



Sen. John M. Sullivan

Filed: 5/15/2015

09900HB3895sam001

LRB099 10007 MGM 35611 a

1 AMENDMENT TO HOUSE BILL 3895

2 AMENDMENT NO. _____. Amend House Bill 3895 as follows:

3 on page 1, line 5, by replacing "Section 7" with "Sections
4 2.15, 7, and 7.5"; and

5 on page 1, below line 5, by inserting the following:

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

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

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

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

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

1 (Source: P.A. 96-542, eff. 1-1-10.)"; and

2 on page 14, below line 3, by inserting the following:

3 (5 ILCS 140/7.5)

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

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

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

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

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

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

3 (f) Firm performance evaluations under Section 55 of
4 the Architectural, Engineering, and Land Surveying
5 Qualifications Based Selection Act.

6 (g) Information the disclosure of which is restricted
7 and exempted under Section 50 of the Illinois Prepaid
8 Tuition Act.

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

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

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

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

1 (l) Records and information provided to a residential
2 health care facility resident sexual assault and death
3 review team or the Executive Council under the Abuse
4 Prevention Review Team Act.

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

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

16 (o) Information that is prohibited from being
17 disclosed under Section 4 of the Illinois Health and
18 Hazardous Substances Registry Act.

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

26 (q) Information prohibited from being disclosed by the

1 Personnel Records Review Act.

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

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

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

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

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

1 Firearm Concealed Carry Act; and databases under the
2 Firearm Concealed Carry Act, records of the Concealed Carry
3 Licensing Review Board under the Firearm Concealed Carry
4 Act, and law enforcement agency objections under the
5 Firearm Concealed Carry Act.

6 (w) Personally identifiable information which is
7 exempted from disclosure under subsection (g) of Section
8 19.1 of the Toll Highway Act.

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

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

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

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

26 (bb) Information which is or was prohibited from

1 disclosure by the Juvenile Court Act of 1987.

2 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,
3 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,
4 eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039,
5 eff. 8-25-14; 98-1045, eff. 8-25-14; revised 10-1-14.)

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

8 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

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

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

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

1 enforcement officer, an independent agency or its staff
2 created by ordinance and charged by a unit of local
3 government with the duty of investigating the conduct of
4 law enforcement officers. For purposes of this Section,
5 "criminal street gang" has the meaning ascribed to it in
6 Section 10 of the Illinois Streetgang Terrorism Omnibus
7 Prevention Act.

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

15 (3) Prosecutors and probation officers:

16 (a) in the course of a trial when institution of
17 criminal proceedings has been permitted or required
18 under Section 5-805; or

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

23 (c) when criminal proceedings have been permitted
24 or required under Section 5-805 and such minor is the
25 subject of a pre-trial investigation, pre-sentence
26 investigation, fitness hearing, or proceedings on an

1 application for probation.

2 (4) Adult and Juvenile Prisoner Review Board.

3 (5) Authorized military personnel.

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

10 (7) Department of Children and Family Services child
11 protection investigators acting in their official
12 capacity.

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

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

1 taken into custody for any of the following offenses:

2 (i) any violation of Article 24 of the Criminal
3 Code of 1961 or the Criminal Code of 2012;

4 (ii) a violation of the Illinois Controlled
5 Substances Act;

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

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

10 (v) a violation of the Methamphetamine Control
11 and Community Protection Act;

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

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

15 (viii) a violation of Section 12-1, 12-2,
16 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
17 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
18 Criminal Code of 1961 or the Criminal Code of 2012.

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

1 safety of students and employees in the school. If the
2 designated law enforcement and school officials deem
3 it to be in the best interest of the minor, the student
4 may be referred to in-school or community based social
5 services if those services are available.
6 "Rehabilitation services" may include interventions by
7 school support personnel, evaluation for eligibility
8 for special education, referrals to community-based
9 agencies such as youth services, behavioral healthcare
10 service providers, drug and alcohol prevention or
11 treatment programs, and other interventions as deemed
12 appropriate for the student.

13 (B) Any information provided to appropriate school
14 officials whom the school has determined to have a
15 legitimate educational or safety interest by local law
16 enforcement officials about a minor who is the subject
17 of a current police investigation that is directly
18 related to school safety shall consist of oral
19 information only, and not written law enforcement
20 records, and shall be used solely by the appropriate
21 school official or officials to protect the safety of
22 students and employees in the school and aid in the
23 proper rehabilitation of the child. The information
24 derived orally from the local law enforcement
25 officials shall be kept separate from and shall not
26 become a part of the official school record of the

1 child and shall not be a public record. This limitation
2 on the use of information about a minor who is the
3 subject of a current police investigation shall in no
4 way limit the use of this information by prosecutors in
5 pursuing criminal charges arising out of the
6 information disclosed during a police investigation of
7 the minor. For purposes of this paragraph,
8 "investigation" means an official systematic inquiry
9 by a law enforcement agency into actual or suspected
10 criminal activity.

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

24 (10) The president of a park district. Inspection and
25 copying shall be limited to law enforcement records
26 transmitted to the president of the park district by the

1 Illinois State Police under Section 8-23 of the Park
2 District Code or Section 16a-5 of the Chicago Park District
3 Act concerning a person who is seeking employment with that
4 park district and who has been adjudicated a juvenile
5 delinquent for any of the offenses listed in subsection (c)
6 of Section 8-23 of the Park District Code or subsection (c)
7 of Section 16a-5 of the Chicago Park District Act.

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

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

1 felony under the Cannabis Control Act, the Illinois
2 Controlled Substances Act, the Methamphetamine Control and
3 Community Protection Act, or Chapter 4 of the Illinois
4 Vehicle Code, pursuant to Section 5 of the Criminal
5 Identification Act. Information reported to the Department
6 pursuant to this Section may be maintained with records
7 that the Department files pursuant to Section 2.1 of the
8 Criminal Identification Act. Nothing in this Act prohibits
9 a law enforcement agency from fingerprinting a minor taken
10 into custody or arrested before his or her 18th birthday
11 for an offense other than those listed in this paragraph
12 (2).

13 (C) 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 arrests and may not be open to public inspection or their
19 contents disclosed to the public except by order of the court
20 presiding over matters pursuant to this Act or when the
21 institution of criminal proceedings has been permitted or
22 required under Section 5-805 or such a person has been
23 convicted of a crime and is the subject of pre-sentence
24 investigation or proceedings on an application for probation or
25 when provided by law. For purposes of obtaining documents
26 pursuant to this Section, a civil subpoena is not an order of

1 the court.

2 (1) In cases where the law enforcement, or independent
3 agency, records concern a pending juvenile court case, the
4 party seeking to inspect the records shall provide actual
5 notice to the attorney or guardian ad litem of the minor
6 whose records are sought.

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

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

24 (D) Nothing contained in subsection (C) of this Section
25 shall prohibit the inspection or disclosure to victims and
26 witnesses of photographs contained in the records of law

1 enforcement agencies when the inspection and disclosure is
2 conducted in the presence of a law enforcement officer for the
3 purpose of the identification or apprehension of any person
4 subject to the provisions of this Act or for the investigation
5 or prosecution of any crime.

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

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

23 (G) Nothing in this Section shall prohibit the right of a
24 Civil Service Commission or appointing authority of any state,
25 county or municipality examining the character and fitness of
26 an applicant for employment with a law enforcement agency,

1 correctional institution, or fire department from obtaining
2 and examining the records of any law enforcement agency
3 relating to any record of the applicant having been arrested or
4 taken into custody before the applicant's 18th birthday.

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

9 (Source: P.A. 97-700, eff. 6-22-12; 97-1083, eff. 8-24-12;
10 97-1104, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-61, eff.
11 1-1-14; 98-756, eff. 7-16-14.)

12 (705 ILCS 405/5-905)

13 Sec. 5-905. Law enforcement records.

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

20 (a) A judge of the circuit court and members of the
21 staff of the court designated by the judge;

22 (b) Law enforcement officers, probation officers or
23 prosecutors or their staff, or, when necessary for the
24 discharge of its official duties in connection with a
25 particular investigation of the conduct of a law

1 enforcement officer, an independent agency or its staff
2 created by ordinance and charged by a unit of local
3 government with the duty of investigating the conduct of
4 law enforcement officers;

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

8 (d) Adult and Juvenile Prisoner Review Boards;

9 (e) Authorized military personnel;

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

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

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

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

12 (i) any violation of Article 24 of the Criminal
13 Code of 1961 or the Criminal Code of 2012;

14 (ii) a violation of the Illinois Controlled
15 Substances Act;

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

17 (iv) a forcible felony as defined in Section
18 2-8 of the Criminal Code of 1961 or the Criminal
19 Code of 2012;

20 (v) a violation of the Methamphetamine Control
21 and Community Protection Act;

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

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

25 (viii) a violation of Section 12-1, 12-2,
26 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,

1 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
2 Criminal Code of 1961 or the Criminal Code of 2012.

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

23 (B) Any information provided to appropriate school
24 officials whom the school has determined to have a
25 legitimate educational or safety interest by local law
26 enforcement officials about a minor who is the subject

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

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

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

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

23 (4) Nothing in this Section shall prohibit the inspection
24 or disclosure to victims and witnesses of photographs contained
25 in the records of law enforcement agencies when the inspection
26 or disclosure is conducted in the presence of a law enforcement

1 officer for purposes of identification or apprehension of any
2 person in the course of any criminal investigation or
3 prosecution.

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

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

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

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

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

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

25 (Source: P.A. 97-700, eff. 6-22-12; 97-1104, eff. 1-1-13;
26 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14; 98-756, eff.

1 7-16-14.)".