

1 AN ACT concerning criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 1-8 as follows:

6 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

7 Sec. 1-8. Confidentiality and accessibility of juvenile
8 court records.

9 (A) Inspection and copying of juvenile court records
10 relating to a minor who is the subject of a proceeding under
11 this Act shall be restricted to the following:

12 (1) The minor who is the subject of record, his
13 parents, guardian and counsel.

14 (2) Law enforcement officers and law enforcement
15 agencies when such information is essential to executing
16 an arrest or search warrant or other compulsory process,
17 or to conducting an ongoing investigation or relating to
18 a minor who has been adjudicated delinquent and there has
19 been a previous finding that the act which constitutes
20 the previous offense was committed in furtherance of
21 criminal activities by a criminal street gang.

22 Before July 1, 1994, for the purposes of this
23 Section, "criminal street gang" means any ongoing
24 organization, association, or group of 3 or more persons,
25 whether formal or informal, having as one of its primary
26 activities the commission of one or more criminal acts
27 and that has a common name or common identifying sign,
28 symbol or specific color apparel displayed, and whose
29 members individually or collectively engage in or have
30 engaged in a pattern of criminal activity.

31 Beginning July 1, 1994, for purposes of this

1 Section, "criminal street gang" has the meaning ascribed
2 to it in Section 10 of the Illinois Streetgang Terrorism
3 Omnibus Prevention Act.

4 (3) Judges, hearing officers, prosecutors,
5 probation officers, social workers or other individuals
6 assigned by the court to conduct a pre-adjudication or
7 predisposition investigation, and individuals responsible
8 for supervising or providing temporary or permanent care
9 and custody for minors pursuant to the order of the
10 juvenile court when essential to performing their
11 responsibilities.

12 (4) Judges, prosecutors and probation officers:

13 (a) in the course of a trial when institution
14 of criminal proceedings has been permitted or
15 required under Section 5-805; or

16 (b) when criminal proceedings have been
17 permitted or required under Section 5-805 and a
18 minor is the subject of a proceeding to determine
19 the amount of bail; or

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

25 (d) when a minor becomes 17 years of age or
26 older, and is the subject of criminal proceedings,
27 including a hearing to determine the amount of bail,
28 a pre-trial investigation, a pre-sentence
29 investigation, a fitness hearing, or proceedings on
30 an application for probation.

31 (5) Adult and Juvenile Prisoner Review Boards.

32 (6) Authorized military personnel.

33 (7) Victims, their subrogees and legal
34 representatives; however, such persons shall have access

1 only to the name and address of the minor and information
2 pertaining to the disposition or alternative adjustment
3 plan of the juvenile court; victims of sex offenses shall
4 also have access to information regarding the HIV/AIDS
5 status of the juvenile offender.

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

12 (9) The Secretary of State to whom the Clerk of the
13 Court shall report the disposition of all cases, as
14 required in Section 6-204 of the Illinois Vehicle Code.
15 However, information reported relative to these offenses
16 shall be privileged and available only to the Secretary
17 of State, courts, and police officers.

18 (10) The administrator of a bonafide substance
19 abuse student assistance program with the permission of
20 the presiding judge of the juvenile court.

21 (11) Mental health professionals on behalf of the
22 Illinois Department of Corrections or the Department of
23 Human Services or prosecutors who are evaluating,
24 prosecuting, or investigating a potential or actual
25 petition brought under the Sexually Persons Commitment
26 Act relating to a person who is the subject of juvenile
27 court records or the respondent to a petition brought
28 under the Sexually Violent Persons Commitment Act, who is
29 the subject of juvenile court records sought. Any
30 records and any information obtained from those records
31 under this paragraph (11) may be used only in sexually
32 violent persons commitment proceedings.

33 (B) A minor who is the victim in a juvenile proceeding
34 shall be provided the same confidentiality regarding

1 disclosure of identity as the minor who is the subject of
2 record.

3 (C) Except as otherwise provided in this subsection (C),
4 juvenile court records shall not be made available to the
5 general public but may be inspected by representatives of
6 agencies, associations and news media or other properly
7 interested persons by general or special order of the court.
8 The State's Attorney, the minor, his parents, guardian and
9 counsel shall at all times have the right to examine court
10 files and records.

11 (1) The court shall allow the general public to
12 have access to the name, address, and offense of a minor
13 who is adjudicated a delinquent minor under this Act
14 under either of the following circumstances:

15 (A) The adjudication of delinquency was based
16 upon the minor's commission of first degree murder,
17 attempt to commit first degree murder, aggravated
18 criminal sexual assault, or criminal sexual assault;
19 or

20 (B) The court has made a finding that the
21 minor was at least 13 years of age at the time the
22 act was committed and the adjudication of
23 delinquency was based upon the minor's commission
24 of: (i) an act in furtherance of the commission of a
25 felony as a member of or on behalf of a criminal
26 street gang, (ii) an act involving the use of a
27 firearm in the commission of a felony, (iii) an act
28 that would be a Class X felony offense under or the
29 minor's second or subsequent Class 2 or greater
30 felony offense under the Cannabis Control Act if
31 committed by an adult, (iv) an act that would be a
32 second or subsequent offense under Section 402 of
33 the Illinois Controlled Substances Act if committed
34 by an adult, or (v) an act that would be an offense

1 under Section 401 of the Illinois Controlled
2 Substances Act if committed by an adult.

3 (2) The court shall allow the general public to
4 have access to the name, address, and offense of a minor
5 who is at least 13 years of age at the time the offense
6 is committed and who is convicted, in criminal
7 proceedings permitted or required under Section 5-4,
8 under either of the following circumstances:

9 (A) The minor has been convicted of first
10 degree murder, attempt to commit first degree
11 murder, aggravated criminal sexual assault, or
12 criminal sexual assault,

13 (B) The court has made a finding that the
14 minor was at least 13 years of age at the time the
15 offense was committed and the conviction was based
16 upon the minor's commission of: (i) an offense in
17 furtherance of the commission of a felony as a
18 member of or on behalf of a criminal street gang,
19 (ii) an offense involving the use of a firearm in
20 the commission of a felony, (iii) a Class X felony
21 offense under or a second or subsequent Class 2 or
22 greater felony offense under the Cannabis Control
23 Act, (iv) a second or subsequent offense under
24 Section 402 of the Illinois Controlled Substances
25 Act, or (v) an offense under Section 401 of the
26 Illinois Controlled Substances Act.

27 (D) Pending or following any adjudication of delinquency
28 for any offense defined in Sections 12-13 through 12-16 of
29 the Criminal Code of 1961, the victim of any such offense
30 shall receive the rights set out in Sections 4 and 6 of the
31 Bill of Rights for Victims and Witnesses of Violent Crime
32 Act; and the juvenile who is the subject of the adjudication,
33 notwithstanding any other provision of this Act, shall be
34 treated as an adult for the purpose of affording such rights

1 to the victim.

2 (E) Nothing in this Section shall affect the right of a
3 Civil Service Commission or appointing authority of any
4 state, county or municipality examining the character and
5 fitness of an applicant for employment with a law enforcement
6 agency, correctional institution, or fire department to
7 ascertain whether that applicant was ever adjudicated to be a
8 delinquent minor and, if so, to examine the records of
9 disposition or evidence which were made in proceedings under
10 this Act.

11 (F) Following any adjudication of delinquency for a
12 crime which would be a felony if committed by an adult, or
13 following any adjudication of delinquency for a violation of
14 Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of
15 1961, the State's Attorney shall ascertain whether the minor
16 respondent is enrolled in school and, if so, shall provide a
17 copy of the dispositional order to the principal or chief
18 administrative officer of the school. Access to such
19 juvenile records shall be limited to the principal or chief
20 administrative officer of the school and any guidance
21 counselor designated by him.

22 (G) Nothing contained in this Act prevents the sharing
23 or disclosure of information or records relating or
24 pertaining to juveniles subject to the provisions of the
25 Serious Habitual Offender Comprehensive Action Program when
26 that information is used to assist in the early
27 identification and treatment of habitual juvenile offenders.

28 (H) When a Court hearing a proceeding under Article II
29 of this Act becomes aware that an earlier proceeding under
30 Article II had been heard in a different county, that Court
31 shall request, and the Court in which the earlier proceedings
32 were initiated shall transmit, an authenticated copy of the
33 Court record, including all documents, petitions, and orders
34 filed therein and the minute orders, transcript of

1 proceedings, and docket entries of the Court.

2 (I) The Clerk of the Circuit Court shall report to the
3 Department of State Police, in the form and manner required
4 by the Department of State Police, the final disposition of
5 each minor who has been arrested or taken into custody before
6 his or her 17th birthday for those offenses required to be
7 reported under Section 5 of the Criminal Identification Act.
8 Information reported to the Department under this Section may
9 be maintained with records that the Department files under
10 Section 2.1 of the Criminal Identification Act.

11 (Source: P.A. 91-357, eff. 7-29-99; 91-368, eff. 1-1-00,
12 92-415, eff. 8-17-01.)