



Rep. Dave Vella

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10200SB1552ham001

LRB102 12149 KMF 26428 a

1 AMENDMENT TO SENATE BILL 1552

2 AMENDMENT NO. _____. Amend Senate Bill 1552 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Findings. The General Assembly finds that an
5 adequate continuum of care is necessary to better address the
6 needs of juveniles within the court system.

7 The General Assembly finds that the unique partnership of
8 State and local services is needed to provide the right
9 placements, and the right services for justice-involved
10 juveniles.

11 The General Assembly finds that providing information to
12 local probation departments in a timely manner will improve
13 both services and outcomes for juveniles.

14 Therefore, the General Assembly recommends that
15 information to assist juveniles needs to be available while at
16 the same time maintaining its confidentiality.

1 Section 5. The Juvenile Court Act of 1987 is amended by
2 changing Section 5-901 as follows:

3 (705 ILCS 405/5-901)

4 Sec. 5-901. Court file.

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

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

15 (i) A judge of the circuit court and members of the
16 staff of the court designated by the judge;

17 (ii) Parties to the proceedings and their
18 attorneys;

19 (iii) Victims and their attorneys, except in cases
20 of multiple victims of sex offenses in which case the
21 information identifying the nonrequesting victims
22 shall be redacted;

23 (iv) Probation officers, law enforcement officers
24 or prosecutors or their staff;

25 (v) Adult and juvenile Prisoner Review Boards.

1 (b) The Court file redacted to remove any information
2 identifying the victim or alleged victim of any sex
3 offense shall be disclosed only to the following parties
4 when necessary for discharge of their official duties:

5 (i) Authorized military personnel;

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

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

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

23 (v) Any individual, or any public or private
24 agency or institution, having custody of the juvenile
25 under court order or providing educational, medical or
26 mental health services to the juvenile or a

1 court-approved advocate for the juvenile or any
2 placement provider or potential placement provider as
3 determined by the court.

4 (3) A minor who is the victim or alleged victim in a
5 juvenile proceeding shall be provided the same confidentiality
6 regarding disclosure of identity as the minor who is the
7 subject of record. Information identifying victims and alleged
8 victims of sex offenses, shall not be disclosed or open to
9 public inspection under any circumstances. Nothing in this
10 Section shall prohibit the victim or alleged victim of any sex
11 offense from voluntarily disclosing his or her identity.

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

16 (4.5) Relevant information, reports and records, held by
17 the Department of Juvenile Justice, including social
18 investigation, psychological and medical records, of any
19 juvenile offender, shall be made available to any county
20 juvenile detention facility upon written request by the
21 Superintendent or Director of that juvenile detention
22 facility, to the Chief Records Officer of the Department of
23 Juvenile Justice where the subject youth is or was in the
24 custody of the Department of Juvenile Justice and is
25 subsequently ordered to be held in a county juvenile detention
26 facility.

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

9 (a) The court shall allow the general public to have
10 access to the name, address, and offense of a minor who is
11 adjudicated a delinquent minor under this Act under either
12 of the following circumstances:

13 (i) The adjudication of delinquency was based upon
14 the minor's commission of first degree murder, attempt
15 to commit first degree murder, aggravated criminal
16 sexual assault, or criminal sexual assault; or

17 (ii) The court has made a finding that the minor
18 was at least 13 years of age at the time the act was
19 committed and the adjudication of delinquency was
20 based upon the minor's commission of: (A) an act in
21 furtherance of the commission of a felony as a member
22 of or on behalf of a criminal street gang, (B) an act
23 involving the use of a firearm in the commission of a
24 felony, (C) an act that would be a Class X felony
25 offense under or the minor's second or subsequent
26 Class 2 or greater felony offense under the Cannabis

1 Control Act if committed by an adult, (D) an act that
2 would be a second or subsequent offense under Section
3 402 of the Illinois Controlled Substances Act if
4 committed by an adult, (E) an act that would be an
5 offense under Section 401 of the Illinois Controlled
6 Substances Act if committed by an adult, or (F) an act
7 that would be an offense under the Methamphetamine
8 Control and Community Protection Act if committed by
9 an adult.

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

16 (i) The minor has been convicted of first degree
17 murder, attempt to commit first degree murder,
18 aggravated criminal sexual assault, or criminal sexual
19 assault,

20 (ii) The court has made a finding that the minor
21 was at least 13 years of age at the time the offense
22 was committed and the conviction was based upon the
23 minor's commission of: (A) an offense in furtherance
24 of the commission of a felony as a member of or on
25 behalf of a criminal street gang, (B) an offense
26 involving the use of a firearm in the commission of a

1 felony, (C) a Class X felony offense under the
2 Cannabis Control Act or a second or subsequent Class 2
3 or greater felony offense under the Cannabis Control
4 Act, (D) a second or subsequent offense under Section
5 402 of the Illinois Controlled Substances Act, (E) an
6 offense under Section 401 of the Illinois Controlled
7 Substances Act, or (F) an offense under the
8 Methamphetamine Control and Community Protection Act.

9 (6) Nothing in this Section shall be construed to limit
10 the use of a adjudication of delinquency as evidence in any
11 juvenile or criminal proceeding, where it would otherwise be
12 admissible under the rules of evidence, including but not
13 limited to, use as impeachment evidence against any witness,
14 including the minor if he or she testifies.

15 (7) Nothing in this Section shall affect the right of a
16 Civil Service Commission or appointing authority examining the
17 character and fitness of an applicant for a position as a law
18 enforcement officer to ascertain whether that applicant was
19 ever adjudicated to be a delinquent minor and, if so, to
20 examine the records or evidence which were made in proceedings
21 under this Act.

22 (8) Following any adjudication of delinquency for a crime
23 which would be a felony if committed by an adult, or following
24 any adjudication of delinquency for a violation of Section
25 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, the State's Attorney shall ascertain

1 whether the minor respondent is enrolled in school and, if so,
2 shall provide a copy of the sentencing order to the principal
3 or chief administrative officer of the school. Access to such
4 juvenile records shall be limited to the principal or chief
5 administrative officer of the school and any guidance
6 counselor designated by him or her.

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

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

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

25 (13) The changes made to this Section by Public Act 98-61
26 apply to juvenile court records of a minor who has been

1 arrested or taken into custody on or after January 1, 2014 (the
2 effective date of Public Act 98-61).

3 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;
4 98-756, eff. 7-16-14.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".