

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Sections 2.15, 7, and 7.5 as follows:

6 (5 ILCS 140/2.15)

7 Sec. 2.15. Arrest reports and criminal history records.

8 (a) Arrest reports. The following chronologically
9 maintained arrest and criminal history information maintained
10 by State or local criminal justice agencies shall be furnished
11 as soon as practical, but in no event later than 72 hours after
12 the arrest, notwithstanding the time limits otherwise provided
13 for in Section 3 of this Act: (i) information that identifies
14 the individual, including the name, age, address, and
15 photograph, when and if available; (ii) information detailing
16 any charges relating to the arrest; (iii) the time and location
17 of the arrest; (iv) the name of the investigating or arresting
18 law enforcement agency; (v) if the individual is incarcerated,
19 the amount of any bail or bond; and (vi) if the individual is
20 incarcerated, the time and date that the individual was
21 received into, discharged from, or transferred from the
22 arresting agency's custody.

23 (b) Criminal history records. The following documents

1 maintained by a public body pertaining to criminal history
2 record information are public records subject to inspection and
3 copying by the public pursuant to this Act: (i) court records
4 that are public; (ii) records that are otherwise available
5 under State or local law; and (iii) records in which the
6 requesting party is the individual identified, except as
7 provided under Section 7(1)(d)(vi).

8 (c) Information described in items (iii) through (vi) of
9 subsection (a) may be withheld if it is determined that
10 disclosure would: (i) interfere with pending or actually and
11 reasonably contemplated law enforcement proceedings conducted
12 by any law enforcement agency; (ii) endanger the life or
13 physical safety of law enforcement or correctional personnel or
14 any other person; or (iii) compromise the security of any
15 correctional facility.

16 (d) The provisions of this Section do not supersede the
17 confidentiality provisions for law enforcement or arrest
18 records of the Juvenile Court Act of 1987.

19 (Source: P.A. 96-542, eff. 1-1-10.)

20 (5 ILCS 140/7) (from Ch. 116, par. 207)

21 Sec. 7. Exemptions.

22 (1) When a request is made to inspect or copy a public
23 record that contains information that is exempt from disclosure
24 under this Section, but also contains information that is not
25 exempt from disclosure, the public body may elect to redact the

1 information that is exempt. The public body shall make the
2 remaining information available for inspection and copying.
3 Subject to this requirement, the following shall be exempt from
4 inspection and copying:

5 (a) Information specifically prohibited from
6 disclosure by federal or State law or rules and regulations
7 implementing federal or State law.

8 (b) Private information, unless disclosure is required
9 by another provision of this Act, a State or federal law or
10 a court order.

11 (b-5) Files, documents, and other data or databases
12 maintained by one or more law enforcement agencies and
13 specifically designed to provide information to one or more
14 law enforcement agencies regarding the physical or mental
15 status of one or more individual subjects.

16 (c) Personal information contained within public
17 records, the disclosure of which would constitute a clearly
18 unwarranted invasion of personal privacy, unless the
19 disclosure is consented to in writing by the individual
20 subjects of the information. "Unwarranted invasion of
21 personal privacy" means the disclosure of information that
22 is highly personal or objectionable to a reasonable person
23 and in which the subject's right to privacy outweighs any
24 legitimate public interest in obtaining the information.
25 The disclosure of information that bears on the public
26 duties of public employees and officials shall not be

1 considered an invasion of personal privacy.

2 (d) Records in the possession of any public body
3 created in the course of administrative enforcement
4 proceedings, and any law enforcement or correctional
5 agency for law enforcement purposes, but only to the extent
6 that disclosure would:

7 (i) interfere with pending or actually and
8 reasonably contemplated law enforcement proceedings
9 conducted by any law enforcement or correctional
10 agency that is the recipient of the request;

11 (ii) interfere with active administrative
12 enforcement proceedings conducted by the public body
13 that is the recipient of the request;

14 (iii) create a substantial likelihood that a
15 person will be deprived of a fair trial or an impartial
16 hearing;

17 (iv) unavoidably disclose the identity of a
18 confidential source, confidential information
19 furnished only by the confidential source, or persons
20 who file complaints with or provide information to
21 administrative, investigative, law enforcement, or
22 penal agencies; except that the identities of
23 witnesses to traffic accidents, traffic accident
24 reports, and rescue reports shall be provided by
25 agencies of local government, except when disclosure
26 would interfere with an active criminal investigation

1 conducted by the agency that is the recipient of the
2 request;

3 (v) disclose unique or specialized investigative
4 techniques other than those generally used and known or
5 disclose internal documents of correctional agencies
6 related to detection, observation or investigation of
7 incidents of crime or misconduct, and disclosure would
8 result in demonstrable harm to the agency or public
9 body that is the recipient of the request;

10 (vi) endanger the life or physical safety of law
11 enforcement personnel or any other person; or

12 (vii) obstruct an ongoing criminal investigation
13 by the agency that is the recipient of the request.

14 (d-5) A law enforcement record created for law
15 enforcement purposes and contained in a shared electronic
16 record management system if the law enforcement agency that
17 is the recipient of the request did not create the record,
18 did not participate in or have a role in any of the events
19 which are the subject of the record, and only has access to
20 the record through the shared electronic record management
21 system.

22 (e) Records that relate to or affect the security of
23 correctional institutions and detention facilities.

24 (e-5) Records requested by persons committed to the
25 Department of Corrections if those materials are available
26 in the library of the correctional facility where the

1 inmate is confined.

2 (e-6) Records requested by persons committed to the
3 Department of Corrections if those materials include
4 records from staff members' personnel files, staff
5 rosters, or other staffing assignment information.

6 (e-7) Records requested by persons committed to the
7 Department of Corrections if those materials are available
8 through an administrative request to the Department of
9 Corrections.

10 (f) Preliminary drafts, notes, recommendations,
11 memoranda and other records in which opinions are
12 expressed, or policies or actions are formulated, except
13 that a specific record or relevant portion of a record
14 shall not be exempt when the record is publicly cited and
15 identified by the head of the public body. The exemption
16 provided in this paragraph (f) extends to all those records
17 of officers and agencies of the General Assembly that
18 pertain to the preparation of legislative documents.

19 (g) Trade secrets and commercial or financial
20 information obtained from a person or business where the
21 trade secrets or commercial or financial information are
22 furnished under a claim that they are proprietary,
23 privileged or confidential, and that disclosure of the
24 trade secrets or commercial or financial information would
25 cause competitive harm to the person or business, and only
26 insofar as the claim directly applies to the records

1 requested.

2 The information included under this exemption includes
3 all trade secrets and commercial or financial information
4 obtained by a public body, including a public pension fund,
5 from a private equity fund or a privately held company
6 within the investment portfolio of a private equity fund as
7 a result of either investing or evaluating a potential
8 investment of public funds in a private equity fund. The
9 exemption contained in this item does not apply to the
10 aggregate financial performance information of a private
11 equity fund, nor to the identity of the fund's managers or
12 general partners. The exemption contained in this item does
13 not apply to the identity of a privately held company
14 within the investment portfolio of a private equity fund,
15 unless the disclosure of the identity of a privately held
16 company may cause competitive harm.

17 Nothing contained in this paragraph (g) shall be
18 construed to prevent a person or business from consenting
19 to disclosure.

20 (h) Proposals and bids for any contract, grant, or
21 agreement, including information which if it were
22 disclosed would frustrate procurement or give an advantage
23 to any person proposing to enter into a contractor
24 agreement with the body, until an award or final selection
25 is made. Information prepared by or for the body in
26 preparation of a bid solicitation shall be exempt until an

1 award or final selection is made.

2 (i) Valuable formulae, computer geographic systems,
3 designs, drawings and research data obtained or produced by
4 any public body when disclosure could reasonably be
5 expected to produce private gain or public loss. The
6 exemption for "computer geographic systems" provided in
7 this paragraph (i) does not extend to requests made by news
8 media as defined in Section 2 of this Act when the
9 requested information is not otherwise exempt and the only
10 purpose of the request is to access and disseminate
11 information regarding the health, safety, welfare, or
12 legal rights of the general public.

13 (j) The following information pertaining to
14 educational matters:

15 (i) test questions, scoring keys and other
16 examination data used to administer an academic
17 examination;

18 (ii) information received by a primary or
19 secondary school, college, or university under its
20 procedures for the evaluation of faculty members by
21 their academic peers;

22 (iii) information concerning a school or
23 university's adjudication of student disciplinary
24 cases, but only to the extent that disclosure would
25 unavoidably reveal the identity of the student; and

26 (iv) course materials or research materials used

1 by faculty members.

2 (k) Architects' plans, engineers' technical
3 submissions, and other construction related technical
4 documents for projects not constructed or developed in
5 whole or in part with public funds and the same for
6 projects constructed or developed with public funds,
7 including but not limited to power generating and
8 distribution stations and other transmission and
9 distribution facilities, water treatment facilities,
10 airport facilities, sport stadiums, convention centers,
11 and all government owned, operated, or occupied buildings,
12 but only to the extent that disclosure would compromise
13 security.

14 (l) Minutes of meetings of public bodies closed to the
15 public as provided in the Open Meetings Act until the
16 public body makes the minutes available to the public under
17 Section 2.06 of the Open Meetings Act.

18 (m) Communications between a public body and an
19 attorney or auditor representing the public body that would
20 not be subject to discovery in litigation, and materials
21 prepared or compiled by or for a public body in
22 anticipation of a criminal, civil or administrative
23 proceeding upon the request of an attorney advising the
24 public body, and materials prepared or compiled with
25 respect to internal audits of public bodies.

26 (n) Records relating to a public body's adjudication of

1 employee grievances or disciplinary cases; however, this
2 exemption shall not extend to the final outcome of cases in
3 which discipline is imposed.

4 (o) Administrative or technical information associated
5 with automated data processing operations, including but
6 not limited to software, operating protocols, computer
7 program abstracts, file layouts, source listings, object
8 modules, load modules, user guides, documentation
9 pertaining to all logical and physical design of
10 computerized systems, employee manuals, and any other
11 information that, if disclosed, would jeopardize the
12 security of the system or its data or the security of
13 materials exempt under this Section.

14 (p) Records relating to collective negotiating matters
15 between public bodies and their employees or
16 representatives, except that any final contract or
17 agreement shall be subject to inspection and copying.

18 (q) Test questions, scoring keys, and other
19 examination data used to determine the qualifications of an
20 applicant for a license or employment.

21 (r) The records, documents, and information relating
22 to real estate purchase negotiations until those
23 negotiations have been completed or otherwise terminated.
24 With regard to a parcel involved in a pending or actually
25 and reasonably contemplated eminent domain proceeding
26 under the Eminent Domain Act, records, documents and

1 information relating to that parcel shall be exempt except
2 as may be allowed under discovery rules adopted by the
3 Illinois Supreme Court. The records, documents and
4 information relating to a real estate sale shall be exempt
5 until a sale is consummated.

6 (s) Any and all proprietary information and records
7 related to the operation of an intergovernmental risk
8 management association or self-insurance pool or jointly
9 self-administered health and accident cooperative or pool.
10 Insurance or self insurance (including any
11 intergovernmental risk management association or self
12 insurance pool) claims, loss or risk management
13 information, records, data, advice or communications.

14 (t) Information contained in or related to
15 examination, operating, or condition reports prepared by,
16 on behalf of, or for the use of a public body responsible
17 for the regulation or supervision of financial
18 institutions or insurance companies, unless disclosure is
19 otherwise required by State law.

20 (u) Information that would disclose or might lead to
21 the disclosure of secret or confidential information,
22 codes, algorithms, programs, or private keys intended to be
23 used to create electronic or digital signatures under the
24 Electronic Commerce Security Act.

25 (v) Vulnerability assessments, security measures, and
26 response policies or plans that are designed to identify,

1 prevent, or respond to potential attacks upon a community's
2 population or systems, facilities, or installations, the
3 destruction or contamination of which would constitute a
4 clear and present danger to the health or safety of the
5 community, but only to the extent that disclosure could
6 reasonably be expected to jeopardize the effectiveness of
7 the measures or the safety of the personnel who implement
8 them or the public. Information exempt under this item may
9 include such things as details pertaining to the
10 mobilization or deployment of personnel or equipment, to
11 the operation of communication systems or protocols, or to
12 tactical operations.

13 (w) (Blank).

14 (x) Maps and other records regarding the location or
15 security of generation, transmission, distribution,
16 storage, gathering, treatment, or switching facilities
17 owned by a utility, by a power generator, or by the
18 Illinois Power Agency.

19 (y) Information contained in or related to proposals,
20 bids, or negotiations related to electric power
21 procurement under Section 1-75 of the Illinois Power Agency
22 Act and Section 16-111.5 of the Public Utilities Act that
23 is determined to be confidential and proprietary by the
24 Illinois Power Agency or by the Illinois Commerce
25 Commission.

26 (z) Information about students exempted from

1 disclosure under Sections 10-20.38 or 34-18.29 of the
2 School Code, and information about undergraduate students
3 enrolled at an institution of higher education exempted
4 from disclosure under Section 25 of the Illinois Credit
5 Card Marketing Act of 2009.

6 (aa) Information the disclosure of which is exempted
7 under the Viatical Settlements Act of 2009.

8 (bb) Records and information provided to a mortality
9 review team and records maintained by a mortality review
10 team appointed under the Department of Juvenile Justice
11 Mortality Review Team Act.

12 (cc) Information regarding interments, entombments, or
13 inurnments of human remains that are submitted to the
14 Cemetery Oversight Database under the Cemetery Care Act or
15 the Cemetery Oversight Act, whichever is applicable.

16 (dd) Correspondence and records (i) that may not be
17 disclosed under Section 11-9 of the Public Aid Code or (ii)
18 that pertain to appeals under Section 11-8 of the Public
19 Aid Code.

20 (ee) The names, addresses, or other personal
21 information of persons who are minors and are also
22 participants and registrants in programs of park
23 districts, forest preserve districts, conservation
24 districts, recreation agencies, and special recreation
25 associations.

26 (ff) The names, addresses, or other personal

1 information of participants and registrants in programs of
2 park districts, forest preserve districts, conservation
3 districts, recreation agencies, and special recreation
4 associations where such programs are targeted primarily to
5 minors.

6 (gg) Confidential information described in Section
7 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

8 (hh) The report submitted to the State Board of
9 Education by the School Security and Standards Task Force
10 under item (8) of subsection (d) of Section 2-3.160 of the
11 School Code and any information contained in that report.

12 (ii) Records requested by persons committed to or
13 detained by the Department of Human Services under the
14 Sexually Violent Persons Commitment Act or committed to the
15 Department of Corrections under the Sexually Dangerous
16 Persons Act if those materials: (i) are available in the
17 library of the facility where the individual is confined;
18 (ii) include records from staff members' personnel files,
19 staff rosters, or other staffing assignment information;
20 or (iii) are available through an administrative request to
21 the Department of Human Services or the Department of
22 Corrections.

23 (1.5) Any information exempt from disclosure under the
24 Judicial Privacy Act shall be redacted from public records
25 prior to disclosure under this Act.

26 (2) A public record that is not in the possession of a

1 public body but is in the possession of a party with whom the
2 agency has contracted to perform a governmental function on
3 behalf of the public body, and that directly relates to the
4 governmental function and is not otherwise exempt under this
5 Act, shall be considered a public record of the public body,
6 for purposes of this Act.

7 (3) This Section does not authorize withholding of
8 information or limit the availability of records to the public,
9 except as stated in this Section or otherwise provided in this
10 Act.

11 (Source: P.A. 97-333, eff. 8-12-11; 97-385, eff. 8-15-11;
12 97-452, eff. 8-19-11; 97-783, eff. 7-13-12; 97-813, eff.
13 7-13-12; 97-847, eff. 9-22-12; 97-1065, eff. 8-24-12; 97-1129,
14 eff. 8-28-12; 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;
15 98-695, eff. 7-3-14.)

16 (5 ILCS 140/7.5)

17 Sec. 7.5. Statutory exemptions ~~Exemptions~~. To the extent
18 provided for by the statutes referenced below, the following
19 shall be exempt from inspection and copying:

20 (a) All information determined to be confidential
21 under Section 4002 of the Technology Advancement and
22 Development Act.

23 (b) Library circulation and order records identifying
24 library users with specific materials under the Library
25 Records Confidentiality Act.

1 (c) Applications, related documents, and medical
2 records received by the Experimental Organ Transplantation
3 Procedures Board and any and all documents or other records
4 prepared by the Experimental Organ Transplantation
5 Procedures Board or its staff relating to applications it
6 has received.

7 (d) Information and records held by the Department of
8 Public Health and its authorized representatives relating
9 to known or suspected cases of sexually transmissible
10 disease or any information the disclosure of which is
11 restricted under the Illinois Sexually Transmissible
12 Disease Control Act.

13 (e) Information the disclosure of which is exempted
14 under Section 30 of the Radon Industry Licensing Act.

15 (f) Firm performance evaluations under Section 55 of
16 the Architectural, Engineering, and Land Surveying
17 Qualifications Based Selection Act.

18 (g) Information the disclosure of which is restricted
19 and exempted under Section 50 of the Illinois Prepaid
20 Tuition Act.

21 (h) Information the disclosure of which is exempted
22 under the State Officials and Employees Ethics Act, and
23 records of any lawfully created State or local inspector
24 general's office that would be exempt if created or
25 obtained by an Executive Inspector General's office under
26 that Act.

1 (i) Information contained in a local emergency energy
2 plan submitted to a municipality in accordance with a local
3 emergency energy plan ordinance that is adopted under
4 Section 11-21.5-5 of the Illinois Municipal Code.

5 (j) Information and data concerning the distribution
6 of surcharge moneys collected and remitted by wireless
7 carriers under the Wireless Emergency Telephone Safety
8 Act.

9 (k) Law enforcement officer identification information
10 or driver identification information compiled by a law
11 enforcement agency or the Department of Transportation
12 under Section 11-212 of the Illinois Vehicle Code.

13 (l) Records and information provided to a residential
14 health care facility resident sexual assault and death
15 review team or the Executive Council under the Abuse
16 Prevention Review Team Act.

17 (m) Information provided to the predatory lending
18 database created pursuant to Article 3 of the Residential
19 Real Property Disclosure Act, except to the extent
20 authorized under that Article.

21 (n) Defense budgets and petitions for certification of
22 compensation and expenses for court appointed trial
23 counsel as provided under Sections 10 and 15 of the Capital
24 Crimes Litigation Act. This subsection (n) shall apply
25 until the conclusion of the trial of the case, even if the
26 prosecution chooses not to pursue the death penalty prior

1 to trial or sentencing.

2 (o) Information that is prohibited from being
3 disclosed under Section 4 of the Illinois Health and
4 Hazardous Substances Registry Act.

5 (p) Security portions of system safety program plans,
6 investigation reports, surveys, schedules, lists, data, or
7 information compiled, collected, or prepared by or for the
8 Regional Transportation Authority under Section 2.11 of
9 the Regional Transportation Authority Act or the St. Clair
10 County Transit District under the Bi-State Transit Safety
11 Act.

12 (q) Information prohibited from being disclosed by the
13 Personnel Records Review Act.

14 (r) Information prohibited from being disclosed by the
15 Illinois School Student Records Act.

16 (s) Information the disclosure of which is restricted
17 under Section 5-108 of the Public Utilities Act.

18 (t) All identified or deidentified health information
19 in the form of health data or medical records contained in,
20 stored in, submitted to, transferred by, or released from
21 the Illinois Health Information Exchange, and identified
22 or deidentified health information in the form of health
23 data and medical records of the Illinois Health Information
24 Exchange in the possession of the Illinois Health
25 Information Exchange Authority due to its administration
26 of the Illinois Health Information Exchange. The terms

1 "identified" and "deidentified" shall be given the same
2 meaning as in the Health Insurance Accountability and
3 Portability Act of 1996, Public Law 104-191, or any
4 subsequent amendments thereto, and any regulations
5 promulgated thereunder.

6 (u) Records and information provided to an independent
7 team of experts under Brian's Law.

8 (v) Names and information of people who have applied
9 for or received Firearm Owner's Identification Cards under
10 the Firearm Owners Identification Card Act or applied for
11 or received a concealed carry license under the Firearm
12 Concealed Carry Act, unless otherwise authorized by the
13 Firearm Concealed Carry Act; and databases under the
14 Firearm Concealed Carry Act, records of the Concealed Carry
15 Licensing Review Board under the Firearm Concealed Carry
16 Act, and law enforcement agency objections under the
17 Firearm Concealed Carry Act.

18 (w) Personally identifiable information which is
19 exempted from disclosure under subsection (g) of Section
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure
22 under Section 5-1014.3 of the Counties Code or Section
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult
25 Protective Services Act and its predecessor enabling
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding
2 against any caregiver of a verified and substantiated
3 decision of abuse, neglect, or financial exploitation of an
4 eligible adult maintained in the Registry established
5 under Section 7.5 of the Adult Protective Services Act.

6 (z) Records and information provided to a fatality
7 review team or the Illinois Fatality Review Team Advisory
8 Council under Section 15 of the Adult Protective Services
9 Act.

10 (aa) Information which is exempted from disclosure
11 under Section 2.37 of the Wildlife Code.

12 (bb) Information which is or was prohibited from
13 disclosure by the Juvenile Court Act of 1987.

14 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,
15 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,
16 eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039,
17 eff. 8-25-14; 98-1045, eff. 8-25-14; revised 10-1-14.)

18 Section 10. The Juvenile Court Act of 1987 is amended by
19 changing Sections 1-7 and 5-905 as follows:

20 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

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

22 (A) Inspection and copying of law enforcement records
23 maintained by law enforcement agencies that relate to a minor
24 who has been investigated, arrested, or taken into custody

1 before his or her 18th birthday shall be restricted to the
2 following:

3 (1) Any local, State or federal law enforcement
4 officers of any jurisdiction or agency when necessary for
5 the discharge of their official duties during the
6 investigation or prosecution of a crime or relating to a
7 minor who has been adjudicated delinquent and there has
8 been a previous finding that the act which constitutes the
9 previous offense was committed in furtherance of criminal
10 activities by a criminal street gang, or, when necessary
11 for the discharge of its official duties in connection with
12 a particular investigation of the conduct of a law
13 enforcement officer, an independent agency or its staff
14 created by ordinance and charged by a unit of local
15 government with the duty of investigating the conduct of
16 law enforcement officers. For purposes of this Section,
17 "criminal street gang" has the meaning ascribed to it in
18 Section 10 of the Illinois Streetgang Terrorism Omnibus
19 Prevention Act.

20 (2) Prosecutors, probation officers, social workers,
21 or other individuals assigned by the court to conduct a
22 pre-adjudication or pre-disposition investigation, and
23 individuals responsible for supervising or providing
24 temporary or permanent care and custody for minors pursuant
25 to the order of the juvenile court, when essential to
26 performing their responsibilities.

1 (3) Prosecutors and probation officers:

2 (a) in the course of a trial when institution of
3 criminal proceedings has been permitted or required
4 under Section 5-805; or

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

9 (c) when criminal proceedings have been permitted
10 or required under Section 5-805 and such minor is the
11 subject of a pre-trial investigation, pre-sentence
12 investigation, fitness hearing, or proceedings on an
13 application for probation.

14 (4) Adult and Juvenile Prisoner Review Board.

15 (5) Authorized military personnel.

16 (6) Persons engaged in bona fide research, with the
17 permission of the Presiding Judge of the Juvenile Court and
18 the chief executive of the respective law enforcement
19 agency; provided that publication of such research results
20 in no disclosure of a minor's identity and protects the
21 confidentiality of the minor's record.

22 (7) Department of Children and Family Services child
23 protection investigators acting in their official
24 capacity.

25 (8) The appropriate school official only if the agency
26 or officer believes that there is an imminent threat of

1 physical harm to students, school personnel, or others who
2 are present in the school or on school grounds.

3 (A) Inspection and copying shall be limited to law
4 enforcement records transmitted to the appropriate
5 school official or officials whom the school has
6 determined to have a legitimate educational or safety
7 interest by a local law enforcement agency under a
8 reciprocal reporting system established and maintained
9 between the school district and the local law
10 enforcement agency under Section 10-20.14 of the
11 School Code concerning a minor enrolled in a school
12 within the school district who has been arrested or
13 taken into custody for any of the following offenses:

14 (i) any violation of Article 24 of the Criminal
15 Code of 1961 or the Criminal Code of 2012;

16 (ii) a violation of the Illinois Controlled
17 Substances Act;

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

19 (iv) a forcible felony as defined in Section
20 2-8 of the Criminal Code of 1961 or the Criminal
21 Code of 2012;

22 (v) a violation of the Methamphetamine Control
23 and Community Protection Act;

24 (vi) a violation of Section 1-2 of the
25 Harassing and Obscene Communications Act;

26 (vii) a violation of the Hazing Act; or

1 (viii) a violation of Section 12-1, 12-2,
2 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
3 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 The information derived from the law enforcement
6 records shall be kept separate from and shall not
7 become a part of the official school record of that
8 child and shall not be a public record. The information
9 shall be used solely by the appropriate school official
10 or officials whom the school has determined to have a
11 legitimate educational or safety interest to aid in the
12 proper rehabilitation of the child and to protect the
13 safety of students and employees in the school. If the
14 designated law enforcement and school officials deem
15 it to be in the best interest of the minor, the student
16 may be referred to in-school or community based social
17 services if those services are available.
18 "Rehabilitation services" may include interventions by
19 school support personnel, evaluation for eligibility
20 for special education, referrals to community-based
21 agencies such as youth services, behavioral healthcare
22 service providers, drug and alcohol prevention or
23 treatment programs, and other interventions as deemed
24 appropriate for the student.

25 (B) Any information provided to appropriate school
26 officials whom the school has determined to have a

1 legitimate educational or safety interest by local law
2 enforcement officials about a minor who is the subject
3 of a current police investigation that is directly
4 related to school safety shall consist of oral
5 information only, and not written law enforcement
6 records, and shall be used solely by the appropriate
7 school official or officials to protect the safety of
8 students and employees in the school and aid in the
9 proper rehabilitation of the child. The information
10 derived orally from the local law enforcement
11 officials shall be kept separate from and shall not
12 become a part of the official school record of the
13 child and shall not be a public record. This limitation
14 on the use of information about a minor who is the
15 subject of a current police investigation shall in no
16 way limit the use of this information by prosecutors in
17 pursuing criminal charges arising out of the
18 information disclosed during a police investigation of
19 the minor. For purposes of this paragraph,
20 "investigation" means an official systematic inquiry
21 by a law enforcement agency into actual or suspected
22 criminal activity.

23 (9) Mental health professionals on behalf of the
24 Illinois Department of Corrections or the Department of
25 Human Services or prosecutors who are evaluating,
26 prosecuting, or investigating a potential or actual

1 petition brought under the Sexually Violent Persons
2 Commitment Act relating to a person who is the subject of
3 juvenile law enforcement records or the respondent to a
4 petition brought under the Sexually Violent Persons
5 Commitment Act who is the subject of the juvenile law
6 enforcement records sought. Any records and any
7 information obtained from those records under this
8 paragraph (9) may be used only in sexually violent persons
9 commitment proceedings.

10 (10) The president of a park district. Inspection and
11 copying shall be limited to law enforcement records
12 transmitted to the president of the park district by the
13 Illinois State Police under Section 8-23 of the Park
14 District Code or Section 16a-5 of the Chicago Park District
15 Act concerning a person who is seeking employment with that
16 park district and who has been adjudicated a juvenile
17 delinquent for any of the offenses listed in subsection (c)
18 of Section 8-23 of the Park District Code or subsection (c)
19 of Section 16a-5 of the Chicago Park District Act.

20 (B) (1) Except as provided in paragraph (2), no law
21 enforcement officer or other person or agency may knowingly
22 transmit to the Department of Corrections or the Department
23 of State Police or to the Federal Bureau of Investigation
24 any fingerprint or photograph relating to a minor who has
25 been arrested or taken into custody before his or her 18th
26 birthday, unless the court in proceedings under this Act

1 authorizes the transmission or enters an order under
2 Section 5-805 permitting or requiring the institution of
3 criminal proceedings.

4 (2) Law enforcement officers or other persons or
5 agencies shall transmit to the Department of State Police
6 copies of fingerprints and descriptions of all minors who
7 have been arrested or taken into custody before their 18th
8 birthday for the offense of unlawful use of weapons under
9 Article 24 of the Criminal Code of 1961 or the Criminal
10 Code of 2012, a Class X or Class 1 felony, a forcible
11 felony as defined in Section 2-8 of the Criminal Code of
12 1961 or the Criminal Code of 2012, or a Class 2 or greater
13 felony under the Cannabis Control Act, the Illinois
14 Controlled Substances Act, the Methamphetamine Control and
15 Community Protection Act, or Chapter 4 of the Illinois
16 Vehicle Code, pursuant to Section 5 of the Criminal
17 Identification Act. Information reported to the Department
18 pursuant to this Section may be maintained with records
19 that the Department files pursuant to Section 2.1 of the
20 Criminal Identification Act. Nothing in this Act prohibits
21 a law enforcement agency from fingerprinting a minor taken
22 into custody or arrested before his or her 18th birthday
23 for an offense other than those listed in this paragraph
24 (2).

25 (C) The records of law enforcement officers, or of an
26 independent agency created by ordinance and charged by a unit

1 of local government with the duty of investigating the conduct
2 of law enforcement officers, concerning all minors under 18
3 years of age must be maintained separate from the records of
4 arrests and may not be open to public inspection or their
5 contents disclosed to the public except by order of the court
6 presiding over matters pursuant to this Act or when the
7 institution of criminal proceedings has been permitted or
8 required under Section 5-805 or such a person has been
9 convicted of a crime and is the subject of pre-sentence
10 investigation or proceedings on an application for probation or
11 when provided by law. For purposes of obtaining documents
12 pursuant to this Section, a civil subpoena is not an order of
13 the court.

14 (1) In cases where the law enforcement, or independent
15 agency, records concern a pending juvenile court case, the
16 party seeking to inspect the records shall provide actual
17 notice to the attorney or guardian ad litem of the minor
18 whose records are sought.

19 (2) In cases where the records concern a juvenile court
20 case that is no longer pending, the party seeking to
21 inspect the records shall provide actual notice to the
22 minor or the minor's parent or legal guardian, and the
23 matter shall be referred to the chief judge presiding over
24 matters pursuant to this Act.

25 (3) In determining whether the records should be
26 available for inspection, the court shall consider the

1 minor's interest in confidentiality and rehabilitation
2 over the moving party's interest in obtaining the
3 information. Any records obtained in violation of this
4 subsection (C) shall not be admissible in any criminal or
5 civil proceeding, or operate to disqualify a minor from
6 subsequently holding public office or securing employment,
7 or operate as a forfeiture of any public benefit, right,
8 privilege, or right to receive any license granted by
9 public authority.

10 (D) Nothing contained in subsection (C) of this Section
11 shall prohibit the inspection or disclosure to victims and
12 witnesses of photographs contained in the records of law
13 enforcement agencies when the inspection and disclosure is
14 conducted in the presence of a law enforcement officer for the
15 purpose of the identification or apprehension of any person
16 subject to the provisions of this Act or for the investigation
17 or prosecution of any crime.

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

25 (F) Nothing contained in this Section shall prohibit law
26 enforcement agencies from communicating with each other by

1 letter, memorandum, teletype or intelligence alert bulletin or
2 other means the identity or other relevant information
3 pertaining to a person under 18 years of age if there are
4 reasonable grounds to believe that the person poses a real and
5 present danger to the safety of the public or law enforcement
6 officers. The information provided under this subsection (F)
7 shall remain confidential and shall not be publicly disclosed,
8 except as otherwise allowed by law.

9 (G) Nothing in this Section shall prohibit the right of a
10 Civil Service Commission or appointing authority of any state,
11 county or municipality examining the character and fitness of
12 an applicant for employment with a law enforcement agency,
13 correctional institution, or fire department from obtaining
14 and examining the records of any law enforcement agency
15 relating to any record of the applicant having been arrested or
16 taken into custody before the applicant's 18th birthday.

17 (H) The changes made to this Section by Public Act 98-61
18 apply to law enforcement records of a minor who has been
19 arrested or taken into custody on or after January 1, 2014 (the
20 effective date of Public Act 98-61).

21 (Source: P.A. 97-700, eff. 6-22-12; 97-1083, eff. 8-24-12;
22 97-1104, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-61, eff.
23 1-1-14; 98-756, eff. 7-16-14.)

24 (705 ILCS 405/5-905)

25 Sec. 5-905. Law enforcement records.

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

7 (a) A judge of the circuit court and members of the
8 staff of the court designated by the judge;

9 (b) Law enforcement officers, probation officers or
10 prosecutors or their staff, or, when necessary for the
11 discharge of its official duties in connection with a
12 particular investigation of the conduct of a law
13 enforcement officer, an independent agency or its staff
14 created by ordinance and charged by a unit of local
15 government with the duty of investigating the conduct of
16 law enforcement officers;

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

20 (d) Adult and Juvenile Prisoner Review Boards;

21 (e) Authorized military personnel;

22 (f) Persons engaged in bona fide research, with the
23 permission of the judge of juvenile court and the chief
24 executive of the agency that prepared the particular
25 recording: provided that publication of such research
26 results in no disclosure of a minor's identity and protects

1 the confidentiality of the record;

2 (g) Individuals responsible for supervising or
3 providing temporary or permanent care and custody of minors
4 pursuant to orders of the juvenile court or directives from
5 officials of the Department of Children and Family Services
6 or the Department of Human Services who certify in writing
7 that the information will not be disclosed to any other
8 party except as provided under law or order of court;

9 (h) The appropriate school official only if the agency
10 or officer believes that there is an imminent threat of
11 physical harm to students, school personnel, or others who
12 are present in the school or on school grounds.

13 (A) Inspection and copying shall be limited to law
14 enforcement records transmitted to the appropriate
15 school official or officials whom the school has
16 determined to have a legitimate educational or safety
17 interest by a local law enforcement agency under a
18 reciprocal reporting system established and maintained
19 between the school district and the local law
20 enforcement agency under Section 10-20.14 of the
21 School Code concerning a minor enrolled in a school
22 within the school district who has been arrested or
23 taken into custody for any of the following offenses:

24 (i) any violation of Article 24 of the Criminal
25 Code of 1961 or the Criminal Code of 2012;

26 (ii) a violation of the Illinois Controlled

1 Substances Act;

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

3 (iv) a forcible felony as defined in Section
4 2-8 of the Criminal Code of 1961 or the Criminal
5 Code of 2012;

6 (v) a violation of the Methamphetamine Control
7 and Community Protection Act;

8 (vi) a violation of Section 1-2 of the
9 Harassing and Obscene Communications Act;

10 (vii) a violation of the Hazing Act; or

11 (viii) a violation of Section 12-1, 12-2,
12 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
13 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
14 Criminal Code of 1961 or the Criminal Code of 2012.

15 The information derived from the law enforcement
16 records shall be kept separate from and shall not
17 become a part of the official school record of that
18 child and shall not be a public record. The information
19 shall be used solely by the appropriate school official
20 or officials whom the school has determined to have a
21 legitimate educational or safety interest to aid in the
22 proper rehabilitation of the child and to protect the
23 safety of students and employees in the school. If the
24 designated law enforcement and school officials deem
25 it to be in the best interest of the minor, the student
26 may be referred to in-school or community based social

1 services if those services are available.
2 "Rehabilitation services" may include interventions by
3 school support personnel, evaluation for eligibility
4 for special education, referrals to community-based
5 agencies such as youth services, behavioral healthcare
6 service providers, drug and alcohol prevention or
7 treatment programs, and other interventions as deemed
8 appropriate for the student.

9 (B) Any information provided to appropriate school
10 officials whom the school has determined to have a
11 legitimate educational or safety interest by local law
12 enforcement officials about a minor who is the subject
13 of a current police investigation that is directly
14 related to school safety shall consist of oral
15 information only, and not written law enforcement
16 records, and shall be used solely by the appropriate
17 school official or officials to protect the safety of
18 students and employees in the school and aid in the
19 proper rehabilitation of the child. The information
20 derived orally from the local law enforcement
21 officials shall be kept separate from and shall not
22 become a part of the official school record of the
23 child and shall not be a public record. This limitation
24 on the use of information about a minor who is the
25 subject of a current police investigation shall in no
26 way limit the use of this information by prosecutors in

1 pursuing criminal charges arising out of the
2 information disclosed during a police investigation of
3 the minor. For purposes of this paragraph,
4 "investigation" means an official systematic inquiry
5 by a law enforcement agency into actual or suspected
6 criminal activity;

7 (i) The president of a park district. Inspection and
8 copying shall be limited to law enforcement records
9 transmitted to the president of the park district by the
10 Illinois State Police under Section 8-23 of the Park
11 District Code or Section 16a-5 of the Chicago Park District
12 Act concerning a person who is seeking employment with that
13 park district and who has been adjudicated a juvenile
14 delinquent for any of the offenses listed in subsection (c)
15 of Section 8-23 of the Park District Code or subsection (c)
16 of Section 16a-5 of the Chicago Park District Act.

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

22 (2.5) If the minor is a victim of aggravated battery,
23 battery, attempted first degree murder, or other non-sexual
24 violent offense, the identity of the victim may be disclosed to
25 appropriate school officials, for the purpose of preventing
26 foreseeable future violence involving minors, by a local law

1 enforcement agency pursuant to an agreement established
2 between the school district and a local law enforcement agency
3 subject to the approval by the presiding judge of the juvenile
4 court.

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

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

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

1 provided by law.

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

22 (7) Nothing contained in this Section shall prohibit law
23 enforcement agencies when acting in their official capacity
24 from communicating with each other by letter, memorandum,
25 teletype or intelligence alert bulletin or other means the
26 identity or other relevant information pertaining to a person

1 under 18 years of age. The information provided under this
2 subsection (7) shall remain confidential and shall not be
3 publicly disclosed, except as otherwise allowed by law.

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

7 (9) The changes made to this Section by Public Act 98-61
8 apply to law enforcement records of a minor who has been
9 arrested or taken into custody on or after January 1, 2014 (the
10 effective date of Public Act 98-61).

11 (Source: P.A. 97-700, eff. 6-22-12; 97-1104, eff. 1-1-13;
12 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14; 98-756, eff.
13 7-16-14.)

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