



**93RD GENERAL ASSEMBLY**

**State of Illinois**

**2003 and 2004**

**HB4426**

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

**SYNOPSIS AS INTRODUCED:**

|                       |                              |
|-----------------------|------------------------------|
| New Act               |                              |
| 20 ILCS 2605/2605-375 | was 20 ILCS 2605/55a in part |
| 30 ILCS 105/5.625 new |                              |
| 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    |                              |

Creates the Arsonist Registration Act. Requires a person who has committed arson, aggravated arson, residential arson, place of worship arson, or possession of explosives or explosive or incendiary devices to register with the Department of State Police for a 10-year period. Establishes procedures for registration and penalties for violation. Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Requires the Department of State Police to enter arsonist registration information into the Law Enforcement Agencies Data System (LEADS). Amends the State Finance Act. Creates the Arsonist Registration Fund in the State treasury. 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 16718 RLC 42369 b

CORRECTIONAL  
 BUDGET AND  
 IMPACT NOTE ACT  
 MAY APPLY

FISCAL NOTE ACT  
 MAY APPLY

1 AN ACT in relation to arson.

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

4 Section 1. Short title. This Act may be cited as the  
5 Arsonist Registration Act.

6 Section 5. Definitions. In this Act:

7 (a) "Arsonist" means any person who is:

8 (1) charged under Illinois law, or any substantially  
9 similar federal, Uniform Code of Military Justice, sister  
10 state, or foreign country law, with an arson offense, set  
11 forth in subsection (b) of this Section or the attempt to  
12 commit an included arson offense, and:

13 (i) is convicted of such offense or an attempt to  
14 commit such offense; or

15 (ii) is found not guilty by reason of insanity of  
16 such offense or an attempt to commit such offense; or

17 (iii) is found not guilty by reason of insanity  
18 under subsection (c) of Section 104-25 of the Code of  
19 Criminal Procedure of 1963 of such offense or an  
20 attempt to commit such offense; or

21 (iv) is the subject of a finding not resulting in  
22 an acquittal at a hearing conducted under subsection  
23 (a) of Section 104-25 of the Code of Criminal Procedure  
24 of 1963 for the alleged commission or attempted  
25 commission of such offense; or

26 (v) is found not guilty by reason of insanity  
27 following a hearing conducted under a federal, Uniform  
28 Code of Military Justice, sister state, or foreign  
29 country law substantially similar to subsection (c) of  
30 Section 104-25 of the Code of Criminal Procedure of  
31 1963 of such offense or of the attempted commission of  
32 such offense; or

1 (vi) is the subject of a finding not resulting in  
2 an acquittal at a hearing conducted under a federal,  
3 Uniform Code of Military Justice, sister state, or  
4 foreign country law substantially similar to  
5 subsection (a) of Section 104-25 of the Code of  
6 Criminal Procedure of 1963 for the alleged violation or  
7 attempted commission of such offense;

8 (2) adjudicated a juvenile delinquent as the result of  
9 committing or attempting to commit an act which, if  
10 committed by an adult, would constitute any of the offenses  
11 specified in subsection (b) of this Section or a violation  
12 of any substantially similar federal, Uniform Code of  
13 Military Justice, sister state, or foreign country law, or  
14 found guilty under Act V of the Juvenile Court Act of 1987  
15 of committing or attempting to commit an act which, if  
16 committed by an adult, would constitute any of the offenses  
17 specified in subsection (b) of this Section or a violation  
18 of any substantially similar federal, Uniform Code of  
19 Military Justice, sister state, or foreign country law.  
20 Convictions that result from or are connected with the same  
21 act, or result from offenses committed at the same time,  
22 shall be counted for the purpose of this Act as one  
23 conviction. Any conviction set aside under law is not a  
24 conviction for purposes of this Act. For purposes of this  
25 Section, "convicted" shall have the same meaning as  
26 "adjudicated".

27 (b) "Arson offense" means:

28 (1) A violation of any of the following Sections of the  
29 Criminal Code of 1961:

30 (i) 20-1 (arson),

31 (ii) 20-1.1 (aggravated arson),

32 (iii) 20-1.2 (residential arson),

33 (iv) 20-1.3 (place of worship arson),

34 (v) 20-2 (possession of explosives or explosive or  
35 incendiary devices), or

36 (vi) An attempt to commit any of the offenses

1 listed in clauses (i) through (v).

2 (2) A violation of any former law of this State  
3 substantially equivalent to any offense listed in  
4 subsection (b) of this Section.

5 (c) A conviction for an offense of federal law, Uniform  
6 Code of Military Justice, or the law of another state or a  
7 foreign country that is substantially equivalent to any offense  
8 listed in subsections (b) of this Section shall constitute a  
9 conviction for the purpose of this Act.

10 (d) "Law enforcement agency having jurisdiction" means the  
11 Chief of Police in each of the municipalities in which the  
12 arsonist expects to reside, work, or attend school (1) upon his  
13 or her discharge, parole or release or (2) during the service  
14 of his or her sentence of probation or conditional discharge,  
15 or the Sheriff of the county, in the event no Police Chief  
16 exists or if the offender intends to reside, work, or attend  
17 school in an unincorporated area. "Law enforcement agency  
18 having jurisdiction" includes the location where out-of-state  
19 students attend school and where out-of-state employees are  
20 employed or are otherwise required to register.

21 (e) "Out-of-state student" means any arsonist, as defined  
22 in this Section, who is enrolled in Illinois, on a full-time or  
23 part-time basis, in any public or private educational  
24 institution, including, but not limited to, any secondary  
25 school, trade or professional institution, or institution of  
26 higher learning.

27 (f) "Out-of-state employee" means any arsonist, as defined  
28 in this Section, who works in Illinois, regardless of whether  
29 the individual receives payment for services performed, for a  
30 period of time of 10 or more days or for an aggregate period of  
31 time of 30 or more days during any calendar year. Persons who  
32 operate motor vehicles in the State accrue one day of  
33 employment time for any portion of a day spent in Illinois.

34 Section 10. Duty to register.

35 (a) An arsonist shall, within the time period prescribed in

1 subsections (b) and (c), register in person and provide  
2 accurate information as required by the Department of State  
3 Police. Such information shall include current address,  
4 current place of employment, and school attended. The arsonist  
5 shall register:

6 (1) with the chief of police in each of the  
7 municipalities in which he or she attends school, is  
8 employed, resides or is temporarily domiciled for a period  
9 of time of 10 or more days, unless the municipality is the  
10 City of Chicago, in which case he or she shall register at  
11 the Chicago Police Department Headquarters; or

12 (2) with the sheriff in each of the counties in which  
13 he or she attends school, is employed, resides or is  
14 temporarily domiciled in an unincorporated area or, if  
15 incorporated, no police chief exists. For purposes of this  
16 Act, the place of residence or temporary domicile is  
17 defined as any and all places where the arsonist resides  
18 for an aggregate period of time of 10 or more days during  
19 any calendar year. The arsonist shall provide accurate  
20 information as required by the Department of State Police.  
21 That information shall include the arsonist's current  
22 place of employment.

23 (a-5) An out-of-state student or out-of-state employee  
24 shall, within 10 days after beginning school or employment in  
25 this State, register in person and provide accurate information  
26 as required by the Department of State Police. Such information  
27 must include current place of employment, school attended, and  
28 address in state of residence:

29 (1) with the chief of police in each of the  
30 municipalities in which he or she attends school or is  
31 employed for a period of time of 10 or more days or for an  
32 aggregate period of time of more than 30 days during any  
33 calendar year, unless the municipality is the City of  
34 Chicago, in which case he or she shall register at the  
35 Chicago Police Department Headquarters; or

36 (2) with the sheriff in each of the counties in which

1 he or she attends school or is employed for a period of  
2 time of 10 or more days or for an aggregate period of time  
3 of more than 30 days during any calendar year in an  
4 unincorporated area or, if incorporated, no police chief  
5 exists. The out-of-state student or out-of-state employee  
6 shall provide accurate information as required by the  
7 Department of State Police. That information shall include  
8 the out-of-state student's current place of school  
9 attendance or the out-of-state employee's current place of  
10 employment.

11 (b) An arsonist as defined in Section 5 of this Act,  
12 regardless of any initial, prior, or other registration, shall,  
13 within 10 days of beginning school, or establishing a  
14 residence, place of employment, or temporary domicile in any  
15 county, register in person as set forth in subsection (a) or  
16 (a-5).

17 (c) The registration for any person required to register  
18 under this Act shall be as follows:

19 (1) Except as provided in paragraph (3) of this  
20 subsection (c), any person who has not been notified of his  
21 or her responsibility to register shall be notified by a  
22 criminal justice entity of his or her responsibility to  
23 register. Upon notification the person must then register  
24 within 10 days of notification of his or her requirement to  
25 register. If notification is not made within the offender's  
26 10 year registration requirement, and the Department of  
27 State Police determines no evidence exists or indicates the  
28 offender attempted to avoid registration, the offender  
29 will no longer be required to register under this Act.

30 (2) Except as provided in paragraph (3) of this  
31 subsection (c), any person convicted on or after the  
32 effective date of this Act shall register in person within  
33 10 days after the entry of the sentencing order based upon  
34 his or her conviction.

35 (3) Any person unable to comply with the registration  
36 requirements of this Act because he or she is confined,

1 institutionalized, or imprisoned in Illinois on or after  
2 the effective date of this Act shall register in person  
3 within 10 days of discharge, parole or release.

4 (4) The person shall provide positive identification  
5 and documentation that substantiates proof of residence at  
6 the registering address.

7 (5) The person shall pay a \$10 initial registration fee  
8 and a \$5 annual renewal fee. The fees shall be used by the  
9 registering agency for official purposes. The agency shall  
10 establish procedures to document receipt and use of the  
11 funds. The law enforcement agency having jurisdiction may  
12 waive the registration fee if it determines that the person  
13 is indigent and unable to pay the registration fee.

14 (d) Within 10 days after obtaining or changing employment,  
15 a person required to register under this Section must report,  
16 in person or in writing to the law enforcement agency having  
17 jurisdiction, the business name and address where he or she is  
18 employed. If the person has multiple businesses or work  
19 locations, every business and work location must be reported to  
20 the law enforcement agency having jurisdiction.

21 Section 15. Discharge of arsonist from penal institution.  
22 Any arsonist who is discharged, paroled or released from a  
23 Department of Corrections facility, a facility where such  
24 person was placed by the Department of Corrections or another  
25 penal institution, and whose liability for registration has not  
26 terminated under Section 45 shall, prior to discharge, parole  
27 or release from the facility or institution, be informed of his  
28 or her duty to register in person within 10 days under this Act  
29 by the facility or institution in which he or she was confined.  
30 The facility or institution shall also inform any person who  
31 must register that if he or she establishes a residence outside  
32 of the State of Illinois, is employed outside of the State of  
33 Illinois, or attends school outside of the State of Illinois,  
34 he or she must register in the new state within 10 days after  
35 establishing the residence, beginning employment, or beginning

1 school. The facility shall require the person to read and sign  
2 such form as may be required by the Department of State Police  
3 stating that the duty to register and the procedure for  
4 registration has been explained to him or her and that he or  
5 she understands the duty to register and the procedure for  
6 registration. The facility shall further advise the person in  
7 writing that the failure to register or other violation of this  
8 Act shall result in revocation of parole, mandatory supervised  
9 release or conditional release. The facility shall obtain  
10 information about where the person expects to reside, work, and  
11 attend school upon his or her discharge, parole or release and  
12 shall report the information to the Department of State Police.  
13 The facility shall give one copy of the form to the person and  
14 shall send one copy to each of the law enforcement agencies  
15 having jurisdiction where the person expects to reside, work,  
16 and attend school upon his or her discharge, parole or release  
17 and retain one copy for the files. Electronic data files that  
18 includes all notification form information and photographs of  
19 arsonists being released from an Illinois Department of  
20 Corrections facility shall be shared on a regular basis as  
21 determined between the Department of State Police and the  
22 Department of Corrections.

23 Section 20. Release of arsonist on probation. An arsonist  
24 who is released on probation shall, prior to such release, be  
25 informed of his or her duty to register under this Act by the  
26 court in which he or she was convicted. The court shall also  
27 inform any person who must register that if he or she  
28 establishes a residence outside of the State of Illinois, is  
29 employed outside of the State of Illinois, or attends school  
30 outside of the State of Illinois, he or she must register in  
31 the new state within 10 days after establishing the residence,  
32 beginning employment, or beginning school. The court shall  
33 require the person to read and sign such form as may be  
34 required by the Department of State Police stating that the  
35 duty to register and the procedure for registration has been



1 explained to him or her and that he or she understands the duty  
2 to register and the procedure for registration. The court shall  
3 further advise the person in writing that the failure to  
4 register or other violation of this Act shall result in  
5 probation revocation. The court shall obtain information about  
6 where the person expects to reside, work, and attend school  
7 upon his or her release, and shall report the information to  
8 the Department of State Police. The court shall give one copy  
9 of the form to the person and retain the original in the court  
10 records. The Department of State Police shall notify the law  
11 enforcement agencies having jurisdiction where the person  
12 expects to reside, work and attend school upon his or her  
13 release.

14 Section 25. Discharge of arsonist from hospital or other  
15 treatment facility. Any arsonist who is discharged or released  
16 from a hospital or other treatment facility where he or she was  
17 confined shall be informed by the hospital or treatment  
18 facility in which he or she was confined, prior to discharge or  
19 release from the hospital or treatment facility, of his or her  
20 duty to register under this Act. The facility shall require the  
21 person to read and sign such form as may be required by the  
22 Department of State Police stating that the duty to register  
23 and the procedure for registration has been explained to him or  
24 her and that he or she understands the duty to register and the  
25 procedure for registration. The facility shall give one copy of  
26 the form to the person, retain one copy for its records, and  
27 forward the original to the Department of State Police. The  
28 facility shall obtain information about where the person  
29 expects to reside, work, and attend school upon his or her  
30 discharge, parole, or release and shall report the information  
31 to the Department of State Police within 3 days. The facility  
32 or institution shall also inform any person who must register  
33 that if he or she establishes a residence outside of the State  
34 of Illinois, is employed outside of the State of Illinois, or  
35 attends school outside of the State of Illinois, he or she must

1 register in the new state within 10 days after establishing the  
2 residence, beginning school, or beginning employment. The  
3 Department of State Police shall notify the law enforcement  
4 agencies having jurisdiction where the person expects to  
5 reside, work, and attend school upon his or her release.

6 Section 30. Nonforwardable verification letter. The  
7 Department of State Police shall mail an annual nonforwardable  
8 verification letter to a person registered under this Act  
9 beginning one year from the date of his or her last  
10 registration. A person required to register under this Act who  
11 is mailed a verification letter shall complete, sign, and  
12 return the enclosed verification form to the Department of  
13 State Police postmarked within 10 days after the mailing date  
14 of the letter. A person's failure to return the verification  
15 form to the Department of State Police within 10 days after the  
16 mailing date of the letter shall be considered a violation of  
17 this Act.

18 Section 35. Duty to report change of address, school, or  
19 employment. Any person who is required to register under this  
20 Act shall report in person to the appropriate law enforcement  
21 agency with whom he or she last registered within one year from  
22 the date of last registration and every year thereafter. If any  
23 person required to register under this Act changes his or her  
24 residence address, place of employment, or school, he or she  
25 shall, in writing, within 10 days inform the law enforcement  
26 agency with whom he or she last registered of his or her new  
27 address, change in employment, or school and register with the  
28 appropriate law enforcement agency within the time period  
29 specified in Section 10. The law enforcement agency shall,  
30 within 3 days of receipt, notify the Department of State Police  
31 and the law enforcement agency having jurisdiction of the new  
32 place of residence, change in employment, or school. If any  
33 person required to register under this Act establishes a  
34 residence or employment outside of the State of Illinois,

1 within 10 days after establishing that residence or employment,  
2 he or she shall, in writing, inform the law enforcement agency  
3 with which he or she last registered of his or her out-of-state  
4 residence or employment. The law enforcement agency with which  
5 such person last registered shall, within 3 days notice of an  
6 address or employment change, notify the Department of State  
7 Police. The Department of State Police shall forward such  
8 information to the out-of-state law enforcement agency having  
9 jurisdiction in the form and manner prescribed by the  
10 Department of State Police.

11 Section 40. Out-of-State employee or student. Every  
12 out-of-state student or out-of-state employee must notify the  
13 agency having jurisdiction of any change of employment or  
14 change of educational status, in writing, within 10 days of the  
15 change. The law enforcement agency shall, within 3 days after  
16 receiving the notice, enter the appropriate changes into LEADS.

17 Section 45. Duration of registration. Any person who is  
18 required to register under this Act shall be required to  
19 register for a period of 10 years after conviction or  
20 adjudication if not confined to a penal institution, hospital  
21 or any other institution or facility, and if confined, for a  
22 period of 10 years after parole, discharge or release from any  
23 such facility. An arsonist who is allowed to leave a county,  
24 State, or federal facility for the purposes of work release,  
25 education, or overnight visitations shall be required to  
26 register within 10 days of beginning such a program. Liability  
27 for registration terminates at the expiration of 10 years from  
28 the date of conviction or adjudication if not confined to a  
29 penal institution, hospital or any other institution or  
30 facility and if confined, at the expiration of 10 years from  
31 the date of parole, discharge or release from any such  
32 facility, providing such person does not, during that period,  
33 again become liable to register under the provisions of this  
34 Act. The Director of State Police, consistent with

1 administrative rules, shall extend for 10 years the  
2 registration period of any arsonist who fails to comply with  
3 the provisions of this Act.

4 Section 50. Registration requirements. Registration as  
5 required by this Act shall consist of a statement in writing  
6 signed by the person giving the information that is required by  
7 the Department of State Police, which may include the  
8 fingerprints and must include a photograph of the person. The  
9 registration information must include whether the person is an  
10 arsonist. Within 3 days, the registering law enforcement agency  
11 shall forward any required information to the Department of  
12 State Police. The registering law enforcement agency shall  
13 enter the information into the Law Enforcement Agencies Data  
14 System (LEADS) as provided in Section 2605-375 of the  
15 Department of State Police Law of the Civil Administrative Code  
16 of Illinois.

17 Section 55. Address verification requirements. The agency  
18 having jurisdiction shall verify the address of arsonists  
19 required to register with their agency at least once per  
20 calendar year. The verification must be documented in LEADS in  
21 the form and manner required by the Department of State Police.

22 Section 60. Public inspection of registration data. The  
23 statements or any other information required by this Act shall  
24 not be open to inspection by the public, or by any person other  
25 than by a law enforcement officer or other individual as may be  
26 authorized by law and shall include law enforcement agencies of  
27 this State, any other state, or of the federal government.  
28 Similar information may be requested from any law enforcement  
29 agency of another state or of the federal government for  
30 purposes of this Act. It is a Class B misdemeanor to permit the  
31 unauthorized release of any information required by this Act.

32 Section 65. Penalty. Any person who is required to register

1 under this Act who violates any of the provisions of this Act  
2 and any person who is required to register under this Act who  
3 seeks to change his or her name under Article 21 of the Code of  
4 Civil Procedure is guilty of a Class 4 felony. Any person who  
5 is required to register under this Act who knowingly or  
6 wilfully gives material information required by this Act that  
7 is false is guilty of a Class 3 felony. Any person convicted of  
8 a violation of any provision of this Act shall, in addition to  
9 any other penalty required by law, be required to serve a  
10 minimum period of 7 days confinement in the local county jail.  
11 The court shall impose a mandatory minimum fine of \$500 for  
12 failure to comply with any provision of this Act. These fines  
13 shall be deposited in the Arsonist Registration Fund. An  
14 arsonist who violates any provision of this Act may be tried in  
15 any Illinois county where the arsonist can be located.

16 Section 70. Arsonist Registration Fund. There is created in  
17 the State treasury the Arsonist Registration Fund. Moneys in  
18 the Fund shall be used to cover costs incurred by the criminal  
19 justice system to administer this Act. The Department of State  
20 Police shall establish and promulgate rules and procedures  
21 regarding the administration of this Fund. At least 50% of the  
22 moneys in the Fund shall be allocated by the Department for  
23 sheriffs' offices and police departments.

24 Section 75. Access to State of Illinois databases. The  
25 Department of State Police shall have access to State of  
26 Illinois databases containing information that may help in the  
27 identification or location of persons required to register  
28 under this Act. Interagency agreements shall be implemented,  
29 consistent with security and procedures established by the  
30 State agency and consistent with the laws governing the  
31 confidentiality of the information in the databases.  
32 Information shall be used only for administration of this Act.

33 Section 105. The Department of State Police Law of the

1 Civil Administrative Code of Illinois is amended by changing  
2 Section 2605-375 as follows:

3 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

4 Sec. 2605-375. Missing persons; Law Enforcement Agencies  
5 Data System (LEADS).

6 (a) To establish and maintain a statewide Law Enforcement  
7 Agencies Data System (LEADS) for the purpose of providing  
8 electronic access by authorized entities to criminal justice  
9 data repositories and effecting an immediate law enforcement  
10 response to reports of missing persons, including lost, missing  
11 or runaway minors. The Department shall implement an automatic  
12 data exchange system to compile, to maintain, and to make  
13 available to other law enforcement agencies for immediate  
14 dissemination data that can assist appropriate agencies in  
15 recovering missing persons and provide access by authorized  
16 entities to various data repositories available through LEADS  
17 for criminal justice and related purposes. To assist the  
18 Department in this effort, funds may be appropriated from the  
19 LEADS Maintenance Fund.

20 (b) In exercising its duties under this Section, the  
21 Department shall do the following:

22 (1) Provide a uniform reporting format for the entry of  
23 pertinent information regarding the report of a missing  
24 person into LEADS.

25 (2) Develop and implement a policy whereby a statewide  
26 or regional alert would be used in situations relating to  
27 the disappearances of individuals, based on criteria and in  
28 a format established by the Department. Such a format shall  
29 include, but not be limited to, the age of the missing  
30 person and the suspected circumstance of the  
31 disappearance.

32 (3) Notify all law enforcement agencies that reports of  
33 missing persons shall be entered as soon as the minimum  
34 level of data specified by the Department is available to  
35 the reporting agency and that no waiting period for the

1 entry of the data exists.

2 (4) Compile and retain information regarding lost,  
3 abducted, missing, or runaway minors in a separate data  
4 file, in a manner that allows that information to be used  
5 by law enforcement and other agencies deemed appropriate by  
6 the Director, for investigative purposes. The information  
7 shall include the disposition of all reported lost,  
8 abducted, missing, or runaway minor cases.

9 (5) Compile and maintain an historic data repository  
10 relating to lost, abducted, missing, or runaway minors and  
11 other missing persons in order to develop and improve  
12 techniques utilized by law enforcement agencies when  
13 responding to reports of missing persons.

14 (6) Create a quality control program regarding  
15 confirmation of missing person data, timeliness of entries  
16 of missing person reports into LEADS, and performance  
17 audits of all entering agencies.

18 (7) Provide for the entry into LEADS of the names and  
19 addresses of arsonists as defined in the Arsonist  
20 Registration Act who are required to register under that  
21 Act. The information shall be immediately accessible to law  
22 enforcement agencies and peace officers of this State or  
23 any other state or of the federal government. Similar  
24 information may be requested from any other state or of the  
25 federal government for the purposes of this Act.

26 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
27 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,  
28 eff. 8-14-98; 91-239, eff. 1-1-00.)

29 Section 110. The State Finance Act is amended by adding  
30 Section 5.625 as follows:

31 (30 ILCS 105/5.625 new)

32 Sec. 5.625. The Arsonist Registration Fund.

33 Section 115. The Juvenile court Act of 1987 is amended by

1 changing Sections 1-7, 1-8, 5-901, and 5-905 as follows:

2 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

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

4 (A) Inspection and copying of law enforcement records  
5 maintained by law enforcement agencies that relate to a minor  
6 who has been arrested or taken into custody before his or her  
7 17th birthday shall be restricted to the following:

8 (1) Any local, State or federal law enforcement  
9 officers of any jurisdiction or agency when necessary for  
10 the discharge of their official duties during the  
11 investigation or prosecution of a crime or relating to a  
12 minor who has been adjudicated delinquent and there has  
13 been a previous finding that the act which constitutes the  
14 previous offense was committed in furtherance of criminal  
15 activities by a criminal street gang. For purposes of this  
16 Section, "criminal street gang" has the meaning ascribed to  
17 it in Section 10 of the Illinois Streetgang Terrorism  
18 Omnibus Prevention Act.

19 (1.5) A fire or arson investigator of the Office of the  
20 State Fire Marshal or of a local fire department or fire  
21 protection district or a person classified as a peace  
22 officer under the Peace Officer Fire Investigation Act  
23 during the investigation or prosecution of an arson.

24 (2) Prosecutors, probation officers, social workers,  
25 or other individuals assigned by the court to conduct a  
26 pre-adjudication or pre-disposition investigation, and  
27 individuals responsible for supervising or providing  
28 temporary or permanent care and custody for minors pursuant  
29 to the order of the juvenile court, when essential to  
30 performing their responsibilities.

31 (3) Prosecutors and probation officers:

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

35 (b) when institution of criminal proceedings has



1           been permitted or required under Section 5-805 and such  
2           minor is the subject of a proceeding to determine the  
3           amount of bail; or

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

9           (4) Adult and Juvenile Prisoner Review Board.

10          (5) Authorized military personnel.

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

17          (7) Department of Children and Family Services child  
18          protection investigators acting in their official  
19          capacity.

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

29               (i) unlawful use of weapons under Section 24-1 of  
30               the Criminal Code of 1961;

31               (ii) a violation of the Illinois Controlled  
32               Substances Act;

33               (iii) a violation of the Cannabis Control Act; or

34               (iv) a forcible felony as defined in Section 2-8 of  
35               the Criminal Code of 1961.

36          (9) Mental health professionals on behalf of the

1 Illinois Department of Corrections or the Department of  
2 Human Services or prosecutors who are evaluating,  
3 prosecuting, or investigating a potential or actual  
4 petition brought under the Sexually Violent Persons  
5 Commitment Act relating to a person who is the subject of  
6 juvenile law enforcement records or the respondent to a  
7 petition brought under the Sexually Violent Persons  
8 Commitment Act who is the subject of the juvenile law  
9 enforcement records sought. Any records and any  
10 information obtained from those records under this  
11 paragraph (9) may be used only in sexually violent persons  
12 commitment proceedings.

13 (B) (1) Except as provided in paragraph (2), no law  
14 enforcement officer or other person or agency may knowingly  
15 transmit to the Department of Corrections, Adult Division  
16 or the Department of State Police or to the Federal Bureau  
17 of Investigation any fingerprint or photograph relating to  
18 a minor who has been arrested or taken into custody before  
19 his or her 17th birthday, unless the court in proceedings  
20 under this Act authorizes the transmission or enters an  
21 order under Section 5-805 permitting or requiring the  
22 institution of criminal proceedings.

23 (2) Law enforcement officers or other persons or  
24 agencies shall transmit to the Department of State Police  
25 copies of fingerprints and descriptions of all minors who  
26 have been arrested or taken into custody before their 17th  
27 birthday for the offense of unlawful use of weapons under  
28 Article 24 of the Criminal Code of 1961, a Class X or Class  
29 1 felony, a forcible felony as defined in Section 2-8 of  
30 the Criminal Code of 1961, or a Class 2 or greater felony  
31 under the Cannabis Control Act, the Illinois Controlled  
32 Substances Act, or Chapter 4 of the Illinois Vehicle Code,  
33 pursuant to Section 5 of the Criminal Identification Act.  
34 Information reported to the Department pursuant to this  
35 Section may be maintained with records that the Department  
36 files pursuant to Section 2.1 of the Criminal

1 Identification Act. Nothing in this Act prohibits a law  
2 enforcement agency from fingerprinting a minor taken into  
3 custody or arrested before his or her 17th birthday for an  
4 offense other than those listed in this paragraph (2).

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

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

22 (E) Law enforcement officers may not disclose the identity  
23 of any minor in releasing information to the general public as  
24 to the arrest, investigation or disposition of any case  
25 involving a minor.

26 (F) Nothing contained in this Section shall prohibit law  
27 enforcement agencies from communicating with each other by  
28 letter, memorandum, teletype or intelligence alert bulletin or  
29 other means the identity or other relevant information  
30 pertaining to a person under 17 years of age if there are  
31 reasonable grounds to believe that the person poses a real and  
32 present danger to the safety of the public or law enforcement  
33 officers. The information provided under this subsection (F)  
34 shall remain confidential and shall not be publicly disclosed,  
35 except as otherwise allowed by law.

36 (G) Nothing in this Section shall prohibit 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 from obtaining  
5 and examining the records of any law enforcement agency  
6 relating to any record of the applicant having been arrested or  
7 taken into custody before the applicant's 17th birthday.

8 (Source: P.A. 91-357, eff. 7-29-99; 91-368, eff. 1-1-00;  
9 92-415, eff. 8-17-01.)

10 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

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

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

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

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

26 Before July 1, 1994, for the purposes of this Section,  
27 "criminal street gang" means any ongoing organization,  
28 association, or group of 3 or more persons, whether formal  
29 or informal, having as one of its primary activities the  
30 commission of one or more criminal acts and that has a  
31 common name or common identifying sign, symbol or specific  
32 color apparel displayed, and whose members individually or  
33 collectively engage in or have engaged in a pattern of  
34 criminal activity.

35 Beginning July 1, 1994, for purposes of this Section,

1 "criminal street gang" has the meaning ascribed to it in  
2 Section 10 of the Illinois Streetgang Terrorism Omnibus  
3 Prevention Act.

4 (2.5) A fire or arson investigator of the Office of the  
5 State Fire Marshal or of a local fire department or fire  
6 protection district or a person classified as a peace  
7 officer under the Peace Officer Fire Investigation Act  
8 during the investigation or prosecution of an arson.

9 (3) Judges, hearing officers, prosecutors, probation  
10 officers, social workers or other individuals assigned by  
11 the court to conduct a pre-adjudication or predisposition  
12 investigation, and individuals responsible for supervising  
13 or providing temporary or permanent care and custody for  
14 minors pursuant to the order of the juvenile court when  
15 essential to performing their responsibilities.

16 (4) Judges, prosecutors and probation officers:

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

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

24 (c) when criminal proceedings have been permitted  
25 or required under Section 5-805 and a minor is the  
26 subject of a pre-trial investigation, pre-sentence  
27 investigation or fitness hearing, or proceedings on an  
28 application for probation; or

29 (d) when a minor becomes 17 years of age or older,  
30 and is the subject of criminal proceedings, including a  
31 hearing to determine the amount of bail, a pre-trial  
32 investigation, a pre-sentence investigation, a fitness  
33 hearing, or proceedings on an application for  
34 probation.

35 (5) Adult and Juvenile Prisoner Review Boards.

36 (6) Authorized military personnel.

1           (7) Victims, their subrogees and legal  
2 representatives; however, such persons shall have access  
3 only to the name and address of the minor and information  
4 pertaining to the disposition or alternative adjustment  
5 plan of the juvenile court.

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

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

18           (10) The administrator of a bonafide substance abuse  
19 student assistance program with the permission of the  
20 presiding judge of the juvenile court.

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

33           (B) A minor who is the victim in a juvenile proceeding  
34 shall be provided the same confidentiality regarding  
35 disclosure of identity as the minor who is the subject of  
36 record.

1 (C) Except as otherwise provided in this subsection (C),  
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 parents, guardian and  
7 counsel shall at all times have the right to examine court  
8 files and records.

9 (1) 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 (A) 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 (B) The court has made a finding that the minor was  
18 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: (i) an act in  
21 furtherance of the commission of a felony as a member  
22 of or on behalf of a criminal street gang, (ii) an act  
23 involving the use of a firearm in the commission of a  
24 felony, (iii) an act that would be a Class X felony  
25 offense under or the minor's second or subsequent Class  
26 2 or greater felony offense under the Cannabis Control  
27 Act if committed by an adult, (iv) an act that would be  
28 a second or subsequent offense under Section 402 of the  
29 Illinois Controlled Substances Act if committed by an  
30 adult, or (v) an act that would be an offense under  
31 Section 401 of the Illinois Controlled Substances Act  
32 if committed by an adult.

33 (2) The court shall allow the general public to have  
34 access to the name, address, and offense of a minor who is  
35 at least 13 years of age at the time the offense is  
36 committed and who is convicted, in criminal proceedings

1 permitted or required under Section 5-4, under either of  
2 the following circumstances:

3 (A) The minor has been convicted of first degree  
4 murder, attempt to commit first degree murder,  
5 aggravated criminal sexual assault, or criminal sexual  
6 assault,

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

20 (D) Pending or following any adjudication of delinquency  
21 for any offense defined in Sections 12-13 through 12-16 of the  
22 Criminal Code of 1961, the victim of any such offense shall  
23 receive the rights set out in Sections 4 and 6 of the Bill of  
24 Rights for Victims and Witnesses of Violent Crime Act; and the  
25 juvenile who is the subject of the adjudication,  
26 notwithstanding any other provision of this Act, shall be  
27 treated as an adult for the purpose of affording such rights to  
28 the victim.

29 (E) Nothing in this Section shall affect the right of a  
30 Civil Service Commission or appointing authority of any state,  
31 county or municipality examining the character and fitness of  
32 an applicant for employment with a law enforcement agency,  
33 correctional institution, or fire department to ascertain  
34 whether that applicant was ever adjudicated to be a delinquent  
35 minor and, if so, to examine the records of disposition or  
36 evidence which were made in proceedings under this Act.



1 (F) 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 dispositional 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.

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

25 (I) The Clerk of the Circuit Court shall report to the  
26 Department of State Police, in the form and manner required by  
27 the Department of State Police, the final disposition of each  
28 minor who has been arrested or taken into custody before his or  
29 her 17th birthday for those offenses required to be reported  
30 under Section 5 of the Criminal Identification Act. Information  
31 reported to the Department under this Section may be maintained  
32 with records that the Department files under Section 2.1 of the  
33 Criminal Identification Act.

34 (Source: P.A. 91-357, eff. 7-29-99; 91-368, eff. 1-1-00,  
35 92-415, eff. 8-17-01.)

1 (705 ILCS 405/5-901)

2 Sec. 5-901. Court file.

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

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

13 (i) A judge of the circuit court and members of the  
14 staff of the court designated by the judge;

15 (ii) Parties to the proceedings and their  
16 attorneys;

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

21 (iv) Probation officers, law enforcement officers  
22 or prosecutors or their staff;

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

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

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

33 (i) Authorized military personnel;

34 (ii) Persons engaged in bona fide research, with  
35 the permission of the judge of the juvenile court and  
36 the chief executive of the agency that prepared the

1 particular recording: provided that publication of  
2 such research results in no disclosure of a minor's  
3 identity and protects the confidentiality of the  
4 record;

5 (iii) The Secretary of State to whom the Clerk of  
6 the Court shall report the disposition of all cases, as  
7 required in Section 6-204 or Section 6-205.1 of the  
8 Illinois Vehicle Code. However, information reported  
9 relative to these offenses shall be privileged and  
10 available only to the Secretary of State, courts, and  
11 police officers;

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

15 (v) Any individual, or any public or private agency  
16 or institution, having custody of the juvenile under  
17 court order or providing educational, medical or  
18 mental health services to the juvenile or a  
19 court-approved advocate for the juvenile or any  
20 placement provider or potential placement provider as  
21 determined by the court.

22 (3) A minor who is the victim or alleged victim in a  
23 juvenile proceeding shall be provided the same confidentiality  
24 regarding disclosure of identity as the minor who is the  
25 subject of record. Information identifying victims and alleged  
26 victims of sex offenses, shall not be disclosed or open to  
27 public inspection under any circumstances. Nothing in this  
28 Section shall prohibit the victim or alleged victim of any sex  
29 offense from voluntarily disclosing his or her identity.

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

34 (5) Except as otherwise provided in this subsection (5),  
35 juvenile court records shall not be made available to the  
36 general public but may be inspected by representatives of

1 agencies, associations and news media or other properly  
2 interested persons by general or special order of the court.  
3 The State's Attorney, the minor, his or her parents, guardian  
4 and counsel shall at all times have the right to examine court  
5 files and records.

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

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

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

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

36 (i) The minor has been convicted of first degree

1 murder, attempt to commit first degree murder,  
2 aggravated criminal sexual assault, or criminal sexual  
3 assault,

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

17 (6) Nothing in this Section shall be construed to limit the  
18 use of a adjudication of delinquency as evidence in any  
19 juvenile or criminal proceeding, where it would otherwise be  
20 admissible under the rules of evidence, including but not  
21 limited to, use as impeachment evidence against any witness,  
22 including the minor if he or she testifies.

23 (7) Nothing in this Section shall affect the right of a  
24 Civil Service Commission or appointing authority examining the  
25 character and fitness of an applicant for a position as a law  
26 enforcement officer to ascertain whether that applicant was  
27 ever adjudicated to be a delinquent minor and, if so, to  
28 examine the records or evidence which were made in proceedings  
29 under this Act.

30 (8) Following any adjudication of delinquency for a crime  
31 which would be a felony if committed by an adult, or following  
32 any adjudication of delinquency for a violation of Section  
33 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the  
34 State's Attorney shall ascertain whether the minor respondent  
35 is enrolled in school and, if so, shall provide a copy of the  
36 sentencing order to the principal or chief administrative

1 officer of the school. Access to such juvenile records shall be  
2 limited to the principal or chief administrative officer of the  
3 school and any guidance counselor designated by him or her.

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

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

19 (12) Information or records may be disclosed to the general  
20 public when the court is conducting hearings under Section  
21 5-805 or 5-810.

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

23 (705 ILCS 405/5-905)

24 Sec. 5-905. Law enforcement records.

25 (1) Law Enforcement Records. Inspection and copying of law  
26 enforcement records maintained by law enforcement agencies  
27 that relate to a minor who has been arrested or taken into  
28 custody before his or her 17th birthday shall be restricted to  
29 the following and when necessary for the discharge of their  
30 official duties:

31 (a) A judge of the circuit court and members of the  
32 staff of the court designated by the judge;

33 (b) Law enforcement officers, probation officers or  
34 prosecutors or their staff;

35 (b-5) A fire or arson investigator of the Office of the

1       State Fire Marshal or of a local fire department or fire  
2       protection district or a person classified as a peace  
3       officer under the Peace Officer Fire Investigation Act;

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

7           (d) Adult and Juvenile Prisoner Review Boards;

8           (e) Authorized military personnel;

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

15          (g) Individuals responsible for supervising or  
16       providing temporary or permanent care and custody of minors  
17       pursuant to orders of the juvenile court or directives from  
18       officials of the Department of Children and Family Services  
19       or the Department of Human Services who certify in writing  
20       that the information will not be disclosed to any other  
21       party except as provided under law or order of court;

22          (h) The appropriate school official. Inspection and  
23       copying shall be limited to law enforcement records  
24       transmitted to the appropriate school official by a local  
25       law enforcement agency under a reciprocal reporting system  
26       established and maintained between the school district and  
27       the local law enforcement agency under Section 10-20.14 of  
28       the School Code concerning a minor enrolled in a school  
29       within the school district who has been arrested for any  
30       offense classified as a felony or a Class A or B  
31       misdemeanor.

32       (2) Information identifying victims and alleged victims of  
33       sex offenses, shall not be disclosed or open to public  
34       inspection under any circumstances. Nothing in this Section  
35       shall prohibit the victim or alleged victim of any sex offense  
36       from voluntarily disclosing his or her identity.

1           (3) 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           (4) Nothing in this Section shall prohibit the inspection  
6 or disclosure to victims and witnesses of photographs contained  
7 in the records of law enforcement agencies when the inspection  
8 or disclosure is conducted in the presence of a law enforcement  
9 officer for purposes of identification or apprehension of any  
10 person in the course of any criminal investigation or  
11 prosecution.

12           (5) The records of law enforcement officers concerning all  
13 minors under 17 years of age must be maintained separate from  
14 the records of adults 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 under Section 5-130 or 5-805 or required under  
18 Section 5-130 or 5-805 or such a person has been convicted of a  
19 crime and is the subject of pre-sentence investigation or when  
20 provided by law.

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



1 property from the minor.

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

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

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