



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5242

Introduced 1/31/2022, by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-7

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 22787 RLC 31936 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)

7 (Text of Section before amendment by P.A. 101-652)

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

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

1 (0.05) The minor who is the subject of the juvenile
2 law enforcement record, his or her parents, guardian, and
3 counsel.

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

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

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

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

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

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

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

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

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

1 (4) Adult and Juvenile Prisoner Review Board.

2 (5) Authorized military personnel.

3 (5.5) Employees of the federal government authorized
4 by law.

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

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

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

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

1 within the school district who has been arrested or
2 taken into custody for any of the following offenses:

3 (i) any violation of Article 24 of the
4 Criminal Code of 1961 or the Criminal Code of
5 2012;

6 (ii) a violation of the Illinois Controlled
7 Substances Act;

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

9 (iv) a forcible felony as defined in Section
10 2-8 of the Criminal Code of 1961 or the Criminal
11 Code of 2012;

12 (v) a violation of the Methamphetamine Control
13 and Community Protection Act;

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

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

17 (viii) a violation of Section 12-1, 12-2,
18 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
19 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
20 Criminal Code of 1961 or the Criminal Code of
21 2012.

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

1 school official or officials whom the school has
2 determined to have a legitimate educational or safety
3 interest to aid in the proper rehabilitation of the
4 child and to protect the safety of students and
5 employees in the school. If the designated law
6 enforcement and school officials deem it to be in the
7 best interest of the minor, the student may be
8 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 juvenile law
24 enforcement records, and shall be used solely by the
25 appropriate school official or officials to protect
26 the safety of students and employees in the school and

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

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

1 persons commitment proceedings.

2 (10) The president of a park district. Inspection and
3 copying shall be limited to juvenile law enforcement
4 records transmitted to the president of the park district
5 by the Illinois State Police under Section 8-23 of the
6 Park District Code or Section 16a-5 of the Chicago Park
7 District Act concerning a person who is seeking employment
8 with that park district and who has been adjudicated a
9 juvenile delinquent for any of the offenses listed in
10 subsection (c) of Section 8-23 of the Park District Code
11 or subsection (c) of Section 16a-5 of the Chicago Park
12 District Act.

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

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

20 (13) Collection agencies, contracted or otherwise
21 engaged by a governmental entity, to collect any debts due
22 and owing to the governmental entity.

23 (14) The victim or alleged victim named in a law
24 enforcement record upon request by the victim, in writing,
25 to the law enforcement agency for the name of the minor who
26 is the alleged offender named in the law enforcement

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

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

26 (2) Law enforcement officers or other persons or agencies

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

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

1 of the court.

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

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

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

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

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

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

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

23 (G) Nothing in this Section shall prohibit the right of a
24 Civil Service Commission or appointing authority of any
25 federal government, state, county or municipality examining
26 the character and fitness of an applicant for employment with

1 a law enforcement agency, correctional institution, or fire
2 department from obtaining and examining the records of any law
3 enforcement agency relating to any record of the applicant
4 having been arrested or taken into custody before the
5 applicant's 18th birthday.

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

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

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

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

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

26 (Source: P.A. 102-538, eff. 8-20-21.)

1 (Text of Section after amendment by P.A. 101-652)

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

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

18 (0.05) The minor who is the subject of the juvenile
19 law enforcement record, his or her parents, guardian, and
20 counsel.

21 (0.10) Judges of the circuit court and members of the
22 staff of the court designated by the judge.

23 (0.15) An administrative adjudication hearing officer
24 or members of the staff designated to assist in the
25 administrative adjudication process.

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

19 (2) Prosecutors, public defenders, probation officers,
20 social workers, or other individuals assigned by the court
21 to conduct a preadjudication ~~pre-adjudication~~ or
22 pre-disposition ~~pre-disposition~~ investigation, and
23 individuals responsible for supervising or providing
24 temporary or permanent care and custody for minors under
25 the order of the juvenile court, when essential to
26 performing their responsibilities.

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

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

6 (b) when institution of criminal proceedings has
7 been permitted or required under Section 5-805 and the
8 minor is the subject of a proceeding to determine the
9 conditions of pretrial release;

10 (c) when criminal proceedings have been permitted
11 or required under Section 5-805 and the minor is the
12 subject of a pretrial ~~pre-trial~~ investigation,
13 presentence ~~pre-sentence~~ investigation, fitness
14 hearing, or proceedings on an application for
15 probation; or

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

19 (4) Adult and Juvenile Prisoner Review Board.

20 (5) Authorized military personnel.

21 (5.5) Employees of the federal government authorized
22 by law.

23 (6) Persons engaged in bona fide research, with the
24 permission of the Presiding Judge and the chief executive
25 of the respective law enforcement agency; provided that
26 publication of such research results in no disclosure of a

1 minor's identity and protects the confidentiality of the
2 minor's record.

3 (7) Department of Children and Family Services child
4 protection investigators acting in their official
5 capacity.

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

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

21 (i) any violation of Article 24 of the
22 Criminal Code of 1961 or the Criminal Code of
23 2012;

24 (ii) a violation of the Illinois Controlled
25 Substances Act;

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

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

4 (v) a violation of the Methamphetamine Control
5 and Community Protection Act;

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

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

9 (viii) a violation of Section 12-1, 12-2,
10 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
11 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
12 Criminal Code of 1961 or the Criminal Code of
13 2012.

14 The information derived from the juvenile law
15 enforcement records shall be kept separate from and
16 shall not become a part of the official school record
17 of that child and shall not be a public record. The
18 information shall be used solely by the appropriate
19 school official or officials whom the school has
20 determined to have a legitimate educational or safety
21 interest to aid in the proper rehabilitation of the
22 child and to protect the safety of students and
23 employees in the school. If the designated law
24 enforcement and school officials deem it to be in the
25 best interest of the minor, the student may be
26 referred to in-school or community-based social

1 services if those services are available.
2 "Rehabilitation services" may include interventions by
3 school support personnel, evaluation for eligibility
4 for special education, referrals to community-based
5 agencies such as youth services, behavioral healthcare
6 service providers, drug and alcohol prevention or
7 treatment programs, and other interventions as deemed
8 appropriate for the student.

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

1 prosecutors in pursuing criminal charges arising out
2 of the information disclosed during a police
3 investigation of the minor. For purposes of this
4 paragraph, "investigation" means an official
5 systematic inquiry by a law enforcement agency into
6 actual or suspected criminal activity.

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

20 (10) The president of a park district. Inspection and
21 copying shall be limited to juvenile law enforcement
22 records transmitted to the president of the park district
23 by the Illinois State Police under Section 8-23 of the
24 Park District Code or Section 16a-5 of the Chicago Park
25 District Act concerning a person who is seeking employment
26 with that park district and who has been adjudicated a

1 juvenile delinquent for any of the offenses listed in
2 subsection (c) of Section 8-23 of the Park District Code
3 or subsection (c) of Section 16a-5 of the Chicago Park
4 District Act.

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

8 (12) The Public Access Counselor of the Office of the
9 Attorney General, when reviewing juvenile law enforcement
10 records under its powers and duties under the Freedom of
11 Information Act.

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

15 (14) The victim or alleged victim named in a law
16 enforcement record upon request by the victim, in writing,
17 to the law enforcement agency for the name of the minor who
18 is the alleged offender named in the law enforcement
19 record, unless the law enforcement agency determines that
20 the release of the information would impede the criminal
21 investigation of the case described in the law enforcement
22 record. Upon receipt of the written request, the law
23 enforcement agency shall provide the identity of the
24 offender or alleged offender to the victim within 30 days
25 after receipt of the request. The victim or alleged victim
26 named in the law enforcement record, before receiving the

1 information, shall sign an affidavit provided by the law
2 enforcement agency stating that he or she will not
3 disclose the information contained in the law enforcement
4 record to the public, but the victim may use the
5 information for civil litigation purposes. The identity of
6 the offender or alleged offender may not be publicly
7 disclosed by the victim or alleged victim, except for
8 civil litigation purposes.

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

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

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

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

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

25 (2) In cases where the records concern a juvenile
26 court case that is no longer pending, the party seeking to

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

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

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

24 (E) Law enforcement officers, and personnel 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, may not disclose the identity of
2 any minor in releasing information to the general public as to
3 the arrest, investigation, or disposition of any case
4 involving a minor.

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

15 (G) Nothing in this Section shall prohibit the right of a
16 Civil Service Commission or appointing authority of any
17 federal government, state, county or municipality examining
18 the character and fitness of an applicant for employment with
19 a law enforcement agency, correctional institution, or fire
20 department from obtaining and examining the records of any law
21 enforcement agency relating to any record of the applicant
22 having been arrested or taken into custody before the
23 applicant's 18th birthday.

24 (G-5) Information identifying victims and alleged victims
25 of sex offenses shall not be disclosed or open to the public
26 under any circumstances. Nothing in this Section shall

1 prohibit the victim or alleged victim of any sex offense from
2 voluntarily disclosing his or her own identity.

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

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

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

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

18 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
19 revised 10-13-21.)

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

1 Public Act.