



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0172

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-7	from Ch. 37, par. 801-7
705 ILCS 405/1-8	from Ch. 37, par. 801-8
705 ILCS 405/5-120	
705 ILCS 405/5-407	
705 ILCS 405/5-805	
705 ILCS 405/5-901	
705 ILCS 405/5-905	
705 ILCS 405/5-130 rep.	
725 ILCS 5/115-10.5	

Amends the Juvenile Court Act of 1987. Eliminates provisions that require automatic prosecution of minors as adults. Eliminates mandatory and presumptive transfers to adult criminal prosecution. Provides that all transfers to adult criminal prosecution are discretionary transfers. Provides that if a petition alleges commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of the State and, on motion of the State's Attorney to permit prosecution of the minor under the criminal laws, a Juvenile Judge assigned by the Chief Judge of the Circuit to hear and determine those motions, after hearing but before commencement of the trial, finds that there is probable cause to believe that the allegations in the motion are true and that it is not in the best interests of the public to proceed under the Act, the court may enter an order permitting prosecution under the criminal laws. Provides that the factors that the court must consider for discretionary transfer apply to any act that if committed by an adult would constitute a crime that would subject a minor to juvenile jurisdiction if not transferred for adult criminal prosecution. Provides that the changes made to this provision by the amendatory Act apply to a minor who has been arrested or taken into custody on or after the effective date of the amendatory Act. Amends the Code of Criminal Procedure of 1963 to make a conforming change.

LRB099 02786 RLC 22794 b

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-7, 1-8, 5-120, 5-407, 5-805, 5-901, and
6 5-905 as follows:

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

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

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

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

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

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

14 (3) Prosecutors and probation officers:

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

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

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

1 (4) Adult and Juvenile Prisoner Review Board.

2 (5) Authorized military personnel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 on the use of information about a minor who is the
2 subject of a current police investigation shall in no
3 way limit the use of this information by prosecutors in
4 pursuing criminal charges arising out of the
5 information disclosed during a police investigation of
6 the minor. For purposes of this paragraph,
7 "investigation" means an official systematic inquiry
8 by a law enforcement agency into actual or suspected
9 criminal activity.

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

23 (10) The president of a park district. Inspection and
24 copying shall be limited to law enforcement records
25 transmitted to the president of the park district by the
26 Illinois State Police under Section 8-23 of the Park

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and examining the records of any law enforcement agency
2 relating to any record of the applicant having been arrested or
3 taken into custody before the applicant's 18th birthday.

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

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

11 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

12 Sec. 1-8. Confidentiality and accessibility of juvenile
13 court records.

14 (A) Inspection and copying of juvenile court records
15 relating to a minor who is the subject of a proceeding under
16 this Act shall be restricted to the following:

17 (1) The minor who is the subject of record, his
18 parents, guardian and counsel.

19 (2) Law enforcement officers and law enforcement
20 agencies when such information is essential to executing an
21 arrest or search warrant or other compulsory process, or to
22 conducting an ongoing investigation or relating to a minor
23 who has been adjudicated delinquent and there has been a
24 previous finding that the act which constitutes the
25 previous offense was committed in furtherance of criminal

1 activities by a criminal street gang.

2 Before July 1, 1994, for the purposes of this Section,
3 "criminal street gang" means any ongoing organization,
4 association, or group of 3 or more persons, whether formal
5 or informal, having as one of its primary activities the
6 commission of one or more criminal acts and that has a
7 common name or common identifying sign, symbol or specific
8 color apparel displayed, and whose members individually or
9 collectively engage in or have engaged in a pattern of
10 criminal activity.

11 Beginning July 1, 1994, for purposes of this Section,
12 "criminal street gang" has the meaning ascribed to it in
13 Section 10 of the Illinois Streetgang Terrorism Omnibus
14 Prevention Act.

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

22 (4) Judges, prosecutors and probation officers:

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

26 (b) when criminal proceedings have been permitted

1 ~~or required~~ under Section 5-805 and a minor is the
2 subject of a proceeding to determine the amount of
3 bail; or

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

9 (d) when a minor becomes 18 years of age or older,
10 and is the subject of criminal proceedings, including a
11 hearing to determine the amount of bail, a pre-trial
12 investigation, a pre-sentence investigation, a fitness
13 hearing, or proceedings on an application for
14 probation.

15 (5) Adult and Juvenile Prisoner Review Boards.

16 (6) Authorized military personnel.

17 (7) Victims, their subrogees and legal
18 representatives; however, such persons shall have access
19 only to the name and address of the minor and information
20 pertaining to the disposition or alternative adjustment
21 plan of the juvenile court.

22 (8) Persons engaged in bona fide research, with the
23 permission of the presiding judge of the juvenile court and
24 the chief executive of the agency that prepared the
25 particular records; provided that publication of such
26 research results in no disclosure of a minor's identity and

1 protects the confidentiality of the record.

2 (9) The Secretary of State to whom the Clerk of the
3 Court shall report the disposition of all cases, as
4 required in Section 6-204 of the Illinois Vehicle Code.
5 However, information reported relative to these offenses
6 shall be privileged and available only to the Secretary of
7 State, courts, and police officers.

8 (10) The administrator of a bonafide substance abuse
9 student assistance program with the permission of the
10 presiding judge of the juvenile court.

11 (11) 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 court records or the respondent to a petition
18 brought under the Sexually Violent Persons Commitment Act,
19 who is the subject of juvenile court records sought. Any
20 records and any information obtained from those records
21 under this paragraph (11) may be used only in sexually
22 violent persons commitment proceedings.

23 (A-1) Findings and exclusions of paternity entered in
24 proceedings occurring under Article II of this Act shall be
25 disclosed, in a manner and form approved by the Presiding Judge
26 of the Juvenile Court, to the Department of Healthcare and

1 Family Services when necessary to discharge the duties of the
2 Department of Healthcare and Family Services under Article X of
3 the Illinois Public Aid Code.

4 (B) A minor who is the victim in a juvenile proceeding
5 shall be provided the same confidentiality regarding
6 disclosure of identity as the minor who is the subject of
7 record.

8 (C) Except as otherwise provided in this subsection (C),
9 juvenile court records shall not be made available to the
10 general public. Subject to the limitations in paragraphs (0.1)
11 through (0.4) of this subsection (C), the judge presiding over
12 a juvenile court proceeding brought under this Act, in his or
13 her discretion, may order that juvenile court records of an
14 individual case be made available for inspection upon request
15 by a representative of an agency, association, or news media
16 entity or by a properly interested person. For purposes of
17 inspecting documents under this subsection (C), a civil
18 subpoena is not an order of the court.

19 (0.1) In cases where the records concern a pending
20 juvenile court case, the requesting party seeking to
21 inspect the juvenile court records shall provide actual
22 notice to the attorney or guardian ad litem of the minor
23 whose records are sought.

24 (0.2) In cases where the records concern a juvenile
25 court case that is no longer pending, the requesting party
26 seeking to inspect the juvenile court records shall provide

1 actual notice to the minor or the minor's parent or legal
2 guardian, and the matter shall be referred to the chief
3 judge presiding over matters pursuant to this Act.

4 (0.3) In determining whether records should be made
5 available for inspection and whether inspection should be
6 limited to certain parts of the file, the court shall
7 consider the minor's interest in confidentiality and
8 rehabilitation over the requesting party's interest in
9 obtaining the information. The State's Attorney, the
10 minor, and the minor's parents, guardian, and counsel shall
11 at all times have the right to examine court files and
12 records.

13 (0.4) 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 operate as a
17 forfeiture of any public benefit, right, privilege, or
18 right to receive any license granted by public authority.

19 (1) The court shall allow the general public to have
20 access to the name, address, and offense of a minor who is
21 adjudicated a delinquent minor under this Act under either
22 of the following circumstances:

23 (A) The adjudication of delinquency was based upon
24 the minor's commission of first degree murder, attempt
25 to commit first degree murder, aggravated criminal
26 sexual assault, or criminal sexual assault; or

1 (B) The court has made a finding that the minor was
2 at least 13 years of age at the time the act was
3 committed and the adjudication of delinquency was
4 based upon the minor's commission of: (i) an act in
5 furtherance of the commission of a felony as a member
6 of or on behalf of a criminal street gang, (ii) an act
7 involving the use of a firearm in the commission of a
8 felony, (iii) an act that would be a Class X felony
9 offense under or the minor's second or subsequent Class
10 2 or greater felony offense under the Cannabis Control
11 Act if committed by an adult, (iv) an act that would be
12 a second or subsequent offense under Section 402 of the
13 Illinois Controlled Substances Act if committed by an
14 adult, (v) an act that would be an offense under
15 Section 401 of the Illinois Controlled Substances Act
16 if committed by an adult, (vi) an act that would be a
17 second or subsequent offense under Section 60 of the
18 Methamphetamine Control and Community Protection Act,
19 or (vii) an act that would be an offense under another
20 Section of the Methamphetamine Control and Community
21 Protection Act.

22 (2) The court shall allow the general public to have
23 access to the name, address, and offense of a minor who is
24 at least 13 years of age at the time the offense is
25 committed and who is convicted, in criminal proceedings
26 permitted ~~or required~~ under Section 5-805 ~~5-4~~, under either

1 of the following circumstances:

2 (A) The minor has been convicted of first degree
3 murder, attempt to commit first degree murder,
4 aggravated criminal sexual assault, or criminal sexual
5 assault,

6 (B) The court has made a finding that the minor was
7 at least 13 years of age at the time the offense was
8 committed and the conviction was based upon the minor's
9 commission of: (i) an offense in furtherance of the
10 commission of a felony as a member of or on behalf of a
11 criminal street gang, (ii) an offense involving the use
12 of a firearm in the commission of a felony, (iii) a
13 Class X felony offense under or a second or subsequent
14 Class 2 or greater felony offense under the Cannabis
15 Control Act, (iv) a second or subsequent offense under
16 Section 402 of the Illinois Controlled Substances Act,
17 (v) an offense under Section 401 of the Illinois
18 Controlled Substances Act, (vi) an act that would be a
19 second or subsequent offense under Section 60 of the
20 Methamphetamine Control and Community Protection Act,
21 or (vii) an act that would be an offense under another
22 Section of the Methamphetamine Control and Community
23 Protection Act.

24 (D) Pending or following any adjudication of delinquency
25 for any offense defined in Sections 11-1.20 through 11-1.60 or
26 12-13 through 12-16 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, the victim of any such offense shall
2 receive the rights set out in Sections 4 and 6 of the Bill of
3 Rights for Victims and Witnesses of Violent Crime Act; and the
4 juvenile who is the subject of the adjudication,
5 notwithstanding any other provision of this Act, shall be
6 treated as an adult for the purpose of affording such rights to
7 the victim.

8 (E) Nothing in this Section shall affect the right of a
9 Civil Service Commission or appointing authority of any state,
10 county or municipality examining the character and fitness of
11 an applicant for employment with a law enforcement agency,
12 correctional institution, or fire department to ascertain
13 whether that applicant was ever adjudicated to be a delinquent
14 minor and, if so, to examine the records of disposition or
15 evidence which were made in proceedings under this Act.

16 (F) Following any adjudication of delinquency for a crime
17 which would be a felony if committed by an adult, or following
18 any adjudication of delinquency for a violation of Section
19 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, the State's Attorney shall ascertain
21 whether the minor respondent is enrolled in school and, if so,
22 shall provide a copy of the dispositional order to the
23 principal or chief administrative officer of the school. Access
24 to such juvenile records shall be limited to the principal or
25 chief administrative officer of the school and any guidance
26 counselor designated by him.

1 (G) Nothing contained in this Act prevents the sharing or
2 disclosure of information or records relating or pertaining to
3 juveniles subject to the provisions of the Serious Habitual
4 Offender Comprehensive Action Program when that information is
5 used to assist in the early identification and treatment of
6 habitual juvenile offenders.

7 (H) When a Court hearing a proceeding under Article II of
8 this Act becomes aware that an earlier proceeding under Article
9 II had been heard in a different county, that Court shall
10 request, and the Court in which the earlier proceedings were
11 initiated shall transmit, an authenticated copy of the Court
12 record, including all documents, petitions, and orders filed
13 therein and the minute orders, transcript of proceedings, and
14 docket entries of the Court.

15 (I) The Clerk of the Circuit Court shall report to the
16 Department of State Police, in the form and manner required by
17 the Department of State Police, the final disposition of each
18 minor who has been arrested or taken into custody before his or
19 her 18th birthday for those offenses required to be reported
20 under Section 5 of the Criminal Identification Act. Information
21 reported to the Department under this Section may be maintained
22 with records that the Department files under Section 2.1 of the
23 Criminal Identification Act.

24 (J) The changes made to this Section by Public Act 98-61
25 apply to law enforcement records of a minor who has been
26 arrested or taken into custody on or after January 1, 2014 (the

1 effective date of Public Act 98-61).

2 (Source: P.A. 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13;
3 98-61, eff. 1-1-14; 98-552, eff. 8-27-13; 98-756, eff.
4 7-16-14.)

5 (705 ILCS 405/5-120)

6 Sec. 5-120. Exclusive jurisdiction. Proceedings may be
7 instituted under the provisions of this Article concerning any
8 minor who prior to his or her 18th birthday has violated or
9 attempted to violate, regardless of where the act occurred, any
10 federal, State, county or municipal law or ordinance. Except as
11 provided in Sections 5-125, ~~5-130~~, 5-805, and 5-810 of this
12 Article, no minor who was under 18 years of age at the time of
13 the alleged offense may be prosecuted under the criminal laws
14 of this State.

15 The changes made to this Section by this amendatory Act of
16 the 98th General Assembly apply to violations or attempted
17 violations committed on or after the effective date of this
18 amendatory Act.

19 (Source: P.A. 98-61, eff. 1-1-14.)

20 (705 ILCS 405/5-407)

21 Sec. 5-407. Processing of juvenile in possession of a
22 firearm.

23 (a) If a law enforcement officer detains a minor pursuant
24 to Section 10-27.1A of the School Code, the officer shall

1 deliver the minor to the nearest juvenile officer, in the
2 manner prescribed by subsection (2) of Section 5-405 of this
3 Act. The juvenile officer shall deliver the minor without
4 unnecessary delay to the court or to the place designated by
5 rule or order of court for the reception of minors. In no event
6 shall the minor be eligible for any other disposition by the
7 juvenile police officer, notwithstanding the provisions of
8 subsection (3) of Section 5-405 of this Act.

9 (b) Minors ~~not excluded from this Act's jurisdiction under~~
10 ~~subsection (3)(a) of Section 5-130 of this Act~~ shall be brought
11 before a judicial officer within 40 hours, exclusive of
12 Saturdays, Sundays, and court-designated holidays, for a
13 detention hearing to determine whether he or she shall be
14 further held in custody. If the court finds that there is
15 probable cause to believe that the minor is a delinquent minor
16 by virtue of his or her violation of item (4) of subsection (a)
17 of Section 24-1 of the Criminal Code of 1961 or the Criminal
18 Code of 2012 while on school grounds, that finding shall create
19 a presumption that immediate and urgent necessity exists under
20 subdivision (2) of Section 5-501 of this Act. Once the
21 presumption of immediate and urgent necessity has been raised,
22 the burden of demonstrating the lack of immediate and urgent
23 necessity shall be on any party that is opposing detention for
24 the minor. Should the court order detention pursuant to this
25 Section, the minor shall be detained, pending the results of a
26 court-ordered psychological evaluation to determine if the

1 minor is a risk to himself, herself, or others. Upon receipt of
2 the psychological evaluation, the court shall review the
3 determination regarding the existence of urgent and immediate
4 necessity. The court shall consider the psychological
5 evaluation in conjunction with the other factors identified in
6 subdivision (2) of Section 5-501 of this Act in order to make a
7 de novo determination regarding whether it is a matter of
8 immediate and urgent necessity for the protection of the minor
9 or of the person or property of another that the minor be
10 detained or placed in a shelter care facility. In addition to
11 the pre-trial conditions found in Section 5-505 of this Act,
12 the court may order the minor to receive counseling and any
13 other services recommended by the psychological evaluation as a
14 condition for release of the minor.

15 (c) Upon making a determination that the student presents a
16 risk to himself, herself, or others, the court shall issue an
17 order restraining the student from entering the property of the
18 school if he or she has been suspended or expelled from the
19 school as a result of possessing a firearm. The order shall
20 restrain the student from entering the school and school owned
21 or leased property, including any conveyance owned, leased, or
22 contracted by the school to transport students to or from
23 school or a school-related activity. The order shall remain in
24 effect until such time as the court determines that the student
25 no longer presents a risk to himself, herself, or others.

26 (d) Psychological evaluations ordered pursuant to

1 subsection (b) of this Section and statements made by the minor
2 during the course of these evaluations, shall not be admissible
3 on the issue of delinquency during the course of any
4 adjudicatory hearing held under this Act.

5 (e) In this Section:

6 "School" means any public or private elementary or
7 secondary school.

8 "School grounds" includes the real property comprising any
9 school, any conveyance owned, leased, or contracted by a school
10 to transport students to or from school or a school-related
11 activity, or any public way within 1,000 feet of the real
12 property comprising any school.

13 (Source: P.A. 97-1150, eff. 1-25-13.)

14 (705 ILCS 405/5-805)

15 Sec. 5-805. Transfer of jurisdiction.

16 (1) (Blank) Mandatory transfers.

17 ~~(a) If a petition alleges commission by a minor 15~~
18 ~~years of age or older of an act that constitutes a forcible~~
19 ~~felony under the laws of this State, and if a motion by the~~
20 ~~State's Attorney to prosecute the minor under the criminal~~
21 ~~laws of Illinois for the alleged forcible felony alleges~~
22 ~~that (i) the minor has previously been adjudicated~~
23 ~~delinquent or found guilty for commission of an act that~~
24 ~~constitutes a felony under the laws of this State or any~~
25 ~~other state and (ii) the act that constitutes the offense~~

1 ~~was committed in furtherance of criminal activity by an~~
2 ~~organized gang, the Juvenile Judge assigned to hear and~~
3 ~~determine those motions shall, upon determining that there~~
4 ~~is probable cause that both allegations are true, enter an~~
5 ~~order permitting prosecution under the criminal laws of~~
6 ~~Illinois.~~

7 ~~(b) If a petition alleges commission by a minor 15~~
8 ~~years of age or older of an act that constitutes a felony~~
9 ~~under the laws of this State, and if a motion by a State's~~
10 ~~Attorney to prosecute the minor under the criminal laws of~~
11 ~~Illinois for the alleged felony alleges that (i) the minor~~
12 ~~has previously been adjudicated delinquent or found guilty~~
13 ~~for commission of an act that constitutes a forcible felony~~
14 ~~under the laws of this State or any other state and (ii)~~
15 ~~the act that constitutes the offense was committed in~~
16 ~~furtherance of criminal activities by an organized gang,~~
17 ~~the Juvenile Judge assigned to hear and determine those~~
18 ~~motions shall, upon determining that there is probable~~
19 ~~cause that both allegations are true, enter an order~~
20 ~~permitting prosecution under the criminal laws of~~
21 ~~Illinois.~~

22 ~~(c) If a petition alleges commission by a minor 15~~
23 ~~years of age or older of: (i) an act that constitutes an~~
24 ~~offense enumerated in the presumptive transfer provisions~~
25 ~~of subsection (2); and (ii) the minor has previously been~~
26 ~~adjudicated delinquent or found guilty of a forcible~~

1 ~~felony, the Juvenile Judge designated to hear and determine~~
2 ~~those motions shall, upon determining that there is~~
3 ~~probable cause that both allegations are true, enter an~~
4 ~~order permitting prosecution under the criminal laws of~~
5 ~~Illinois.~~

6 ~~(d) If a petition alleges commission by a minor 15~~
7 ~~years of age or older of an act that constitutes the~~
8 ~~offense of aggravated discharge of a firearm committed in a~~
9 ~~school, on the real property comprising a school, within~~
10 ~~1,000 feet of the real property comprising a school, at a~~
11 ~~school related activity, or on, boarding, or departing from~~
12 ~~any conveyance owned, leased, or contracted by a school or~~
13 ~~school district to transport students to or from school or~~
14 ~~a school related activity, regardless of the time of day or~~
15 ~~the time of year, the juvenile judge designated to hear and~~
16 ~~determine those motions shall, upon determining that there~~
17 ~~is probable cause that the allegations are true, enter an~~
18 ~~order permitting prosecution under the criminal laws of~~
19 ~~Illinois.~~

20 ~~For purposes of this paragraph (d) of subsection (1):~~

21 ~~"School" means a public or private elementary or~~
22 ~~secondary school, community college, college, or~~
23 ~~university.~~

24 ~~"School related activity" means any sporting, social,~~
25 ~~academic, or other activity for which students' attendance~~
26 ~~or participation is sponsored, organized, or funded in~~

1 ~~whole or in part by a school or school district.~~

2 (2) (Blank) ~~Presumptive transfer.~~

3 ~~(a) If the State's Attorney files a petition, at any~~
4 ~~time prior to commencement of the minor's trial, to permit~~
5 ~~prosecution under the criminal laws and the petition~~
6 ~~alleges the commission by a minor 15 years of age or older~~
7 ~~of: (i) a Class X felony other than armed violence; (ii)~~
8 ~~aggravated discharge of a firearm; (iii) armed violence~~
9 ~~with a firearm when the predicate offense is a Class 1 or~~
10 ~~Class 2 felony and the State's Attorney's motion to~~
11 ~~transfer the case alleges that the offense committed is in~~
12 ~~furtherance of the criminal activities of an organized~~
13 ~~gang; (iv) armed violence with a firearm when the predicate~~
14 ~~offense is a violation of the Illinois Controlled~~
15 ~~Substances Act, a violation of the Cannabis Control Act, or~~
16 ~~a violation of the Methamphetamine Control and Community~~
17 ~~Protection Act; (v) armed violence when the weapon involved~~
18 ~~was a machine gun or other weapon described in subsection~~
19 ~~(a)(7) of Section 24-1 of the Criminal Code of 1961 or the~~
20 ~~Criminal Code of 2012; (vi) an act in violation of Section~~
21 ~~401 of the Illinois Controlled Substances Act which is a~~
22 ~~Class X felony, while in a school, regardless of the time~~
23 ~~of day or the time of year, or on any conveyance owned,~~
24 ~~leased, or contracted by a school to transport students to~~
25 ~~or from school or a school related activity, or on~~
26 ~~residential property owned, operated, or managed by a~~

1 ~~public housing agency or leased by a public housing agency~~
2 ~~as part of a scattered site or mixed-income development; or~~
3 ~~(vii) an act in violation of Section 401 of the Illinois~~
4 ~~Controlled Substances Act and the offense is alleged to~~
5 ~~have occurred while in a school or on a public way within~~
6 ~~1,000 feet of the real property comprising any school,~~
7 ~~regardless of the time of day or the time of year when the~~
8 ~~delivery or intended delivery of any amount of the~~
9 ~~controlled substance is to a person under 17 years of age,~~
10 ~~(to qualify for a presumptive transfer under paragraph (vi)~~
11 ~~or (vii) of this clause (2)(a), the violation cannot be~~
12 ~~based upon subsection (b) of Section 407 of the Illinois~~
13 ~~Controlled Substances Act) and, if the juvenile judge~~
14 ~~assigned to hear and determine motions to transfer a case~~
15 ~~for prosecution in the criminal court determines that there~~
16 ~~is probable cause to believe that the allegations in the~~
17 ~~petition and motion are true, there is a rebuttable~~
18 ~~presumption that the minor is not a fit and proper subject~~
19 ~~to be dealt with under the Juvenile Justice Reform~~
20 ~~Provisions of 1998 (Public Act 90-590), and that, except as~~
21 ~~provided in paragraph (b), the case should be transferred~~
22 ~~to the criminal court.~~

23 ~~(b) The judge shall enter an order permitting~~
24 ~~prosecution under the criminal laws of Illinois unless the~~
25 ~~judge makes a finding based on clear and convincing~~
26 ~~evidence that the minor would be amenable to the care,~~

1 ~~treatment, and training programs available through the~~
2 ~~facilities of the juvenile court based on an evaluation of~~
3 ~~the following:~~

4 ~~(i) the age of the minor;~~

5 ~~(ii) the history of the minor, including:~~

6 ~~(A) any previous delinquent or criminal~~
7 ~~history of the minor,~~

8 ~~(B) any previous abuse or neglect history of~~
9 ~~the minor, and~~

10 ~~(C) any mental health, physical or educational~~
11 ~~history of the minor or combination of these~~
12 ~~factors;~~

13 ~~(iii) the circumstances of the offense, including:~~

14 ~~(A) the seriousness of the offense,~~

15 ~~(B) whether the minor is charged through~~
16 ~~accountability,~~

17 ~~(C) whether there is evidence the offense was~~
18 ~~committed in an aggressive and premeditated~~
19 ~~manner,~~

20 ~~(D) whether there is evidence the offense~~
21 ~~caused serious bodily harm,~~

22 ~~(E) whether there is evidence the minor~~
23 ~~possessed a deadly weapon;~~

24 ~~(iv) the advantages of treatment within the~~
25 ~~juvenile justice system including whether there are~~
26 ~~facilities or programs, or both, particularly~~

1 ~~available in the juvenile system;~~

2 ~~(v) whether the security of the public requires~~
3 ~~sentencing under Chapter V of the Unified Code of~~
4 ~~Corrections;~~

5 ~~(A) the minor's history of services, including~~
6 ~~the minor's willingness to participate~~
7 ~~meaningfully in available services;~~

8 ~~(B) whether there is a reasonable likelihood~~
9 ~~that the minor can be rehabilitated before the~~
10 ~~expiration of the juvenile court's jurisdiction;~~

11 ~~(C) the adequacy of the punishment or~~
12 ~~services.~~

13 ~~In considering these factors, the court shall give~~
14 ~~greater weight to the seriousness of the alleged offense~~
15 ~~and the minor's prior record of delinquency than to the~~
16 ~~other factors listed in this subsection.~~

17 ~~For purposes of clauses (2) (a) (vi) and (vii):~~

18 ~~"School" means a public or private elementary or secondary~~
19 ~~school, community college, college, or university.~~

20 ~~"School related activity" means any sporting, social,~~
21 ~~academic, or other activity for which students' attendance or~~
22 ~~participation is sponsored, organized, or funded in whole or in~~
23 ~~part by a school or school district.~~

24 (3) Discretionary transfer.

25 (a) If a petition alleges commission by a minor 13
26 years of age or over of an act that constitutes a crime

1 under the laws of this State and, on motion of the State's
2 Attorney to permit prosecution of the minor under the
3 criminal laws, a Juvenile Judge assigned by the Chief Judge
4 of the Circuit to hear and determine those motions, after
5 hearing but before commencement of the trial, finds that
6 there is probable cause to believe that the allegations in
7 the motion are true and that it is not in the best
8 interests of the public to proceed under this Act, the
9 court may enter an order permitting prosecution under the
10 criminal laws.

11 (b) In making its determination on the motion to permit
12 prosecution under the criminal laws, the court shall
13 consider among other matters:

14 (i) the age of the minor;

15 (ii) the history of the minor, including:

16 (A) any previous delinquent or criminal
17 history of the minor,

18 (B) any previous abuse or neglect history of
19 the minor, and

20 (C) any mental health, physical, or
21 educational history of the minor or combination of
22 these factors;

23 (iii) the circumstances of the offense, including:

24 (A) the seriousness of the offense,

25 (B) whether the minor is charged through
26 accountability,

1 (C) whether there is evidence the offense was
2 committed in an aggressive and premeditated
3 manner,

4 (D) whether there is evidence the offense
5 caused serious bodily harm,

6 (E) whether there is evidence the minor
7 possessed a deadly weapon;

8 (iv) the advantages of treatment within the
9 juvenile justice system including whether there are
10 facilities or programs, or both, particularly
11 available in the juvenile system;

12 (v) whether the security of the public requires
13 sentencing under Chapter V of the Unified Code of
14 Corrections:

15 (A) the minor's history of services, including
16 the minor's willingness to participate
17 meaningfully in available services;

18 (B) whether there is a reasonable likelihood
19 that the minor can be rehabilitated before the
20 expiration of the juvenile court's jurisdiction;

21 (C) the adequacy of the punishment or
22 services.

23 In considering these factors, the court shall give
24 greater weight to the seriousness of the alleged offense
25 and the minor's prior record of delinquency than to the
26 other factors listed in this subsection.

1 (4) The rules of evidence for this hearing shall be the
2 same as under Section 5-705 of this Act. A minor must be
3 represented in court by counsel before the hearing may be
4 commenced.

5 (5) If criminal proceedings are instituted, the petition
6 for adjudication of wardship shall be dismissed insofar as the
7 act or acts involved in the criminal proceedings. Taking of
8 evidence in a trial on petition for adjudication of wardship is
9 a bar to criminal proceedings based upon the conduct alleged in
10 the petition.

11 (6) The changes made to this Section by this amendatory Act
12 of the 99th General Assembly apply to a minor who has been
13 arrested or taken into custody on or after the effective date
14 of this amendatory Act.

15 (Source: P.A. 97-1150, eff. 1-25-13.)

16 (705 ILCS 405/5-901)

17 Sec. 5-901. Court file.

18 (1) The Court file with respect to proceedings under this
19 Article shall consist of the petitions, pleadings, victim
20 impact statements, process, service of process, orders, writs
21 and docket entries reflecting hearings held and judgments and
22 decrees entered by the court. The court file shall be kept
23 separate from other records of the court.

24 (a) The file, including information identifying the
25 victim or alleged victim of any sex offense, shall be

1 disclosed only to the following parties when necessary for
2 discharge of their official duties:

3 (i) A judge of the circuit court and members of the
4 staff of the court designated by the judge;

5 (ii) Parties to the proceedings and their
6 attorneys;

7 (iii) Victims and their attorneys, except in cases
8 of multiple victims of sex offenses in which case the
9 information identifying the nonrequesting victims
10 shall be redacted;

11 (iv) Probation officers, law enforcement officers
12 or prosecutors or their staff;

13 (v) Adult and juvenile Prisoner Review Boards.

14 (b) The Court file redacted to remove any information
15 identifying the victim or alleged victim of any sex offense
16 shall be disclosed only to the following parties when
17 necessary for discharge of their official duties:

18 (i) Authorized military personnel;

19 (ii) Persons engaged in bona fide research, with
20 the permission of the judge of the juvenile court and
21 the chief executive of the agency that prepared the
22 particular recording: provided that publication of
23 such research results in no disclosure of a minor's
24 identity and protects the confidentiality of the
25 record;

26 (iii) The Secretary of State to whom the Clerk of

1 the Court shall report the disposition of all cases, as
2 required in Section 6-204 or Section 6-205.1 of the
3 Illinois Vehicle Code. However, information reported
4 relative to these offenses shall be privileged and
5 available only to the Secretary of State, courts, and
6 police officers;

7 (iv) The administrator of a bonafide substance
8 abuse student assistance program with the permission
9 of the presiding judge of the juvenile court;

10 (v) Any individual, or any public or private agency
11 or institution, having custody of the juvenile under
12 court order or providing educational, medical or
13 mental health services to the juvenile or a
14 court-approved advocate for the juvenile or any
15 placement provider or potential placement provider as
16 determined by the court.

17 (3) A minor who is the victim or alleged victim in a
18 juvenile proceeding shall be provided the same confidentiality
19 regarding disclosure of identity as the minor who is the
20 subject of record. Information identifying victims and alleged
21 victims of sex offenses, shall not be disclosed or open to
22 public inspection under any circumstances. Nothing in this
23 Section shall prohibit the victim or alleged victim of any sex
24 offense from voluntarily disclosing his or her identity.

25 (4) Relevant information, reports and records shall be made
26 available to the Department of Juvenile Justice when a juvenile

1 offender has been placed in the custody of the Department of
2 Juvenile Justice.

3 (5) Except as otherwise provided in this subsection (5),
4 juvenile court records shall not be made available to the
5 general public but may be inspected by representatives of
6 agencies, associations and news media or other properly
7 interested persons by general or special order of the court.
8 The State's Attorney, the minor, his or her parents, guardian
9 and counsel shall at all times have the right to examine court
10 files and records.

11 (a) The court shall allow the general public to have
12 access to the name, address, and offense of a minor who is
13 adjudicated a delinquent minor under this Act under either
14 of the following circumstances:

15 (i) The adjudication of delinquency was based upon
16 the minor's commission of first degree murder, attempt
17 to commit first degree murder, aggravated criminal
18 sexual assault, or criminal sexual assault; or

19 (ii) The court has made a finding that the minor
20 was at least 13 years of age at the time the act was
21 committed and the adjudication of delinquency was
22 based upon the minor's commission of: (A) an act in
23 furtherance of the commission of a felony as a member
24 of or on behalf of a criminal street gang, (B) an act
25 involving the use of a firearm in the commission of a
26 felony, (C) an act that would be a Class X felony

1 offense under or the minor's second or subsequent Class
2 2 or greater felony offense under the Cannabis Control
3 Act if committed by an adult, (D) an act that would be
4 a second or subsequent offense under Section 402 of the
5 Illinois Controlled Substances Act if committed by an
6 adult, (E) an act that would be an offense under
7 Section 401 of the Illinois Controlled Substances Act
8 if committed by an adult, or (F) an act that would be
9 an offense under the Methamphetamine Control and
10 Community Protection Act if committed by an adult.

11 (b) The court shall allow the general public to have
12 access to the name, address, and offense of a minor who is
13 at least 13 years of age at the time the offense is
14 committed and who is convicted, in criminal proceedings
15 permitted ~~or required~~ under Section 5-805, under either of
16 the following circumstances:

17 (i) The minor has been convicted of first degree
18 murder, attempt to commit first degree murder,
19 aggravated criminal sexual assault, or criminal sexual
20 assault,

21 (ii) The court has made a finding that the minor
22 was at least 13 years of age at the time the offense
23 was committed and the conviction was based upon the
24 minor's commission of: (A) an offense in furtherance of
25 the commission of a felony as a member of or on behalf
26 of a criminal street gang, (B) an offense involving the

1 use of a firearm in the commission of a felony, (C) a
2 Class X felony offense under the Cannabis Control Act
3 or a second or subsequent Class 2 or greater felony
4 offense under the Cannabis Control Act, (D) a second or
5 subsequent offense under Section 402 of the Illinois
6 Controlled Substances Act, (E) an offense under
7 Section 401 of the Illinois Controlled Substances Act,
8 or (F) an offense under the Methamphetamine Control and
9 Community Protection Act.

10 (6) Nothing in this Section shall be construed to limit the
11 use of a adjudication of delinquency as evidence in any
12 juvenile or criminal proceeding, where it would otherwise be
13 admissible under the rules of evidence, including but not
14 limited to, use as impeachment evidence against any witness,
15 including the minor if he or she testifies.

16 (7) Nothing in this Section shall affect the right of a
17 Civil Service Commission or appointing authority examining the
18 character and fitness of an applicant for a position as a law
19 enforcement officer to ascertain whether that applicant was
20 ever adjudicated to be a delinquent minor and, if so, to
21 examine the records or evidence which were made in proceedings
22 under this Act.

23 (8) Following any adjudication of delinquency for a crime
24 which would be a felony if committed by an adult, or following
25 any adjudication of delinquency for a violation of Section
26 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, the State's Attorney shall ascertain
2 whether the minor respondent is enrolled in school and, if so,
3 shall provide a copy of the sentencing order to the principal
4 or chief administrative officer of the school. Access to such
5 juvenile records shall be limited to the principal or chief
6 administrative officer of the school and any guidance counselor
7 designated by him or her.

8 (9) Nothing contained in this Act prevents the sharing or
9 disclosure of information or records relating or pertaining to
10 juveniles subject to the provisions of the Serious Habitual
11 Offender Comprehensive Action Program when that information is
12 used to assist in the early identification and treatment of
13 habitual juvenile offenders.

14 (11) The Clerk of the Circuit Court shall report to the
15 Department of State Police, in the form and manner required by
16 the Department of State Police, the final disposition of each
17 minor who has been arrested or taken into custody before his or
18 her 18th birthday for those offenses required to be reported
19 under Section 5 of the Criminal Identification Act. Information
20 reported to the Department under this Section may be maintained
21 with records that the Department files under Section 2.1 of the
22 Criminal Identification Act.

23 (12) Information or records may be disclosed to the general
24 public when the court is conducting hearings under Section
25 5-805 or 5-810.

26 (13) The changes made to this Section by Public Act 98-61

1 apply to juvenile court records of a minor who has been
2 arrested or taken into custody on or after January 1, 2014 (the
3 effective date of Public Act 98-61).

4 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;
5 98-756, eff. 7-16-14.)

6 (705 ILCS 405/5-905)

7 Sec. 5-905. Law enforcement records.

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

14 (a) A judge of the circuit court and members of the
15 staff of the court designated by the judge;

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

24 (c) The minor, the minor's parents or legal guardian
25 and their attorneys, but only when the juvenile has been

1 charged with an offense;

2 (d) Adult and Juvenile Prisoner Review Boards;

3 (e) Authorized military personnel;

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

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

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

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

1 between the school district and the local law
2 enforcement agency under Section 10-20.14 of the
3 School Code concerning a minor enrolled in a school
4 within the school district who has been arrested or
5 taken into custody for any of the following offenses:

6 (i) any violation of Article 24 of the Criminal
7 Code of 1961 or the Criminal Code of 2012;

8 (ii) a violation of the Illinois Controlled
9 Substances Act;

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

11 (iv) a forcible felony as defined in Section
12 2-8 of the Criminal Code of 1961 or the Criminal
13 Code of 2012;

14 (v) a violation of the Methamphetamine Control
15 and Community Protection Act;

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

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

19 (viii) a violation of Section 12-1, 12-2,
20 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
21 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 The information derived from the law enforcement
24 records shall be kept separate from and shall not
25 become a part of the official school record of that
26 child and shall not be a public record. The information

1 shall be used solely by the appropriate school official
2 or officials whom the school has determined to have a
3 legitimate educational or safety interest to aid in the
4 proper rehabilitation of the child and to protect the
5 safety of students and employees in the school. If the
6 designated law enforcement and school officials deem
7 it to be in the best interest of the minor, the student
8 may be referred to in-school or community based social
9 services if those services are available.
10 "Rehabilitation services" may include interventions by
11 school support personnel, evaluation for eligibility
12 for special education, referrals to community-based
13 agencies such as youth services, behavioral healthcare
14 service providers, drug and alcohol prevention or
15 treatment programs, and other interventions as deemed
16 appropriate for the student.

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

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

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

25 (2) Information identifying victims and alleged victims of
26 sex offenses, shall not be disclosed or open to public

1 inspection under any circumstances. Nothing in this Section
2 shall prohibit the victim or alleged victim of any sex offense
3 from voluntarily disclosing his or her identity.

4 (2.5) If the minor is a victim of aggravated battery,
5 battery, attempted first degree murder, or other non-sexual
6 violent offense, the identity of the victim may be disclosed to
7 appropriate school officials, for the purpose of preventing
8 foreseeable future violence involving minors, by a local law
9 enforcement agency pursuant to an agreement established
10 between the school district and a local law enforcement agency
11 subject to the approval by the presiding judge of the juvenile
12 court.

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

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

24 (5) The records of law enforcement officers, or of an
25 independent agency created by ordinance and charged by a unit
26 of local government with the duty of investigating the conduct

1 of law enforcement officers, concerning all minors under 18
2 years of age must be maintained separate from the records of
3 adults and may not be open to public inspection or their
4 contents disclosed to the public except by order of the court
5 or when the institution of criminal proceedings has been
6 permitted under Section ~~5-130 or 5-805~~ ~~or required under~~
7 ~~Section 5-130 or 5-805~~ or such a person has been convicted of a
8 crime and is the subject of pre-sentence investigation or when
9 provided by law.

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

1 remedy against the minor or the minor's parents or legal
2 guardian, or both, or to protect the victim's person or
3 property from the minor.

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

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

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

19 (Source: P.A. 97-700, eff. 6-22-12; 97-1104, eff. 1-1-13;
20 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14; 98-756, eff.
21 7-16-14.)

22 (705 ILCS 405/5-130 rep.)

23 Section 10. The Juvenile Court Act of 1987 is amended by
24 repealing Section 5-130.

1 Section 15. The Code of Criminal Procedure of 1963 is
2 amended by changing Section 115-10.5 as follows:

3 (725 ILCS 5/115-10.5)

4 Sec. 115-10.5. Hearsay exception regarding safe zone
5 testimony.

6 (a) In any prosecution for any offense charged as a
7 violation of Section 407 of the Illinois Controlled Substances
8 Act or ~~7~~ Section 55 of the Methamphetamine Control and
9 Community Protection Act, ~~or Section 5-130 of the Juvenile~~
10 ~~Court Act of 1987~~ the following evidence shall be admitted as
11 an exception to the hearsay rule any testimony by any qualified
12 individual regarding the status of any property as:

13 (1) a truck stop or safety rest area, or

14 (2) a school or conveyance owned, leased or contracted
15 by a school to transport students to or from school, or

16 (3) residential property owned, operated, and managed
17 by a public housing agency, or

18 (4) a public park, or

19 (5) the real property comprising any church,
20 synagogue, or other building, structure, or place used
21 primarily for religious worship, or

22 (6) the real property comprising any of the following
23 places, buildings, or structures used primarily for
24 housing or providing space for activities for senior
25 citizens: nursing homes, assisted-living centers, senior

1 citizen housing complexes, or senior centers oriented
2 toward daytime activities.

3 (b) As used in this Section, "qualified individual" means
4 any person who (i) lived or worked within the territorial
5 jurisdiction where the offense took place when the offense took
6 place; and (ii) is familiar with various public places within
7 the territorial jurisdiction where the offense took place when
8 the offense took place.

9 (c) For the purposes of this Section, "qualified
10 individual" includes any peace officer, or any member of any
11 duly organized State, county, or municipal peace unit, assigned
12 to the territorial jurisdiction where the offense took place
13 when the offense took place.

14 (d) This Section applies to all prosecutions pending at the
15 time this amendatory Act of the 91st General Assembly takes
16 effect and to all prosecutions commencing on or after its
17 effective date.

18 (Source: P.A. 94-556, eff. 9-11-05.)