



Sen. Kimberly A. Lightford

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10200SB2340sam001

LRB102 16186 KMF 23716 a

1 AMENDMENT TO SENATE BILL 2340

2 AMENDMENT NO. _____. Amend Senate Bill 2340 by replacing
3 everything after the enacting clause with the following:

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

1 individual identified, except as provided under part (vii)
2 of paragraph (c) of subsection (1) of Section 7 of the
3 Freedom of Information Act.

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

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

24 Section 15. Criminal sexual offense and school districts.

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

16 A court may prohibit such disclosure only after giving
17 notice and a hearing to all affected parties. In determining
18 whether to prohibit disclosure of the adult victim's identity
19 the court shall consider

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

21 (b) whether such nondisclosure would further a compelling
22 State interest.".