



Sen. Kimberly A. Lightford

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10200SB2339sam001

LRB102 16187 KMF 23681 a

1 AMENDMENT TO SENATE BILL 2339

2 AMENDMENT NO. _____. Amend Senate Bill 2339 by replacing
3 everything after the enacting clause with the following:

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

7 (725 ILCS 190/3) (from Ch. 38, par. 1453)

8 Sec. 3. Confidentiality of Law Enforcement and Court
9 Records. Notwithstanding any other law to the contrary,
10 inspection and copying of law enforcement records maintained
11 by any law enforcement agency or all circuit court records
12 maintained by any circuit clerk relating to any investigation
13 or proceeding pertaining to a criminal sexual offense, by any
14 person, except a judge, state's attorney, assistant state's
15 attorney, psychologist, psychiatrist, social worker, doctor,
16 parent, parole agent, aftercare specialist, probation officer,

1 defendant or defendant's attorney in any criminal proceeding
2 or investigation related thereto, shall be restricted to
3 exclude the identity of any child who is a victim of such
4 criminal sexual offense or alleged criminal sexual offense
5 unless a court order is issued authorizing the removal of such
6 restriction as provided under this Section of a particular
7 case record or particular records of cases maintained by any
8 circuit court clerk. A court may for the child's protection
9 and for good cause shown, prohibit any person or agency
10 present in court from further disclosing the child's identity.

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

26 A court may prohibit such disclosure only after giving

1 notice and a hearing to all affected parties. In determining
2 whether to prohibit disclosure of the minor's identity the
3 court shall consider:

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

5 (b) whether such nondisclosure would further a
6 compelling State interest.

7 For the purposes of this Act, "criminal history record
8 information" means:

9 (i) chronologically maintained arrest information,
10 such as traditional arrest logs or blotters;

11 (ii) the name of a person in the custody of a law
12 enforcement agency and the charges for which that person
13 is being held;

14 (iii) court records that are public;

15 (iv) records that are otherwise available under State
16 or local law; or

17 (v) records in which the requesting party is the
18 individual identified, except as provided under part (vii)
19 of paragraph (c) of subsection (1) of Section 7 of the
20 Freedom of Information Act.

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