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1 SENATE JOINT RESOLUTION NO. 79

2 (As Amended by Senate Amendment No. 1)

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

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

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

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

20 WHEREAS, Increased use of electronic recordkeeping by
21 city, county, State, and federal agencies has compounded the

1 number of ways in which confidential juvenile arrest and court
2 records may be inadvertently disseminated, regardless of
3 expungement; therefore, be it

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

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

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

22 RESOLVED, That the Illinois Juvenile Justice Commission is

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

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

8 2) The confidentiality of all records to actual or alleged
9 violations of traffic, boating, or fish and game laws, or
10 municipal or county ordinances by minors under 18 years of age;

11 3) The effect of private background check industry growth,
12 including internet-based arrest publishing and removal
13 companies, on juvenile records confidentiality and
14 expungement;

15 4) The relationship between confidentiality and
16 expungement and public safety; and

17 5) The impact of expungement on the lives and wellbeing of
18 youth; and be it further

19 RESOLVED, That local law enforcement, county clerks,
20 judges, prosecutors, defense attorneys, school officials,

1 probation offices, diversion program providers, background
2 check providers, and prospective employers and other end-users
3 of background information are encouraged to participate in this
4 study as well as to review their own policies concerning
5 juvenile record confidentiality; and be it further

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

11 RESOLVED, That a copy of this resolution shall be presented
12 to the Director of the Administrative Office of the Illinois
13 Courts, the Executive Director of the Office of the State's
14 Attorneys Appellate Prosecutor, the Office of the State
15 Appellate Defender, the President of the Illinois Sheriffs'
16 Association, and the Executive Director of the Illinois
17 Juvenile Justice Commission, who are each encouraged to share
18 this resolution with their membership.