



Rep. Carol A. Sente

Filed: 3/8/2012

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LRB097 17841 RLC 67248 a

1 AMENDMENT TO HOUSE BILL 5602

2 AMENDMENT NO. _____. Amend House Bill 5602 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 22-20 as follows:

6 (105 ILCS 5/22-20) (from Ch. 122, par. 22-20)

7 Sec. 22-20. All courts and law enforcement agencies of the
8 State of Illinois and its political subdivisions shall report
9 to the principal of any public school in this State whenever a
10 child enrolled therein is detained for proceedings under the
11 Juvenile Court Act of 1987, as heretofore and hereafter
12 amended, or for any criminal offense or any violation of a
13 municipal or county ordinance. The report shall include the
14 basis for detaining the child, circumstances surrounding the
15 events which led to the child's detention, and status of
16 proceedings. The report shall be updated as appropriate to

1 notify the principal of developments and the disposition of the
2 matter.

3 The information derived thereby shall be kept separate from
4 and shall not become a part of the official school record of
5 such child and shall not be a public record. Such information
6 shall be used solely by the appropriate school official or
7 officials ~~principal, counselors and teachers of the school~~ to
8 aid in the proper rehabilitation of the child and to protect
9 the safety of students and employees in the school.

10 (Source: P.A. 89-610, eff. 8-6-96.)

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

13 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

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

15 (A) Inspection and copying of law enforcement records
16 maintained by law enforcement agencies that relate to a minor
17 who has been arrested or taken into custody before his or her
18 17th birthday shall be restricted to the following:

19 (1) Any local, State or federal law enforcement
20 officers of any jurisdiction or agency when necessary for
21 the discharge of their official duties during the
22 investigation or prosecution of a crime or relating to a
23 minor who has been adjudicated delinquent and there has
24 been a previous finding that the act which constitutes the

1 previous offense was committed in furtherance of criminal
2 activities by a criminal street gang, or, when necessary
3 for the discharge of its official duties in connection with
4 a particular investigation of the conduct of a law
5 enforcement officer, an independent agency or its staff
6 created by ordinance and charged by a unit of local
7 government with the duty of investigating the conduct of
8 law enforcement officers. For purposes of this Section,
9 "criminal street gang" has the meaning ascribed to it in
10 Section 10 of the Illinois Streetgang Terrorism Omnibus
11 Prevention Act.

12 (2) Prosecutors, probation officers, social workers,
13 or other individuals assigned by the court to conduct a
14 pre-adjudication or pre-disposition investigation, and
15 individuals responsible for supervising or providing
16 temporary or permanent care and custody for minors pursuant
17 to the order of the juvenile court, when essential to
18 performing their responsibilities.

19 (3) Prosecutors and probation officers:

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

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

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

6 (4) Adult and Juvenile Prisoner Review Board.

7 (5) Authorized military personnel.

8 (6) Persons engaged in bona fide research, with the
9 permission of the Presiding Judge of the Juvenile Court and
10 the chief executive of the respective law enforcement
11 agency; provided that publication of such research results
12 in no disclosure of a minor's identity and protects the
13 confidentiality of the minor's record.

14 (7) Department of Children and Family Services child
15 protection investigators acting in their official
16 capacity.

17 (8) The appropriate school official.

18 (A) Inspection and copying shall be limited to law
19 enforcement records transmitted to the appropriate
20 school official or officials by a local law enforcement
21 agency under a reciprocal reporting system established
22 and maintained between the school district and the
23 local law enforcement agency under Section 10-20.14 of
24 the School Code concerning a minor enrolled in a school
25 within the school district who has been arrested or
26 taken into custody for an offense classified as a

1 felony or a Class A or B misdemeanor. The information
2 derived from the law enforcement records shall be kept
3 separate from and shall not become a part of the
4 official school record of that child and shall not be a
5 public record. The information shall be used solely by
6 the appropriate school official or officials to aid in
7 the proper rehabilitation of the child and to protect
8 the safety of students and employees in the school. any
9 ~~of the following offenses:~~

10 ~~(i) unlawful use of weapons under Section 24-1 of~~
11 ~~the Criminal Code of 1961;~~

12 ~~(ii) a violation of the Illinois Controlled~~
13 ~~Substances Act;~~

14 ~~(iii) a violation of the Cannabis Control Act;~~

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

17 ~~(v) a violation of the Methamphetamine Control and~~
18 ~~Community Protection Act.~~

19 (B) Any information provided to appropriate school
20 officials by local law enforcement officials about a
21 minor who is the subject of a current police
22 investigation shall consist of oral information only,
23 and not written law enforcement records, and shall be
24 used solely by the appropriate school official or
25 officials to protect the safety of students and
26 employees in the school and aid in the proper

1 rehabilitation of the child. The information derived
2 orally from the local law enforcement officials shall
3 be kept separate from and shall not become a part of
4 the official school record of the child and shall not
5 be a public record. This limitation on the use of
6 information about a minor who is the subject of a
7 current police investigation shall in no way limit the
8 use of this information by prosecutors in pursuing
9 criminal charges arising out of the information
10 disclosed during a police investigation of the minor.

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

24 (B) (1) Except as provided in paragraph (2), no law
25 enforcement officer or other person or agency may knowingly
26 transmit to the Department of Corrections, Adult Division

1 or the Department of State Police or to the Federal Bureau
2 of Investigation any fingerprint or photograph relating to
3 a minor who has been arrested or taken into custody before
4 his or her 17th birthday, unless the court in proceedings
5 under this Act authorizes the transmission or enters an
6 order under Section 5-805 permitting or requiring the
7 institution of criminal proceedings.

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

1 (C) The records of law enforcement officers, or of an
2 independent agency created by ordinance and charged by a unit
3 of local government with the duty of investigating the conduct
4 of law enforcement officers, concerning all minors under 17
5 years of age must be maintained separate from the records of
6 arrests and may not be open to public inspection or their
7 contents disclosed to the public except by order of the court
8 presiding over matters pursuant to this Act or when the
9 institution of criminal proceedings has been permitted or
10 required under Section 5-805 or such a person has been
11 convicted of a crime and is the subject of pre-sentence
12 investigation or proceedings on an application for probation or
13 when provided by law. For purposes of obtaining documents
14 pursuant to this Section, a civil subpoena is not an order of
15 the court.

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

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

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

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

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

1 (F) Nothing contained in this Section shall prohibit law
2 enforcement agencies from communicating with each other by
3 letter, memorandum, teletype or intelligence alert bulletin or
4 other means the identity or other relevant information
5 pertaining to a person under 17 years of age if there are
6 reasonable grounds to believe that the person poses a real and
7 present danger to the safety of the public or law enforcement
8 officers. The information provided under this subsection (F)
9 shall remain confidential and shall not be publicly disclosed,
10 except as otherwise allowed by law.

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

19 (Source: P.A. 95-123, eff. 8-13-07; 96-419, eff. 8-13-09.)

20 (705 ILCS 405/5-905)

21 Sec. 5-905. Law enforcement records.

22 (1) Law Enforcement Records. Inspection and copying of law
23 enforcement records maintained by law enforcement agencies
24 that relate to a minor who has been arrested or taken into
25 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, or, when necessary for the
7 discharge of its official duties in connection with a
8 particular investigation of the conduct of a law
9 enforcement officer, an independent agency or its staff
10 created by ordinance and charged by a unit of local
11 government with the duty of investigating the conduct of
12 law enforcement officers;

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

16 (d) Adult and Juvenile Prisoner Review Boards;

17 (e) Authorized military personnel;

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

24 (g) Individuals responsible for supervising or
25 providing temporary or permanent care and custody of minors
26 pursuant to orders of the juvenile court or directives from

1 officials of the Department of Children and Family Services
2 or the Department of Human Services who certify in writing
3 that the information will not be disclosed to any other
4 party except as provided under law or order of court;

5 (h) The appropriate school official.

6 (A) Inspection and copying shall be limited to law
7 enforcement records transmitted to the appropriate
8 school official or officials by a local law enforcement
9 agency under a reciprocal reporting system established
10 and maintained between the school district and the
11 local law enforcement agency under Section 10-20.14 of
12 the School Code concerning a minor enrolled in a school
13 within the school district who has been arrested or
14 taken into custody for any offense classified as a
15 felony or a Class A or B misdemeanor. The information
16 derived from the law enforcement records shall be kept
17 separate from and shall not become a part of the
18 official school record of that child and shall not be a
19 public record. The information shall be used solely by
20 the appropriate school official or officials to aid in
21 the proper rehabilitation of the child and to protect
22 the safety of students and employees in the school.

23 (B) Any information provided to appropriate school
24 officials by local law enforcement officials about a
25 minor who is the subject of a current police
26 investigation shall consist of oral information only,

1 and not written law enforcement records, and shall be
2 used solely by the appropriate school official or
3 officials to protect the safety of students and
4 employees in the school and aid in the proper
5 rehabilitation of the child. The information derived
6 orally from the local law enforcement officials shall
7 be kept separate from and shall not become a part of
8 the official school record of the child and shall not
9 be a public record. This limitation on the use of
10 information about a minor who is the subject of a
11 current police investigation shall in no way limit the
12 use of this information by prosecutors in pursuing
13 criminal charges arising out of the information
14 disclosed during a police investigation of the minor.

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

20 (2.5) If the minor is a victim of aggravated battery,
21 battery, attempted first degree murder, or other non-sexual
22 violent offense, the identity of the victim may be disclosed to
23 appropriate school officials, for the purpose of preventing
24 foreseeable future violence involving minors, by a local law
25 enforcement agency pursuant to an agreement established
26 between the school district and a local law enforcement agency

1 subject to the approval by the presiding judge of the juvenile
2 court.

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

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

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

26 (6) Except as otherwise provided in this subsection (6),

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

20 (7) Nothing contained in this Section shall prohibit law
21 enforcement agencies when acting in their official capacity
22 from communicating with each other by letter, memorandum,
23 teletype or intelligence alert bulletin or other means the
24 identity or other relevant information pertaining to a person
25 under 17 years of age. The information provided under this
26 subsection (7) shall remain confidential and shall not be

1 publicly disclosed, except as otherwise allowed by law.

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

5 (Source: P.A. 96-419, eff. 8-13-09; 96-1414, eff. 1-1-11.)".