

1 AN ACT concerning criminal law.

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

4 Section 5. The Privacy of Child Victims of Criminal Sexual  
5 Offenses Act is amended by changing Section 3 as follows:

6 (725 ILCS 190/3) (from Ch. 38, par. 1453)

7 Sec. 3. Confidentiality of Law Enforcement and Court  
8 Records. Notwithstanding any other law to the contrary,  
9 inspection and copying of law enforcement records maintained  
10 by any law enforcement agency or all circuit court records  
11 maintained by any circuit clerk relating to any investigation  
12 or proceeding pertaining to a criminal sexual offense, by any  
13 person, except a judge, state's attorney, assistant state's  
14 attorney, psychologist, psychiatrist, social worker, doctor,  
15 parent, parole agent, aftercare specialist, probation officer,  
16 defendant or defendant's attorney in any criminal proceeding  
17 or investigation related thereto, shall be restricted to  
18 exclude the identity of any child who is a victim of such  
19 criminal sexual offense or alleged criminal sexual offense  
20 unless a court order is issued authorizing the removal of such  
21 restriction as provided under this Section of a particular  
22 case record or particular records of cases maintained by any  
23 circuit court clerk. A court may for the child's protection

1 and for good cause shown, prohibit any person or agency  
2 present in court from further disclosing the child's identity.

3 When a criminal sexual offense is committed or alleged to  
4 have been committed by a school district employee or any  
5 individual contractually employed by a school district, a copy  
6 of the criminal history record information relating to the  
7 investigation of the offense or alleged offense shall be  
8 transmitted to the superintendent of schools of the district  
9 immediately upon request or if the law enforcement agency  
10 knows that a school district employee or any individual  
11 contractually employed by a school district has committed or  
12 is alleged to have committed a criminal sexual offense, the  
13 superintendent of schools of the district shall be immediately  
14 provided a copy of the criminal history record information.  
15 The superintendent shall be restricted from specifically  
16 revealing the name of the victim without written consent of  
17 the victim or victim's parent or guardian.

18 A court may prohibit such disclosure only after giving  
19 notice and a hearing to all affected parties. In determining  
20 whether to prohibit disclosure of the minor's identity the  
21 court shall consider:

22 (a) the best interest of the child; and

23 (b) whether such nondisclosure would further a  
24 compelling State interest.

25 For the purposes of this Act, "criminal history record  
26 information" means:

1           (i) chronologically maintained arrest information,  
2           such as traditional arrest logs or blotters;

3           (ii) the name of a person in the custody of a law  
4           enforcement agency and the charges for which that person  
5           is being held;

6           (iii) court records that are public;

7           (iv) records that are otherwise available under State  
8           or local law; or

9           (v) records in which the requesting party is the  
10          individual identified, except as provided under part (vii)  
11          of paragraph (c) of subsection (1) of Section 7 of the  
12          Freedom of Information Act.

13          (Source: P.A. 98-558, eff. 1-1-14.)