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1 SENATE JOINT RESOLUTION

2 WHEREAS, Tens of thousands of youth who are arrested
3 throughout this State each year are never subject to any formal
4 proceedings in juvenile court; and

5 WHEREAS, Most juvenile arrests are reported by local law
6 enforcement to the Illinois State Police, which is currently
7 required to maintain juvenile arrest records regardless of
8 whether a petition of delinquency is filed in juvenile court;
9 and

10 WHEREAS, Despite the presumption in the Illinois Juvenile
11 Court Act that most juvenile records are confidential, juvenile
12 arrest records are sometimes disclosed or disseminated, often
13 unintentionally, preventing youth who have never been
14 adjudicated delinquent for any offense from moving forward with
15 educational and employment plans; and

16 WHEREAS, The process of expunging juvenile arrests that do
17 not result in formal proceedings is currently complicated,
18 burdensome, and underused by juvenile arrestees; and

19 WHEREAS, Increased use of electronic recordkeeping by
20 city, county, State, and federal agencies has compounded the
21 number of ways in which confidential juvenile arrest and court

1 records may be inadvertently disseminated, regardless of
2 expungement; therefore, be it

3 RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
5 CONCURRING HEREIN, that the Illinois Juvenile Justice
6 Commission is requested to study and make recommendations to
7 the Governor and General Assembly regarding effective policy
8 and practice concerning juvenile record confidentiality and
9 expungement; and be it further

10 RESOLVED, That the Illinois Juvenile Justice Commission is
11 requested to analyze the sufficiency of juvenile
12 confidentiality and expungement laws and processes, including
13 but not limited to the methods by which juvenile records are
14 created and shared and the use and effectiveness of juvenile
15 petitions for expungement; and be it further

16 RESOLVED, That the Illinois State Police and the Illinois
17 Criminal Justice Information Authority are requested to
18 cooperate with the study by sharing agency data and process
19 information, as well as by reviewing their own policies
20 concerning juvenile record confidentiality; and be it further

21 RESOLVED, That the Illinois Juvenile Justice Commission is
22 requested to summarize available information and research on

1 best practices within the State and across the nation with
2 respect to juvenile record confidentiality, law enforcement
3 recordkeeping, and expungement, including but not limited to
4 the following:

5 1) The creation, storage, and exchange of juvenile records
6 in the digital age;

7 2) The effect of private background check industry growth,
8 including internet-based arrest publishing and removal
9 companies, on juvenile records confidentiality and
10 expungement;

11 3) The relationship between confidentiality and
12 expungement and public safety; and

13 4) The impact of expungement on the lives and wellbeing of
14 youth; and be it further

15 RESOLVED, That local law enforcement, county clerks,
16 judges, prosecutors, defense attorneys, school officials,
17 probation offices, diversion program providers, background
18 check providers, and prospective employers and other end-users
19 of background information are encouraged to participate in this
20 study as well as to review their own policies concerning
21 juvenile record confidentiality; and be it further

1 RESOLVED, That the Illinois Juvenile Justice Commission is
2 requested to submit the report by March 1, 2016 and to catalog
3 the progress of expungement again on March 1, 2017 to the
4 Governor and General Assembly with its recommendations and
5 suggested statutory changes; and be it further

6 RESOLVED, That a copy of this resolution shall be presented
7 to the Director of the Administrative Office of the Illinois
8 Courts, the Executive Director of the Office of the State's
9 Attorneys Appellate Prosecutor, the Office of the State
10 Appellate Defender, the President of the Illinois Sheriff's
11 Association, and the Executive Director of the Illinois
12 Juvenile Justice Commission who are each encouraged to share
13 this resolution with their membership.