



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 1923

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1923 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Section 1-8 as follows:

6 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

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

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

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

14 (2) Law enforcement officers and law enforcement  
15 agencies when such information is essential to executing an  
16 arrest or search warrant or other compulsory process, or to

1           conducting an ongoing investigation or relating to a minor  
2           who has been adjudicated delinquent and there has been a  
3           previous finding that the act which constitutes the  
4           previous offense was committed in furtherance of criminal  
5           activities by a criminal street gang.

6           Before July 1, 1994, for the purposes of this Section,  
7           "criminal street gang" means any ongoing organization,  
8           association, or group of 3 or more persons, whether formal  
9           or informal, having as one of its primary activities the  
10          commission of one or more criminal acts and that has a  
11          common name or common identifying sign, symbol or specific  
12          color apparel displayed, and whose members individually or  
13          collectively engage in or have engaged in a pattern of  
14          criminal activity.

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

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

26          (4) Judges, prosecutors and probation officers:

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

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

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

13 (d) when a minor becomes 17 years of age or older,  
14 and is the subject of criminal proceedings, including a  
15 hearing to determine the amount of bail, a pre-trial  
16 investigation, a pre-sentence investigation, a fitness  
17 hearing, or proceedings on an application for  
18 probation.

19 (5) Adult and Juvenile Prisoner Review Boards.

20 (6) Authorized military personnel.

21 (7) Victims, their subrogees and legal  
22 representatives; however, such persons shall have access  
23 only to the name and address of the minor and information  
24 pertaining to the disposition or alternative adjustment  
25 plan of the juvenile court.

26 (8) Persons engaged in bona fide research, with the

1 permission of the presiding judge of the juvenile court and  
2 the chief executive of the agency that prepared the  
3 particular records; provided that publication of such  
4 research results in no disclosure of a minor's identity and  
5 protects the confidentiality of the record.

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

12 (10) The administrator of a bonafide substance abuse  
13 student assistance program with the permission of the  
14 presiding judge of the juvenile court.

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

1 (A-1) Findings and exclusions of paternity entered in  
2 proceedings occurring under Article II of this Act shall be  
3 disclosed, in a manner and form approved by the Presiding Judge  
4 of the Juvenile Court, to the Department of Healthcare and  
5 Family Services when necessary to discharge the duties of the  
6 Department of Healthcare and Family Services under Article X of  
7 the Illinois Public Aid Code.

8 (B) A minor who is the victim in a juvenile proceeding  
9 shall be provided the same confidentiality regarding  
10 disclosure of identity as the minor who is the subject of  
11 record.

12 (C) Except as otherwise provided in this subsection (C),  
13 juvenile court records shall not be made available to the  
14 general public. Subject to the limitations in paragraphs (0.1)  
15 through (0.4) of this subsection (C), the judge presiding over  
16 a juvenile court proceeding brought under this Act, in his or  
17 her discretion, may order that juvenile court records of an  
18 individual case be made available for inspection upon request  
19 by a representative of an agency, association, or news media  
20 entity or by a properly interested person. For purposes of  
21 inspecting documents under this subsection (C), a civil  
22 subpoena is not an order of the court. ~~but may be inspected by~~  
23 ~~representatives of agencies, associations and news media or~~  
24 ~~other properly interested persons by general or special order~~  
25 ~~of the court presiding over matters pursuant to this Act.~~

26 (0.1) In cases where the records concern a pending

1 juvenile court case, the requesting party seeking to  
2 inspect the juvenile court records shall provide actual  
3 notice to the attorney or guardian ad litem of the minor  
4 whose records are sought.

5 (0.2) In cases where the records concern a juvenile  
6 court case that is no longer pending, the requesting party  
7 seeking to inspect the juvenile court records shall provide  
8 actual notice to the minor or the minor's parent or legal  
9 guardian, and the matter shall be referred to the chief  
10 judge presiding over matters pursuant to this Act.

11 (0.3) In determining whether ~~the~~ records should be made  
12 available for inspection and whether inspection should be  
13 limited to certain parts of the file, the court shall  
14 consider the minor's interest in confidentiality and  
15 rehabilitation over the requesting ~~moving~~ party's interest  
16 in obtaining the information. The State's Attorney, the  
17 minor, and the minor's parents, guardian, and counsel shall  
18 at all times have the right to examine court files and  
19 records. ~~For purposes of obtaining documents pursuant to~~  
20 ~~this Section, a civil subpoena is not an order of the~~  
21 ~~court.~~

22 (0.4) Any records obtained in violation of this  
23 subsection (C) shall not be admissible in any criminal or  
24 civil proceeding, or operate to disqualify a minor from  
25 subsequently holding public office, or operate as a  
26 forfeiture of any public benefit, right, privilege, or

1 right to receive any license granted by public authority.

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

6 (A) The adjudication of delinquency was based upon  
7 the minor's commission of first degree murder, attempt  
8 to commit first degree murder, aggravated criminal  
9 sexual assault, or criminal sexual assault; or

10 (B) The court has made a finding that the minor was  
11 at least 13 years of age at the time the act was  
12 committed and the adjudication of delinquency was  
13 based upon the minor's commission of: (i) an act in  
14 furtherance of the commission of a felony as a member  
15 of or on behalf of a criminal street gang, (ii) an act  
16 involving the use of a firearm in the commission of a  
17 felony, (iii) an act that would be a Class X felony  
18 offense under or the minor's second or subsequent Class  
19 2 or greater felony offense under the Cannabis Control  
20 Act if committed by an adult, (iv) an act that would be  
21 a second or subsequent offense under Section 402 of the  
22 Illinois Controlled Substances Act if committed by an  
23 adult, (v) an act that would be an offense under  
24 Section 401 of the Illinois Controlled Substances Act  
25 if committed by an adult, (vi) an act that would be a  
26 second or subsequent offense under Section 60 of the

1           Methamphetamine Control and Community Protection Act,  
2           or (vii) an act that would be an offense under another  
3           Section of the Methamphetamine Control and Community  
4           Protection Act.

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

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

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

1           Controlled Substances Act, (vi) an act that would be a  
2           second or subsequent offense under Section 60 of the  
3           Methamphetamine Control and Community Protection Act,  
4           or (vii) an act that would be an offense under another  
5           Section of the Methamphetamine Control and Community  
6           Protection Act.

7           (D) Pending or following any adjudication of delinquency  
8           for any offense defined in Sections 11-1.20 through 11-1.60 or  
9           12-13 through 12-16 of the Criminal Code of 1961 or the  
10          Criminal Code of 2012, the victim of any such offense shall  
11          receive the rights set out in Sections 4 and 6 of the Bill of  
12          Rights for Victims and Witnesses of Violent Crime Act; and the  
13          juvenile who is the subject of the adjudication,  
14          notwithstanding any other provision of this Act, shall be  
15          treated as an adult for the purpose of affording such rights to  
16          the victim.

17          (E) Nothing in this Section shall affect the right of a  
18          Civil Service Commission or appointing authority of any state,  
19          county or municipality examining the character and fitness of  
20          an applicant for employment with a law enforcement agency,  
21          correctional institution, or fire department to ascertain  
22          whether that applicant was ever adjudicated to be a delinquent  
23          minor and, if so, to examine the records of disposition or  
24          evidence which were made in proceedings under this Act.

25          (F) Following any adjudication of delinquency for a crime  
26          which would be a felony if committed by an adult, or following

1 any adjudication of delinquency for a violation of Section  
2 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, the State's Attorney shall ascertain  
4 whether the minor respondent is enrolled in school and, if so,  
5 shall provide a copy of the dispositional order to the  
6 principal or chief administrative officer of the school. Access  
7 to such juvenile records shall be limited to the principal or  
8 chief administrative officer of the school and any guidance  
9 counselor designated by him.

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

16 (H) When a Court hearing a proceeding under Article II of  
17 this Act becomes aware that an earlier proceeding under Article  
18 II had been heard in a different county, that Court shall  
19 request, and the Court in which the earlier proceedings were  
20 initiated shall transmit, an authenticated copy of the Court  
21 record, including all documents, petitions, and orders filed  
22 therein and the minute orders, transcript of proceedings, and  
23 docket entries of the Court.

24 (I) The Clerk of the Circuit Court shall report to the  
25 Department of State Police, in the form and manner required by  
26 the Department of State Police, the final disposition of each

1 minor who has been arrested or taken into custody before his or  
2 her 17th birthday for those offenses required to be reported  
3 under Section 5 of the Criminal Identification Act. Information  
4 reported to the Department under this Section may be maintained  
5 with records that the Department files under Section 2.1 of the  
6 Criminal Identification Act.

7 (Source: P.A. 96-212, eff. 8-10-09; 96-1551, eff. 7-1-11;  
8 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law."