



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0572

Introduced 2/5/2007, by Rep. Dan Brady

#### SYNOPSIS AS INTRODUCED:

725 ILCS 190/3

from Ch. 38, par. 1453

Amends the Privacy of Child Victims of Criminal Sexual Offenses Act. Provides that a parole agent or probation officer may obtain the identity of a child under 18 years of age who is the victim of a criminal sexual offense from the law enforcement records and court records relating to the case.

LRB095 04203 RLC 24242 b

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 Privacy of Child Victims of Criminal Sexual  
5 Offenses Act is amended by changing Section 3 as follows:

6 (725 ILCS 190/3) (from Ch. 38, par. 1453)

7 Sec. 3. Confidentiality of Law Enforcement and Court  
8 Records. Notwithstanding ~~notwithstanding~~ any other law to the  
9 contrary, inspection and copying of law enforcement records  
10 maintained by any law enforcement agency or circuit court  
11 records maintained by any circuit clerk relating to any  
12 investigation or proceeding pertaining to a criminal sexual  
13 offense, by any person, except a judge, state's attorney,  
14 assistant state's attorney, psychologist, psychiatrist, social  
15 worker, doctor, parent, parole agent, probation officer,  
16 defendant or defendant's attorney in any criminal proceeding or  
17 investigation related thereto, shall be restricted to exclude  
18 the identity of any child who is a victim of such criminal  
19 sexual offense or alleged criminal sexual offense. A court may  
20 for the child's protection and for good cause shown, prohibit  
21 any person or agency present in court from further disclosing  
22 the child's identity.

23 When a criminal sexual offense is committed or alleged to

1 have been committed by a school district employee on the  
2 premises under the jurisdiction of a public school district or  
3 during an official school sponsored activity, a copy of the law  
4 enforcement records maintained by any law enforcement agency or  
5 circuit court records maintained by any circuit clerk relating  
6 to the investigation of the offense or alleged offense shall be  
7 made available for inspection and copying by the superintendent  
8 of schools of the district. The superintendent shall be  
9 restricted from specifically revealing the name of the victim  
10 without written consent of the victim or victim's parent or  
11 guardian.

12 A court may prohibit such disclosure only after giving  
13 notice and a hearing to all affected parties. In determining  
14 whether to prohibit disclosure of the minor's identity the  
15 court shall consider:

- 16 (a) the best interest of the child; and  
17 (b) whether such nondisclosure would further a  
18 compelling State interest.

19 (Source: P.A. 87-553.)