



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4427

Introduced 02/03/04, by Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-7	from Ch. 37, par. 801-7
705 ILCS 405/1-8	from Ch. 37, par. 801-8
705 ILCS 405/5-901	
705 ILCS 405/5-905	

Amends the Juvenile Court Act of 1987. Provides that law enforcement records and juvenile court records of a minor may be disclosed to a fire or arson investigator of the Office of the State Fire Marshal or of a local fire department or fire protection district or to a person classified as a peace officer under the Peace Officer Fire Investigation Act during the investigation or prosecution of an arson.

LRB093 15072 RLC 40657 b

1 AN ACT in relation to minors.

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, 1-8, 5-901, 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. For purposes of this
20 Section, "criminal street gang" has the meaning ascribed to
21 it in Section 10 of the Illinois Streetgang Terrorism
22 Omnibus Prevention Act.

23 (1.5) A fire or arson investigator of the Office of the
24 State Fire Marshal or of a local fire department or fire
25 protection district or a person classified as a peace
26 officer under the Peace Officer Fire Investigation Act
27 during the investigation or prosecution of an arson.

28 (2) Prosecutors, probation officers, social workers,
29 or other individuals assigned by the court to conduct a
30 pre-adjudication or pre-disposition investigation, and
31 individuals responsible for supervising or providing
32 temporary or permanent care and custody for minors pursuant

1 to the order of the juvenile court, when essential to
2 performing their responsibilities.

3 (3) Prosecutors and probation officers:

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

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

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

16 (4) Adult and Juvenile Prisoner Review Board.

17 (5) Authorized military personnel.

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

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

27 (8) The appropriate school official. Inspection and
28 copying shall be limited to law enforcement records
29 transmitted to the appropriate school official by a local
30 law enforcement agency under a reciprocal reporting system
31 established and maintained between the school district and
32 the local law enforcement agency under Section 10-20.14 of
33 the School Code concerning a minor enrolled in a school
34 within the school district who has been arrested or taken
35 into custody for any of the following offenses:

36 (i) unlawful use of weapons under Section 24-1 of

1 the Criminal Code of 1961;
2 (ii) a violation of the Illinois Controlled
3 Substances Act;
4 (iii) a violation of the Cannabis Control Act; or
5 (iv) a forcible felony as defined in Section 2-8 of
6 the Criminal Code of 1961.

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

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, Adult Division
23 or the Department of State Police or to the Federal Bureau
24 of Investigation any fingerprint or photograph relating to
25 a minor who has been arrested or taken into custody before
26 his or her 17th birthday, unless the court in proceedings
27 under this Act authorizes the transmission or enters an
28 order under Section 5-805 permitting or requiring the
29 institution of criminal proceedings.

30 (2) Law enforcement officers or other persons or
31 agencies shall transmit to the Department of State Police
32 copies of fingerprints and descriptions of all minors who
33 have been arrested or taken into custody before their 17th
34 birthday for the offense of unlawful use of weapons under
35 Article 24 of the Criminal Code of 1961, a Class X or Class
36 1 felony, a forcible felony as defined in Section 2-8 of

1 the Criminal Code of 1961, or a Class 2 or greater felony
2 under the Cannabis Control Act, the Illinois Controlled
3 Substances Act, or Chapter 4 of the Illinois Vehicle Code,
4 pursuant to Section 5 of the Criminal Identification Act.
5 Information reported to the Department pursuant to this
6 Section may be maintained with records that the Department
7 files pursuant to Section 2.1 of the Criminal
8 Identification Act. Nothing in this Act prohibits a law
9 enforcement agency from fingerprinting a minor taken into
10 custody or arrested before his or her 17th birthday for an
11 offense other than those listed in this paragraph (2).

12 (C) The records of law enforcement officers concerning all
13 minors under 17 years of age must be maintained separate from
14 the records of arrests and may not be open to public inspection
15 or their contents disclosed to the public except by order of
16 the court or when the institution of criminal proceedings has
17 been permitted or required under Section 5-805 or such a person
18 has been convicted of a crime and is the subject of
19 pre-sentence investigation or proceedings on an application
20 for probation or when provided by law.

21 (D) Nothing contained in subsection (C) of this Section
22 shall prohibit the inspection or disclosure to victims and
23 witnesses of photographs contained in the records of law
24 enforcement agencies when the inspection and disclosure is
25 conducted in the presence of a law enforcement officer for the
26 purpose of the identification or apprehension of any person
27 subject to the provisions of this Act or for the investigation
28 or prosecution of any crime.

29 (E) Law enforcement officers may not disclose the identity
30 of any minor in releasing information to the general public as
31 to the arrest, investigation or disposition of any case
32 involving a minor.

33 (F) Nothing contained in this Section shall prohibit law
34 enforcement agencies from communicating with each other by
35 letter, memorandum, teletype or intelligence alert bulletin or
36 other means the identity or other relevant information

1 pertaining to a person under 17 years of age if there are
2 reasonable grounds to believe that the person poses a real and
3 present danger to the safety of the public or law enforcement
4 officers. The information provided under this subsection (F)
5 shall remain confidential and shall not be publicly disclosed,
6 except as otherwise allowed by law.

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

15 (Source: P.A. 91-357, eff. 7-29-99; 91-368, eff. 1-1-00;
16 92-415, eff. 8-17-01.)

17 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

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

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

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

25 (2) Law enforcement officers and law enforcement
26 agencies when such information is essential to executing an
27 arrest or search warrant or other compulsory process, or to
28 conducting an ongoing investigation or relating to a minor
29 who has been adjudicated delinquent and there has been a
30 previous finding that the act which constitutes the
31 previous offense was committed in furtherance of criminal
32 activities by a criminal street gang.

33 Before July 1, 1994, for the purposes of this Section,
34 "criminal street gang" means any ongoing organization,
35 association, or group of 3 or more persons, whether formal

1 or informal, having as one of its primary activities the
2 commission of one or more criminal acts and that has a
3 common name or common identifying sign, symbol or specific
4 color apparel displayed, and whose members individually or
5 collectively engage in or have engaged in a pattern of
6 criminal activity.

7 Beginning July 1, 1994, for purposes of this Section,
8 "criminal street gang" has the meaning ascribed to it in
9 Section 10 of the Illinois Streetgang Terrorism Omnibus
10 Prevention Act.

11 (2.5) A fire or arson investigator of the Office of the
12 State Fire Marshal or of a local fire department or fire
13 protection district or a person classified as a peace
14 officer under the Peace Officer Fire Investigation Act
15 during the investigation or prosecution of an arson.

16 (3) Judges, hearing officers, prosecutors, probation
17 officers, social workers or other individuals assigned by
18 the court to conduct a pre-adjudication or predisposition
19 investigation, and individuals responsible for supervising
20 or providing temporary or permanent care and custody for
21 minors pursuant to the order of the juvenile court when
22 essential to performing their responsibilities.

23 (4) Judges, prosecutors and probation officers:

24 (a) in the course of a trial when institution of
25 criminal proceedings has been permitted or required
26 under Section 5-805; or

27 (b) when criminal proceedings have been permitted
28 or required under Section 5-805 and a minor is the
29 subject of a proceeding to determine the amount of
30 bail; or

31 (c) when criminal proceedings have been permitted
32 or required under Section 5-805 and a minor is the
33 subject of a pre-trial investigation, pre-sentence
34 investigation or fitness hearing, or proceedings on an
35 application for probation; or

36 (d) when a minor becomes 17 years of age or older,

1 and is the subject of criminal proceedings, including a
2 hearing to determine the amount of bail, a pre-trial
3 investigation, a pre-sentence investigation, a fitness
4 hearing, or proceedings on an application for
5 probation.

6 (5) Adult and Juvenile Prisoner Review Boards.

7 (6) Authorized military personnel.

8 (7) Victims, their subrogees and legal
9 representatives; however, such persons shall have access
10 only to the name and address of the minor and information
11 pertaining to the disposition or alternative adjustment
12 plan of the juvenile court.

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

19 (9) The Secretary of State to whom the Clerk of the
20 Court shall report the disposition of all cases, as
21 required in Section 6-204 of the Illinois Vehicle Code.
22 However, information reported relative to these offenses
23 shall be privileged and available only to the Secretary of
24 State, courts, and police officers.

25 (10) The administrator of a bonafide substance abuse
26 student assistance program with the permission of the
27 presiding judge of the juvenile court.

28 (11) Mental health professionals on behalf of the
29 Illinois Department of Corrections or the Department of
30 Human Services or prosecutors who are evaluating,
31 prosecuting, or investigating a potential or actual
32 petition brought under the Sexually Persons Commitment Act
33 relating to a person who is the subject of juvenile court
34 records or the respondent to a petition brought under the
35 Sexually Violent Persons Commitment Act, who is the subject
36 of juvenile court records sought. Any records and any

1 information obtained from those records under this
2 paragraph (11) may be used only in sexually violent persons
3 commitment proceedings.

4 (B) A minor who is the victim in a juvenile proceeding
5 shall be provided the same confidentiality regarding
6 disclosure of identity as the minor who is the subject of
7 record.

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

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

20 (A) The adjudication of delinquency was based upon
21 the minor's commission of first degree murder, attempt
22 to commit first degree murder, aggravated criminal
23 sexual assault, or criminal sexual assault; or

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

1 adult, or (v) an act that would be an offense under
2 Section 401 of the Illinois Controlled Substances Act
3 if committed by an adult.

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

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

14 (B) The court has made a finding that the minor was
15 at least 13 years of age at the time the offense was
16 committed and the conviction was based upon the minor's
17 commission of: (i) an offense in furtherance of the
18 commission of a felony as a member of or on behalf of a
19 criminal street gang, (ii) an offense involving the use
20 of a firearm in the commission of a felony, (iii) a
21 Class X felony offense under or a second or subsequent
22 Class 2 or greater felony offense under the Cannabis
23 Control Act, (iv) a second or subsequent offense under
24 Section 402 of the Illinois Controlled Substances Act,
25 or (v) an offense under Section 401 of the Illinois
26 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 the
29 Criminal Code of 1961, the victim of any such offense shall
30 receive the rights set out in Sections 4 and 6 of the Bill of
31 Rights for Victims and Witnesses of Violent Crime Act; and the
32 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 to
35 the victim.

36 (E) Nothing in this Section shall affect the right of a

1 Civil Service Commission or appointing authority of any state,
2 county or municipality examining the character and fitness of
3 an applicant for employment with a law enforcement agency,
4 correctional institution, or fire department to ascertain
5 whether that applicant was ever adjudicated to be a delinquent
6 minor and, if so, to examine the records of disposition or
7 evidence which were made in proceedings under this Act.

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

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

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

32 (I) The Clerk of the Circuit Court shall report to the
33 Department of State Police, in the form and manner required by
34 the Department of State Police, the final disposition of each
35 minor who has been arrested or taken into custody before his or
36 her 17th birthday for those offenses required to be reported

1 under Section 5 of the Criminal Identification Act. Information
2 reported to the Department under this Section may be maintained
3 with records that the Department files under Section 2.1 of the
4 Criminal Identification Act.

5 (Source: P.A. 91-357, eff. 7-29-99; 91-368, eff. 1-1-00,
6 92-415, eff. 8-17-01.)

7 (705 ILCS 405/5-901)

8 Sec. 5-901. Court file.

9 (1) The Court file with respect to proceedings under this
10 Article shall consist of the petitions, pleadings, victim
11 impact statements, process, service of process, orders, writs
12 and docket entries reflecting hearings held and judgments and
13 decrees entered by the court. The court file shall be kept
14 separate from other records of the court.

15 (a) The file, including information identifying the
16 victim or alleged victim of any sex offense, shall be
17 disclosed only to the following parties when necessary for
18 discharge of their official duties:

19 (i) A judge of the circuit court and members of the
20 staff of the court designated by the judge;

21 (ii) Parties to the proceedings and their
22 attorneys;

23 (iii) Victims and their attorneys, except in cases
24 of multiple victims of sex offenses in which case the
25 information identifying the nonrequesting victims
26 shall be redacted;

27 (iv) Probation officers, law enforcement officers
28 or prosecutors or their staff;

29 (v) Adult and juvenile Prisoner Review Boards~~;~~

30 (vi) A fire or arson investigator of the Office of
31 the State Fire Marshal or of a local fire department or
32 fire protection district or a person classified as a
33 peace officer under the Peace Officer Fire
34 Investigation Act.

35 (b) The Court file redacted to remove any information

1 identifying the victim or alleged victim of any sex offense
2 shall be disclosed only to the following parties when
3 necessary for discharge of their official duties:

4 (i) Authorized military personnel;

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

12 (iii) The Secretary of State to whom the Clerk of
13 the Court shall report the disposition of all cases, as
14 required in Section 6-204 or Section 6-205.1 of the
15 Illinois Vehicle Code. However, information reported
16 relative to these offenses shall be privileged and
17 available only to the Secretary of State, courts, and
18 police officers;

19 (iv) The administrator of a bonafide substance
20 abuse student assistance program with the permission
21 of the presiding judge of the juvenile court;

22 (v) Any individual, or any public or private agency
23 or institution, having custody of the juvenile under
24 court order or providing educational, medical or
25 mental health services to the juvenile or a
26 court-approved advocate for the juvenile or any
27 placement provider or potential placement provider as
28 determined by the court.

29 (3) A minor who is the victim or alleged victim in a
30 juvenile proceeding shall be provided the same confidentiality
31 regarding disclosure of identity as the minor who is the
32 subject of record. Information identifying victims and alleged
33 victims of sex offenses, shall not be disclosed or open to
34 public inspection under any circumstances. Nothing in this
35 Section shall prohibit the victim or alleged victim of any sex
36 offense from voluntarily disclosing his or her identity.

1 (4) Relevant information, reports and records shall be made
2 available to the Department of Corrections when a juvenile
3 offender has been placed in the custody of the Department of
4 Corrections, Juvenile Division.

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

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

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

21 (ii) The court has made a finding that the minor
22 was at least 13 years of age at the time the act was
23 committed and the adjudication of delinquency was
24 based upon the minor's commission of: (A) an act in
25 furtherance of the commission of a felony as a member
26 of or on behalf of a criminal street gang, (B) an act
27 involving the use of a firearm in the commission of a
28 felony, (C) an act that would be a Class X felony
29 offense under or the minor's second or subsequent Class
30 2 or greater felony offense under the Cannabis Control
31 Act if committed by an adult, (D) an act that would be
32 a second or subsequent offense under Section 402 of the
33 Illinois Controlled Substances Act if committed by an
34 adult, or (E) an act that would be an offense under
35 Section 401 of the Illinois Controlled Substances Act
36 if committed by an adult.

1 (b) The court shall allow the general public to have
2 access to the name, address, and offense of a minor who is
3 at least 13 years of age at the time the offense is
4 committed and who is convicted, in criminal proceedings
5 permitted or required under Section 5-805, under either of
6 the following circumstances:

7 (i) The minor has been convicted of first degree
8 murder, attempt to commit first degree murder,
9 aggravated criminal sexual assault, or criminal sexual
10 assault,

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

24 (6) Nothing in this Section shall be construed to limit the
25 use of a adjudication of delinquency as evidence in any
26 juvenile or criminal proceeding, where it would otherwise be
27 admissible under the rules of evidence, including but not
28 limited to, use as impeachment evidence against any witness,
29 including the minor if he or she testifies.

30 (7) Nothing in this Section shall affect the right of a
31 Civil Service Commission or appointing authority examining the
32 character and fitness of an applicant for a position as a law
33 enforcement officer to ascertain whether that applicant was
34 ever adjudicated to be a delinquent minor and, if so, to
35 examine the records or evidence which were made in proceedings
36 under this Act.

1 (8) Following any adjudication of delinquency for a crime
2 which would be a felony if committed by an adult, or following
3 any adjudication of delinquency for a violation of Section
4 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the
5 State's Attorney shall ascertain whether the minor respondent
6 is enrolled in school and, if so, shall provide a copy of the
7 sentencing order to the principal or chief administrative
8 officer of the school. Access to such juvenile records shall be
9 limited to the principal or chief administrative officer of the
10 school and any guidance counselor designated by him or her.

11 (9) Nothing contained in this Act prevents the sharing or
12 disclosure of information or records relating or pertaining to
13 juveniles subject to the provisions of the Serious Habitual
14 Offender Comprehensive Action Program when that information is
15 used to assist in the early identification and treatment of
16 habitual juvenile offenders.

17 (11) The Clerk of the Circuit Court shall report to the
18 Department of State Police, in the form and manner required by
19 the Department of State Police, the final disposition of each
20 minor who has been arrested or taken into custody before his or
21 her 17th birthday for those offenses required to be reported
22 under Section 5 of the Criminal Identification Act. Information
23 reported to the Department under this Section may be maintained
24 with records that the Department files under Section 2.1 of the
25 Criminal Identification Act.

26 (12) Information or records may be disclosed to the general
27 public when the court is conducting hearings under Section
28 5-805 or 5-810.

29 (Source: P.A. 90-590, eff. 1-1-99.)

30 (705 ILCS 405/5-905)

31 Sec. 5-905. Law enforcement records.

32 (1) Law Enforcement Records. Inspection and copying of law
33 enforcement records maintained by law enforcement agencies
34 that relate to a minor who has been arrested or taken into
35 custody before his or her 17th birthday shall be restricted to

1 the following and when necessary for the discharge of their
2 official duties:

3 (a) A judge of the circuit court and members of the
4 staff of the court designated by the judge;

5 (b) Law enforcement officers, probation officers or
6 prosecutors or their staff;

7 (b-5) A fire or arson investigator of the Office of the
8 State Fire Marshal or of a local fire department or fire
9 protection district or a person classified as a peace
10 officer under the Peace Officer Fire Investigation Act;

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

14 (d) Adult and Juvenile Prisoner Review Boards;

15 (e) Authorized military personnel;

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

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

29 (h) The appropriate school official. Inspection and
30 copying shall be limited to law enforcement records
31 transmitted to the appropriate school official by a local
32 law enforcement agency under a reciprocal reporting system
33 established and maintained between the school district and
34 the local law enforcement agency under Section 10-20.14 of
35 the School Code concerning a minor enrolled in a school
36 within the school district who has been arrested for any

1 offense classified as a felony or a Class A or B
2 misdemeanor.

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

8 (3) Relevant information, reports and records shall be made
9 available to the Department of Corrections when a juvenile
10 offender has been placed in the custody of the Department of
11 Corrections, Juvenile Division.

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

19 (5) The records of law enforcement officers concerning all
20 minors under 17 years of age must be maintained separate from
21 the records of adults and may not be open to public inspection
22 or their contents disclosed to the public except by order of
23 the court or when the institution of criminal proceedings has
24 been 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
27 provided by law.

28 (6) Except as otherwise provided in this subsection (6),
29 law enforcement officers may not disclose the identity of any
30 minor in releasing information to the general public as to the
31 arrest, investigation or disposition of any case involving a
32 minor. Any victim or parent or legal guardian of a victim may
33 petition the court to disclose the name and address of the
34 minor and the minor's parents or legal guardian, or both. Upon
35 a finding by clear and convincing evidence that the disclosure
36 is either necessary for the victim to pursue a civil remedy

1 against the minor or the minor's parents or legal guardian, or
2 both, or to protect the victim's person or property from the
3 minor, then the court may order the disclosure of the
4 information to the victim or to the parent or legal guardian of
5 the victim only for the purpose of the victim pursuing a civil
6 remedy against the minor or the minor's parents or legal
7 guardian, or both, or to protect the victim's person or
8 property from the minor.

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

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

20 (Source: P.A. 90-590, eff. 1-1-99; 91-479, eff. 1-1-00.)