

1 AN ACT concerning juveniles.

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 Sections 1-7 and 5-905 as follows:

6 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

7 Sec. 1-7. Confidentiality of law enforcement records.

8 (A) Inspection and copying of law enforcement records  
9 maintained by law enforcement agencies that relate to a minor  
10 who has been arrested or taken into custody before his or her  
11 17th birthday shall be restricted to the following:

12 (1) Any local, State or federal law enforcement  
13 officers of any jurisdiction or agency when necessary for  
14 the discharge of their official duties during the  
15 investigation or prosecution of a crime or relating to a  
16 minor who has been adjudicated delinquent and there has  
17 been a previous finding that the act which constitutes the  
18 previous offense was committed in furtherance of criminal  
19 activities by a criminal street gang, or, when necessary  
20 for the discharge of its official duties in connection with  
21 a particular investigation of the conduct of a law  
22 enforcement officer, an independent agency or its staff  
23 created by ordinance and charged by a unit of local

1       government with the duty of investigating the conduct of  
2       law enforcement officers. For purposes of this Section,  
3       "criminal street gang" has the meaning ascribed to it in  
4       Section 10 of the Illinois Streetgang Terrorism Omnibus  
5       Prevention Act.

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

13           (3) Prosecutors and probation officers:

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

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

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

26           (4) Adult and Juvenile Prisoner Review Board.

1 (5) Authorized military personnel.

2 (6) Persons engaged in bona fide research, with the  
3 permission of the Presiding Judge of the Juvenile Court and  
4 the chief executive of the respective law enforcement  
5 agency; provided that publication of such research results  
6 in no disclosure of a minor's identity and protects the  
7 confidentiality of the minor's record.

8 (7) Department of Children and Family Services child  
9 protection investigators acting in their official  
10 capacity.

11 (8) The appropriate school official. Inspection and  
12 copying shall be limited to law enforcement records  
13 transmitted to the appropriate school official by a local  
14 law enforcement agency under a reciprocal reporting system  
15 established and maintained between the school district and  
16 the local law enforcement agency under Section 10-20.14 of  
17 the School Code concerning a minor enrolled in a school  
18 within the school district who has been arrested or taken  
19 into custody for any of the following offenses:

20 (i) unlawful use of weapons under Section 24-1 of  
21 the Criminal Code of 1961;

22 (ii) a violation of the Illinois Controlled  
23 Substances Act;

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

25 (iv) a forcible felony as defined in Section 2-8 of  
26 the Criminal Code of 1961; or

1                   (v) a violation of the Methamphetamine Control and  
2           Community Protection Act.

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

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

26          (2) Law enforcement officers or other persons or

1 agencies shall transmit to the Department of State Police  
2 copies of fingerprints and descriptions of all minors who  
3 have been arrested or taken into custody before their 17th  
4 birthday for the offense of unlawful use of weapons under  
5 Article 24 of the Criminal Code of 1961, a Class X or Class  
6 1 felony, a forcible felony as defined in Section 2-8 of  
7 the Criminal Code of 1961, or a Class 2 or greater felony  
8 under the Cannabis Control Act, the Illinois Controlled  
9 Substances Act, the Methamphetamine Control and Community  
10 Protection Act, or Chapter 4 of the Illinois Vehicle Code,  
11 pursuant to Section 5 of the Criminal Identification Act.  
12 Information reported to the Department pursuant to this  
13 Section may be maintained with records that the Department  
14 files pursuant to Section 2.1 of the Criminal  
15 Identification Act. Nothing in this Act prohibits a law  
16 enforcement agency from fingerprinting a minor taken into  
17 custody or arrested before his or her 17th birthday for an  
18 offense other than those listed in this paragraph (2).

19 (C) The records of law enforcement officers, or of an  
20 independent agency created by ordinance and charged by a unit  
21 of local government with the duty of investigating the conduct  
22 of law enforcement officers, concerning all minors under 17  
23 years of age must be maintained separate from the records of  
24 arrests and may not be open to public inspection or their  
25 contents disclosed to the public except by order of the court  
26 presiding over matters pursuant to this Act or when the

1 institution of criminal proceedings has been permitted or  
2 required under Section 5-805 or such a person has been  
3 convicted of a crime and is the subject of pre-sentence  
4 investigation or proceedings on an application for probation or  
5 when provided by law. For purposes of obtaining documents  
6 pursuant to this Section, a civil subpoena is not an order of  
7 the court.

8 (1) In cases where the law enforcement, or independent  
9 agency, records concern a pending juvenile court case, the  
10 party seeking to inspect the records shall provide actual  
11 notice to the attorney or guardian ad litem of the minor  
12 whose records are sought.

13 (2) In cases where the records concern a juvenile court  
14 case that is no longer pending, the party seeking to  
15 inspect the records shall provide actual notice to the  
16 minor or the minor's parent or legal guardian, and the  
17 matter shall be referred to the chief judge presiding over  
18 matters pursuant to this Act.

19 (3) In determining whether the records should be  
20 available for inspection, the court shall consider the  
21 minor's interest in confidentiality and rehabilitation  
22 over the moving party's interest in obtaining the  
23 information. Any records obtained in violation of this  
24 subsection (C) shall not be admissible in any criminal or  
25 civil proceeding, or operate to disqualify a minor from  
26 subsequently holding public office or securing employment,

1 or operate as a forfeiture of any public benefit, right,  
2 privilege, or right to receive any license granted by  
3 public authority.

4 (D) Nothing contained in subsection (C) of this Section  
5 shall prohibit the inspection or disclosure to victims and  
6 witnesses of photographs contained in the records of law  
7 enforcement agencies when the inspection and disclosure is  
8 conducted in the presence of a law enforcement officer for the  
9 purpose of the identification or apprehension of any person  
10 subject to the provisions of this Act or for the investigation  
11 or prosecution of any crime.

12 (E) Law enforcement officers, and personnel of an  
13 independent agency created by ordinance and charged by a unit  
14 of local government with the duty of investigating the conduct  
15 of law enforcement officers, may not disclose the identity of  
16 any minor in releasing information to the general public as to  
17 the arrest, investigation or disposition of any case involving  
18 a minor.

19 (F) Nothing contained in this Section shall prohibit law  
20 enforcement agencies from communicating with each other by  
21 letter, memorandum, teletype or intelligence alert bulletin or  
22 other means the identity or other relevant information  
23 pertaining to a person under 17 years of age if there are  
24 reasonable grounds to believe that the person poses a real and  
25 present danger to the safety of the public or law enforcement  
26 officers. The information provided under this subsection (F)

1 shall remain confidential and shall not be publicly disclosed,  
2 except as otherwise allowed by law.

3 (G) Nothing in this Section shall prohibit the right of a  
4 Civil Service Commission or appointing authority of any state,  
5 county or municipality examining the character and fitness of  
6 an applicant for employment with a law enforcement agency,  
7 correctional institution, or fire department from obtaining  
8 and examining the records of any law enforcement agency  
9 relating to any record of the applicant having been arrested or  
10 taken into custody before the applicant's 17th birthday.

11 (Source: P.A. 94-556, eff. 9-11-05; 95-123, eff. 8-13-07.)

12 (705 ILCS 405/5-905)

13 Sec. 5-905. Law enforcement records.

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

20 (a) A judge of the circuit court and members of the  
21 staff of the court designated by the judge;

22 (b) Law enforcement officers, probation officers or  
23 prosecutors or their staff, or, when necessary for the  
24 discharge of its official duties in connection with a  
25 particular investigation of the conduct of a law



1 enforcement officer, an independent agency or its staff  
2 created by ordinance and charged by a unit of local  
3 government with the duty of investigating the conduct of  
4 law enforcement officers;

5 (c) The minor, the minor's parents or legal guardian  
6 and their attorneys, but only when the juvenile has been  
7 charged with an offense;

8 (d) Adult and Juvenile Prisoner Review Boards;

9 (e) Authorized military personnel;

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

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

23 (h) The appropriate school official. Inspection and  
24 copying shall be limited to law enforcement records  
25 transmitted to the appropriate school official by a local  
26 law enforcement agency under a reciprocal reporting system

1 established and maintained between the school district and  
2 the local law enforcement agency under Section 10-20.14 of  
3 the School Code concerning a minor enrolled in a school  
4 within the school district who has been arrested for any  
5 offense classified as a felony or a Class A or B  
6 misdemeanor.

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

12 (3) Relevant information, reports and records shall be made  
13 available to the Department of Juvenile Justice when a juvenile  
14 offender has been placed in the custody of the Department of  
15 Juvenile Justice.

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

23 (5) The records of law enforcement officers, or of an  
24 independent agency created by ordinance and charged by a unit  
25 of local government with the duty of investigating the conduct  
26 of law enforcement officers, concerning all minors under 17

1 years of age must be maintained separate from the records of  
2 adults and may not be open to public inspection or their  
3 contents disclosed to the public except by order of the court  
4 or when the institution of criminal proceedings has been  
5 permitted under Section 5-130 or 5-805 or required under  
6 Section 5-130 or 5-805 or such a person has been convicted of a  
7 crime and is the subject of pre-sentence investigation or when  
8 provided by law.

9 (6) Except as otherwise provided in this subsection (6),  
10 law enforcement officers, and personnel of an independent  
11 agency created by ordinance and charged by a unit of local  
12 government with the duty of investigating the conduct of law  
13 enforcement officers, may not disclose the identity of any  
14 minor in releasing information to the general public as to the  
15 arrest, investigation or disposition of any case involving a  
16 minor. Any victim or parent or legal guardian of a victim may  
17 petition the court to disclose the name and address of the  
18 minor and the minor's parents or legal guardian, or both. Upon  
19 a finding by clear and convincing evidence that the disclosure  
20 is either necessary for the victim to pursue a civil remedy  
21 against the minor or the minor's parents or legal guardian, or  
22 both, or to protect the victim's person or property from the  
23 minor, then the court may order the disclosure of the  
24 information to the victim or to the parent or legal guardian of  
25 the victim only for the purpose of the victim pursuing a civil  
26 remedy against the minor or the minor's parents or legal

1 guardian, or both, or to protect the victim's person or  
2 property from the minor.

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

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

14 (Source: P.A. 94-696, eff. 6-1-06.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.