

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Identification Act is amended by
5 changing Section 5 and by adding Section 4.5 as follows:

6 (20 ILCS 2630/4.5 new)

7 Sec. 4.5. Ethnic and racial data collection.

8 (a) Ethnic and racial background data shall be collected at
9 the point of arrest for all persons arrested. This data shall
10 be collected as outlined in subsection (b) for the purpose of
11 accuracy. If a person arrested is uncooperative or unable to
12 self-identify their ethnicity, race, or both, the officer
13 making the arrest report must orally administer the ethnicity
14 questions provided in subsection (b). If the arrestee is still
15 uncooperative or unable to self-identify or answer the
16 questions, the officer making the arrest report must attempt to
17 orally administer the ethnicity questions a second time. If the
18 arrestee is still uncooperative or unable to self-identify or
19 answer the questions, the officer may then, based on the
20 relevant circumstances and in good faith, deduce the ethnicity,
21 race, or both of the arrestee. If the officer deduces the
22 ethnicity, race, or both of the arrestee, the officer must
23 indicate that he or she has done so on the ethnicity

1 self-identification form.

2 (b) Ethnicity self-identification forms shall be in
3 printed form and completed by each arrestee. The ethnicity
4 self-identification forms shall include ethnicity and race
5 information as distinct variables, with the following minimum
6 ethnicity and race designations and questions:

7 "Are you of Hispanic, Latino, or Spanish origin?

8 (A) Yes.

9 (B) No.

10 What race do you consider yourself to be?

11 (A) American Indian or Alaskan Native.

12 (B) Asian.

13 (C) Black or African American.

14 (D) Native American or Other Pacific Islander.

15 (E) White or Caucasian.

16 (F) Unknown."

17 (c) The ethnicity self-identification forms shall include
18 a question indicating whether the answers are self-reported or
19 completed by a law enforcement officer.

20 (d) Ethnic and racial background data self-reported at
21 arrest under subsection (b) shall supersede any ethnic and
22 racial data for that person previously received.

23 (e) Ethnic and racial data of each person committed to the
24 Department of Corrections and the Department of Juvenile
25 Justice shall be collected or corrected at each of the
26 following criminal justice contact points, where applicable,

1 and included in the Department's records: arrest, referral,
2 diversion, detention, petition, delinquency findings,
3 probation, secure confinement, and transfer of juvenile to
4 adult court. The ethnic and racial data of each person shall be
5 collected in accordance with this Section. The most recent
6 self-reported ethnicity and racial data obtained shall
7 supersede ethnicity and racial data previously received.

8 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

9 Sec. 5. Arrest reports. All policing bodies of this State
10 shall furnish to the Department, daily, in the form and detail
11 the Department requires, fingerprints, ~~and~~ descriptions, and
12 ethnic and racial background data as provided in Section 4.5 of
13 this Act of all persons who are arrested on charges of
14 violating any penal statute of this State for offenses that are
15 classified as felonies and Class A or B misdemeanors and of all
16 minors of the age of 10 and over who have been arrested for an
17 offense which would be a felony if committed by an adult, and
18 may forward such fingerprints and descriptions for minors
19 arrested for Class A or B misdemeanors. Moving or nonmoving
20 traffic violations under the Illinois Vehicle Code shall not be
21 reported except for violations of Chapter 4, Section 11-204.1,
22 or Section 11-501 of that Code. In addition, conservation
23 offenses, as defined in the Supreme Court Rule 501(c), that are
24 classified as Class B misdemeanors shall not be reported. Those
25 law enforcement records maintained by the Department for minors

1 arrested for an offense prior to their 17th birthday, or minors
2 arrested for a non-felony offense, if committed by an adult,
3 prior to their 18th birthday, shall not be forwarded to the
4 Federal Bureau of Investigation unless those records relate to
5 an arrest in which a minor was charged as an adult under any of
6 the transfer provisions of the Juvenile Court Act of 1987.

7 (Source: P.A. 95-955, eff. 1-1-09; 96-328, eff. 8-11-09;
8 96-409, eff. 1-1-10; 96-707, eff. 1-1-10; 96-1000, eff.
9 7-2-10.)

10 Section 10. The Illinois Uniform Conviction Information
11 Act is amended by changing Section 3 as follows:

12 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

13 Sec. 3. Definitions. Whenever used in this Act, and for the
14 purposes of this Act, unless the context clearly indicates
15 otherwise:

16 (A) "Accurate" means factually correct, containing no
17 mistake or error of a material nature.

18 (B) The phrase "administer the criminal laws" includes any
19 of the following activities: intelligence gathering,
20 surveillance, criminal investigation, crime detection and
21 prevention (including research), apprehension, detention,
22 pretrial or post-trial release, prosecution, the correctional
23 supervision or rehabilitation of accused persons or criminal
24 offenders, criminal identification activities, or the

1 collection, maintenance or dissemination of criminal history
2 record information.

3 (C) "The Authority" means the Illinois Criminal Justice
4 Information Authority.

5 (D) "Automated" means the utilization of computers,
6 telecommunication lines, or other automatic data processing
7 equipment for data collection or storage, analysis,
8 processing, preservation, maintenance, dissemination, or
9 display and is distinguished from a system in which such
10 activities are performed manually.

11 (E) "Complete" means accurately reflecting all the
12 criminal history record information about an individual that is
13 required to be reported to the Department pursuant to Section
14 2.1 of the Criminal Identification Act.

15 (F) "Conviction information" means data reflecting a
16 judgment of guilt or nolo contendere. The term includes all
17 prior and subsequent criminal history events directly relating
18 to such judgments, such as, but not limited to: (1) the
19 notation of arrest; (2) the notation of charges filed; (3) the
20 sentence imposed; (4) the fine imposed; and (5) all related
21 probation, parole, and release information. Information ceases
22 to be "conviction information" when a judgment of guilt is
23 reversed or vacated.

24 For purposes of this Act, continuances to a date certain in
25 furtherance of an order of supervision granted under Section
26 5-6-1 of the Unified Code of Corrections or an order of

1 probation granted under either Section 10 of the Cannabis
2 Control Act, Section 410 of the Illinois Controlled Substances
3 Act, Section 70 of the Methamphetamine Control and Community
4 Protection Act, Section 12-4.3 or subdivision (b)(1) of Section
5 12-3.05 of the Criminal Code of 1961 or the Criminal Code of
6 2012, Section 10-102 of the Illinois Alcoholism and Other Drug
7 Dependency Act, Section 40-10 of the Alcoholism and Other Drug
8 Abuse and Dependency Act, or Section 10 of the Steroid Control
9 Act shall not be deemed "conviction information".

10 (G) "Criminal history record information" means data
11 identifiable to an individual, including information collected
12 under Section 4.5 of the Criminal Identification Act, and
13 consisting of descriptions or notations of arrests,
14 detentions, indictments, informations, pretrial proceedings,
15 trials, or other formal events in the criminal justice system
16 or descriptions or notations of criminal charges (including
17 criminal violations of local municipal ordinances) and the
18 nature of any disposition arising therefrom, including
19 sentencing, court or correctional supervision, rehabilitation
20 and release. The term does not apply to statistical records and
21 reports in which individual are not identified and from which
22 their identities are not ascertainable, or to information that
23 is for criminal investigative or intelligence purposes.

24 (H) "Criminal justice agency" means (1) a government agency
25 or any subunit thereof which is authorized to administer the
26 criminal laws and which allocates a substantial part of its

1 annual budget for that purpose, or (2) an agency supported by
2 public funds which is authorized as its principal function to
3 administer the criminal laws and which is officially designated
4 by the Department as a criminal justice agency for purposes of
5 this Act.

6 (I) "The Department" means the Illinois Department of State
7 Police.

8 (J) "Director" means the Director of the Illinois
9 Department of State Police.

10 (K) "Disseminate" means to disclose or transmit conviction
11 information in any form, oral, written, or otherwise.

12 (L) "Exigency" means pending danger or the threat of
13 pending danger to an individual or property.

14 (M) "Non-criminal justice agency" means a State agency,
15 Federal agency, or unit of local government that is not a
16 criminal justice agency. The term does not refer to private
17 individuals, corporations, or non-governmental agencies or
18 organizations.

19 (M-5) "Request" means the submission to the Department, in
20 the form and manner required, the necessary data elements or
21 fingerprints, or both, to allow the Department to initiate a
22 search of its criminal history record information files.

23 (N) "Requester" means any private individual, corporation,
24 organization, employer, employment agency, labor organization,
25 or non-criminal justice agency that has made a request pursuant
26 to this Act to obtain conviction information maintained in the

1 files of the Department of State Police regarding a particular
2 individual.

3 (O) "Statistical information" means data from which the
4 identity of an individual cannot be ascertained,
5 reconstructed, or verified and to which the identity of an
6 individual cannot be linked by the recipient of the
7 information.

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

9 Section 15. The Illinois Criminal Justice Information Act
10 is amended by changing Section 3 as follows:

11 (20 ILCS 3930/3) (from Ch. 38, par. 210-3)

12 Sec. 3. Definitions. Whenever used in this Act, and for the
13 purposes of this Act unless the context clearly denotes
14 otherwise:

15 (a) The term "criminal justice system" includes all
16 activities by public agencies pertaining to the prevention or
17 reduction of crime or enforcement of the criminal law, and
18 particularly, but without limitation, the prevention,
19 detection, and investigation of crime; the apprehension of
20 offenders; the protection of victims and witnesses; the
21 administration of juvenile justice; the prosecution and
22 defense of criminal cases; the trial, conviction, and
23 sentencing of offenders; as well as the correction and
24 rehabilitation of offenders, which includes imprisonment,

1 probation, parole and treatment.

2 (b) The term "Authority" means the Illinois Criminal
3 Justice Information Authority created by this Act.

4 (c) The term "criminal justice information" means any and
5 every type of information that is collected, transmitted, or
6 maintained by the criminal justice system.

7 (d) The term "criminal history record information" means
8 data identifiable to an individual, including information
9 collected under Section 4.5 of the Criminal Identification Act,
10 and consisting of descriptions or notations of arrests,
11 detentions, indictments, informations, pre-trial proceedings,
12 trials, or other formal events in the criminal justice system
13 or descriptions or notations of criminal charges (including
14 criminal violations of local municipal ordinances) and the
15 nature of any disposition arising therefrom, including
16 sentencing, court or correctional supervision, rehabilitation,
17 and release. The term does not apply to statistical records and
18 reports in which individuals are not identified and from which
19 their identities are not ascertainable, or to information that
20 is for criminal investigative or intelligence purposes.

21 (e) The term "unit of general local government" means any
22 county, municipality or other general purpose political
23 subdivision of this State.

24 (Source: P.A. 85-653.)

25 Section 20. The Unified Code of Corrections is amended by

1 changing Sections 3-2.5-15, 3-5-1, and 3-5-3 as follows:

2 (730 ILCS 5/3-2.5-15)

3 Sec. 3-2.5-15. Department of Juvenile Justice; assumption
4 of duties of the Juvenile Division.

5 (a) The Department of Juvenile Justice shall assume the
6 rights, powers, duties, and responsibilities of the Juvenile
7 Division of the Department of Corrections. Personnel, books,
8 records, property, and unencumbered appropriations pertaining
9 to the Juvenile Division of the Department of Corrections shall
10 be transferred to the Department of Juvenile Justice on the
11 effective date of this amendatory Act of the 94th General
12 Assembly. Any rights of employees or the State under the
13 Personnel Code or any other contract or plan shall be
14 unaffected by this transfer.

15 (b) Department of Juvenile Justice personnel who are hired
16 by the Department on or after the effective date of this
17 amendatory Act of the 94th General Assembly and who participate
18 or assist in the rehabilitative and vocational training of
19 delinquent youths, supervise the daily activities involving
20 direct and continuing responsibility for the youth's security,
21 welfare and development, or participate in the personal
22 rehabilitation of delinquent youth by training, supervising,
23 and assisting lower level personnel who perform these duties
24 must be over the age of 21 and have a bachelor's or advanced
25 degree from an accredited college or university with a

1 specialization in criminal justice, education, psychology,
2 social work, or a closely related social science. This
3 requirement shall not apply to security, clerical, food
4 service, and maintenance staff that do not have direct and
5 regular contact with youth. The degree requirements specified
6 in this subsection (b) are not required of persons who provide
7 vocational training and who have adequate knowledge in the
8 skill for which they are providing the vocational training.

9 (c) Subsection (b) of this Section does not apply to
10 personnel transferred to the Department of Juvenile Justice on
11 the effective date of this amendatory Act of the 94th General
12 Assembly.

13 (d) The Department shall be under the direction of the
14 Director of Juvenile Justice as provided in this Code.

15 (e) The Director shall organize divisions within the
16 Department and shall assign functions, powers, duties, and
17 personnel as required by law. The Director may create other
18 divisions and may assign other functions, powers, duties, and
19 personnel as may be necessary or desirable to carry out the
20 functions and responsibilities vested by law in the Department.
21 The Director may, with the approval of the Office of the
22 Governor, assign to and share functions, powers, duties, and
23 personnel with other State agencies such that administrative
24 services and administrative facilities are provided by a shared
25 administrative service center. Where possible, shared services
26 which impact youth should be done with child-serving agencies.

1 These administrative services may include, but are not limited
2 to, all of the following functions: budgeting, accounting
3 related functions, auditing, human resources, legal,
4 procurement, training, data collection and analysis,
5 information technology, internal investigations, intelligence,
6 legislative services, emergency response capability, statewide
7 transportation services, and general office support.

8 (f) The Department of Juvenile Justice may enter into
9 intergovernmental cooperation agreements under which minors
10 adjudicated delinquent and committed to the Department of
11 Juvenile Justice may participate in county juvenile impact
12 incarceration programs established under Section 3-6039 of the
13 Counties Code.

14 (g) The Department of Juvenile Justice must comply with the
15 ethnic and racial background data collection procedures
16 provided in subsection (e) of Section 4.5 of the Criminal
17 Identification Act.

18 (Source: P.A. 96-1022, eff. 1-1-11.)

19 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

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

21 (a) The Department of Corrections and the Department of
22 Juvenile Justice shall maintain a master record file on each
23 person committed to it, which shall contain the following
24 information:

25 (1) all information from the committing court;

1 (1.5) ethnic and racial background data collected in
2 accordance with subsection (e) of Section 4.5 of the
3 Criminal Identification Act;

4 (2) reception summary;

5 (3) evaluation and assignment reports and
6 recommendations;

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

8 (5) reports of disciplinary infractions and
9 disposition, including tickets and Administrative Review
10 Board action;

11 (6) any parole plan;

12 (7) any parole reports;

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

14 (9) criminal history;

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

16 (11) information regarding associations and family
17 relationships;

18 (12) any grievances filed and responses to those
19 grievances; and

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

23 (b) All files shall be confidential and access shall be
24 limited to authorized personnel of the respective Department.
25 Personnel of other correctional, welfare or law enforcement
26 agencies may have access to files under rules and regulations

1 of the respective Department. The respective Department shall
2 keep a record of all outside personnel who have access to
3 files, the files reviewed, any file material copied, and the
4 purpose of access. If the respective Department or the Prisoner
5 Review Board makes a determination under this Code which
6 affects the length of the period of confinement or commitment,
7 the committed person and his counsel shall be advised of
8 factual information relied upon by the respective Department or
9 Board to make the determination, provided that the Department
10 or Board shall not be required to advise a person committed to
11 the Department of Juvenile Justice any such information which
12 in the opinion of the Department of Juvenile Justice or Board
13 would be detrimental to his treatment or rehabilitation.

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

22 (d) The master file of a person no longer in the custody of
23 the respective Department shall be placed on inactive status
24 and its use shall be restricted subject to rules and
25 regulations of the Department.

26 (e) All public agencies may make available to the

1 respective Department on request any factual data not otherwise
2 privileged as a matter of law in their possession in respect to
3 individuals committed to the respective Department.

4 (Source: P.A. 97-696, eff. 6-22-12.)

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

6 Sec. 3-5-3. Annual and other Reports.

7 (a) The Director shall make an annual report to the
8 Governor and General Assembly concerning persons committed to
9 the Department, its institutions, facilities and programs, of
10 all moneys expended and received, and on what accounts expended
11 and received. The report shall include the ethnic and racial
12 background data, not identifiable to an individual, of all
13 persons committed to the Department, its institutions,
14 facilities, and programs.

15 (b) (Blank).

16 (c) The Director may require such reports from division
17 administrators, chief administrative officers and other
18 personnel as he deems necessary for the administration of the
19 Department.

20 (d) (Blank).

21 (Source: P.A. 97-800, eff. 7-13-12.)

22 Section 99. Effective date. This Act takes effect July 1,
23 2014.