



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2340

Introduced 2/26/2021, by Sen. Kimberly A. Lightford

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Privacy of Adult Victims of Criminal Sexual Offenses Act. Defines "adult victim" and "criminal history record information." Provides that notwithstanding any other law to the contrary, inspection and copying of law enforcement records maintained by any law enforcement agency or all circuit court records maintained by any circuit clerk relating to any investigation or proceeding pertaining to a criminal sexual offense, by any person not exempted by this Act, shall be restricted to exclude the identity of the adult victim without a court order. Provides that when a criminal sexual offense is committed or alleged to have been committed by a school district employee or any individual contractually employed by a school district, a copy of the criminal history record information relating to the investigation of the offense or alleged offense shall be transmitted to the superintendent of schools if certain conditions are met. Makes other changes.

LRB102 16186 KMF 21565 b

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 1. Short title. This Act may be cited as the  
5 Privacy of Adult Victims of Criminal Sexual Offenses Act.

6 Section 5. Definitions.

7 "Adult victim" means any person 18 years of age or older.

8 "Criminal history record information" means:

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

11 (b) 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 (c) court records that are public; records that are  
15 otherwise available under State or local law; or

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

20 Section 10. Victim privacy. Notwithstanding any other law  
21 to the contrary, inspection and copying of law enforcement  
22 records maintained by any law enforcement agency or all

1 circuit court records maintained by any circuit clerk relating  
2 to any investigation or proceeding pertaining to a criminal  
3 sexual offense, by any person, except a judge, state's  
4 attorney, assistant state's attorney, psychologist,  
5 psychiatrist, social worker, doctor, parent, parole agent,  
6 aftercare specialist, probation officer, defendant or  
7 defendant's attorney in any criminal proceeding or  
8 investigation related thereto:

9 (a) shall be restricted to exclude the identity of any  
10 adult victim of such criminal sexual offense or alleged  
11 criminal sexual offense and

12 (b) shall not be restricted to exclude the identity of any  
13 adult who is a victim of such criminal sexual offense or  
14 alleged criminal sexual offense only if a court order is  
15 issued authorizing the disclosure of a particular case or  
16 particular cases records maintained by any circuit court  
17 clerk.

18 A court may for the adult victim's protection and for good  
19 cause shown, prohibit any person or agency present in court  
20 from further disclosing the adult victim's identity.

21 Section 15. Criminal sexual offense and school districts.  
22 When a criminal sexual offense is committed or alleged to have  
23 been committed by a school district employee or any individual  
24 contractually employed by a school district, a copy of the  
25 criminal history record information relating to the

1 investigation of the offense or alleged offense shall be  
2 transmitted to the superintendent of schools of the district  
3 immediately upon request or if the law enforcement agency  
4 knows that a school district employee or any individual  
5 contractually employed by a school district has committed or  
6 is alleged to have committed a criminal sexual offense, the  
7 superintendent of schools of the district shall be immediately  
8 provided a copy of the criminal history record information.  
9 The superintendent shall be restricted from specifically  
10 revealing the name of the adult victim without written consent  
11 of the victim.

12 A court may prohibit such disclosure only after giving  
13 notice and a hearing to all affected parties. In determining  
14 whether to prohibit disclosure of the adult victim's identity  
15 the court shall consider

16 (a) the best interest of the adult victim; and

17 (b) whether such nondisclosure would further a compelling  
18 State interest.