



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3512

Introduced 2/28/2007, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

725 ILCS 190/3

from Ch. 38, par. 1453

Amends the Privacy of Child Victims of Criminal Sexual Offenses Act. Provides that when a criminal sexual offense is committed or alleged to have been committed by a school district employee or any individual contractually employed by a school district (rather than the offense being committed or alleged to have been committed by a school district employee on the premises under the jurisdiction of a public school district or during an official school sponsored activity), a copy of the law enforcement records maintained by any law enforcement agency or circuit court records maintained by any circuit clerk relating to the investigation of the offense or alleged offense shall be transmitted to (rather than shall be made available for inspection and copying by) the superintendent of schools of the district.

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1 AN ACT concerning criminal law.

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

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

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

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

22 When a criminal sexual offense is committed or alleged to
23 have been committed by a school district employee or any

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

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

16 (a) the best interest of the child; and

17 (b) whether such nondisclosure would further a
18 compelling State interest.

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