



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3023

Introduced 2/19/2021, by Rep. Keith R. Wheeler

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-7

from Ch. 37, par. 801-7

Amends the Juvenile Court Act of 1987. Provides that the name of the minor who is the alleged offender named in a juvenile law enforcement record may be disclosed to the victim or alleged victim named in the law enforcement record upon request by the victim, in writing, to the law enforcement agency for the name of the minor who is the alleged offender named in the law enforcement record, unless the law enforcement agency determines that the release of the information would impede the criminal investigation of the case described in the law enforcement record. Provides that upon receipt of the written request, the law enforcement agency shall provide the identity of the offender or alleged offender to the victim within 30 days after receipt of the request. Provides that the victim or alleged victim named in the law enforcement record, before receiving the information, shall sign an affidavit provided by the law enforcement agency stating that he or she will not disclose the information contained in the law enforcement record to the public, but the victim may use the information for civil litigation purposes. Provides that the identity of the offender or alleged offender may not be publicly disclosed by the victim or alleged victim, except for civil litigation purposes.

LRB102 11915 KMF 17251 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 Section 1-7 as follows:

6 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

7 Sec. 1-7. Confidentiality of juvenile law enforcement and  
8 municipal ordinance violation records.

9 (A) All juvenile law enforcement records which have not  
10 been expunged are confidential and may never be disclosed to  
11 the general public or otherwise made widely available.  
12 Juvenile law enforcement records may be obtained only under  
13 this Section and Section 1-8 and Part 9 of Article V of this  
14 Act, when their use is needed for good cause and with an order  
15 from the juvenile court, as required by those not authorized  
16 to retain them. Inspection, copying, and disclosure of  
17 juvenile law enforcement records maintained by law enforcement  
18 agencies or records of municipal ordinance violations  
19 maintained by any State, local, or municipal agency that  
20 relate to a minor who has been investigated, arrested, or  
21 taken into custody before his or her 18th birthday shall be  
22 restricted to the following:

23 (0.05) The minor who is the subject of the juvenile

1 law enforcement record, his or her parents, guardian, and  
2 counsel.

3 (0.10) Judges of the circuit court and members of the  
4 staff of the court designated by the judge.

5 (0.15) An administrative adjudication hearing officer  
6 or members of the staff designated to assist in the  
7 administrative adjudication process.

8 (1) Any local, State, or federal law enforcement  
9 officers or designated law enforcement staff of any  
10 jurisdiction or agency when necessary for the discharge of  
11 their official duties during the investigation or  
12 prosecution of a crime or relating to a minor who has been  
13 adjudicated delinquent and there has been a previous  
14 finding that the act which constitutes the previous  
15 offense was committed in furtherance of criminal  
16 activities by a criminal street gang, or, when necessary  
17 for the discharge of its official duties in connection  
18 with a particular investigation of the conduct of a law  
19 enforcement officer, an independent agency or its staff  
20 created by ordinance and charged by a unit of local  
21 government with the duty of investigating the conduct of  
22 law enforcement officers. For purposes of this Section,  
23 "criminal street gang" has the meaning ascribed to it in  
24 Section 10 of the Illinois Streetgang Terrorism Omnibus  
25 Prevention Act.

26 (2) Prosecutors, public defenders, probation officers,

1 social workers, or other individuals assigned by the court  
2 to conduct a pre-adjudication or pre-disposition  
3 investigation, and individuals responsible for supervising  
4 or providing temporary or permanent care and custody for  
5 minors under the order of the juvenile court, when  
6 essential to performing their responsibilities.

7 (3) Federal, State, or local prosecutors, public  
8 defenders, probation officers, and designated staff:

9 (a) in the course of a trial when institution of  
10 criminal proceedings has been permitted or required  
11 under Section 5-805;

12 (b) when institution of criminal proceedings has  
13 been permitted or required under Section 5-805 and the  
14 minor is the subject of a proceeding to determine the  
15 amount of bail;

16 (c) when criminal proceedings have been permitted  
17 or required under Section 5-805 and the minor is the  
18 subject of a pre-trial investigation, pre-sentence  
19 investigation, fitness hearing, or proceedings on an  
20 application for probation; or

21 (d) in the course of prosecution or administrative  
22 adjudication of a violation of a traffic, boating, or  
23 fish and game law, or a county or municipal ordinance.

24 (4) Adult and Juvenile Prisoner Review Board.

25 (5) Authorized military personnel.

26 (5.5) Employees of the federal government authorized

1 by law.

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

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

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

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

26 (i) any violation of Article 24 of the

1 Criminal Code of 1961 or the Criminal Code of  
2 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  
18 2012.

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

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

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

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

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

25 (10) The president of a park district. Inspection and  
26 copying shall be limited to juvenile law enforcement



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

10 (11) Persons managing and designated to participate in  
11 a court diversion program as designated in subsection (6)  
12 of Section 5-105.

13 (12) The Public Access Counselor of the Office of the  
14 Attorney General, when reviewing juvenile law enforcement  
15 records under its powers and duties under the Freedom of  
16 Information Act.

17 (13) Collection agencies, contracted or otherwise  
18 engaged by a governmental entity, to collect any debts due  
19 and owing to the governmental entity.

20 (14) The victim or alleged victim named in a law  
21 enforcement record upon request by the victim, in writing,  
22 to the law enforcement agency for the name of the minor who  
23 is the alleged offender named in the law enforcement  
24 record, unless the law enforcement agency determines that  
25 the release of the information would impede the criminal  
26 investigation of the case described in the law enforcement

1 record. Upon receipt of the written request, the law  
2 enforcement agency shall provide the identity of the  
3 offender or alleged offender to the victim within 30 days  
4 after receipt of the request. The victim or alleged victim  
5 named in the law enforcement record, before receiving the  
6 information, shall sign an affidavit provided by the law  
7 enforcement agency stating that he or she will not  
8 disclose the information contained in the law enforcement  
9 record to the public, but the victim may use the  
10 information for civil litigation purposes. The identity of  
11 the offender or alleged offender may not be publicly  
12 disclosed by the victim or alleged victim, except for  
13 civil litigation purposes.

14 (B)(1) Except as provided in paragraph (2), no law  
15 enforcement officer or other person or agency may knowingly  
16 transmit to the Department of Corrections, Department of State  
17 Police, or to the Federal Bureau of Investigation any  
18 fingerprint or photograph relating to a minor who has been  
19 arrested or taken into custody before his or her 18th  
20 birthday, unless the court in proceedings under this Act  
21 authorizes the transmission or enters an order under Section  
22 5-805 permitting or requiring the institution of criminal  
23 proceedings.

24 (2) Law enforcement officers or other persons or agencies  
25 shall transmit to the Department of State Police copies of  
26 fingerprints and descriptions of all minors who have been

1 arrested or taken into custody before their 18th birthday for  
2 the offense of unlawful use of weapons under Article 24 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012, a Class X  
4 or Class 1 felony, a forcible felony as defined in Section 2-8  
5 of the Criminal Code of 1961 or the Criminal Code of 2012, or a  
6 Class 2 or greater felony under the Cannabis Control Act, the  
7 Illinois Controlled Substances Act, the Methamphetamine  
8 Control and Community Protection Act, or Chapter 4 of the  
9 Illinois Vehicle Code, pursuant to Section 5 of the Criminal  
10 Identification Act. Information reported to the Department  
11 pursuant to this Section may be maintained with records that  
12 the Department files pursuant to Section 2.1 of the Criminal  
13 Identification Act. Nothing in this Act prohibits a law  
14 enforcement agency from fingerprinting a minor taken into  
15 custody or arrested before his or her 18th birthday for an  
16 offense other than those listed in this paragraph (2).

17 (C) The records of law enforcement officers, or of an  
18 independent agency created by ordinance and charged by a unit  
19 of local government with the duty of investigating the conduct  
20 of law enforcement officers, concerning all minors under 18  
21 years of age must be maintained separate from the records of  
22 arrests and may not be open to public inspection or their  
23 contents disclosed to the public. For purposes of obtaining  
24 documents under this Section, a civil subpoena is not an order  
25 of the court.

26 (1) In cases where the law enforcement, or independent

1 agency, records concern a pending juvenile court case, the  
2 party seeking to inspect the records shall provide actual  
3 notice to the attorney or guardian ad litem of the minor  
4 whose records are sought.

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

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

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

1 purpose of the identification or apprehension of any person  
2 subject to the provisions of this Act or for the investigation  
3 or prosecution of any crime.

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

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

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

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

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

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

13 (H-5) Nothing in this Section shall require any court or  
14 adjudicative proceeding for traffic, boating, fish and game  
15 law, or municipal and county ordinance violations to be closed  
16 to the public.

17 (I) Willful violation of this Section is a Class C  
18 misdemeanor and each violation is subject to a fine of \$1,000.  
19 This subsection (I) shall not apply to the person who is the  
20 subject of the record.

21 (J) A person convicted of violating this Section is liable  
22 for damages in the amount of \$1,000 or actual damages,  
23 whichever is greater.

24 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;  
25 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff.  
26 12-20-18.)