

1 AN ACT concerning schools.

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 Student Confidential Reporting Act.

6 Section 5. Definitions. In this Act:

7 "Safe2Help Illinois" means a school helpline involving a
8 statewide toll-free telephone number, social media, a website,
9 or other means of communication, or a combination of a
10 toll-free telephone number and another means of communication,
11 that transmits voice, text, photographic, or other messages
12 and information to the Safe2Help Illinois operators.

13 "Safe2Help Illinois Manager" means the designated program
14 manager that works in collaboration with all agencies involved
15 in Safe2Help Illinois, providing marketing, and logistical
16 support to the implementation of the Safe2Help Illinois
17 Program.

18 "School" means a public or nonpublic school offering any
19 grade from kindergarten through 12, regardless of whether
20 school is in session. "School" includes all school property.

21 "School employee" means a full-time or part-time employee
22 of a school or school district, including a school
23 administrator, a volunteer with a school or school district,

1 or any other person who provides services to a school or school
2 district, while he or she is on school property. A person
3 described in this definition is considered a school employee
4 regardless of whether school is in session.

5 "School site" means a building, a playing field, or
6 property used for school purposes to impart instruction to
7 school students or used for school purposes, functions, or
8 events, regardless of whether school is in session. "School
9 property" includes a school bus.

10 "School student" means a person who is enrolled as a
11 student in a school regardless of whether school is in
12 session.

13 Section 10. Safe2Help Illinois program management and
14 administration.

15 (a) The Illinois State Police, in consultation with the
16 Illinois Emergency Management Agency, State Board of
17 Education, Department of Human Services, and Department of
18 Children and Family Services shall, to the extent that funds
19 are appropriated for that purpose, establish a program for
20 receiving reports and other information from the public
21 regarding potential self-harm or potential harm or criminal
22 acts directed at school students, school employees, or schools
23 in this State. The Illinois State Police shall establish the
24 program in accordance with this Act. The Illinois State Police
25 shall have access to the information needed to meet the

1 reporting requirements of Section 35.

2 (b) The program shall include a Safe2Help Illinois
3 helpline for operators to receive reports and information from
4 the general public as described in subsection (a). The
5 helpline shall be available for use 24 hours a day, 365 days a
6 year.

7 (c) The Department of Innovation and Technology shall
8 operate a dedicated website to provide mental health
9 information for students, promotional information to local law
10 enforcement officials, school officials, and the general
11 public regarding the program.

12 (d) Beginning on the date that Safe2Help Illinois is
13 operational, any State or locally operated school violence
14 help line currently in operation shall work in conjunction
15 with Safe2Help Illinois as needed. The CPS Violence Prevention
16 Hotline established under Section 34-21.8 of the School Code
17 and the Safe2Help Illinois shall cooperate with each other. If
18 the Safe2Help Illinois helpline receives information about
19 incidents occurring in the Chicago public schools, it shall
20 transmit that information to the CPS Violence Prevention
21 Hotline. For the purposes of this subsection (d), a
22 State-operated school violence help line does not include the
23 CPS Violence Prevention Hotline established under Section
24 34-21.8 of the School Code. Instead, the Illinois State Police
25 shall work in conjunction with the Chicago Board of Education
26 and the Chicago Police Department to direct all applicable

1 calls received by Safe2Help to the CPS Violence Prevention
2 Hotline.

3 (e) The Illinois State Police shall be responsible for the
4 continued operational oversight of the program. The program
5 shall provide for a means to review all reports and
6 information submitted through Safe2Help Illinois and to direct
7 those reports and that information, including any analysis of
8 the potential threat as determined appropriate by the Illinois
9 State Police, to local law enforcement officials and school
10 officials.

11 (f) The Illinois State Police shall ensure that program
12 personnel or call center staff, or both, are appropriately
13 trained in the following areas:

14 (1) crisis management, including recognizing mental
15 illness and emotional disturbance;

16 (2) the resources that are available for providing
17 mental health and other human services;

18 (3) matters determined by the Illinois State Police to
19 be relevant to the operation of the program; and

20 (4) handling of criminal intelligence information
21 regarding primary and data collection, storage, and
22 dissemination.

23 (g) A report or other information submitted to the program
24 is considered to be a report to a law enforcement agency and
25 shall be maintained as a record by the Illinois State Police
26 for at least 5 years, subject to the confidentiality

1 requirements of this Act.

2 (h) The Illinois State Police shall ensure that any
3 information submitted to the program where mental health
4 services are needed will be referred to the appropriate
5 centralized reporting system as provided in Section 76 of the
6 Mental Health and Developmental Disabilities Administrative
7 Act.

8 Section 15. Management of confidential information.

9 (a) Any report or information submitted to the program
10 under Section 10 is confidential, may not be released except
11 as otherwise provided in this Act or in the Juvenile Court Act
12 of 1987, and is not subject to disclosure under the Freedom of
13 Information Act.

14 (b) Any report or information submitted to the program and
15 forwarded by the vendor described in subsection (d) of Section
16 10 to a law enforcement official or to a school official is
17 confidential, may not be released except as otherwise provided
18 in this Act, and is not subject to disclosure under the Freedom
19 of Information Act.

20 (c) A person who intentionally discloses information to
21 another person in violation of subsection (a) or (b) commits a
22 Class C misdemeanor.

23 Section 20. Exemptions to confidentiality of reported
24 information. Information regarding a report or information

1 submitted to the program under Section 10, including any
2 identifying information, may be disclosed as follows:

3 (1) By the Illinois State Police, a law enforcement
4 agency, a school, or a community mental health service
5 program or an employee of one of those entities acting in
6 the course of his or her duties. However, this paragraph
7 (1) does not allow the disclosure of information that
8 would identify the person who submitted the report or
9 information to the program under Section 10, except for an
10 imminent threat that poses a clear and present danger to
11 the person.

12 (2) With the permission of the person or, if the
13 person is a minor, with the permission of the minor and his
14 or her parents or guardian.

15 (3) Pursuant to a court order issued under Section 25.

16 Section 25. Release of confidential information.

17 (a) A person who is charged with a criminal offense as a
18 result of a report or information submitted under Section 10
19 may petition the court for disclosure of the report or
20 information, including any identifying information, as
21 provided in this subsection (a). The State's Attorney having
22 jurisdiction shall be notified of the petition not less than 7
23 days before the hearing on the petition, or as otherwise
24 provided by the court, and have the right to appear in the
25 proceedings to oppose the petition.

1 If a petition is filed under this subsection (a), the
2 court may conduct a hearing on the petition. If a hearing is
3 conducted, it shall be conducted in chambers outside of the
4 presence of the petitioner.

5 If the court determines that the report or information,
6 including any identifying information, is relevant to the
7 criminal proceedings and is essential to the fair trial of the
8 person, the court may order the disclosure of that report or
9 information, including any identifying information, as
10 determined appropriate by the court.

11 The court may place restrictions on the release and use of
12 the report or information, including any identifying
13 information, obtained under this subsection (a) or may redact
14 material as it considers appropriate. Material reviewed by the
15 court that is not ordered released or that is redacted shall be
16 maintained by the court under seal for purposes of appeal
17 only.

18 (b) If the State's Attorney has reason to believe that a
19 report or other information provided under Section 10 was
20 falsely provided to the Illinois State Police, the State's
21 Attorney may petition the court to disclose the report or
22 information, including any identifying information.

23 The Attorney General shall be notified of the petition not
24 less than 7 days before the hearing on the petition, or as
25 otherwise provided by the court, and has the right to appear in
26 the proceedings to oppose the petition.

1 If the court determines that there is reason to believe
2 that the report or information may have been falsely provided,
3 the court may order the disclosure of the report or
4 information, including any identifying information, as
5 determined appropriate by the court.

6 The court may place restrictions on the release and use of
7 the report or information, including any identifying
8 information, obtained under this subsection (b) or may redact
9 material as it considers appropriate. Material reviewed by the
10 court that is not ordered released or that is redacted shall be
11 maintained by the court under seal for purposes of appeal
12 only.

13 (c) The Attorney General may also appear in any other
14 action to oppose the release of any report or information
15 obtained under Section 10, including any identifying
16 information.

17 Section 30. Funding.

18 (a) The Illinois State Police may receive money or other
19 assets from any source for deposit into the State Police
20 Operations Assistance Fund. All moneys deposited under this
21 Act into the State Police Operations Assistance Fund shall be
22 used, subject to appropriation, by the Illinois State Police
23 only for one or more of the following purposes:

24 (1) To pay the costs of the Illinois State Police for
25 administering this Act.

1 (2) To pay the costs of personnel to staff the program
2 under Section 10.

3 (3) To pay for equipment and software for operating
4 the program.

5 (4) To promote public awareness of the program,
6 including the availability of Safe2Help Illinois and the
7 dedicated website under subsection (c) of Section 10.

8 (5) To support the delivery of training and education
9 on topics that address prevention of potential harm or
10 criminal activities directed at school students, school
11 employees, and schools.

12 (b) The Illinois State Police may also accept
13 contributions, grants, gifts, assets, donations, services, or
14 other financial assistance from any individual, association,
15 corporation, or other organization having a legitimate
16 interest in the Safe2Help Illinois helpline and the health and
17 well-being of students which shall be deposited in the State
18 Police Operations Assistance Fund.

19 Section 35. Procurement; rulemaking.

20 The Illinois State Police, in consultation with and
21 subject to the approval of the Chief Procurement Officer, may
22 procure a single contract or multiple contracts to implement
23 the provisions of this Act. A contract or contracts under this
24 subsection are not subject to the provisions of the Illinois
25 Procurement Code, except for Sections 20-60, 20-65, 20-70, and

1 20-160 and Article 50 of that Code, provided that the Chief
2 Procurement Officer may, in writing with justification, waive
3 any certification required under Article 50.

4 Section 40. Annual reporting. The Safe2Help Illinois
5 program manager, in consultation with the Illinois State
6 Police and the State Board of Education, shall prepare an
7 annual report under this Act. The report shall be filed no
8 later than 90 days after the conclusion of the calendar year.
9 Copies of the report shall be filed with the Governor and the
10 General Assembly as provided in Section 3.1 of the General
11 Assembly Organization Act. The report shall also be maintained
12 on the dedicated Safe2Help Illinois website under subsection
13 (c) of Section 10. The report shall contain, but is not limited
14 to, all of the following information:

15 (1) The number of reports submitted to the program
16 under Section 10.

17 (2) The number of reports submitted to the program
18 that are forwarded to local law enforcement officials and
19 school officials.

20 (3) The number of reports submitted to the program
21 resulting in referrals for human services.

22 (4) The nature of the reports and information
23 submitted to the program in categories established by the
24 Illinois State Police.

25 (5) An analysis of the overall effectiveness of the

1 program in addressing potential self-harm or potential
2 harm or criminal acts directed at schools, school
3 employees, and school students.

4 Section 45. Immunity. A Safe2Help Illinois helpline
5 employee, law enforcement agency, or law enforcement official
6 acting in good faith in compliance with this Act shall have
7 immunity from any civil or criminal liability that might
8 otherwise occur as a result of handling tips described in this
9 Act, with the exception of willful or wanton misconduct.

10 Section 905. The Freedom of Information Act is amended by
11 changing Section 7 as follows:

12 (5 ILCS 140/7) (from Ch. 116, par. 207)

13 Sec. 7. Exemptions.

14 (1) When a request is made to inspect or copy a public
15 record that contains information that is exempt from
16 disclosure under this Section, but also contains information
17 that is not exempt from disclosure, the public body may elect
18 to redact the information that is exempt. The public body
19 shall make the remaining information available for inspection
20 and copying. Subject to this requirement, the following shall
21 be exempt from inspection and copying:

22 (a) Information specifically prohibited from
23 disclosure by federal or State law or rules and

1 regulations implementing federal or State law.

2 (b) Private information, unless disclosure is required
3 by another provision of this Act, a State or federal law or
4 a court order.

5 (b-5) Files, documents, and other data or databases
6 maintained by one or more law enforcement agencies and
7 specifically designed to provide information to one or
8 more law enforcement agencies regarding the physical or
9 mental status of one or more individual subjects.

10 (c) Personal information contained within public
11 records, the disclosure of which would constitute a
12 clearly unwarranted invasion of personal privacy, unless
13 the disclosure is consented to in writing by the
14 individual subjects of the information. "Unwarranted
15 invasion of personal privacy" means the disclosure of
16 information that is highly personal or objectionable to a
17 reasonable person and in which the subject's right to
18 privacy outweighs any legitimate public interest in
19 obtaining the information. The disclosure of information
20 that bears on the public duties of public employees and
21 officials shall not be considered an invasion of personal
22 privacy.

23 (d) Records in the possession of any public body
24 created in the course of administrative enforcement
25 proceedings, and any law enforcement or correctional
26 agency for law enforcement purposes, but only to the

1 extent that disclosure would:

2 (i) interfere with pending or actually and
3 reasonably contemplated law enforcement proceedings
4 conducted by any law enforcement or correctional
5 agency that is the recipient of the request;

6 (ii) interfere with active administrative
7 enforcement proceedings conducted by the public body
8 that is the recipient of the request;

9 (iii) create a substantial likelihood that a
10 person will be deprived of a fair trial or an impartial
11 hearing;

12 (iv) unavoidably disclose the identity of a
13 confidential source, confidential information
14 furnished only by the confidential source, or persons
15 who file complaints with or provide information to
16 administrative, investigative, law enforcement, or
17 penal agencies; except that the identities of
18 witnesses to traffic accidents, traffic accident
19 reports, and rescue reports shall be provided by
20 agencies of local government, except when disclosure
21 would interfere with an active criminal investigation
22 conducted by the agency that is the recipient of the
23 request;

24 (v) disclose unique or specialized investigative
25 techniques other than those generally used and known
26 or disclose internal documents of correctional

1 agencies related to detection, observation or
2 investigation of incidents of crime or misconduct, and
3 disclosure would result in demonstrable harm to the
4 agency or public body that is the recipient of the
5 request;

6 (vi) endanger the life or physical safety of law
7 enforcement personnel or any other person; or

8 (vii) obstruct an ongoing criminal investigation
9 by the agency that is the recipient of the request.

10 (d-5) A law enforcement record created for law
11 enforcement purposes and contained in a shared electronic
12 record management system if the law enforcement agency
13 that is the recipient of the request did not create the
14 record, did not participate in or have a role in any of the
15 events which are the subject of the record, and only has
16 access to the record through the shared electronic record
17 management system.

18 (d-6) Records contained in the Officer Professional
19 Conduct Database under Section 9.2 ~~9.4~~ of the Illinois
20 Police Training Act, except to the extent authorized under
21 that Section. This includes the documents supplied to the
22 Illinois Law Enforcement Training Standards Board from the
23 Illinois State Police and Illinois State Police Merit
24 Board.

25 (e) Records that relate to or affect the security of
26 correctional institutions and detention facilities.

1 (e-5) Records requested by persons committed to the
2 Department of Corrections, Department of Human Services
3 Division of Mental Health, or a county jail if those
4 materials are available in the library of the correctional
5 institution or facility or jail where the inmate is
6 confined.

7 (e-6) Records requested by persons committed to the
8 Department of Corrections, Department of Human Services
9 Division of Mental Health, or a county jail if those
10 materials include records from staff members' personnel
11 files, staff rosters, or other staffing assignment
12 information.

13 (e-7) Records requested by persons committed to the
14 Department of Corrections or Department of Human Services
15 Division of Mental Health if those materials are available
16 through an administrative request to the Department of
17 Corrections or Department of Human Services Division of
18 Mental Health.

19 (e-8) Records requested by a person committed to the
20 Department of Corrections, Department of Human Services
21 Division of Mental Health, or a county jail, the
22 disclosure of which would result in the risk of harm to any
23 person or the risk of an escape from a jail or correctional
24 institution or facility.

25 (e-9) Records requested by a person in a county jail
26 or committed to the Department of Corrections or

1 Department of Human Services Division of Mental Health,
2 containing personal information pertaining to the person's
3 victim or the victim's family, including, but not limited
4 to, a victim's home address, home telephone number, work
5 or school address, work telephone number, social security
6 number, or any other identifying information, except as
7 may be relevant to a requester's current or potential case
8 or claim.

9 (e-10) Law enforcement records of other persons
10 requested by a person committed to the Department of
11 Corrections, Department of Human Services Division of
12 Mental Health, or a county jail, including, but not
13 limited to, arrest and booking records, mug shots, and
14 crime scene photographs, except as these records may be
15 relevant to the requester's current or potential case or
16 claim.

17 (f) Preliminary drafts, notes, recommendations,
18 memoranda and other records in which opinions are
19 expressed, or policies or actions are formulated, except
20 that a specific record or relevant portion of a record
21 shall not be exempt when the record is publicly cited and
22 identified by the head of the public body. The exemption
23 provided in this paragraph (f) extends to all those
24 records of officers and agencies of the General Assembly
25 that pertain to the preparation of legislative documents.

26 (g) Trade secrets and commercial or financial

1 information obtained from a person or business where the
2 trade secrets or commercial or financial information are
3 furnished under a claim that they are proprietary,
4 privileged, or confidential, and that disclosure of the
5 trade secrets or commercial or financial information would
6 cause competitive harm to the person or business, and only
7 insofar as the claim directly applies to the records
8 requested.

9 The information included under this exemption includes
10 all trade secrets and commercial or financial information
11 obtained by a public body, including a public pension
12 fund, from a private equity fund or a privately held
13 company within the investment portfolio of a private
14 equity fund as a result of either investing or evaluating
15 a potential investment of public funds in a private equity
16 fund. The exemption contained in this item does not apply
17 to the aggregate financial performance information of a
18 private equity fund, nor to the identity of the fund's
19 managers or general partners. The exemption contained in
20 this item does not apply to the identity of a privately
21 held company within the investment portfolio of a private
22 equity fund, unless the disclosure of the identity of a
23 privately held company may cause competitive harm.

24 Nothing contained in this paragraph (g) shall be
25 construed to prevent a person or business from consenting
26 to disclosure.

1 (h) Proposals and bids for any contract, grant, or
2 agreement, including information which if it were
3 disclosed would frustrate procurement or give an advantage
4 to any person proposing to enter into a contractor
5 agreement with the body, until an award or final selection
6 is made. Information prepared by or for the body in
7 preparation of a bid solicitation shall be exempt until an
8 award or final selection is made.

9 (i) Valuable formulae, computer geographic systems,
10 designs, drawings and research data obtained or produced
11 by any public body when disclosure could reasonably be
12 expected to produce private gain or public loss. The
13 exemption for "computer geographic systems" provided in
14 this paragraph (i) does not extend to requests made by
15 news media as defined in Section 2 of this Act when the
16 requested information is not otherwise exempt and the only
17 purpose of the request is to access and disseminate
18 information regarding the health, safety, welfare, or
19 legal rights of the general public.

20 (j) The following information pertaining to
21 educational matters:

22 (i) test questions, scoring keys and other
23 examination data used to administer an academic
24 examination;

25 (ii) information received by a primary or
26 secondary school, college, or university under its

1 procedures for the evaluation of faculty members by
2 their academic peers;

3 (iii) information concerning a school or
4 university's adjudication of student disciplinary
5 cases, but only to the extent that disclosure would
6 unavoidably reveal the identity of the student; and

7 (iv) course materials or research materials used
8 by faculty members.

9 (k) Architects' plans, engineers' technical
10 submissions, and other construction related technical
11 documents for projects not constructed or developed in
12 whole or in part with public funds and the same for
13 projects constructed or developed with public funds,
14 including, but not limited to, power generating and
15 distribution stations and other transmission and
16 distribution facilities, water treatment facilities,
17 airport facilities, sport stadiums, convention centers,
18 and all government owned, operated, or occupied buildings,
19 but only to the extent that disclosure would compromise
20 security.

21 (l) Minutes of meetings of public bodies closed to the
22 public as provided in the Open Meetings Act until the
23 public body makes the minutes available to the public
24 under Section 2.06 of the Open Meetings Act.

25 (m) Communications between a public body and an
26 attorney or auditor representing the public body that

1 would not be subject to discovery in litigation, and
2 materials prepared or compiled by or for a public body in
3 anticipation of a criminal, civil, or administrative
4 proceeding upon the request of an attorney advising the
5 public body, and materials prepared or compiled with
6 respect to internal audits of public bodies.

7 (n) Records relating to a public body's adjudication
8 of employee grievances or disciplinary cases; however,
9 this exemption shall not extend to the final outcome of
10 cases in which discipline is imposed.

11 (o) Administrative or technical information associated
12 with automated data processing operations, including, but
13 not limited to, software, operating protocols, computer
14 program abstracts, file layouts, source listings, object
15 modules, load modules, user guides, documentation
16 pertaining to all logical and physical design of
17 computerized systems, employee manuals, and any other
18 information that, if disclosed, would jeopardize the
19 security of the system or its data or the security of
20 materials exempt under this Section.

21 (p) Records relating to collective negotiating matters
22 between public bodies and their employees or
23 representatives, except that any final contract or
24 agreement shall be subject to inspection and copying.

25 (q) Test questions, scoring keys, and other
26 examination data used to determine the qualifications of

1 an applicant for a license or employment.

2 (r) The records, documents, and information relating
3 to real estate purchase negotiations until those
4 negotiations have been completed or otherwise terminated.
5 With regard to a parcel involved in a pending or actually
6 and reasonably contemplated eminent domain proceeding
7 under the Eminent Domain Act, records, documents, and
8 information relating to that parcel shall be exempt except
9 as may be allowed under discovery rules adopted by the
10 Illinois Supreme Court. The records, documents, and
11 information relating to a real estate sale shall be exempt
12 until a sale is consummated.

13 (s) Any and all proprietary information and records
14 related to the operation of an intergovernmental risk
15 management association or self-insurance pool or jointly
16 self-administered health and accident cooperative or pool.
17 Insurance or self insurance (including any
18 intergovernmental risk management association or self
19 insurance pool) claims, loss or risk management
20 information, records, data, advice or communications.

21 (t) Information contained in or related to
22 examination, operating, or condition reports prepared by,
23 on behalf of, or for the use of a public body responsible
24 for the regulation or supervision of financial
25 institutions, insurance companies, or pharmacy benefit
26 managers, unless disclosure is otherwise required by State

1 law.

2 (u) Information that would disclose or might lead to
3 the disclosure of secret or confidential information,
4 codes, algorithms, programs, or private keys intended to
5 be used to create electronic signatures under the Uniform
6 Electronic Transactions Act.

7 (v) Vulnerability assessments, security measures, and
8 response policies or plans that are designed to identify,
9 prevent, or respond to potential attacks upon a
10 community's population or systems, facilities, or
11 installations, the destruction or contamination of which
12 would constitute a clear and present danger to the health
13 or safety of the community, but only to the extent that
14 disclosure could reasonably be expected to jeopardize the
15 effectiveness of the measures or the safety of the
16 personnel who implement them or the public. Information
17 exempt under this item may include such things as details
18 pertaining to the mobilization or deployment of personnel
19 or equipment, to the operation of communication systems or
20 protocols, or to tactical operations.

21 (w) (Blank).

22 (x) Maps and other records regarding the location or
23 security of generation, transmission, distribution,
24 storage, gathering, treatment, or switching facilities
25 owned by a utility, by a power generator, or by the
26 Illinois Power Agency.

1 (y) Information contained in or related to proposals,
2 bids, or negotiations related to electric power
3 procurement under Section 1-75 of the Illinois Power
4 Agency Act and Section 16-111.5 of the Public Utilities
5 Act that is determined to be confidential and proprietary
6 by the Illinois Power Agency or by the Illinois Commerce
7 Commission.

8 (z) Information about students exempted from
9 disclosure under Sections 10-20.38 or 34-18.29 of the
10 School Code, and information about undergraduate students
11 enrolled at an institution of higher education exempted
12 from disclosure under Section 25 of the Illinois Credit
13 Card Marketing Act of 2009.

14 (aa) Information the disclosure of which is exempted
15 under the Viatical Settlements Act of 2009.

16 (bb) Records and information provided to a mortality
17 review team and records maintained by a mortality review
18 team appointed under the Department of Juvenile Justice
19 Mortality Review Team Act.

20 (cc) Information regarding interments, entombments, or
21 inurnments of human remains that are submitted to the
22 Cemetery Oversight Database under the Cemetery Care Act or
23 the Cemetery Oversight Act, whichever is applicable.

24 (dd) Correspondence and records (i) that may not be
25 disclosed under Section 11-9 of the Illinois Public Aid
26 Code or (ii) that pertain to appeals under Section 11-8 of

1 the Illinois Public Aid Code.

2 (ee) The names, addresses, or other personal
3 information of persons who are minors and are also
4 participants and registrants in programs of park
5 districts, forest preserve districts, conservation
6 districts, recreation agencies, and special recreation
7 associations.

8 (ff) The names, addresses, or other personal
9 information of participants and registrants in programs of
10 park districts, forest preserve districts, conservation
11 districts, recreation agencies, and special recreation
12 associations where such programs are targeted primarily to
13 minors.

14 (gg) Confidential information described in Section
15 1-100 of the Illinois Independent Tax Tribunal Act of
16 2012.

17 (hh) The report submitted to the State Board of
18 Education by the School Security and Standards Task Force
19 under item (8) of subsection (d) of Section 2-3.160 of the
20 School Code and any information contained in that report.

21 (ii) Records requested by persons committed to or
22 detained by the Department of Human Services under the
23 Sexually Violent Persons Commitment Act or committed to
24 the Department of Corrections under the Sexually Dangerous
25 Persons Act if those materials: (i) are available in the
26 library of the facility where the individual is confined;

1 (ii) include records from staff members' personnel files,
2 staff rosters, or other staffing assignment information;
3 or (iii) are available through an administrative request
4 to the Department of Human Services or the Department of
5 Corrections.

6 (jj) Confidential information described in Section
7 5-535 of the Civil Administrative Code of Illinois.

8 (kk) The public body's credit card numbers, debit card
9 numbers, bank account numbers, Federal Employer
10 Identification Number, security code numbers, passwords,
11 and similar account information, the disclosure of which
12 could result in identity theft or impression or defrauding
13 of a governmental entity or a person.

14 (ll) Records concerning the work of the threat
15 assessment team of a school district.

16 (mm) Information prohibited from being disclosed under
17 subsections (a) and (b) of Section 15 of the Student
18 Confidential Reporting Act.

19 (1.5) Any information exempt from disclosure under the
20 Judicial Privacy Act shall be redacted from public records
21 prior to disclosure under this Act.

22 (2) A public record that is not in the possession of a
23 public body but is in the possession of a party with whom the
24 agency has contracted to perform a governmental function on
25 behalf of the public body, and that directly relates to the
26 governmental function and is not otherwise exempt under this

1 Act, shall be considered a public record of the public body,
2 for purposes of this Act.

3 (3) This Section does not authorize withholding of
4 information or limit the availability of records to the
5 public, except as stated in this Section or otherwise provided
6 in this Act.

7 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
8 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
9 6-25-21; 102-558, eff. 8-20-21; revised 11-22-21.)

10 Section 910. The Illinois State Police Law of the Civil
11 Administrative Code of Illinois is amended by adding Section
12 2605-620 as follows:

13 (20 ILCS 2605/2605-620 new)

14 Sec. 2605-620. School helpline program. The Illinois State
15 Police shall establish a school helpline program in accordance
16 with the Student Confidential Reporting Act.

17 Section 915. The Juvenile Court Act of 1987 is amended by
18 changing Sections 1-7 and 5-915 as follows:

19 (705 ILCS 405/1-7)

20 (Text of Section before amendment by P.A. 101-652)

21 Sec. 1-7. Confidentiality of juvenile law enforcement and
22 municipal ordinance violation records.

1 (A) All juvenile law enforcement records which have not
2 been expunged are confidential and may never be disclosed to
3 the general public or otherwise made widely available.
4 Juvenile law enforcement records may be obtained only under
5 this Section and Section 1-8 and Part 9 of Article V of this
6 Act, when their use is needed for good cause and with an order
7 from the juvenile court, as required by those not authorized
8 to retain them. Inspection, copying, and disclosure of
9 juvenile law enforcement records maintained by law enforcement
10 agencies or records of municipal ordinance violations
11 maintained by any State, local, or municipal agency that
12 relate to a minor who has been investigated, arrested, or
13 taken into custody before his or her 18th birthday shall be
14 restricted to the following:

15 (0.05) The minor who is the subject of the juvenile
16 law enforcement record, his or her parents, guardian, and
17 counsel.

18 (0.10) Judges of the circuit court and members of the
19 staff of the court designated by the judge.

20 (0.15) An administrative adjudication hearing officer
21 or members of the staff designated to assist in the
22 administrative adjudication process.

23 (1) Any local, State, or federal law enforcement
24 officers or designated law enforcement staff of any
25 jurisdiction or agency when necessary for the discharge of
26 their official duties during the investigation or

1 prosecution of a crime or relating to a minor who has been
2 adjudicated delinquent and there has been a previous
3 finding that the act which constitutes the previous
4 offense was committed in furtherance of criminal
5 activities by a criminal street gang, or, when necessary
6 for the discharge of its official duties in connection
7 with a particular investigation of the conduct of a law
8 enforcement officer, an independent agency or its staff
9 created by ordinance and charged by a unit of local
10 government with the duty of investigating the conduct of
11 law enforcement officers. For purposes of this Section,
12 "criminal street gang" has the meaning ascribed to it in
13 Section 10 of the Illinois Streetgang Terrorism Omnibus
14 Prevention Act.

15 (2) Prosecutors, public defenders, probation officers,
16 social workers, or other individuals assigned by the court
17 to conduct a pre-adjudication or pre-disposition
18 investigation, and individuals responsible for supervising
19 or providing temporary or permanent care and custody for
20 minors under the order of the juvenile court, when
21 essential to performing their responsibilities.

22 (3) Federal, State, or local prosecutors, public
23 defenders, probation officers, and designated staff:

24 (a) in the course of a trial when institution of
25 criminal proceedings has been permitted or required
26 under Section 5-805;

1 (b) when institution of criminal proceedings has
2 been permitted or required under Section 5-805 and the
3 minor is the subject of a proceeding to determine the
4 amount of bail;

5 (c) when criminal proceedings have been permitted
6 or required under Section 5-805 and the minor is the
7 subject of a pre-trial investigation, pre-sentence
8 investigation, fitness hearing, or proceedings on an
9 application for probation; or

10 (d) in the course of prosecution or administrative
11 adjudication of a violation of a traffic, boating, or
12 fish and game law, or a county or municipal ordinance.

13 (4) Adult and Juvenile Prisoner Review Board.

14 (5) Authorized military personnel.

15 (5.5) Employees of the federal government authorized
16 by law.

17 (6) Persons engaged in bona fide research, with the
18 permission of the Presiding Judge and the chief executive
19 of the respective law enforcement agency; provided that
20 publication of such research results in no disclosure of a
21 minor's identity and protects the confidentiality of the
22 minor's record.

23 (7) Department of Children and Family Services child
24 protection investigators acting in their official
25 capacity.

26 (8) The appropriate school official only if the agency

1 or officer believes that there is an imminent threat of
2 physical harm to students, school personnel, or others who
3 are present in the school or on school grounds.

4 (A) Inspection and copying shall be limited to
5 juvenile law enforcement records transmitted to the
6 appropriate school official or officials whom the
7 school has determined to have a legitimate educational
8 or safety interest by a local law enforcement agency
9 under a reciprocal reporting system established and
10 maintained between the school district and the local
11 law enforcement agency under Section 10-20.14 of the
12 School Code concerning a minor enrolled in a school
13 within the school district who has been arrested or
14 taken into custody for any of the following offenses:

15 (i) any violation of Article 24 of the
16 Criminal Code of 1961 or the Criminal Code of
17 2012;

18 (ii) a violation of the Illinois Controlled
19 Substances Act;

20 (iii) a violation of the Cannabis Control Act;

21 (iv) a forcible felony as defined in Section
22 2-8 of the Criminal Code of 1961 or the Criminal
23 Code of 2012;

24 (v) a violation of the Methamphetamine Control
25 and Community Protection Act;

26 (vi) a violation of Section 1-2 of the

1 Harassing and Obscene Communications Act;

2 (vii) a violation of the Hazing Act; or

3 (viii) a violation of Section 12-1, 12-2,
4 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
5 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
6 Criminal Code of 1961 or the Criminal Code of
7 2012.

8 The information derived from the juvenile law
9 enforcement records shall be kept separate from and
10 shall not become a part of the official school record
11 of that child and shall not be a public record. The
12 information shall be used solely by the appropriate
13 school official or officials whom the school has
14 determined to have a legitimate educational or safety
15 interest to aid in the proper rehabilitation of the
16 child and to protect the safety of students and
17 employees in the school. If the designated law
18 enforcement and school officials deem it to be in the
19 best interest of the minor, the student may be
20 referred to in-school or community-based social
21 services if those services are available.
22 "Rehabilitation services" may include interventions by
23 school support personnel, evaluation for eligibility
24 for special education, referrals to community-based
25 agencies such as youth services, behavioral healthcare
26 service providers, drug and alcohol prevention or

1 treatment programs, and other interventions as deemed
2 appropriate for the student.

3 (B) Any information provided to appropriate school
4 officials whom the school has determined to have a
5 legitimate educational or safety interest by local law
6 enforcement officials about a minor who is the subject
7 of a current police investigation that is directly
8 related to school safety shall consist of oral
9 information only, and not written juvenile law
10 enforcement records, and shall be used solely by the
11 appropriate school official or officials to protect
12 the safety of students and employees in the school and
13 aid in the proper rehabilitation of the child. The
14 information derived orally from the local law
15 enforcement officials shall be kept separate from and
16 shall not become a part of the official school record
17 of the child and shall not be a public record. This
18 limitation on the use of information about a minor who
19 is the subject of a current police investigation shall
20 in no way limit the use of this information by
21 prosecutors in pursuing criminal charges arising out
22 of the information disclosed during a police
23 investigation of the minor. For purposes of this
24 paragraph, "investigation" means an official
25 systematic inquiry by a law enforcement agency into
26 actual or suspected criminal activity.

1 (9) Mental health professionals on behalf of the
2 Department of Corrections or the Department of Human
3 Services or prosecutors who are evaluating, prosecuting,
4 or investigating a potential or actual petition brought
5 under the Sexually Violent Persons Commitment Act relating
6 to a person who is the subject of juvenile law enforcement
7 records or the respondent to a petition brought under the
8 Sexually Violent Persons Commitment Act who is the subject
9 of the juvenile law enforcement records sought. Any
10 juvenile law enforcement records and any information
11 obtained from those juvenile law enforcement records under
12 this paragraph (9) may be used only in sexually violent
13 persons commitment proceedings.

14 (10) The president of a park district. Inspection and
15 copying shall be limited to juvenile law enforcement
16 records transmitted to the president of the park district
17 by the Illinois State Police under Section 8-23 of the
18 Park District Code or Section 16a-5 of the Chicago Park
19 District Act concerning a person who is seeking employment
20 with that park district and who has been adjudicated a
21 juvenile delinquent for any of the offenses listed in
22 subsection (c) of Section 8-23 of the Park District Code
23 or subsection (c) of Section 16a-5 of the Chicago Park
24 District Act.

25 (11) Persons managing and designated to participate in
26 a court diversion program as designated in subsection (6)

1 of Section 5-105.

2 (12) The Public Access Counselor of the Office of the
3 Attorney General, when reviewing juvenile law enforcement
4 records under its powers and duties under the Freedom of
5 Information Act.

6 (13) Collection agencies, contracted or otherwise
7 engaged by a governmental entity, to collect any debts due
8 and owing to the governmental entity.

9 (B)(1) Except as provided in paragraph (2), no law
10 enforcement officer or other person or agency may knowingly
11 transmit to the Department of Corrections, the Illinois State
12 Police, or the Federal Bureau of Investigation any fingerprint
13 or photograph relating to a minor who has been arrested or
14 taken into custody before his or her 18th birthday, unless the
15 court in proceedings under this Act authorizes the
16 transmission or enters an order under Section 5-805 permitting
17 or requiring the institution of criminal proceedings.

18 (2) Law enforcement officers or other persons or agencies
19 shall transmit to the Illinois State Police copies of
20 fingerprints and descriptions of all minors who have been
21 arrested or taken into custody before their 18th birthday for
22 the offense of unlawful use of weapons under Article 24 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
24 or Class 1 felony, a forcible felony as defined in Section 2-8
25 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
26 Class 2 or greater felony under the Cannabis Control Act, the

1 Illinois Controlled Substances Act, the Methamphetamine
2 Control and Community Protection Act, or Chapter 4 of the
3 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
4 Identification Act. Information reported to the Department
5 pursuant to this Section may be maintained with records that
6 the Department files pursuant to Section 2.1 of the Criminal
7 Identification Act. Nothing in this Act prohibits a law
8 enforcement agency from fingerprinting a minor taken into
9 custody or arrested before his or her 18th birthday for an
10 offense other than those listed in this paragraph (2).

11 (C) The records of law enforcement officers, or of an
12 independent agency created by ordinance and charged by a unit
13 of local government with the duty of investigating the conduct
14 of law enforcement officers, concerning all minors under 18
15 years of age must be maintained separate from the records of
16 arrests and may not be open to public inspection or their
17 contents disclosed to the public. For purposes of obtaining
18 documents under this Section, a civil subpoena is not an order
19 of the court.

20 (1) In cases where the law enforcement, or independent
21 agency, records concern a pending juvenile court case, the
22 party seeking to inspect the records shall provide actual
23 notice to the attorney or guardian ad litem of the minor
24 whose records are sought.

25 (2) In cases where the records concern a juvenile
26 court case that is no longer pending, the party seeking to

1 inspect the records shall provide actual notice to the
2 minor or the minor's parent or legal guardian, and the
3 matter shall be referred to the chief judge presiding over
4 matters pursuant to this Act.

5 (3) In determining whether the records should be
6 available for inspection, the court shall consider the
7 minor's interest in confidentiality and rehabilitation
8 over the moving party's interest in obtaining the
9 information. Any records obtained in violation of this
10 subsection (C) shall not be admissible in any criminal or
11 civil proceeding, or operate to disqualify a minor from
12 subsequently holding public office or securing employment,
13 or operate as a forfeiture of any public benefit, right,
14 privilege, or right to receive any license granted by
15 public authority.

16 (D) Nothing contained in subsection (C) of this Section
17 shall prohibit the inspection or disclosure to victims and
18 witnesses of photographs contained in the records of law
19 enforcement agencies when the inspection and disclosure is
20 conducted in the presence of a law enforcement officer for the
21 purpose of the identification or apprehension of any person
22 subject to the provisions of this Act or for the investigation
23 or prosecution of any crime.

24 (E) Law enforcement officers, and personnel of an
25 independent agency created by ordinance and charged by a unit
26 of local government with the duty of investigating the conduct

1 of law enforcement officers, may not disclose the identity of
2 any minor in releasing information to the general public as to
3 the arrest, investigation or disposition of any case involving
4 a minor.

5 (F) Nothing contained in this Section shall prohibit law
6 enforcement agencies from communicating with each other by
7 letter, memorandum, teletype, or intelligence alert bulletin
8 or other means the identity or other relevant information
9 pertaining to a person under 18 years of age if there are
10 reasonable grounds to believe that the person poses a real and
11 present danger to the safety of the public or law enforcement
12 officers. The information provided under this subsection (F)
13 shall remain confidential and shall not be publicly disclosed,
14 except as otherwise allowed by law.

15 (G) Nothing in this Section shall prohibit the right of a
16 Civil Service Commission or appointing authority of any
17 federal government, state, county or municipality examining
18 the character and fitness of an applicant for employment with
19 a law enforcement agency, correctional institution, or fire
20 department from obtaining and examining the records of any law
21 enforcement agency relating to any record of the applicant
22 having been arrested or taken into custody before the
23 applicant's 18th birthday.

24 (G-5) Information identifying victims and alleged victims
25 of sex offenses shall not be disclosed or open to the public
26 under any circumstances. Nothing in this Section shall

1 prohibit the victim or alleged victim of any sex offense from
2 voluntarily disclosing his or her own identity.

3 (H) The changes made to this Section by Public Act 98-61
4 apply to law enforcement records of a minor who has been
5 arrested or taken into custody on or after January 1, 2014 (the
6 effective date of Public Act 98-61).

7 (H-5) Nothing in this Section shall require any court or
8 adjudicative proceeding for traffic, boating, fish and game
9 law, or municipal and county ordinance violations to be closed
10 to the public.

11 (I) Willful violation of this Section is a Class C
12 misdemeanor and each violation is subject to a fine of \$1,000.
13 This subsection (I) shall not apply to the person who is the
14 subject of the record.

15 (J) A person convicted of violating this Section is liable
16 for damages in the amount of \$1,000 or actual damages,
17 whichever is greater.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 (Text of Section after amendment by P.A. 101-652)

20 Sec. 1-7. Confidentiality of juvenile law enforcement and
21 municipal ordinance violation records.

22 (A) All juvenile law enforcement records which have not
23 been expunged are confidential and may never be disclosed to
24 the general public or otherwise made widely available.
25 Juvenile law enforcement records may be obtained only under

1 this Section and Section 1-8 and Part 9 of Article V of this
2 Act, when their use is needed for good cause and with an order
3 from the juvenile court, as required by those not authorized
4 to retain them. Inspection, copying, and disclosure of
5 juvenile law enforcement records maintained by law enforcement
6 agencies or records of municipal ordinance violations
7 maintained by any State, local, or municipal agency that
8 relate to a minor who has been investigated, arrested, or
9 taken into custody before his or her 18th birthday shall be
10 restricted to the following:

11 (0.05) The minor who is the subject of the juvenile
12 law enforcement record, his or her parents, guardian, and
13 counsel.

14 (0.10) Judges of the circuit court and members of the
15 staff of the court designated by the judge.

16 (0.15) An administrative adjudication hearing officer
17 or members of the staff designated to assist in the
18 administrative adjudication process.

19 (1) Any local, State, or federal law enforcement
20 officers or designated law enforcement staff of any
21 jurisdiction or agency when necessary for the discharge of
22 their official duties during the investigation or
23 prosecution of a crime or relating to a minor who has been
24 adjudicated delinquent and there has been a previous
25 finding that the act which constitutes the previous
26 offense was committed in furtherance of criminal

1 activities by a criminal street gang, or, when necessary
2 for the discharge of its official duties in connection
3 with a particular investigation of the conduct of a law
4 enforcement officer, an independent agency or its staff
5 created by ordinance and charged by a unit of local
6 government with the duty of investigating the conduct of
7 law enforcement officers. For purposes of this Section,
8 "criminal street gang" has the meaning ascribed to it in
9 Section 10 of the Illinois Streetgang Terrorism Omnibus
10 Prevention Act.

11 (2) Prosecutors, public defenders, probation officers,
12 social workers, or other individuals assigned by the court
13 to conduct a pre-adjudication or pre-disposition
14 investigation, and individuals responsible for supervising
15 or providing temporary or permanent care and custody for
16 minors under the order of the juvenile court, when
17 essential to performing their responsibilities.

18 (3) Federal, State, or local prosecutors, public
19 defenders, probation officers, and designated staff:

20 (a) in the course of a trial when institution of
21 criminal proceedings has been permitted or required
22 under Section 5-805;

23 (b) when institution of criminal proceedings has
24 been permitted or required under Section 5-805 and the
25 minor is the subject of a proceeding to determine the
26 conditions of pretrial release;

1 (c) when criminal proceedings have been permitted
2 or required under Section 5-805 and the minor is the
3 subject of a pre-trial investigation, pre-sentence
4 investigation, fitness hearing, or proceedings on an
5 application for probation; or

6 (d) in the course of prosecution or administrative
7 adjudication of a violation of a traffic, boating, or
8 fish and game law, or a county or municipal ordinance.

9 (4) Adult and Juvenile Prisoner Review Board.

10 (5) Authorized military personnel.

11 (5.5) Employees of the federal government authorized
12 by law.

13 (6) Persons engaged in bona fide research, with the
14 permission of the Presiding Judge and the chief executive
15 of the respective law enforcement agency; provided that
16 publication of such research results in no disclosure of a
17 minor's identity and protects the confidentiality of the
18 minor's record.

19 (7) Department of Children and Family Services child
20 protection investigators acting in their official
21 capacity.

22 (8) The appropriate school official only if the agency
23 or officer believes that there is an imminent threat of
24 physical harm to students, school personnel, or others ~~who~~
25 ~~are present in the school or on school grounds.~~

26 (A) Inspection and copying shall be limited to

1 juvenile law enforcement records transmitted to the
2 appropriate school official or officials whom the
3 school has determined to have a legitimate educational
4 or safety interest by a local law enforcement agency
5 under a reciprocal reporting system established and
6 maintained between the school district and the local
7 law enforcement agency under Section 10-20.14 of the
8 School Code concerning a minor enrolled in a school
9 within the school district who has been arrested or
10 taken into custody for any of the following offenses:

11 (i) any violation of Article 24 of the
12 Criminal Code of 1961 or the Criminal Code of
13 2012;

14 (ii) a violation of the Illinois Controlled
15 Substances Act;

16 (iii) a violation of the Cannabis Control Act;

17 (iv) a forcible felony as defined in Section
18 2-8 of the Criminal Code of 1961 or the Criminal
19 Code of 2012;

20 (v) a violation of the Methamphetamine Control
21 and Community Protection Act;

22 (vi) a violation of Section 1-2 of the
23 Harassing and Obscene Communications Act;

24 (vii) a violation of the Hazing Act; or

25 (viii) a violation of Section 12-1, 12-2,
26 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,

1 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
2 Criminal Code of 1961 or the Criminal Code of
3 2012.

4 The information derived from the juvenile law
5 enforcement records shall be kept separate from and
6 shall not become a part of the official school record
7 of that child and shall not be a public record. The
8 information shall be used solely by the appropriate
9 school official or officials whom the school has
10 determined to have a legitimate educational or safety
11 interest to aid in the proper rehabilitation of the
12 child and to protect the safety of students and
13 employees in the school. If the designated law
14 enforcement and school officials deem it to be in the
15 best interest of the minor, the student may be
16 referred to in-school or community-based social
17 services if those services are available.
18 "Rehabilitation services" may include interventions by
19 school support personnel, evaluation for eligibility
20 for special education, referrals to community-based
21 agencies such as youth services, behavioral healthcare
22 service providers, drug and alcohol prevention or
23 treatment programs, and other interventions as deemed
24 appropriate for the student.

25 (B) Any information provided to appropriate school
26 officials whom the school has determined to have a

1 legitimate educational or safety interest by local law
2 enforcement officials about a minor who is the subject
3 of a current police investigation that is directly
4 related to school safety shall consist of oral
5 information only, and not written juvenile law
6 enforcement records, and shall be used solely by the
7 appropriate school official or officials to protect
8 the safety of students and employees in the school and
9 aid in the proper rehabilitation of the child. The
10 information derived orally from the local law
11 enforcement officials shall be kept separate from and
12 shall not become a part of the official school record
13 of the child and shall not be a public record. This
14 limitation on the use of information about a minor who
15 is the subject of a current police investigation shall
16 in no way limit the use of this information by
17 prosecutors in pursuing criminal charges arising out
18 of the information disclosed during a police
19 investigation of the minor. For purposes of this
20 paragraph, "investigation" means an official
21 systematic inquiry by a law enforcement agency into
22 actual or suspected criminal activity.

23 (9) Mental health professionals on behalf of the
24 Department of Corrections or the Department of Human
25 Services or prosecutors who are evaluating, prosecuting,
26 or investigating a potential or actual petition brought

1 under the Sexually Violent Persons Commitment Act relating
2 to a person who is the subject of juvenile law enforcement
3 records or the respondent to a petition brought under the
4 Sexually Violent Persons Commitment Act who is the subject
5 of the juvenile law enforcement records sought. Any
6 juvenile law enforcement records and any information
7 obtained from those juvenile law enforcement records under
8 this paragraph (9) may be used only in sexually violent
9 persons commitment proceedings.

10 (10) The president of a park district. Inspection and
11 copying shall be limited to juvenile law enforcement
12 records transmitted to the president of the park district
13 by the Illinois State Police under Section 8-23 of the
14 Park District Code or Section 16a-5 of the Chicago Park
15 District Act concerning a person who is seeking employment
16 with that park district and who has been adjudicated a
17 juvenile delinquent for any of the offenses listed in
18 subsection (c) of Section 8-23 of the Park District Code
19 or subsection (c) of Section 16a-5 of the Chicago Park
20 District Act.

21 (11) Persons managing and designated to participate in
22 a court diversion program as designated in subsection (6)
23 of Section 5-105.

24 (12) The Public Access Counselor of the Office of the
25 Attorney General, when reviewing juvenile law enforcement
26 records under its powers and duties under the Freedom of

1 Information Act.

2 (13) Collection agencies, contracted or otherwise
3 engaged by a governmental entity, to collect any debts due
4 and owing to the governmental entity.

5 (B)(1) Except as provided in paragraph (2), no law
6 enforcement officer or other person or agency may knowingly
7 transmit to the Department of Corrections, the Illinois State
8 Police, or the Federal Bureau of Investigation any fingerprint
9 or photograph relating to a minor who has been arrested or
10 taken into custody before his or her 18th birthday, unless the
11 court in proceedings under this Act authorizes the
12 transmission or enters an order under Section 5-805 permitting
13 or requiring the institution of criminal proceedings.

14 (2) Law enforcement officers or other persons or agencies
15 shall transmit to the Illinois State Police copies of
16 fingerprints and descriptions of all minors who have been
17 arrested or taken into custody before their 18th birthday for
18 the offense of unlawful use of weapons under Article 24 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
20 or Class 1 felony, a forcible felony as defined in Section 2-8
21 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
22 Class 2 or greater felony under the Cannabis Control Act, the
23 Illinois Controlled Substances Act, the Methamphetamine
24 Control and Community Protection Act, or Chapter 4 of the
25 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
26 Identification Act. Information reported to the Department

1 pursuant to this Section may be maintained with records that
2 the Department files pursuant to Section 2.1 of the Criminal
3 Identification Act. Nothing in this Act prohibits a law
4 enforcement agency from fingerprinting a minor taken into
5 custody or arrested before his or her 18th birthday for an
6 offense other than those listed in this paragraph (2).

7 (C) The records of law enforcement officers, or of an
8 independent agency created by ordinance and charged by a unit
9 of local government with the duty of investigating the conduct
10 of law enforcement officers, concerning all minors under 18
11 years of age must be maintained separate from the records of
12 arrests and may not be open to public inspection or their
13 contents disclosed to the public. For purposes of obtaining
14 documents under this Section, a civil subpoena is not an order
15 of the court.

16 (1) In cases where the law enforcement, or independent
17 agency, records concern a pending juvenile court case, the
18 party seeking to inspect the records shall provide actual
19 notice to the attorney or guardian ad litem of the minor
20 whose records are sought.

21 (2) In cases where the records concern a juvenile
22 court case that is no longer pending, the party seeking to
23 inspect the records shall provide actual notice to the
24 minor or the minor's parent or legal guardian, and the
25 matter shall be referred to the chief judge presiding over
26 matters pursuant to this Act.

1 (3) In determining whether the records should be
2 available for inspection, the court shall consider the
3 minor's interest in confidentiality and rehabilitation
4 over the moving party's interest in obtaining the
5 information. Any records obtained in violation of this
6 subsection (C) shall not be admissible in any criminal or
7 civil proceeding, or operate to disqualify a minor from
8 subsequently holding public office or securing employment,
9 or operate as a forfeiture of any public benefit, right,
10 privilege, or right to receive any license granted by
11 public authority.

12 (D) Nothing contained in subsection (C) of this Section
13 shall prohibit the inspection or disclosure to victims and
14 witnesses of photographs contained in the records of law
15 enforcement agencies when the inspection and disclosure is
16 conducted in the presence of a law enforcement officer for the
17 purpose of the identification or apprehension of any person
18 subject to the provisions of this Act or for the investigation
19 or prosecution of any crime.

20 (E) Law enforcement officers, and personnel of an
21 independent agency created by ordinance and charged by a unit
22 of local government with the duty of investigating the conduct
23 of law enforcement officers, may not disclose the identity of
24 any minor in releasing information to the general public as to
25 the arrest, investigation or disposition of any case involving
26 a minor.

1 (F) Nothing contained in this Section shall prohibit law
2 enforcement agencies from communicating with each other by
3 letter, memorandum, teletype, or intelligence alert bulletin
4 or other means the identity or other relevant information
5 pertaining to a person under 18 years of age if there are
6 reasonable grounds to believe that the person poses a real and
7 present danger to the safety of the public or law enforcement
8 officers. The information provided under this subsection (F)
9 shall remain confidential and shall not be publicly disclosed,
10 except as otherwise allowed by law.

11 (G) Nothing in this Section shall prohibit the right of a
12 Civil Service Commission or appointing authority of any
13 federal government, state, county or municipality examining
14 the character and fitness of an applicant for employment with
15 a law enforcement agency, correctional institution, or fire
16 department from obtaining and examining the records of any law
17 enforcement agency relating to any record of the applicant
18 having been arrested or taken into custody before the
19 applicant's 18th birthday.

20 (G-5) Information identifying victims and alleged victims
21 of sex offenses shall not be disclosed or open to the public
22 under any circumstances. Nothing in this Section shall
23 prohibit the victim or alleged victim of any sex offense from
24 voluntarily disclosing his or her own identity.

25 (H) The changes made to this Section by Public Act 98-61
26 apply to law enforcement records of a minor who has been

1 arrested or taken into custody on or after January 1, 2014 (the
2 effective date of Public Act 98-61).

3 (H-5) Nothing in this Section shall require any court or
4 adjudicative proceeding for traffic, boating, fish and game
5 law, or municipal and county ordinance violations to be closed
6 to the public.

7 (I) Willful violation of this Section is a Class C
8 misdemeanor and each violation is subject to a fine of \$1,000.
9 This subsection (I) shall not apply to the person who is the
10 subject of the record.

11 (J) A person convicted of violating this Section is liable
12 for damages in the amount of \$1,000 or actual damages,
13 whichever is greater.

14 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
15 revised 10-13-21.)

16 (705 ILCS 405/5-915)

17 Sec. 5-915. Expungement of juvenile law enforcement and
18 juvenile court records.

19 (0.05) (Blank).

20 (0.1) (a) The Illinois State Police and all law
21 enforcement agencies within the State shall automatically
22 expunge, on or before January 1 of each year, except as
23 described in paragraph (c) of subsection (0.1), all juvenile
24 law enforcement records relating to events occurring before an
25 individual's 18th birthday if:

1 (1) one year or more has elapsed since the date of the
2 arrest or law enforcement interaction documented in the
3 records;

4 (2) no petition for delinquency or criminal charges
5 were filed with the clerk of the circuit court relating to
6 the arrest or law enforcement interaction documented in
7 the records; and

8 (3) 6 months have elapsed since the date of the arrest
9 without an additional subsequent arrest or filing of a
10 petition for delinquency or criminal charges whether
11 related or not to the arrest or law enforcement
12 interaction documented in the records.

13 (b) If the law enforcement agency is unable to verify
14 satisfaction of conditions (2) and (3) of this subsection
15 (0.1), records that satisfy condition (1) of this subsection
16 (0.1) shall be automatically expunged if the records relate to
17 an offense that if committed by an adult would not be an
18 offense classified as a Class 2 felony or higher, an offense
19 under Article 11 of the Criminal Code of 1961 or Criminal Code
20 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
21 12-15, or 12-16 of the Criminal Code of 1961.

22 (c) If the juvenile law enforcement record was received
23 through a public submission to a statewide student
24 confidential reporting system administered by the Illinois
25 State Police, the record will maintained for a period of 5
26 years according to all other provisions in subsection (0.1).

1 (0.15) If a juvenile law enforcement record meets
2 paragraph (a) of subsection (0.1) of this Section, a juvenile
3 law enforcement record created:

4 (1) prior to January 1, 2018, but on or after January
5 1, 2013 shall be automatically expunged prior to January
6 1, 2020;

7 (2) prior to January 1, 2013, but on or after January
8 1, 2000, shall be automatically expunged prior to January
9 1, 2023; and

10 (3) prior to January 1, 2000 shall not be subject to
11 the automatic expungement provisions of this Act.

12 Nothing in this subsection (0.15) shall be construed to
13 restrict or modify an individual's right to have his or her
14 juvenile law enforcement records expunged except as otherwise
15 may be provided in this Act.

16 (0.2) (a) Upon dismissal of a petition alleging
17 delinquency or upon a finding of not delinquent, the
18 successful termination of an order of supervision, or the
19 successful termination of an adjudication for an offense which
20 would be a Class B misdemeanor, Class C misdemeanor, or a petty
21 or business offense if committed by an adult, the court shall
22 automatically order the expungement of the juvenile court
23 records and juvenile law enforcement records. The clerk shall
24 deliver a certified copy of the expungement order to the
25 Illinois State Police and the arresting agency. Upon request,
26 the State's Attorney shall furnish the name of the arresting

1 agency. The expungement shall be completed within 60 business
2 days after the receipt of the expungement order.

3 (b) If the chief law enforcement officer of the agency, or
4 his or her designee, certifies in writing that certain
5 information is needed for a pending investigation involving
6 the commission of a felony, that information, and information
7 identifying the juvenile, may be retained until the statute of
8 limitations for the felony has run. If the chief law
9 enforcement officer of the agency, or his or her designee,
10 certifies in writing that certain information is needed with
11 respect to an internal investigation of any law enforcement
12 office, that information and information identifying the
13 juvenile may be retained within an intelligence file until the
14 investigation is terminated or the disciplinary action,
15 including appeals, has been completed, whichever is later.
16 Retention of a portion of a juvenile's law enforcement record
17 does not disqualify the remainder of his or her record from
18 immediate automatic expungement.

19 (0.3) (a) Upon an adjudication of delinquency based on any
20 offense except a disqualified offense, the juvenile court
21 shall automatically order the expungement of the juvenile
22 court and law enforcement records 2 years after the juvenile's
23 case was closed if no delinquency or criminal proceeding is
24 pending and the person has had no subsequent delinquency
25 adjudication or criminal conviction. The clerk shall deliver a
26 certified copy of the expungement order to the Illinois State

1 Police and the arresting agency. Upon request, the State's
2 Attorney shall furnish the name of the arresting agency. The
3 expungement shall be completed within 60 business days after
4 the receipt of the expungement order. In this subsection
5 (0.3), "disqualified offense" means any of the following
6 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
7 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
9 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
10 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
11 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
12 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
13 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or
14 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
15 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
16 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
17 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
18 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
19 paragraph (1) of subsection (a) of Section 12-9, subparagraph
20 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
21 paragraph (1) of subsection (a) of Section 25-1, or subsection
22 (a-7) of Section 31-1 of the Criminal Code of 2012.

23 (b) If the chief law enforcement officer of the agency, or
24 his or her designee, certifies in writing that certain
25 information is needed for a pending investigation involving
26 the commission of a felony, that information, and information

1 identifying the juvenile, may be retained in an intelligence
2 file until the investigation is terminated or for one
3 additional year, whichever is sooner. Retention of a portion
4 of a juvenile's juvenile law enforcement record does not
5 disqualify the remainder of his or her record from immediate
6 automatic expungement.

7 (0.4) Automatic expungement for the purposes of this
8 Section shall not require law enforcement agencies to
9 obliterate or otherwise destroy juvenile law enforcement
10 records that would otherwise need to be automatically expunged
11 under this Act, except after 2 years following the subject
12 arrest for purposes of use in civil litigation against a
13 governmental entity or its law enforcement agency or personnel
14 which created, maintained, or used the records. However, these
15 juvenile law enforcement records shall be considered expunged
16 for all other purposes during this period and the offense,
17 which the records or files concern, shall be treated as if it
18 never occurred as required under Section 5-923.

19 (0.5) Subsection (0.1) or (0.2) of this Section does not
20 apply to violations of traffic, boating, fish and game laws,
21 or county or municipal ordinances.

22 (0.6) Juvenile law enforcement records of a plaintiff who
23 has filed civil litigation against the governmental entity or
24 its law enforcement agency or personnel that created,
25 maintained, or used the records, or juvenile law enforcement
26 records that contain information related to the allegations

1 set forth in the civil litigation may not be expunged until
2 after 2 years have elapsed after the conclusion of the
3 lawsuit, including any appeal.

4 (0.7) Officer-worn body camera recordings shall not be
5 automatically expunged except as otherwise authorized by the
6 Law Enforcement Officer-Worn Body Camera Act.

7 (1) Whenever a person has been arrested, charged, or
8 adjudicated delinquent for an incident occurring before his or
9 her 18th birthday that if committed by an adult would be an
10 offense, and that person's juvenile law enforcement and
11 juvenile court records are not eligible for automatic
12 expungement under subsection (0.1), (0.2), or (0.3), the
13 person may petition the court at any time for expungement of
14 juvenile law enforcement records and juvenile court records
15 relating to the incident and, upon termination of all juvenile
16 court proceedings relating to that incident, the court shall
17 order the expungement of all records in the possession of the
18 Illinois State Police, the clerk of the circuit court, and law
19 enforcement agencies relating to the incident, but only in any
20 of the following circumstances:

21 (a) the minor was arrested and no petition for
22 delinquency was filed with the clerk of the circuit court;

23 (a-5) the minor was charged with an offense and the
24 petition or petitions were dismissed without a finding of
25 delinquency;

26 (b) the minor was charged with an offense and was

1 found not delinquent of that offense;

2 (c) the minor was placed under supervision under
3 Section 5-615, and the order of supervision has since been
4 successfully terminated; or

5 (d) the minor was adjudicated for an offense which
6 would be a Class B misdemeanor, Class C misdemeanor, or a
7 petty or business offense if committed by an adult.

8 (1.5) The Illinois State Police shall allow a person to
9 use the Access and Review process, established in the Illinois
10 State Police, for verifying that his or her juvenile law
11 enforcement records relating to incidents occurring before his
12 or her 18th birthday eligible under this Act have been
13 expunged.

14 (1.6) (Blank).

15 (1.7) (Blank).

16 (1.8) (Blank).

17 (2) Any person whose delinquency adjudications are not
18 eligible for automatic expungement under subsection (0.3) of
19 this Section may petition the court to expunge all juvenile
20 law enforcement records relating to any incidents occurring
21 before his or her 18th birthday which did not result in
22 proceedings in criminal court and all juvenile court records
23 with respect to any adjudications except those based upon
24 first degree murder or an offense under Article 11 of the
25 Criminal Code of 2012 if the person is required to register
26 under the Sex Offender Registration Act at the time he or she

1 petitions the court for expungement; provided that 2 years
2 have elapsed since all juvenile court proceedings relating to
3 him or her have been terminated and his or her commitment to
4 the Department of Juvenile Justice under this Act has been
5 terminated.

6 (2.5) If a minor is arrested and no petition for
7 delinquency is filed with the clerk of the circuit court at the
8 time the minor is released from custody, the youth officer, if
9 applicable, or other designated person from the arresting
10 agency, shall notify verbally and in writing to the minor or
11 the minor's parents or guardians that the minor shall have an
12 arrest record and shall provide the minor and the minor's
13 parents or guardians with an expungement information packet,
14 information regarding this State's expungement laws including
15 a petition to expunge juvenile law enforcement and juvenile
16 court records obtained from the clerk of the circuit court.

17 (2.6) If a minor is referred to court, then, at the time of
18 sentencing, dismissal of the case, or successful completion of
19 supervision, the judge shall inform the delinquent minor of
20 his or her rights regarding expungement and the clerk of the
21 circuit court shall provide an expungement information packet
22 to the minor, written in plain language, including information
23 regarding this State's expungement laws and a petition for
24 expungement, a sample of a completed petition, expungement
25 instructions that shall include information informing the
26 minor that (i) once the case is expunged, it shall be treated

1 as if it never occurred, (ii) he or she may apply to have
2 petition fees waived, (iii) once he or she obtains an
3 expungement, he or she may not be required to disclose that he
4 or she had a juvenile law enforcement or juvenile court
5 record, and (iv) if petitioning he or she may file the petition
6 on his or her own or with the assistance of an attorney. The
7 failure of the judge to inform the delinquent minor of his or
8 her right to petition for expungement as provided by law does
9 not create a substantive right, nor is that failure grounds
10 for: (i) a reversal of an adjudication of delinquency; (ii) a
11 new trial; or (iii) an appeal.

12 (2.7) (Blank).

13 (2.8) (Blank).

14 (3) (Blank).

15 (3.1) (Blank).

16 (3.2) (Blank).

17 (3.3) (Blank).

18 (4) (Blank).

19 (5) (Blank).

20 (5.5) Whether or not expunged, records eligible for
21 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
22 (0.3) (a) may be treated as expunged by the individual subject
23 to the records.

24 (6) (Blank).

25 (6.5) The Illinois State Police or any employee of the
26 Illinois State Police shall be immune from civil or criminal

1 liability for failure to expunge any records of arrest that
2 are subject to expungement under this Section because of
3 inability to verify a record. Nothing in this Section shall
4 create Illinois State Police liability or responsibility for
5 the expungement of juvenile law enforcement records it does
6 not possess.

7 (7) (Blank).

8 (7.5) (Blank).

9 (8) The expungement of juvenile law enforcement or
10 juvenile court records under subsection (0.1), (0.2), or (0.3)
11 of this Section shall be funded by appropriation by the
12 General Assembly for that purpose.

13 (9) (Blank).

14 (10) (Blank).

15 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

16 Section 995. No acceleration or delay. Where this Act
17 makes changes in a statute that is represented in this Act by
18 text that is not yet or no longer in effect (for example, a
19 Section represented by multiple versions), the use of that
20 text does not accelerate or delay the taking effect of (i) the
21 changes made by this Act or (ii) provisions derived from any
22 other Public Act.