



Sen. William R. Haine

Filed: 5/18/2007

09500HB3512sam001

LRB095 03546 RLC 36597 a

1 AMENDMENT TO HOUSE BILL 3512

2 AMENDMENT NO. _____. Amend House Bill 3512 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Privacy of Child Victims of Criminal Sexual
5 Offenses Act is amended by changing Section 3 as follows:

6 (725 ILCS 190/3) (from Ch. 38, par. 1453)

7 Sec. 3. Confidentiality of Law Enforcement and Court
8 Records. notwithstanding any other law to the contrary,
9 inspection and copying of law enforcement records maintained by
10 any law enforcement agency or circuit court records maintained
11 by any circuit clerk relating to any investigation or
12 proceeding pertaining to a criminal sexual offense, by any
13 person, except a judge, state's attorney, assistant state's
14 attorney, psychologist, psychiatrist, social worker, doctor,
15 parent, defendant or defendant's attorney in any criminal
16 proceeding or investigation related thereto, shall be

1 restricted to exclude the identity of any child who is a victim
2 of such criminal sexual offense or alleged criminal sexual
3 offense. A court may for the child's protection and for good
4 cause shown, prohibit any person or agency present in court
5 from further disclosing the child's identity.

6 When a criminal sexual offense is committed or alleged to
7 have been committed by a school district employee or any
8 individual contractually employed by a school district ~~on the~~
9 ~~premises under the jurisdiction of a public school district or~~
10 ~~during an official school sponsored activity,~~ a copy of the
11 criminal history record information ~~law enforcement records~~
12 ~~maintained by any law enforcement agency or circuit court~~
13 ~~records maintained by any circuit clerk~~ relating to the
14 investigation of the offense or alleged offense shall be
15 transmitted to ~~made available for inspection and copying by the~~
16 superintendent of schools of the district immediately upon
17 request or if the law enforcement agency knows that a school
18 district employee or any individual contractually employed by a
19 school district has committed or is alleged to have committed a
20 criminal sexual offense, the superintendent of schools of the
21 district shall be immediately provided a copy of the criminal
22 history record information. The superintendent shall be
23 restricted from specifically revealing the name of the victim
24 without written consent of the victim or victim's parent or
25 guardian.

26 A court may prohibit such disclosure only after giving

1 notice and a hearing to all affected parties. In determining
2 whether to prohibit disclosure of the minor's identity the
3 court shall consider:

4 (a) the best interest of the child; and

5 (b) whether such nondisclosure would further a
6 compelling State interest.

7 For the purposes of this Act, "criminal history record
8 information" means:

9 (i) chronologically maintained arrest information,
10 such as traditional arrest logs or blotters;

11 (ii) the name of a person in the custody of a law
12 enforcement agency and the charges for which that person is
13 being held;

14 (iii) court records that are public;

15 (iv) records that are otherwise available under State
16 or local law; or

17 (v) records in which the requesting party is the
18 individual identified, except as provided under part (vii)
19 of paragraph (c) of subsection (1) of Section 7 of the
20 Freedom of Information Act.

21 (Source: P.A. 87-553.)".