



Sen. Emil Jones, III

Filed: 3/10/2010

09600SB3513sam002

LRB096 18293 RLC 38614 a

1 AMENDMENT TO SENATE BILL 3513

2 AMENDMENT NO. _____. Amend Senate Bill 3513 by replacing
3 everything after the enacting clause with the following:

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

6 (705 ILCS 405/5-905)

7 Sec. 5-905. Law enforcement records.

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

14 (a) A judge of the circuit court and members of the
15 staff of the court designated by the judge;

16 (b) Law enforcement officers, probation officers or

1 prosecutors or their staff, or, when necessary for the
2 discharge of its official duties in connection with a
3 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;

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

11 (d) Adult and Juvenile Prisoner Review Boards;

12 (e) Authorized military personnel;

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

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

26 (h) The appropriate school official. Inspection and

1 copying shall be limited to law enforcement records
2 transmitted to the appropriate school official by a local
3 law enforcement agency under a reciprocal reporting system
4 established and maintained between the school district and
5 the local law enforcement agency under Section 10-20.14 of
6 the School Code concerning a minor enrolled in a school
7 within the school district who has been arrested for any
8 offense classified as a felony or a Class A or B
9 misdemeanor.

10 (2) Except as otherwise provided in subsection (2.5),
11 information ~~Information~~ identifying victims and alleged
12 victims of sex offenses, shall not be disclosed or open to
13 public inspection ~~under any circumstances~~. Nothing in this
14 Section shall prohibit the victim or alleged victim of any sex
15 offense from voluntarily disclosing his or her identity.

16 (2.5) Information identifying victims of aggravated
17 battery, battery, attempted first degree murder, or other
18 non-sexual violent offenses may be disclosed to appropriate
19 school officials by a local law enforcement agency pursuant to
20 an agreement established between the school district and the
21 local law enforcement agency subject to the approval by the
22 presiding judge of the juvenile court.

23 (3) Relevant information, reports and records shall be made
24 available to the Department of Juvenile Justice when a juvenile
25 offender has been placed in the custody of the Department of
26 Juvenile Justice.

1 (4) Nothing in this Section shall prohibit the inspection
2 or disclosure to victims and witnesses of photographs contained
3 in the records of law enforcement agencies when the inspection
4 or disclosure is conducted in the presence of a law enforcement
5 officer for purposes of identification or apprehension of any
6 person in the course of any criminal investigation or
7 prosecution.

8 (5) The records of law enforcement officers, or of an
9 independent agency created by ordinance and charged by a unit
10 of local government with the duty of investigating the conduct
11 of law enforcement officers, concerning all minors under 17
12 years of age must be maintained separate from the records of
13 adults and may not be open to public inspection or their
14 contents disclosed to the public except by order of the court
15 or when the institution of criminal proceedings has been
16 permitted under Section 5-130 or 5-805 or required under
17 Section 5-130 or 5-805 or such a person has been convicted of a
18 crime and is the subject of pre-sentence investigation or when
19 provided by law.

20 (6) Except as otherwise provided in this subsection (6),
21 law enforcement officers, and personnel of an independent
22 agency created by ordinance and charged by a unit of local
23 government with the duty of investigating the conduct of law
24 enforcement officers, may not disclose the identity of any
25 minor in releasing information to the general public as to the
26 arrest, investigation or disposition of any case involving a

1 minor. Any victim or parent or legal guardian of a victim may
2 petition the court to disclose the name and address of the
3 minor and the minor's parents or legal guardian, or both. Upon
4 a finding by clear and convincing evidence that the disclosure
5 is either necessary for the victim to pursue a civil remedy
6 against the minor or the minor's parents or legal guardian, or
7 both, or to protect the victim's person or property from the
8 minor, then the court may order the disclosure of the
9 information to the victim or to the parent or legal guardian of
10 the victim only for the purpose of the victim pursuing a civil
11 remedy against the minor or the minor's parents or legal
12 guardian, or both, or to protect the victim's person or
13 property from the minor.

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

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

25 (Source: P.A. 96-419, eff. 8-13-09.)"