

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

26 (a) The court shall allow the general public to have

1 access to the name, address, and offense of a minor who is
2 adjudicated a delinquent minor under this Act under either
3 of the following circumstances:

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

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

26 (b) The court shall allow the general public to have

1 access to the name, address, and offense of a minor who is
2 at least 13 years of age at the time the offense is
3 committed and who is convicted, in criminal proceedings
4 permitted or required under Section 5-805, under either of
5 the following circumstances:

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

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

25 (6) Nothing in this Section shall be construed to limit the
26 use of a adjudication of delinquency as evidence in any

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

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

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

23 (9) Nothing contained in this Act prevents the sharing or
24 disclosure of information or records relating or pertaining to
25 juveniles subject to the provisions of the Serious Habitual
26 Offender Comprehensive Action Program when that information is

1 used to assist in the early identification and treatment of
2 habitual juvenile offenders.

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

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

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

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

20 (705 ILCS 405/5-905)

21 Sec. 5-905. Law enforcement records.

22 (1) Law Enforcement Records. Inspection and copying of law
23 enforcement records maintained by law enforcement agencies
24 that relate to a minor who has been arrested or taken into
25 custody before his or her 18th birthday shall be restricted to

1 the following and when necessary for the discharge of their
2 official duties:

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

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

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

16 (d) Adult and Juvenile Prisoner Review Boards;

17 (e) Authorized military personnel;

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

24 (g) Individuals responsible for supervising or
25 providing temporary or permanent care and custody of minors
26 pursuant to orders of the juvenile court or directives from

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

5 (h) The appropriate school official only if the agency
6 or officer believes that there is an imminent threat of
7 physical harm to students, school personnel, or others who
8 are present in the school or on school grounds.

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

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

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

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

25 (iv) a forcible felony as defined in Section
26 2-8 of the Criminal Code of 1961 or the Criminal

1 Code of 2012;

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

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

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

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

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

1 agencies such as youth services, behavioral healthcare
2 service providers, drug and alcohol prevention or
3 treatment programs, and other interventions as deemed
4 appropriate for the student.

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

1 by a law enforcement agency into actual or suspected
2 criminal activity;

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

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

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

1 (3) Relevant information, reports and records shall be made
2 available to the Department of Juvenile Justice and the Office
3 of the Independent Juvenile Ombudsman when a juvenile offender
4 has been placed in the custody of the Department of Juvenile
5 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 Section 110. The Unified Code of Corrections is amended by
11 changing Section 3-5-1 as follows:

12 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

13 (Text of Section before amendment by P.A. 98-528)

14 Sec. 3-5-1. Master Record File.

15 (a) The Department of Corrections and the Department of
16 Juvenile Justice shall maintain a master record file on each
17 person committed to it, which shall contain the following
18 information:

19 (1) all information from the committing court;

20 (2) reception summary;

21 (3) evaluation and assignment reports and
22 recommendations;

23 (4) reports as to program assignment and progress;

24 (5) reports of disciplinary infractions and

1 disposition, including tickets and Administrative Review
2 Board action;

3 (6) any parole or aftercare release plan;

4 (7) any parole or aftercare release reports;

5 (8) the date and circumstances of final discharge;

6 (9) criminal history;

7 (10) current and past gang affiliations and ranks;

8 (11) information regarding associations and family
9 relationships;

10 (12) any grievances filed and responses to those
11 grievances; and

12 (13) other information that the respective Department
13 determines is relevant to the secure confinement and
14 rehabilitation of the committed person.

15 (b) All files shall be confidential and access shall be
16 limited to authorized personnel of the respective Department.
17 Personnel of other correctional, welfare or law enforcement
18 agencies may have access to files under rules and regulations
19 of the respective Department. The Department of Juvenile
20 Justice shall provide the Office of the Independent Juvenile
21 Ombudsman unrestricted access to all master record files. The
22 respective Department shall keep a record of all outside
23 personnel who have access to files, the files reviewed, any
24 file material copied, and the purpose of access. If the
25 respective Department or the Prisoner Review Board makes a
26 determination under this Code which affects the length of the

1 period of confinement or commitment, the committed person and
2 his counsel shall be advised of factual information relied upon
3 by the respective Department or Board to make the
4 determination, provided that the Department or Board shall not
5 be required to advise a person committed to the Department of
6 Juvenile Justice any such information which in the opinion of
7 the Department of Juvenile Justice or Board would be
8 detrimental to his treatment or rehabilitation.

9 (c) The master file shall be maintained at a place
10 convenient to its use by personnel of the respective Department
11 in charge of the person. When custody of a person is
12 transferred from the Department to another department or
13 agency, a summary of the file shall be forwarded to the
14 receiving agency with such other information required by law or
15 requested by the agency under rules and regulations of the
16 respective Department.

17 (d) The master file of a person no longer in the custody of
18 the respective Department shall be placed on inactive status
19 and its use shall be restricted subject to rules and
20 regulations of the Department.

21 (e) All public agencies may make available to the
22 respective Department on request any factual data not otherwise
23 privileged as a matter of law in their possession in respect to
24 individuals committed to the respective Department.

25 (Source: P.A. 97-696, eff. 6-22-12; 98-558, eff. 1-1-14.)

1 (Text of Section after amendment by P.A. 98-528)

2 Sec. 3-5-1. Master Record File.

3 (a) The Department of Corrections and the Department of
4 Juvenile Justice shall maintain a master record file on each
5 person committed to it, which shall contain the following
6 information:

7 (1) all information from the committing court;

8 (1.5) ethnic and racial background data collected in
9 accordance with Section 4.5 of the Criminal Identification
10 Act;

11 (2) reception summary;

12 (3) evaluation and assignment reports and
13 recommendations;

14 (4) reports as to program assignment and progress;

15 (5) reports of disciplinary infractions and
16 disposition, including tickets and Administrative Review
17 Board action;

18 (6) any parole or aftercare release plan;

19 (7) any parole or aftercare release reports;

20 (8) the date and circumstances of final discharge;

21 (9) criminal history;

22 (10) current and past gang affiliations and ranks;

23 (11) information regarding associations and family
24 relationships;

25 (12) any grievances filed and responses to those
26 grievances; and

1 (13) other information that the respective Department
2 determines is relevant to the secure confinement and
3 rehabilitation of the committed person.

4 (b) All files shall be confidential and access shall be
5 limited to authorized personnel of the respective Department.
6 Personnel of other correctional, welfare or law enforcement
7 agencies may have access to files under rules and regulations
8 of the respective Department. The Department of Juvenile
9 Justice shall provide the Office of the Independent Juvenile
10 Ombudsman unrestricted access to all master record files. The
11 respective Department shall keep a record of all outside
12 personnel who have access to files, the files reviewed, any
13 file material copied, and the purpose of access. If the
14 respective Department or the Prisoner Review Board makes a
15 determination under this Code which affects the length of the
16 period of confinement or commitment, the committed person and
17 his counsel shall be advised of factual information relied upon
18 by the respective Department or Board to make the
19 determination, provided that the Department or Board shall not
20 be required to advise a person committed to the Department of
21 Juvenile Justice any such information which in the opinion of
22 the Department of Juvenile Justice or Board would be
23 detrimental to his treatment or rehabilitation.

24 (c) The master file shall be maintained at a place
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7 the respective Department shall be placed on inactive status
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9 regulations of the Department.

10 (e) All public agencies may make available to the
11 respective Department on request any factual data not otherwise
12 privileged as a matter of law in their possession in respect to
13 individuals committed to the respective Department.

14 (Source: P.A. 97-696, eff. 6-22-12; 98-528, eff. 1-1-15;
15 98-558, eff. 1-1-14; revised 9-24-13.)

16 Section 997. No acceleration or delay. Where this Act
17 makes changes in a statute that is represented in this Act by
18 text that is not yet or no longer in effect (for example, a
19 Section represented by multiple versions), the use of that text
20 does not accelerate or delay the taking effect of (i) the
21 changes made by this Act or (ii) provisions derived from any
22 other Public Act.

23 Section 999. Effective date. This Act takes effect upon
24 becoming law."