



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5278

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

See Index

Creates the Student Confidential Reporting Act. Subject to appropriation, requires the Illinois State Police, in consultation with the Illinois Emergency Management Agency, State Board of Education, Department of Children and Family Services, and the Department of Human Services, to establish a program for receiving reports and other information from the public regarding potential self-harm or potential harm or criminal acts directed at school students, school employees, or schools in this State. Requires the program to include a Safe2Help Illinois helpline (defined as a school helpline involving a statewide toll-free telephone number, social media, a website, or other means of communication, or a combination of a toll-free telephone number and another means of communication, that transmits voice, text, photographic, or other messages and information to the Safe2Help Illinois operators). Provides for referrals from and the discontinuance of other State-run school violence help lines (excluding the CPS Violence Prevention Hotline). Sets forth other program and Illinois State Police requirements. Contains provisions concerning the confidentiality of reported information, funding, and annual reporting. Provides that a Safe2Help Illinois employee, law enforcement agency, or law enforcement official acting in good faith in compliance with the Act shall have immunity from any civil or criminal liability that might otherwise occur as a result of handling tips, with the exception of willful or wanton misconduct. Provides that the Illinois State Police may adopt emergency rules to implement the Act. Amends various Acts to make conforming changes.

LRB101 20746 RLC 70433 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning schools.

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

4 Section 1. Short title. This Act may be cited as the
5 Student Confidential Reporting Act.

6 Section 5. Definitions. In this Act:

7 "Safe2Help Illinois" means a school helpline involving a
8 statewide toll-free telephone number, social media, a website,
9 or other means of communication, or a combination of a
10 toll-free telephone number and another means of communication,
11 that transmits voice, text, photographic, or other messages and
12 information to the Safe2Help Illinois operators.

13 "School" means a public or nonpublic school offering any
14 grade from kindergarten through 12, regardless of whether
15 school is in session. "School" includes all school property.

16 "School employee" means a full-time or part-time employee
17 of a school or school district, including a school
18 administrator, a volunteer with a school or school district, or
19 any other person who provides services to a school or school
20 district, while he or she is on school property. A person
21 described in this definition is considered a school employee
22 regardless of whether school is in session.

23 "School site" means a building, a playing field, or

1 property used for school purposes to impart instruction to
2 school students or used for school purposes, functions, or
3 events, regardless of whether school is in session. "School
4 property" includes a school bus.

5 "School student" means a person who is enrolled as a
6 student in a school regardless of whether school is in session.

7 Section 10. Safe2Help Illinois program management and
8 administration.

9 (a) The Illinois State Police, in consultation with the
10 Illinois Emergency Management Agency, State Board of
11 Education, Department of Human Services, and Department of
12 Children and Family Services shall, to the extent that funds
13 are appropriated for that purpose, establish a program for
14 receiving reports and other information from the public
15 regarding potential self-harm or potential harm or criminal
16 acts directed at school students, school employees, or schools
17 in this State. The Illinois State Police shall establish the
18 program in accordance with this Act. The Illinois State Police
19 shall have access to the information needed to meet the
20 reporting requirements of Section 35.

21 (b) The program shall include a Safe2Help Illinois helpline
22 for operators to receive reports and information from the
23 general public as described in subsection (a). The helpline
24 shall be available for use 24 hours a day, 365 days a year.

25 (c) The Department of Innovation and Technology shall

1 operate a dedicated website to provide mental health and risk
2 assessment information for students, promotional information
3 to local law enforcement officials, school officials, and the
4 general public regarding the program.

5 (d) Beginning on the date that Safe2Help Illinois is
6 operational, all calls received by any State-run school
7 violence help line in operation prior to the establishment of
8 Safe2Help Illinois shall be directed to Safe2Help Illinois. In
9 addition, any State-run school violence help line in operation
10 prior to the establishment of Safe2Help Illinois shall be
11 disconnected within 6 months after Safe2Help Illinois is
12 operational. The CPS Violence Prevention Hotline established
13 under Section 34-21.8 of the School Code and the Safe2Help
14 Illinois shall cooperate with each other. If the Safe2Help
15 Illinois helpline receives information about incidents
16 occurring in the Chicago public schools, it shall transmit that
17 information to the CPS Violence Prevention Hotline. For the
18 purposes of this subsection (e), a State-run school violence
19 help line does not include the CPS Violence Prevention Hotline
20 established under Section 34-21.8 of the School Code. Instead,
21 the Illinois State Police shall work in conjunction with the
22 Chicago Board of Education and the Chicago Police Department to
23 direct all applicable calls received by Safe2Help to the CPS
24 Violence Prevention Hotline.

25 (f) The Illinois State Police shall be responsible for the
26 continued operational and administrative oversight of the

1 program. The program shall provide for a means to review all
2 reports and information submitted through Safe2Help Illinois
3 and to direct those reports and that information, including any
4 analysis of the potential threat as determined appropriate by
5 the Illinois State Police, to local law enforcement officials
6 and school officials.

7 (g) The Illinois State Police shall ensure that appropriate
8 training is provided to program personnel in all of the
9 following areas:

10 (1) Crisis management, including recognizing mental
11 illness and emotional disturbance.

12 (2) The resources that are available in the community
13 for providing mental health treatment and other human
14 services.

15 (3) Other matters determined by the Illinois State
16 Police to be relevant to the administration and operation
17 of the program.

18 (4) Handling of criminal intelligence information
19 regarding primary and data collection, storage, and
20 dissemination.

21 (h) A report or other information submitted to the program
22 is considered to be a report to a law enforcement agency and
23 shall be maintained as a record by the Illinois State Police
24 for at least 5 years, subject to the confidentiality
25 requirements of this Act.

26 (i) The Illinois State Police shall ensure that any

1 information submitted to the program where mental health
2 emergencies are needed to be immediately referred to the
3 appropriate centralized reporting system as promulgated in
4 Public Act 101-45.

5 Section 15. Management of confidential information.

6 (a) Any report or information submitted to the program
7 under Section 10 is confidential, may not be released except as
8 otherwise provided in this Act or in the Juvenile Court Act of
9 1987, and is not subject to disclosure under the Freedom of
10 Information Act.

11 (b) Any report or information submitted to the program and
12 forwarded by the vendor described in subsection (d) of Section
13 10 to a law enforcement official or to a school official is
14 confidential, may not be released except as otherwise provided
15 in this Act, and is not subject to disclosure under the Freedom
16 of Information Act.

17 (c) A person who intentionally discloses information to
18 another person in violation of subsection (a) or (b) commits a
19 Class C misdemeanor.

20 Section 20. Exemptions to confidentiality of reported
21 information. Information regarding a report or information
22 submitted to the program under Section 10, including any
23 identifying information, may be disclosed as follows:

24 (1) By the Illinois State Police, a law enforcement

1 agency, a school, or a community mental health service
2 program or an employee of one of those entities acting in
3 the course of his or her duties. However, this paragraph
4 (1) does not allow the disclosure of information that would
5 identify the person who submitted the report or information
6 to the program under Section 10, except for an imminent
7 threat that poses a clear and present danger to the person.

8 (2) With the permission of the person or, if the person
9 is a minor, with the permission of the minor and his or her
10 parents or guardian.

11 (3) Pursuant to a court order issued under Section 25.

12 Section 25. Release of confidential information.

13 (a) A person who is charged with a criminal offense as a
14 result of a report or information submitted under Section 10
15 may petition the court for disclosure of the report or
16 information, including any identifying information, as
17 provided in this subsection (a). The State's Attorney having
18 jurisdiction shall be notified of the petition not less than 7
19 days before the hearing on the petition, or as otherwise
20 provided by the court, and have the right to appear in the
21 proceedings to oppose the petition.

22 If a petition is filed under this subsection (a), the court
23 may conduct a hearing on the petition. If a hearing is
24 conducted, it shall be conducted in chambers outside of the
25 presence of the petitioner.

1 If the court determines that the report or information,
2 including any identifying information, is relevant to the
3 criminal proceedings and is essential to the fair trial of the
4 person, the court may order the disclosure of that report or
5 information, including any identifying information, as
6 determined appropriate by the court.

7 The court may place restrictions on the release and use of
8 the report or information, including any identifying
9 information, obtained under this subsection (a) or may redact
10 material as it considers appropriate. Material reviewed by the
11 court that is not ordered released or that is redacted shall be
12 maintained by the court under seal for purposes of appeal only.

13 (b) If the State's Attorney has reason to believe that a
14 report or other information provided under Section 10 was
15 falsely provided to the Illinois State Police, the State's
16 Attorney may petition the court to disclose the report or
17 information, including any identifying information.

18 The Attorney General shall be notified of the petition not
19 less than 7 days before the hearing on the petition, or as
20 otherwise provided by the court, and has the right to appear in
21 the proceedings to oppose the petition.

22 If the court determines that there is reason to believe
23 that the report or information may have been falsely provided,
24 the court may order the disclosure of the report or
25 information, including any identifying information, as
26 determined appropriate by the court.

1 The court may place restrictions on the release and use of
2 the report or information, including any identifying
3 information, obtained under this subsection (b) or may redact
4 material as it considers appropriate. Material reviewed by the
5 court that is not ordered released or that is redacted shall be
6 maintained by the court under seal for purposes of appeal only.

7 (c) The Attorney General may also appear in any other
8 action to oppose the release of any report or information
9 obtained under Section 10, including any identifying
10 information.

11 Section 30. Funding.

12 (a) The Illinois State Police may receive money or other
13 assets from any source for deposit into the State Police
14 Operations Assistance Fund. All moneys deposited under this Act
15 into the State Police Operations Assistance Fund shall be used,
16 subject to appropriation, by the Illinois State Police only for
17 one or more of the following purposes:

18 (1) To pay the costs of the Illinois State Police for
19 administering this Act.

20 (2) To pay the costs of personnel to staff the program
21 under Section 10.

22 (3) To pay for equipment and software for operating the
23 program.

24 (4) To promote public awareness of the program,
25 including the availability of Safe2Help Illinois and the

1 dedicated website operated by the Illinois State Police
2 under subsection (c) of Section 10.

3 (5) To support the delivery of training and education
4 on topics that address prevention of potential harm or
5 criminal activities directed at school students, school
6 employees, and schools.

7 (b) The Illinois State Police may also accept
8 contributions, grants, gifts, assets, donations, services, or
9 other financial assistance from any individual, association,
10 corporation, or other organization having a legitimate
11 interest in the Safe2Help Illinois helpline and the health and
12 well-being of students.

13 Section 35. Procurement; rulemaking.

14 (a) The Illinois State Police, in consultation with and
15 subject to the approval of the Chief Procurement Officer, may
16 procure a single contract or multiple contracts to implement
17 the provisions of this Act. A contract or contracts under this
18 subsection are not subject to the provisions of the Illinois
19 Procurement Code, except for Sections 20-60, 20-65, 20-70, and
20 20-160 and Article 50 of that Code, provided that the Chief
21 Procurement Officer may, in writing with justification, waive
22 any certification required under Article 50.

23 (b) To provide for the expeditious and timely
24 implementation of this Act, emergency rules to implement any
25 provision of this Act may be adopted by the Illinois State

1 Police subject to the provisions of Section 5-45 of the
2 Illinois Administrative Procedure Act for a period not to
3 exceed 180 days after the effective date of this Act.

4 Section 40. Annual reporting. The Illinois State Police, in
5 consultation with the State Board of Education, shall prepare
6 an annual report under this Act. The report shall be filed no
7 later than 90 days after the conclusion of the calendar year.
8 Copies of the report shall be filed with the Governor and the
9 General Assembly as provided in Section 3.1 of the General
10 Assembly Organization Act. The report shall also be maintained
11 on the Illinois State Police's dedicated website under
12 subsection (c) of Section 10. The report shall contain, but is
13 not limited to, all of the following information:

14 (1) The number of reports submitted to the program
15 under Section 10.

16 (2) The number of reports submitted to the program that
17 are forwarded to local law enforcement officials and school
18 officials.

19 (3) The number of reports submitted to the program
20 resulting in referrals to mental health services.

21 (4) The nature of the reports and information submitted
22 to the program in categories established by the Illinois
23 State Police.

24 (5) An analysis of the overall effectiveness of the
25 program in addressing potential self-harm or potential

1 harm or criminal acts directed at schools, school
2 employees, and school students.

3 Section 45. Immunity. A Safe2Help Illinois helpline
4 employee, law enforcement agency, or law enforcement official
5 acting in good faith in compliance with this Act shall have
6 immunity from any civil or criminal liability that might
7 otherwise occur as a result of handling tips described in this
8 Act, with the exception of willful or wanton misconduct.

9 Section 900. The Illinois Administrative Procedure Act is
10 amended by adding Section 5-45.1 as follows:

11 (5 ILCS 100/5-45.1 new)

12 Sec. 5-45.1. Emergency rulemaking; Student Confidential
13 Reporting Act. To provide for the expeditious and timely
14 implementation of the provisions of the Student Confidential
15 Reporting Act, emergency rules implementing the Student
16 Confidential Reporting Act may be adopted in accordance with
17 Section 5-45 by the Illinois State Police. The adoption of
18 emergency rules authorized by Section 5-45 and this Section is
19 deemed to be necessary for the public interest, safety, and
20 welfare.

21 This Section is repealed on January 1, 2026.

22 Section 905. The Freedom of Information Act is amended by

1 changing Section 7 as follows:

2 (5 ILCS 140/7) (from Ch. 116, par. 207)

3 Sec. 7. Exemptions.

4 (1) When a request is made to inspect or copy a public
5 record that contains information that is exempt from disclosure
6 under this Section, but also contains information that is not
7 exempt from disclosure, the public body may elect to redact the
8 information that is exempt. The public body shall make the
9 remaining information available for inspection and copying.
10 Subject to this requirement, the following shall be exempt from
11 inspection and copying:

12 (a) Information specifically prohibited from
13 disclosure by federal or State law or rules and regulations
14 implementing federal or State law.

15 (b) Private information, unless disclosure is required
16 by another provision of this Act, a State or federal law or
17 a court order.

18 (b-5) Files, documents, and other data or databases
19 maintained by one or more law enforcement agencies and
20 specifically designed to provide information to one or more
21 law enforcement agencies regarding the physical or mental
22 status of one or more individual subjects.

23 (c) Personal information contained within public
24 records, the disclosure of which would constitute a clearly
25 unwarranted invasion of personal privacy, unless the

1 disclosure is consented to in writing by the individual
2 subjects of the information. "Unwarranted invasion of
3 personal privacy" means the disclosure of information that
4 is highly personal or objectionable to a reasonable person
5 and in which the subject's right to privacy outweighs any
6 legitimate public interest in obtaining the information.
7 The disclosure of information that bears on the public
8 duties of public employees and officials shall not be
9 considered an invasion of personal privacy.

10 (d) Records in the possession of any public body
11 created in the course of administrative enforcement
12 proceedings, and any law enforcement or correctional
13 agency for law enforcement purposes, but only to the extent
14 that disclosure would:

15 (i) interfere with pending or actually and
16 reasonably contemplated law enforcement proceedings
17 conducted by any law enforcement or correctional
18 agency that is the recipient of the request;

19 (ii) interfere with active administrative
20 enforcement proceedings conducted by the public body
21 that is the recipient of the request;

22 (iii) create a substantial likelihood that a
23 person will be deprived of a fair trial or an impartial
24 hearing;

25 (iv) unavoidably disclose the identity of a
26 confidential source, confidential information

1 furnished only by the confidential source, or persons
2 who file complaints with or provide information to
3 administrative, investigative, law enforcement, or
4 penal agencies; except that the identities of
5 witnesses to traffic accidents, traffic accident
6 reports, and rescue reports shall be provided by
7 agencies of local government, except when disclosure
8 would interfere with an active criminal investigation
9 conducted by the agency that is the recipient of the
10 request;

11 (v) disclose unique or specialized investigative
12 techniques other than those generally used and known or
13 disclose internal documents of correctional agencies
14 related to detection, observation or investigation of
15 incidents of crime or misconduct, and disclosure would
16 result in demonstrable harm to the agency or public
17 body that is the recipient of the request;

18 (vi) endanger the life or physical safety of law
19 enforcement personnel or any other person; or

20 (vii) obstruct an ongoing criminal investigation
21 by the agency that is the recipient of the request.

22 (d-5) A law enforcement record created for law
23 enforcement purposes and contained in a shared electronic
24 record management system if the law enforcement agency that
25 is the recipient of the request did not create the record,
26 did not participate in or have a role in any of the events

1 which are the subject of the record, and only has access to
2 the record through the shared electronic record management
3 system.

4 (e) Records that relate to or affect the security of
5 correctional institutions and detention facilities.

6 (e-5) Records requested by persons committed to the
7 Department of Corrections, Department of Human Services
8 Division of Mental Health, or a county jail if those
9 materials are available in the library of the correctional
10 institution or facility or jail where the inmate is
11 confined.

12 (e-6) Records requested by persons committed to the
13 Department of Corrections, Department of Human Services
14 Division of Mental Health, or a county jail if those
15 materials include records from staff members' personnel
16 files, staff rosters, or other staffing assignment
17 information.

18 (e-7) Records requested by persons committed to the
19 Department of Corrections or Department of Human Services
20 Division of Mental Health if those materials are available
21 through an administrative request to the Department of
22 Corrections or Department of Human Services Division of
23 Mental Health.

24 (e-8) Records requested by a person committed to the
25 Department of Corrections, Department of Human Services
26 Division of Mental Health, or a county jail, the disclosure

1 of which would result in the risk of harm to any person or
2 the risk of an escape from a jail or correctional
3 institution or facility.

4 (e-9) Records requested by a person in a county jail or
5 committed to the Department of Corrections or Department of
6 Human Services Division of Mental Health, containing
7 personal information pertaining to the person's victim or
8 the victim's family, including, but not limited to, a
9 victim's home address, home telephone number, work or
10 school address, work telephone number, social security
11 number, or any other identifying information, except as may
12 be relevant to a requester's current or potential case or
13 claim.

14 (e-10) Law enforcement records of other persons
15 requested by a person committed to the Department of
16 Corrections, Department of Human Services Division of
17 Mental Health, or a county jail, including, but not limited
18 to, arrest and booking records, mug shots, and crime scene
19 photographs, except as these records may be relevant to the
20 requester's current or potential case or claim.

21 (f) Preliminary drafts, notes, recommendations,
22 memoranda and other records in which opinions are
23 expressed, or policies or actions are formulated, except
24 that a specific record or relevant portion of a record
25 shall not be exempt when the record is publicly cited and
26 identified by the head of the public body. The exemption

1 provided in this paragraph (f) extends to all those records
2 of officers and agencies of the General Assembly that
3 pertain to the preparation of legislative documents.

4 (g) Trade secrets and commercial or financial
5 information obtained from a person or business where the
6 trade secrets or commercial or financial information are
7 furnished under a claim that they are proprietary,
8 privileged, or confidential, and that disclosure of the
9 trade secrets or commercial or financial information would
10 cause competitive harm to the person or business, and only
11 insofar as the claim directly applies to the records
12 requested.

13 The information included under this exemption includes
14 all trade secrets and commercial or financial information
15 obtained by a public body, including a public pension fund,
16 from a private equity fund or a privately held company
17 within the investment portfolio of a private equity fund as
18 a result of either investing or evaluating a potential
19 investment of public funds in a private equity fund. The
20 exemption contained in this item does not apply to the
21 aggregate financial performance information of a private
22 equity fund, nor to the identity of the fund's managers or
23 general partners. The exemption contained in this item does
24 not apply to the identity of a privately held company
25 within the investment portfolio of a private equity fund,
26 unless the disclosure of the identity of a privately held

1 company may cause competitive harm.

2 Nothing contained in this paragraph (g) shall be
3 construed to prevent a person or business from consenting
4 to disclosure.

5 (h) Proposals and bids for any contract, grant, or
6 agreement, including information which if it were
7 disclosed would frustrate procurement or give an advantage
8 to any person proposing to enter into a contractor
9 agreement with the body, until an award or final selection
10 is made. Information prepared by or for the body in
11 preparation of a bid solicitation shall be exempt until an
12 award or final selection is made.

13 (i) Valuable formulae, computer geographic systems,
14 designs, drawings and research data obtained or produced by
15 any public body when disclosure could reasonably be
16 expected to produce private gain or public loss. The
17 exemption for "computer geographic systems" provided in
18 this paragraph (i) does not extend to requests made by news
19 media as defined in Section 2 of this Act when the
20 requested information is not otherwise exempt and the only
21 purpose of the request is to access and disseminate
22 information regarding the health, safety, welfare, or
23 legal rights of the general public.

24 (j) The following information pertaining to
25 educational matters:

26 (i) test questions, scoring keys and other

1 examination data used to administer an academic
2 examination;

3 (ii) information received by a primary or
4 secondary school, college, or university under its
5 procedures for the evaluation of faculty members by
6 their academic peers;

7 (iii) information concerning a school or
8 university's adjudication of student disciplinary
9 cases, but only to the extent that disclosure would
10 unavoidably reveal the identity of the student; and

11 (iv) course materials or research materials used
12 by faculty members.

13 (k) Architects' plans, engineers' technical
14 submissions, and other construction related technical
15 documents for projects not constructed or developed in
16 whole or in part with public funds and the same for
17 projects constructed or developed with public funds,
18 including, but not limited to, power generating and
19 distribution stations and other transmission and
20 distribution facilities, water treatment facilities,
21 airport facilities, sport stadiums, convention centers,
22 and all government owned, operated, or occupied buildings,
23 but only to the extent that disclosure would compromise
24 security.

25 (l) Minutes of meetings of public bodies closed to the
26 public as provided in the Open Meetings Act until the

1 public body makes the minutes available to the public under
2 Section 2.06 of the Open Meetings Act.

3 (m) Communications between a public body and an
4 attorney or auditor representing the public body that would
5 not be subject to discovery in litigation, and materials
6 prepared or compiled by or for a public body in
7 anticipation of a criminal, civil, or administrative
8 proceeding upon the request of an attorney advising the
9 public body, and materials prepared or compiled with
10 respect to internal audits of public bodies.

11 (n) Records relating to a public body's adjudication of
12 employee grievances or disciplinary cases; however, this
13 exemption shall not extend to the final outcome of cases in
14 which discipline is imposed.

15 (o) Administrative or technical information associated
16 with automated data processing operations, including, but
17 not limited to, software, operating protocols, computer
18 program abstracts, file layouts, source listings, object
19 modules, load modules, user guides, documentation
20 pertaining to all logical and physical design of
21 computerized systems, employee manuals, and any other
22 information that, if disclosed, would jeopardize the
23 security of the system or its data or the security of
24 materials exempt under this Section.

25 (p) Records relating to collective negotiating matters
26 between public bodies and their employees or

1 representatives, except that any final contract or
2 agreement shall be subject to inspection and copying.

3 (q) Test questions, scoring keys, and other
4 examination data used to determine the qualifications of an
5 applicant for a license or employment.

6 (r) The records, documents, and information relating
7 to real estate purchase negotiations until those
8 negotiations have been completed or otherwise terminated.
9 With regard to a parcel involved in a pending or actually
10 and reasonably contemplated eminent domain proceeding
11 under the Eminent Domain Act, records, documents, and
12 information relating to that parcel shall be exempt except
13 as may be allowed under discovery rules adopted by the
14 Illinois Supreme Court. The records, documents, and
15 information relating to a real estate sale shall be exempt
16 until a sale is consummated.

17 (s) Any and all proprietary information and records
18 related to the operation of an intergovernmental risk
19 management association or self-insurance pool or jointly
20 self-administered health and accident cooperative or pool.
21 Insurance or self insurance (including any
22 intergovernmental risk management association or self
23 insurance pool) claims, loss or risk management
24 information, records, data, advice or communications.

25 (t) Information contained in or related to
26 examination, operating, or condition reports prepared by,

1 on behalf of, or for the use of a public body responsible
2 for the regulation or supervision of financial
3 institutions, insurance companies, or pharmacy benefit
4 managers, unless disclosure is otherwise required by State
5 law.

6 (u) Information that would disclose or might lead to
7 the disclosure of secret or confidential information,
8 codes, algorithms, programs, or private keys intended to be
9 used to create electronic or digital signatures under the
10 Electronic Commerce Security Act.

11 (v) Vulnerability assessments, security measures, and
12 response policies or plans that are designed to identify,
13 prevent, or respond to potential attacks upon a community's
14 population or systems, facilities, or installations, the
15 destruction or contamination of which would constitute a
16 clear and present danger to the health or safety of the
17 community, but only to the extent that disclosure could
18 reasonably be expected to jeopardize the effectiveness of
19 the measures or the safety of the personnel who implement
20 them or the public. Information exempt under this item may
21 include such things as details pertaining to the
22 mobilization or deployment of personnel or equipment, to
23 the operation of communication systems or protocols, or to
24 tactical operations.

25 (w) (Blank).

26 (x) Maps and other records regarding the location or

1 security of generation, transmission, distribution,
2 storage, gathering, treatment, or switching facilities
3 owned by a utility, by a power generator, or by the
4 Illinois Power Agency.

5 (y) Information contained in or related to proposals,
6 bids, or negotiations related to electric power
7 procurement under Section 1-75 of the Illinois Power Agency
8 Act and Section 16-111.5 of the Public Utilities Act that
9 is determined to be confidential and proprietary by the
10 Illinois Power Agency or by the Illinois Commerce
11 Commission.

12 (z) Information about students exempted from
13 disclosure under Sections 10-20.38 or 34-18.29 of the
14 School Code, and information about undergraduate students
15 enrolled at an institution of higher education exempted
16 from disclosure under Section 25 of the Illinois Credit
17 Card Marketing Act of 2009.

18 (aa) Information the disclosure of which is exempted
19 under the Viatical Settlements Act of 2009.

20 (bb) Records and information provided to a mortality
21 review team and records maintained by a mortality review
22 team appointed under the Department of Juvenile Justice
23 Mortality Review Team Act.

24 (cc) Information regarding interments, entombments, or
25 inurnments of human remains that are submitted to the
26 Cemetery Oversight Database under the Cemetery Care Act or

1 the Cemetery Oversight Act, whichever is applicable.

2 (dd) Correspondence and records (i) that may not be
3 disclosed under Section 11-9 of the Illinois Public Aid
4 Code or (ii) that pertain to appeals under Section 11-8 of
5 the Illinois Public Aid Code.

6 (ee) The names, addresses, or other personal
7 information of persons who are minors and are also
8 participants and registrants in programs of park
9 districts, forest preserve districts, conservation
10 districts, recreation agencies, and special recreation
11 associations.

12 (ff) The names, addresses, or other personal
13 information of participants and registrants in programs of
14 park districts, forest preserve districts, conservation
15 districts, recreation agencies, and special recreation
16 associations where such programs are targeted primarily to
17 minors.

18 (gg) Confidential information described in Section
19 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

20 (hh) The report submitted to the State Board of
21 Education by the School Security and Standards Task Force
22 under item (8) of subsection (d) of Section 2-3.160 of the
23 School Code and any information contained in that report.

24 (ii) Records requested by persons committed to or
25 detained by the Department of Human Services under the
26 Sexually Violent Persons Commitment Act or committed to the

1 Department of Corrections under the Sexually Dangerous
2 Persons Act if those materials: (i) are available in the
3 library of the facility where the individual is confined;
4 (ii) include records from staff members' personnel files,
5 staff rosters, or other staffing assignment information;
6 or (iii) are available through an administrative request to
7 the Department of Human Services or the Department of
8 Corrections.

9 (jj) Confidential information described in Section
10 5-535 of the Civil Administrative Code of Illinois.

11 (kk) The public body's credit card numbers, debit card
12 numbers, bank account numbers, Federal Employer
13 Identification Number, security code numbers, passwords,
14 and similar account information, the disclosure of which
15 could result in identity theft or impression or defrauding
16 of a governmental entity or a person.

17 (ll) ~~(kk)~~ Records concerning the work of the threat
18 assessment team of a school district.

19 (mm) Information prohibited from being disclosed under
20 subsections (a) and (b) of Section 15 of the Student
21 Confidential Reporting Act.

22 (1.5) Any information exempt from disclosure under the
23 Judicial Privacy Act shall be redacted from public records
24 prior to disclosure under this Act.

25 (2) A public record that is not in the possession of a
26 public body but is in the possession of a party with whom the

1 agency has contracted to perform a governmental function on
2 behalf of the public body, and that directly relates to the
3 governmental function and is not otherwise exempt under this
4 Act, shall be considered a public record of the public body,
5 for purposes of this Act.

6 (3) This Section does not authorize withholding of
7 information or limit the availability of records to the public,
8 except as stated in this Section or otherwise provided in this
9 Act.

10 (Source: P.A. 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;
11 100-732, eff. 8-3-18; 101-434, eff. 1-1-20; 101-452, eff.
12 1-1-20; 101-455, eff. 8-23-19; revised 9-27-19.)

13 Section 910. The Department of State Police Law of the
14 Civil Administrative Code of Illinois is amended by adding
15 Section 2605-615 as follows:

16 (20 ILCS 2605/2605-615 new)

17 Sec. 2605-615. School helpline program. The Illinois State
18 Police shall establish a school helpline program in accordance
19 with the Student Confidential Reporting Act.

20 Section 915. The Juvenile Court Act of 1987 is amended by
21 changing Section 5-915 as follows:

22 (705 ILCS 405/5-915)

1 Sec. 5-915. Expungement of juvenile law enforcement and
2 juvenile court records.

3 (0.05) (Blank).

4 (0.1) (a) The Department of State Police and all law
5 enforcement agencies within the State shall automatically
6 expunge, on or before January 1 of each year, except as
7 described in paragraph (c) of subsection (0.1), all juvenile
8 law enforcement records relating to events occurring before an
9 individual's 18th birthday if:

10 (1) one year or more has elapsed since the date of the
11 arrest or law enforcement interaction documented in the
12 records;

13 (2) no petition for delinquency or criminal charges
14 were filed with the clerk of the circuit court relating to
15 the arrest or law enforcement interaction documented in the
16 records; and

17 (3) 6 months have elapsed since the date of the arrest
18 without an additional subsequent arrest or filing of a
19 petition for delinquency or criminal charges whether
20 related or not to the arrest or law enforcement interaction
21 documented in the records.

22 (b) If the law enforcement agency is unable to verify
23 satisfaction of conditions (2) and (3) of this subsection
24 (0.1), records that satisfy condition (1) of this subsection
25 (0.1) shall be automatically expunged if the records relate to
26 an offense that if committed by an adult would not be an

1 offense classified as Class 2 felony or higher, an offense
2 under Article 11 of the Criminal Code of 1961 or Criminal Code
3 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
4 12-15, or 12-16 of the Criminal Code of 1961.

5 (c) If the juvenile law enforcement record was received
6 through a public submission to a statewide student confidential
7 reporting system administered by the Illinois State Police, the
8 record will maintained for a period of five years according to
9 all other provisions in subsection (0.1).

10 (0.15) If a juvenile law enforcement record meets paragraph
11 (a) of subsection (0.1) of this Section, a juvenile law
12 enforcement record created:

13 (1) prior to January 1, 2018, but on or after January
14 1, 2013 shall be automatically expunged prior to January 1,
15 2020;

16 (2) prior to January 1, 2013, but on or after January
17 1, 2000, shall be automatically expunged prior to January
18 1, 2023; and

19 (3) prior to January 1, 2000 shall not be subject to
20 the automatic expungement provisions of this Act.

21 Nothing in this subsection (0.15) shall be construed to
22 restrict or modify an individual's right to have his or her
23 juvenile law enforcement records expunged except as otherwise
24 may be provided in this Act.

25 (0.2) (a) Upon dismissal of a petition alleging delinquency
26 or upon a finding of not delinquent, the successful termination

1 of an order of supervision, or the successful termination of an
2 adjudication for an offense which would be a Class B
3 misdemeanor, Class C misdemeanor, or a petty or business
4 offense if committed by an adult, the court shall automatically
5 order the expungement of the juvenile court records and
6 juvenile law enforcement records. The clerk shall deliver a
7 certified copy of the expungement order to the Department of
8 State Police and the arresting agency. Upon request, the
9 State's Attorney shall furnish the name of the arresting
10 agency. The expungement shall be completed within 60 business
11 days after the receipt of the expungement order.

12 (b) If the chief law enforcement officer of the agency, or
13 his or her designee, certifies in writing that certain
14 information is needed for a pending investigation involving the
15 commission of a felony, that information, and information
16 identifying the juvenile, may be retained until the statute of
17 limitations for the felony has run. If the chief law
18 enforcement officer of the agency, or his or her designee,
19 certifies in writing that certain information is needed with
20 respect to an internal investigation of any law enforcement
21 office, that information and information identifying the
22 juvenile may be retained within an intelligence file until the
23 investigation is terminated or the disciplinary action,
24 including appeals, has been completed, whichever is later.
25 Retention of a portion of a juvenile's law enforcement record
26 does not disqualify the remainder of his or her record from

1 immediate automatic expungement.

2 (0.3) (a) Upon an adjudication of delinquency based on any
3 offense except a disqualified offense, the juvenile court shall
4 automatically order the expungement of the juvenile court and
5 law enforcement records 2 years after the juvenile's case was
6 closed if no delinquency or criminal proceeding is pending and
7 the person has had no subsequent delinquency adjudication or
8 criminal conviction. The clerk shall deliver a certified copy
9 of the expungement order to the Department of State Police and
10 the arresting agency. Upon request, the State's Attorney shall
11 furnish the name of the arresting agency. The expungement shall
12 be completed within 60 business days after the receipt of the
13 expungement order. In this subsection (0.3), "disqualified
14 offense" means any of the following offenses: Section 8-1.2,
15 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1,
16 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
17 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2,
18 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5,
19 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
20 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
21 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
22 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
23 of subsection (a) of Section 11-14.4, subsection (a-5) of
24 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of
25 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
26 paragraph (1) or (2) of subsection (a) of Section 12-7.4,

1 subparagraph (i) of paragraph (1) of subsection (a) of Section
2 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
3 Section 24-1.6, paragraph (1) of subsection (a) of Section
4 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
5 of 2012.

6 (b) If the chief law enforcement officer of the agency, or
7 his or her designee, certifies in writing that certain
8 information is needed for a pending investigation involving the
9 commission of a felony, that information, and information
10 identifying the juvenile, may be retained in an intelligence
11 file until the investigation is terminated or for one
12 additional year, whichever is sooner. Retention of a portion of
13 a juvenile's juvenile law enforcement record does not
14 disqualify the remainder of his or her record from immediate
15 automatic expungement.

16 (0.4) Automatic expungement for the purposes of this
17 Section shall not require law enforcement agencies to
18 obliterate or otherwise destroy juvenile law enforcement
19 records that would otherwise need to be automatically expunged
20 under this Act, except after 2 years following the subject
21 arrest for purposes of use in civil litigation against a
22 governmental entity or its law enforcement agency or personnel
23 which created, maintained, or used the records. However, l these
24 juvenile law enforcement records shall be considered expunged
25 for all other purposes during this period and the offense,
26 which the records or files concern, shall be treated as if it

1 never occurred as required under Section 5-923.

2 (0.5) Subsection (0.1) or (0.2) of this Section does not
3 apply to violations of traffic, boating, fish and game laws, or
4 county or municipal ordinances.

5 (0.6) Juvenile law enforcement records of a plaintiff who
6 has filed civil litigation against the governmental entity or
7 its law enforcement agency or personnel that created,
8 maintained, or used the records, or juvenile law enforcement
9 records that contain information related to the allegations set
10 forth in the civil litigation may not be expunged until after 2
11 years have elapsed after the conclusion of the lawsuit,
12 including any appeal.

13 (0.7) Officer-worn body camera recordings shall not be
14 automatically expunged except as otherwise authorized by the
15 Law Enforcement Officer-Worn Body Camera Act.

16 (1) Whenever a person has been arrested, charged, or
17 adjudicated delinquent for an incident occurring before his or
18 her 18th birthday that if committed by an adult would be an
19 offense, and that person's juvenile law enforcement and
20 juvenile court records are not eligible for automatic
21 expungement under subsection (0.1), (0.2), or (0.3), the person
22 may petition the court at any time for expungement of juvenile
23 law enforcement records and juvenile court records relating to
24 the incident and, upon termination of all juvenile court
25 proceedings relating to that incident, the court shall order
26 the expungement of all records in the possession of the

1 Department of State Police, the clerk of the circuit court, and
2 law enforcement agencies relating to the incident, but only in
3 any of the following circumstances:

4 (a) the minor was arrested and no petition for
5 delinquency was filed with the clerk of the circuit court;

6 (a-5) the minor was charged with an offense and the
7 petition or petitions were dismissed without a finding of
8 delinquency;

9 (b) the minor was charged with an offense and was found
10 not delinquent of that offense;

11 (c) the minor was placed under supervision under
12 Section 5-615, and the order of supervision has since been
13 successfully terminated; or

14 (d) the minor was adjudicated for an offense which
15 would be a Class B misdemeanor, Class C misdemeanor, or a
16 petty or business offense if committed by an adult.

17 (1.5) The Department of State Police shall allow a person
18 to use the Access and Review process, established in the
19 Department of State Police, for verifying that his or her
20 juvenile law enforcement records relating to incidents
21 occurring before his or her 18th birthday eligible under this
22 Act have been expunged.

23 (1.6) (Blank).

24 (1.7) (Blank).

25 (1.8) (Blank).

26 (2) Any person whose delinquency adjudications are not

1 eligible for automatic expungement under subsection (0.3) of
2 this Section may petition the court to expunge all juvenile law
3 enforcement records relating to any incidents occurring before
4 his or her 18th birthday which did not result in proceedings in
5 criminal court and all juvenile court records with respect to
6 any adjudications except those based upon first degree murder
7 or an offense under Article 11 of the Criminal Code of 2012 if
8 the person is required to register under the Sex Offender
9 Registration Act at the time he or she petitions the court for
10 expungement; provided that: ~~(a) (blank); or (b)~~ 2 years have
11 elapsed since all juvenile court proceedings relating to him or
12 her have been terminated and his or her commitment to the
13 Department of Juvenile Justice under this Act has been
14 terminated.

15 (2.5) If a minor is arrested and no petition for
16 delinquency is filed with the clerk of the circuit court at the
17 time the minor is released from custody, the youth officer, if
18 applicable, or other designated person from the arresting
19 agency, shall notify verbally and in writing to the minor or
20 the minor's parents or guardians that the minor shall have an
21 arrest record and shall provide the minor and the minor's
22 parents or guardians with an expungement information packet,
23 information regarding this State's expungement laws including
24 a petition to expunge juvenile law enforcement and juvenile
25 court records obtained from the clerk of the circuit court.

26 (2.6) If a minor is referred to court, then, at the time of

1 sentencing, ~~or~~ dismissal of the case, or successful completion
2 of supervision, the judge shall inform the delinquent minor of
3 his or her rights regarding expungement and the clerk of the
4 circuit court shall provide an expungement information packet
5 to the minor, written in plain language, including information
6 regarding this State's expungement laws and a petition for
7 expungement, a sample of a completed petition, expungement
8 instructions that shall include information informing the
9 minor that (i) once the case is expunged, it shall be treated
10 as if it never occurred, (ii) he or she may apply to have
11 petition fees waived, (iii) once he or she obtains an
12 expungement, he or she may not be required to disclose that he
13 or she had a juvenile law enforcement or juvenile court record,
14 and (iv) if petitioning he or she may file the petition on his
15 or her own or with the assistance of an attorney. The failure
16 of the judge to inform the delinquent minor of his or her right
17 to petition for expungement as provided by law does not create
18 a substantive right, nor is that failure grounds for: (i) a
19 reversal of an adjudication of delinquency; ~~or~~ (ii) a new trial;
20 or (iii) an appeal.

21 (2.7) (Blank).

22 (2.8) (Blank).

23 (3) (Blank).

24 (3.1) (Blank).

25 (3.2) (Blank).

26 (3.3) (Blank).

1 (4) (Blank).

2 (5) (Blank).

3 (5.5) Whether or not expunged, records eligible for
4 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
5 (0.3) (a) may be treated as expunged by the individual subject
6 to the records.

7 (6) (Blank).

8 (6.5) The Department of State Police or any employee of the
9 Department shall be immune from civil or criminal liability for
10 failure to expunge any records of arrest that are subject to
11 expungement under this Section because of inability to verify a
12 record. Nothing in this Section shall create Department of
13 State Police liability or responsibility for the expungement of
14 juvenile law enforcement records it does not possess.

15 (7) (Blank).

16 (7.5) (Blank).

17 ~~(8) (a) (Blank). (b) (Blank). (c)~~ The expungement of
18 juvenile law enforcement or juvenile court records under
19 subsection (0.1), (0.2), or (0.3) of this Section shall be
20 funded by appropriation by the General Assembly for that
21 purpose.

22 (9) (Blank).

23 (10) (Blank).

24 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
25 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
26 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; 100-1162,

1 eff. 12-20-18; revised 7-16-19.)

2 Section 920. The State Finance Act is amended by adding
3 Section 5.930 as follows:

4 (30 ILCS 105/5.930 new)

5 Sec. 5.930. The Student Safety Fund.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 100/5-45.1 new

5 5 ILCS 140/7 from Ch. 116, par. 207

6 20 ILCS 2605/2605-615 new

7 705 ILCS 405/5-915

8 30 ILCS 105/5.930 new