



Rep. Carol A. Sente

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LRB097 17841 RLC 67534 a

1 AMENDMENT TO HOUSE BILL 5602

2 AMENDMENT NO. _____. Amend House Bill 5602 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 22-20 as follows:

6 (105 ILCS 5/22-20) (from Ch. 122, par. 22-20)

7 Sec. 22-20. All courts and law enforcement agencies of the
8 State of Illinois and its political subdivisions shall report
9 to the principal of any public school in this State whenever a
10 child enrolled therein is detained for proceedings under the
11 Juvenile Court Act of 1987, as heretofore and hereafter
12 amended, or for any criminal offense or any violation of a
13 municipal or county ordinance. The report shall include the
14 basis for detaining the child, circumstances surrounding the
15 events which led to the child's detention, and status of
16 proceedings. The report shall be updated as appropriate to

1 notify the principal of developments and the disposition of the
2 matter.

3 The information derived thereby shall be kept separate from
4 and shall not become a part of the official school record of
5 such child and shall not be a public record. Such information
6 shall be used solely by the appropriate school official or
7 officials whom the school has determined to have a legitimate
8 educational or safety interest ~~principal, counselors and~~
9 ~~teachers of the school~~ to aid in the proper rehabilitation of
10 the child and to protect the safety of students and employees
11 in the school.

12 (Source: P.A. 89-610, eff. 8-6-96.)

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

15 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

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

17 (A) Inspection and copying of law enforcement records
18 maintained by law enforcement agencies that relate to a minor
19 who has been arrested or taken into custody before his or her
20 17th birthday shall be restricted to the following:

21 (1) Any local, State or federal law enforcement
22 officers of any jurisdiction or agency when necessary for
23 the discharge of their official duties during the
24 investigation or prosecution of a crime or relating to a

1 minor who has been adjudicated delinquent and there has
2 been a previous finding that the act which constitutes the
3 previous offense was committed in furtherance of criminal
4 activities by a criminal street gang, or, when necessary
5 for the discharge of its official duties in connection with
6 a particular investigation of the conduct of a law
7 enforcement officer, an independent agency or its staff
8 created by ordinance and charged by a unit of local
9 government with the duty of investigating the conduct of
10 law enforcement officers. For purposes of this Section,
11 "criminal street gang" has the meaning ascribed to it in
12 Section 10 of the Illinois Streetgang Terrorism Omnibus
13 Prevention Act.

14 (2) Prosecutors, probation officers, social workers,
15 or other individuals assigned by the court to conduct a
16 pre-adjudication or pre-disposition investigation, and
17 individuals responsible for supervising or providing
18 temporary or permanent care and custody for minors pursuant
19 to the order of the juvenile court, when essential to
20 performing their responsibilities.

21 (3) Prosecutors and probation officers:

22 (a) in the course of a trial when institution of
23 criminal proceedings has been permitted or required
24 under Section 5-805; or

25 (b) when institution of criminal proceedings has
26 been permitted or required under Section 5-805 and such

1 minor is the subject of a proceeding to determine the
2 amount of bail; or

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

8 (4) Adult and Juvenile Prisoner Review Board.

9 (5) Authorized military personnel.

10 (6) Persons engaged in bona fide research, with the
11 permission of the Presiding Judge of the Juvenile Court and
12 the chief executive of the respective law enforcement
13 agency; provided that publication of such research results
14 in no disclosure of a minor's identity and protects the
15 confidentiality of the minor's record.

16 (7) Department of Children and Family Services child
17 protection investigators acting in their official
18 capacity.

19 (8) The appropriate school official.

20 (A) Inspection and copying shall be limited to law
21 enforcement records transmitted to the appropriate
22 school official or officials whom the school has
23 determined to have a legitimate educational or safety
24 interest by a local law enforcement agency under a
25 reciprocal reporting system established and maintained
26 between the school district and the local law

1 enforcement agency under Section 10-20.14 of the
2 School Code concerning a minor enrolled in a school
3 within the school district who has been arrested or
4 taken into custody for an offense classified as a
5 felony or a Class A or B misdemeanor. The information
6 derived from the law enforcement records shall be kept
7 separate from and shall not become a part of the
8 official school record of that child and shall not be a
9 public record. The information shall be used solely by
10 the appropriate school official or officials whom the
11 school has determined to have a legitimate educational
12 or safety interest to aid in the proper rehabilitation
13 of the child and to protect the safety of students and
14 employees in the school. any of the following offenses:

15 ~~(i) unlawful use of weapons under Section 24-1 of~~
16 ~~the Criminal Code of 1961;~~

17 ~~(ii) a violation of the Illinois Controlled~~
18 ~~Substances Act;~~

19 ~~(iii) a violation of the Cannabis Control Act;~~

20 ~~(iv) a forcible felony as defined in Section 2-8 of~~
21 ~~the Criminal Code of 1961; or~~

22 ~~(v) a violation of the Methamphetamine Control and~~
23 ~~Community Protection Act.~~

24 (B) Any information provided to appropriate school
25 officials whom the school has determined to have a
26 legitimate educational or safety interest by local law

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

19 (9) Mental health professionals on behalf of the
20 Illinois Department of Corrections or the Department of
21 Human Services or prosecutors who are evaluating,
22 prosecuting, or investigating a potential or actual
23 petition brought under the Sexually Violent Persons
24 Commitment Act relating to a person who is the subject of
25 juvenile law enforcement records or the respondent to a
26 petition brought under the Sexually Violent Persons

1 Commitment Act who is the subject of the juvenile law
2 enforcement records sought. Any records and any
3 information obtained from those records under this
4 paragraph (9) may be used only in sexually violent persons
5 commitment proceedings.

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

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

1 pursuant to Section 5 of the Criminal Identification Act.
2 Information reported to the Department pursuant to this
3 Section may be maintained with records that the Department
4 files pursuant to Section 2.1 of the Criminal
5 Identification Act. Nothing in this Act prohibits a law
6 enforcement agency from fingerprinting a minor taken into
7 custody or arrested before his or her 17th birthday for an
8 offense other than those listed in this paragraph (2).

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

24 (1) In cases where the law enforcement, or independent
25 agency, records concern a pending juvenile court case, the
26 party seeking to inspect the records shall provide actual

1 notice to the attorney or guardian ad litem of the minor
2 whose records are sought.

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

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

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

1 or prosecution of any crime.

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

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

19 (G) Nothing in this Section shall prohibit the right of a
20 Civil Service Commission or appointing authority of any state,
21 county or municipality examining the character and fitness of
22 an applicant for employment with a law enforcement agency,
23 correctional institution, or fire department from obtaining
24 and examining the records of any law enforcement agency
25 relating to any record of the applicant having been arrested or
26 taken into custody before the applicant's 17th birthday.

1 (Source: P.A. 95-123, eff. 8-13-07; 96-419, eff. 8-13-09.)

2 (705 ILCS 405/5-905)

3 Sec. 5-905. Law enforcement records.

4 (1) Law Enforcement Records. Inspection and copying of law
5 enforcement records maintained by law enforcement agencies
6 that relate to a minor who has been arrested or taken into
7 custody before his or her 17th birthday shall be restricted to
8 the following and when necessary for the discharge of their
9 official duties:

10 (a) A judge of the circuit court and members of the
11 staff of the court designated by the judge;

12 (b) Law enforcement officers, probation officers or
13 prosecutors or their staff, or, when necessary for the
14 discharge of its official duties in connection with a
15 particular investigation of the conduct of a law
16 enforcement officer, an independent agency or its staff
17 created by ordinance and charged by a unit of local
18 government with the duty of investigating the conduct of
19 law enforcement officers;

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

23 (d) Adult and Juvenile Prisoner Review Boards;

24 (e) Authorized military personnel;

25 (f) Persons engaged in bona fide research, with the

1 permission of the judge of juvenile court and the chief
2 executive of the agency that prepared the particular
3 recording: provided that publication of such research
4 results in no disclosure of a minor's identity and protects
5 the confidentiality of the record;

6 (g) Individuals responsible for supervising or
7 providing temporary or permanent care and custody of minors
8 pursuant to orders of the juvenile court or directives from
9 officials of the Department of Children and Family Services
10 or the Department of Human Services who certify in writing
11 that the information will not be disclosed to any other
12 party except as provided under law or order of court;

13 (h) The appropriate school official.

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 offense classified as a
25 felony or a Class A or B misdemeanor. The information
26 derived from the law enforcement records shall be kept

1 separate from and shall not become a part of the
2 official school record of that child and shall not be a
3 public record. The information shall be used solely by
4 the appropriate school official or officials whom the
5 school has determined to have a legitimate educational
6 or safety interest to aid in the proper rehabilitation
7 of the child and to protect the safety of students and
8 employees in the school.

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

1 pursuing criminal charges arising out of the
2 information disclosed during a police investigation of
3 the minor.

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

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

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

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

1 person in the course of any criminal investigation or
2 prosecution.

3 (5) The records of law enforcement officers, or 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, concerning all minors under 17
7 years of age must be maintained separate from the records of
8 adults and may not be open to public inspection or their
9 contents disclosed to the public except by order of the court
10 or when the institution of criminal proceedings has been
11 permitted under Section 5-130 or 5-805 or required under
12 Section 5-130 or 5-805 or such a person has been convicted of a
13 crime and is the subject of pre-sentence investigation or when
14 provided by law.

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

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

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

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

20 (Source: P.A. 96-419, eff. 8-13-09; 96-1414, eff. 1-1-11.)".