



Rep. Pamela Reaves-Harris

**Filed: 4/17/2015**

09900HB3303ham003

LRB099 05805 JWD 34271 a

1 AMENDMENT TO HOUSE BILL 3303

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3303 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by  
5 changing Sections 2.15 and 7.5 as follows:

6 (5 ILCS 140/2.15)

7 Sec. 2.15. Arrest reports and criminal history records.

8 (a) Arrest reports. The following chronologically  
9 maintained arrest and criminal history information maintained  
10 by State or local criminal justice agencies shall be furnished  
11 as soon as practical, but in no event later than 72 hours after  
12 the arrest, notwithstanding the time limits otherwise provided  
13 for in Section 3 of this Act: (i) information that identifies  
14 the individual, including the name, age, address, and  
15 photograph, when and if available; (ii) information detailing  
16 any charges relating to the arrest; (iii) the time and location

1 of the arrest; (iv) the name of the investigating or arresting  
2 law enforcement agency; (v) if the individual is incarcerated,  
3 the amount of any bail or bond; and (vi) if the individual is  
4 incarcerated, the time and date that the individual was  
5 received into, discharged from, or transferred from the  
6 arresting agency's custody.

7 (b) Criminal history records. The following documents  
8 maintained by a public body pertaining to criminal history  
9 record information are public records subject to inspection and  
10 copying by the public pursuant to this Act: (i) court records  
11 that are public; (ii) records that are otherwise available  
12 under State or local law; and (iii) records in which the  
13 requesting party is the individual identified, except as  
14 provided under Section 7(1)(d)(vi).

15 (c) Information described in items (iii) through (vi) of  
16 subsection (a) may be withheld if it is determined that  
17 disclosure would: (i) interfere with pending or actually and  
18 reasonably contemplated law enforcement proceedings conducted  
19 by any law enforcement agency; (ii) endanger the life or  
20 physical safety of law enforcement or correctional personnel or  
21 any other person; or (iii) compromise the security of any  
22 correctional facility.

23 (d) The provisions of this Section do not supersede the  
24 confidentiality provisions for law enforcement or arrest  
25 records of the Juvenile Court Act of 1987.

26 (Source: P.A. 96-542, eff. 1-1-10.)

1 (5 ILCS 140/7.5)

2 Sec. 7.5. Statutory exemptions ~~Exemptions~~. To the extent  
3 provided for by the statutes referenced below, the following  
4 shall be exempt from inspection and copying:

5 (a) All information determined to be confidential  
6 under Section 4002 of the Technology Advancement and  
7 Development Act.

8 (b) Library circulation and order records identifying  
9 library users with specific materials under the Library  
10 Records Confidentiality Act.

11 (c) Applications, related documents, and medical  
12 records received by the Experimental Organ Transplantation  
13 Procedures Board and any and all documents or other records  
14 prepared by the Experimental Organ Transplantation  
15 Procedures Board or its staff relating to applications it  
16 has received.

17 (d) Information and records held by the Department of  
18 Public Health and its authorized representatives relating  
19 to known or suspected cases of sexually transmissible  
20 disease or any information the disclosure of which is  
21 restricted under the Illinois Sexually Transmissible  
22 Disease Control Act.

23 (e) Information the disclosure of which is exempted  
24 under Section 30 of the Radon Industry Licensing Act.

25 (f) Firm performance evaluations under Section 55 of

1 the Architectural, Engineering, and Land Surveying  
2 Qualifications Based Selection Act.

3 (g) Information the disclosure of which is restricted  
4 and exempted under Section 50 of the Illinois Prepaid  
5 Tuition Act.

6 (h) Information the disclosure of which is exempted  
7 under the State Officials and Employees Ethics Act, and  
8 records of any lawfully created State or local inspector  
9 general's office that would be exempt if created or  
10 obtained by an Executive Inspector General's office under  
11 that Act.

12 (i) Information contained in a local emergency energy  
13 plan submitted to a municipality in accordance with a local  
14 emergency energy plan ordinance that is adopted under  
15 Section 11-21.5-5 of the Illinois Municipal Code.

16 (j) Information and data concerning the distribution  
17 of surcharge moneys collected and remitted by wireless  
18 carriers under the Wireless Emergency Telephone Safety  
19 Act.

20 (k) Law enforcement officer identification information  
21 or driver identification information compiled by a law  
22 enforcement agency or the Department of Transportation  
23 under Section 11-212 of the Illinois Vehicle Code.

24 (l) Records and information provided to a residential  
25 health care facility resident sexual assault and death  
26 review team or the Executive Council under the Abuse

1 Prevention Review Team Act.

2 (m) Information provided to the predatory lending  
3 database created pursuant to Article 3 of the Residential  
4 Real Property Disclosure Act, except to the extent  
5 authorized under that Article.

6 (n) Defense budgets and petitions for certification of  
7 compensation and expenses for court appointed trial  
8 counsel as provided under Sections 10 and 15 of the Capital  
9 Crimes Litigation Act. This subsection (n) shall apply  
10 until the conclusion of the trial of the case, even if the  
11 prosecution chooses not to pursue the death penalty prior  
12 to trial or sentencing.

13 (o) Information that is prohibited from being  
14 disclosed under Section 4 of the Illinois Health and  
15 Hazardous Substances Registry Act.

16 (p) Security portions of system safety program plans,  
17 investigation reports, surveys, schedules, lists, data, or  
18 information compiled, collected, or prepared by or for the  
19 Regional Transportation Authority under Section 2.11 of  
20 the Regional Transportation Authority Act or the St. Clair  
21 County Transit District under the Bi-State Transit Safety  
22 Act.

23 (q) Information prohibited from being disclosed by the  
24 Personnel Records Review Act.

25 (r) Information prohibited from being disclosed by the  
26 Illinois School Student Records Act.

1           (s) Information the disclosure of which is restricted  
2 under Section 5-108 of the Public Utilities Act.

3           (t) All identified or deidentified health information  
4 in the form of health data or medical records contained in,  
5 stored in, submitted to, transferred by, or released from  
6 the Illinois Health Information Exchange, and identified  
7 or deidentified health information in the form of health  
8 data and medical records of the Illinois Health Information  
9 Exchange in the possession of the Illinois Health  
10 Information Exchange Authority due to its administration  
11 of the Illinois Health Information Exchange. The terms  
12 "identified" and "deidentified" shall be given the same  
13 meaning as in the Health Insurance Accountability and  
14 Portability Act of 1996, Public Law 104-191, or any  
15 subsequent amendments thereto, and any regulations  
16 promulgated thereunder.

17           (u) Records and information provided to an independent  
18 team of experts under Brian's Law.

19           (v) Names and information of people who have applied  
20 for or received Firearm Owner's Identification Cards under  
21 the Firearm Owners Identification Card Act or applied for  
22 or received a concealed carry license under the Firearm  
23 Concealed Carry Act, unless otherwise authorized by the  
24 Firearm Concealed Carry Act; and databases under the  
25 Firearm Concealed Carry Act, records of the Concealed Carry  
26 Licensing Review Board under the Firearm Concealed Carry

1 Act, and law enforcement agency objections under the  
2 Firearm Concealed Carry Act.

3 (w) Personally identifiable information which is  
4 exempted from disclosure under subsection (g) of Section  
5 19.1 of the Toll Highway Act.

6 (x) Information which is exempted from disclosure  
7 under Section 5-1014.3 of the Counties Code or Section  
8 8-11-21 of the Illinois Municipal Code.

9 (y) Confidential information under the Adult  
10 Protective Services Act and its predecessor enabling  
11 statute, the Elder Abuse and Neglect Act, including  
12 information about the identity and administrative finding  
13 against any caregiver of a verified and substantiated  
14 decision of abuse, neglect, or financial exploitation of an  
15 eligible adult maintained in the Registry established  
16 under Section 7.5 of the Adult Protective Services Act.

17 (z) Records and information provided to a fatality  
18 review team or the Illinois Fatality Review Team Advisory  
19 Council under Section 15 of the Adult Protective Services  
20 Act.

21 (aa) Information which is exempted from disclosure  
22 under Section 2.37 of the Wildlife Code.

23 (bb) Information which is or was prohibited from  
24 disclosure by the Juvenile Court Act of 1987.

25 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,  
26 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,

1 eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039,  
2 eff. 8-25-14; 98-1045, eff. 8-25-14; revised 10-1-14.)

3 Section 10. The Juvenile Court Act of 1987 is amended by  
4 changing Sections 1-7 and 5-905 as follows:

5 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

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

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

12 (1) Any local, State or federal law enforcement  
13 officers of any jurisdiction or agency when necessary for  
14 the discharge of their official duties during the  
15 investigation or prosecution of a crime or relating to a  
16 minor who has been adjudicated delinquent and there has  
17 been a previous finding that the act which constitutes the  
18 previous offense was committed in furtherance of criminal  
19 activities by a criminal street gang, or, when necessary  
20 for the discharge of its official duties in connection with  
21 a particular investigation of the conduct of a law  
22 enforcement officer, an independent agency or its staff  
23 created by ordinance and charged by a unit of local  
24 government with the duty of investigating the conduct of



1 law enforcement officers. For purposes of this Section,  
2 "criminal street gang" has the meaning ascribed to it in  
3 Section 10 of the Illinois Streetgang Terrorism Omnibus  
4 Prevention Act.

5 (2) Prosecutors, probation officers, social workers,  
6 or other individuals assigned by the court to conduct a  
7 pre-adjudication or pre-disposition investigation, and  
8 individuals responsible for supervising or providing  
9 temporary or permanent care and custody for minors pursuant  
10 to the order of the juvenile court, when essential to  
11 performing their responsibilities.

12 (3) Prosecutors and probation officers:

13 (a) in the course of a trial when institution of  
14 criminal proceedings has been permitted or required  
15 under Section 5-805; or

16 (b) when institution of criminal proceedings has  
17 been permitted or required under Section 5-805 and such  
18 minor is the subject of a proceeding to determine the  
19 amount of bail; or

20 (c) when criminal proceedings have been permitted  
21 or required under Section 5-805 and such minor is the  
22 subject of a pre-trial investigation, pre-sentence  
23 investigation, fitness hearing, or proceedings on an  
24 application for probation.

25 (4) Adult and Juvenile Prisoner Review Board.

26 (5) Authorized military personnel.

1           (6) Persons engaged in bona fide research, with the  
2 permission of the Presiding Judge of the Juvenile Court and  
3 the chief executive of the respective law enforcement  
4 agency; provided that publication of such research results  
5 in no disclosure of a minor's identity and protects the  
6 confidentiality of the minor's record.

7           (7) Department of Children and Family Services child  
8 protection investigators acting in their official  
9 capacity.

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

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

25                   (i) any violation of Article 24 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012;

1           (ii) a violation of the Illinois Controlled  
2           Substances Act;

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

4           (iv) a forcible felony as defined in Section  
5           2-8 of the Criminal Code of 1961 or the Criminal  
6           Code of 2012;

7           (v) a violation of the Methamphetamine Control  
8           and Community Protection Act;

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

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

12          (viii) a violation of Section 12-1, 12-2,  
13          12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
14          12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
15          Criminal Code of 1961 or the Criminal Code of 2012.

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

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

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

1 way limit the use of this information by prosecutors in  
2 pursuing criminal charges arising out of the  
3 information disclosed during a police investigation of  
4 the minor. For purposes of this paragraph,  
5 "investigation" means an official systematic inquiry  
6 by a law enforcement agency into actual or suspected  
7 criminal activity.

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

21 (10) The president of a park district. Inspection and  
22 copying shall be limited to law enforcement records  
23 transmitted to the president of the park district by the  
24 Illinois State Police under Section 8-23 of the Park  
25 District Code or Section 16a-5 of the Chicago Park District  
26 Act concerning a person who is seeking employment with that

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

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

15 (2) Law enforcement officers or other persons or  
16 agencies shall transmit to the Department of State Police  
17 copies of fingerprints and descriptions of all minors who  
18 have been arrested or taken into custody before their 18th  
19 birthday for the offense of unlawful use of weapons under  
20 Article 24 of the Criminal Code of 1961 or the Criminal  
21 Code of 2012, a Class X or Class 1 felony, a forcible  
22 felony as defined in Section 2-8 of the Criminal Code of  
23 1961 or the Criminal Code of 2012, or a Class 2 or greater  
24 felony under the Cannabis Control Act, the Illinois  
25 Controlled Substances Act, the Methamphetamine Control and  
26 Community Protection Act, or Chapter 4 of the Illinois

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

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

25 (1) In cases where the law enforcement, or independent  
26 agency, records concern a pending juvenile court case, the

1 party seeking to inspect the records shall provide actual  
2 notice to the attorney or guardian ad litem of the minor  
3 whose records are sought.

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

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

21 (D) Nothing contained in subsection (C) of this Section  
22 shall prohibit the inspection or disclosure to victims and  
23 witnesses of photographs contained in the records of law  
24 enforcement agencies when the inspection and disclosure is  
25 conducted in the presence of a law enforcement officer for the  
26 purpose of the identification or apprehension of any person



1 subject to the provisions of this Act or for the investigation  
2 or prosecution of any crime.

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

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

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

1 taken into custody before the applicant's 18th birthday.

2 (H) The changes made to this Section by Public Act 98-61  
3 apply to law enforcement records of a minor who has been  
4 arrested or taken into custody on or after January 1, 2014 (the  
5 effective date of Public Act 98-61).

6 (Source: P.A. 97-700, eff. 6-22-12; 97-1083, eff. 8-24-12;  
7 97-1104, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-61, eff.  
8 1-1-14; 98-756, eff. 7-16-14.)

9 (705 ILCS 405/5-905)

10 Sec. 5-905. Law enforcement records.

11 (1) Law Enforcement Records. Inspection and copying of law  
12 enforcement records maintained by law enforcement agencies  
13 that relate to a minor who has been investigated, arrested, or  
14 taken into custody before his or her 18th birthday shall be  
15 restricted to the following and when necessary for the  
16 discharge of their official duties:

17 (a) A judge of the circuit court and members of the  
18 staff of the court designated by the judge;

19 (b) Law enforcement officers, probation officers or  
20 prosecutors or their staff, or, when necessary for the  
21 discharge of its official duties in connection with a  
22 particular investigation of the conduct of a law  
23 enforcement officer, an independent agency or its staff  
24 created by ordinance and charged by a unit of local  
25 government with the duty of investigating the conduct of

1 law enforcement officers;

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

5 (d) Adult and Juvenile Prisoner Review Boards;

6 (e) Authorized military personnel;

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

13 (g) Individuals responsible for supervising or  
14 providing temporary or permanent care and custody of minors  
15 pursuant to orders of the juvenile court or directives from  
16 officials of the Department of Children and Family Services  
17 or the Department of Human Services who certify in writing  
18 that the information will not be disclosed to any other  
19 party except as provided under law or order of court;

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

24 (A) Inspection and copying shall be limited to law  
25 enforcement records transmitted to the appropriate  
26 school official or officials whom the school has

1           determined to have a legitimate educational or safety  
2           interest by a local law enforcement agency under a  
3           reciprocal reporting system established and maintained  
4           between the school district and the local law  
5           enforcement agency under Section 10-20.14 of the  
6           School Code concerning a minor enrolled in a school  
7           within the school district who has been arrested or  
8           taken into custody for any of the following offenses:

9                   (i) any violation of Article 24 of the Criminal  
10                   Code of 1961 or the Criminal Code of 2012;

11                   (ii) a violation of the Illinois Controlled  
12                   Substances Act;

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

14                   (iv) a forcible felony as defined in Section  
15                   2-8 of the Criminal Code of 1961 or the Criminal  
16                   Code of 2012;

17                   (v) a violation of the Methamphetamine Control  
18                   and Community Protection Act;

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

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

22                   (viii) a violation of Section 12-1, 12-2,  
23                   12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
24                   12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
25                   Criminal Code of 1961 or the Criminal Code of 2012.

26           The information derived from the law enforcement

1 records shall be kept separate from and shall not  
2 become a part of the official school record of that  
3 child and shall not be a public record. The information  
4 shall be used solely by the appropriate school official  
5 or officials whom the school has determined to have a  
6 legitimate educational or safety interest to aid in the  
7 proper rehabilitation of the child and to protect the  
8 safety of students and employees in the school. If the  
9 designated law enforcement and school officials deem  
10 it to be in the best interest of the minor, the student  
11 may be referred to in-school or community based social  
12 services if those services are available.  
13 "Rehabilitation services" may include interventions by  
14 school support personnel, evaluation for eligibility  
15 for special education, referrals to community-based  
16 agencies such as youth services, behavioral healthcare  
17 service providers, drug and alcohol prevention or  
18 treatment programs, and other interventions as deemed  
19 appropriate for the student.

20 (B) Any information provided to appropriate school  
21 officials whom the school has determined to have a  
22 legitimate educational or safety interest by local law  
23 enforcement officials about a minor who is the subject  
24 of a current police investigation that is directly  
25 related to school safety shall consist of oral  
26 information only, and not written law enforcement

1 records, and shall be used solely by the appropriate  
2 school official or officials to protect the safety of  
3 students and employees in the school and aid in the  
4 proper rehabilitation of the child. The information  
5 derived orally from the local law enforcement  
6 officials shall be kept separate from and shall not  
7 become a part of the official school record of the  
8 child and shall not be a public record. This limitation  
9 on the use of information about a minor who is the  
10 subject of a current police investigation shall in no  
11 way limit the use of this information by prosecutors in  
12 pursuing criminal charges arising out of the  
13 information disclosed during a police investigation of  
14 the minor. For purposes of this paragraph,  
15 "investigation" means an official systematic inquiry  
16 by a law enforcement agency into actual or suspected  
17 criminal activity;

18 (i) The president of a park district. Inspection and  
19 copying shall be limited to law enforcement records  
20 transmitted to the president of the park district by the  
21 Illinois State Police under Section 8-23 of the Park  
22 District Code or Section 16a-5 of the Chicago Park District  
23 Act concerning a person who is seeking employment with that  
24 park district and who has been adjudicated a juvenile  
25 delinquent for any of the offenses listed in subsection (c)  
26 of Section 8-23 of the Park District Code or subsection (c)

1 of Section 16a-5 of the Chicago Park District Act.

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

7 (2.5) If the minor is a victim of aggravated battery,  
8 battery, attempted first degree murder, or other non-sexual  
9 violent offense, the identity of the victim may be disclosed to  
10 appropriate school officials, for the purpose of preventing  
11 foreseeable future violence involving minors, by a local law  
12 enforcement agency pursuant to an agreement established  
13 between the school district and a local law enforcement agency  
14 subject to the approval by the presiding judge of the juvenile  
15 court.

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

20 (4) Nothing in this Section shall prohibit the inspection  
21 or disclosure to victims and witnesses of photographs contained  
22 in the records of law enforcement agencies when the inspection  
23 or disclosure is conducted in the presence of a law enforcement  
24 officer for purposes of identification or apprehension of any  
25 person in the course of any criminal investigation or  
26 prosecution.

1           (5) The records of law enforcement officers, or of an  
2 independent agency created by ordinance and charged by a unit  
3 of local government with the duty of investigating the conduct  
4 of law enforcement officers, concerning all minors under 18  
5 years of age must be maintained separate from the records of  
6 adults and may not be open to public inspection or their  
7 contents disclosed to the public except by order of the court  
8 or when the institution of criminal proceedings has been  
9 permitted under Section 5-130 or 5-805 or required under  
10 Section 5-130 or 5-805 or such a person has been convicted of a  
11 crime and is the subject of pre-sentence investigation or when  
12 provided by law.

13           (6) Except as otherwise provided in this subsection (6),  
14 law enforcement officers, and personnel of an independent  
15 agency created by ordinance and charged by a unit of local  
16 government with the duty of investigating the conduct of law  
17 enforcement officers, may not disclose the identity of any  
18 minor in releasing information to the general public as to the  
19 arrest, investigation or disposition of any case involving a  
20 minor. Any victim or parent or legal guardian of a victim may  
21 petition the court to disclose the name and address of the  
22 minor and the minor's parents or legal guardian, or both. Upon  
23 a finding by clear and convincing evidence that the disclosure  
24 is either necessary for the victim to pursue a civil remedy  
25 against the minor or the minor's parents or legal guardian, or  
26 both, or to protect the victim's person or property from the



1 minor, then the court may order the disclosure of the  
2 information to the victim or to the parent or legal guardian of  
3 the victim only for the purpose of the victim pursuing a civil  
4 remedy against the minor or the minor's parents or legal  
5 guardian, or both, or to protect the victim's person or  
6 property from the minor.

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

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

18 (9) The changes made to this Section by Public Act 98-61  
19 apply to law enforcement records of a minor who has been  
20 arrested or taken into custody on or after January 1, 2014 (the  
21 effective date of Public Act 98-61).

22 (Source: P.A. 97-700, eff. 6-22-12; 97-1104, eff. 1-1-13;  
23 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14; 98-756, eff.  
24 7-16-14.)".