

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 (1) chronologically maintained arrest information,
10 including, but not limited to, traditional arrest logs or
11 blotters;

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

15 (3) court records that are public, and records that
16 are otherwise available under State or local law; or

17 (4) 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 Section 10. Victim privacy. Notwithstanding any other law
22 to the contrary, inspection and copying of law enforcement

1 records maintained by any law enforcement agency or all
2 circuit court records maintained by any circuit clerk relating
3 to any investigation or proceeding pertaining to a criminal
4 sexual offense, by any person, except a judge, State's
5 Attorney, Assistant State's Attorney, Attorney General,
6 Assistant Attorney General, psychologist, psychiatrist, social
7 worker, doctor, parole agent, aftercare specialist, probation
8 officer, defendant, defendant's attorney, advocate, or
9 victim's attorney (as defined in Section 3 of the Illinois
10 Rights of Crime Victims and Witnesses Act) in any criminal
11 proceeding or investigation related thereto shall be
12 restricted to exclude the identity of any adult victim of such
13 criminal sexual offense or alleged criminal sexual offense
14 unless a court order is issued authorizing the removal of such
15 restriction as provided under this Section of a particular
16 case record or particular records of cases maintained by any
17 circuit court 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. A court
21 may prohibit such disclosure only after giving notice and a
22 hearing to all affected parties. In determining whether to
23 prohibit disclosure of the adult victim's identity the court
24 shall consider:

- 25 (1) the best interest of the adult victim; and
26 (2) whether such nondisclosure would further a

1 compelling State interest.

2 Section 15. Criminal sexual offense and school districts.
3 When a criminal sexual offense is committed or alleged to have
4 been committed by a school district employee or any individual
5 contractually employed by a school district, a copy of the
6 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 copy of the criminal history record information that is to
16 be provided under this Section shall exclude the identity of
17 the adult victim. The superintendent shall be restricted from
18 revealing the identity of the adult victim.