

1 AMENDMENT TO HOUSE BILL 1870

2 AMENDMENT NO. _____. Amend House Bill 1870 by replacing
3 the title with the following:

4 "AN ACT in relation to minors."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Juvenile Court Act of 1987 is amended by
8 changing Section 5-905 as follows:

9 (705 ILCS 405/5-905)

10 Sec. 5-905. Law enforcement records.

11 (1) Law Enforcement Records. Inspection and copying of
12 law enforcement records maintained by law enforcement
13 agencies that relate to a minor who has been arrested or
14 taken into custody before his or her 17th birthday shall be
15 restricted to the following and when necessary for the
16 discharge of their official duties:

17 (a) A judge of the circuit court and members of the
18 staff of the court designated by the judge;

19 (b) Law enforcement officers, probation officers or
20 prosecutors or their staff;

21 (c) The minor, the minor's parents or legal

1 guardian and their attorneys, but only when the juvenile
2 has been charged with an offense;

3 (d) Adult and Juvenile Prisoner Review Boards;

4 (e) Authorized military personnel;

5 (f) Persons engaged in bona fide research, with the
6 permission of the judge of juvenile court and the chief
7 executive of the agency that prepared the particular
8 recording: provided that publication of such research
9 results in no disclosure of a minor's identity and
10 protects the confidentiality of the record;

11 (g) Individuals responsible for supervising or
12 providing temporary or permanent care and custody of
13 minors pursuant to orders of the juvenile court or
14 directives from officials of the Department of Children
15 and Family Services or the Department of Human Services
16 who certify in writing that the information will not be
17 disclosed to any other party except as provided under law
18 or order of court;

19 (h) The appropriate school official. Inspection
20 and copying shall be limited to law enforcement records
21 transmitted to the appropriate school official by a local
22 law enforcement agency ~~under a reciprocal reporting~~
23 ~~system established and maintained between the school~~
24 ~~district and the local law enforcement agency under~~
25 ~~Section 10-20.14 of the School Code~~ concerning a minor
26 enrolled in a school within the school district who has
27 been arrested for any offense classified as a felony or a
28 Class A or B misdemeanor. The local law enforcement
29 agency that has arrested the minor, if located in a
30 jurisdiction other than where the minor resides, shall
31 report the arrest to the local law enforcement agency
32 where the minor resides. The local law enforcement
33 agency where the minor resides shall report the arrest to
34 the school district where the minor is enrolled in

1 school.

2 (2) Information identifying victims and alleged victims
3 of sex offenses, shall not be disclosed or open to public
4 inspection under any circumstances. Nothing in this Section
5 shall prohibit the victim or alleged victim of any sex
6 offense from voluntarily disclosing his or her identity.

7 (3) Relevant information, reports and records shall be
8 made available to the Department of Corrections when a
9 juvenile offender has been placed in the custody of the
10 Department of Corrections, Juvenile Division.

11 (4) Nothing in this Section shall prohibit the
12 inspection or disclosure to victims and witnesses of
13 photographs contained in the records of law enforcement
14 agencies when the inspection or disclosure is conducted in
15 the presence of a law enforcement officer for purposes of
16 identification or apprehension of any person in the course of
17 any criminal investigation or prosecution.

18 (5) The records of law enforcement officers concerning
19 all minors under 17 years of age must be maintained separate
20 from the records of adults and may not be open to public
21 inspection or their contents disclosed to the public except
22 by order of the court or when the institution of criminal
23 proceedings has been permitted under Section 5-130 or 5-805
24 or required under Section 5-130 or 5-805 or such a person has
25 been convicted of a crime and is the subject of pre-sentence
26 investigation or when provided by law.

27 (6) Except as otherwise provided in this subsection (6),
28 law enforcement officers may not disclose the identity of any
29 minor in releasing information to the general public as to
30 the arrest, investigation or disposition of any case
31 involving a minor. Any victim or parent or legal guardian of
32 a victim may petition the court to disclose the name and
33 address of the minor and the minor's parents or legal
34 guardian, or both. Upon a finding by clear and convincing

1 evidence that the disclosure is either necessary for the
2 victim to pursue a civil remedy against the minor or the
3 minor's parents or legal guardian, or both, or to protect the
4 victim's person or property from the minor, then the court
5 may order the disclosure of the information to the victim or
6 to the parent or legal guardian of the victim only for the
7 purpose of the victim pursuing a civil remedy against the
8 minor or the minor's parents or legal guardian, or both, or
9 to protect the victim's person or property from the minor.

10 (7) Nothing contained in this Section shall prohibit law
11 enforcement agencies when acting in their official capacity
12 from communicating with each other by letter, memorandum,
13 teletype or intelligence alert bulletin or other means the
14 identity or other relevant information pertaining to a person
15 under 17 years of age. The information provided under this
16 subsection (7) shall remain confidential and shall not be
17 publicly disclosed, except as otherwise allowed by law.

18 (8) No person shall disclose information under this
19 Section except when acting in his or her official capacity
20 and as provided by law or order of court.

21 (Source: P.A. 90-590, eff. 1-1-99; 91-479, eff. 1-1-00.)".