

1 AN ACT concerning the media.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 2 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 (Text of Section before amendment by P.A. 91-935)

8 Sec. 2. Definitions. As used in this Act:

9 (a) "Public body" means any legislative, executive,
10 administrative, or advisory bodies of the State, state
11 universities and colleges, counties, townships, cities,
12 villages, incorporated towns, school districts and all other
13 municipal corporations, boards, bureaus, committees, or
14 commissions of this State, and any subsidiary bodies of any
15 of the foregoing including but not limited to committees and
16 subcommittees which are supported in whole or in part by tax
17 revenue, or which expend tax revenue. "Public body" does not
18 include a child death review team established under the Child
19 Death Review Team Act.

20 (b) "Person" means any individual, corporation,
21 partnership, firm, organization or association, acting
22 individually or as a group.

23 (c) "Public records" means all records, reports, forms,
24 writings, letters, memoranda, books, papers, maps,
25 photographs, microfilms, cards, tapes, recordings, electronic
26 data processing records, recorded information and all other
27 documentary materials, regardless of physical form or
28 characteristics, having been prepared, or having been or
29 being used, received, possessed or under the control of any
30 public body. "Public records" includes, but is expressly not
31 limited to: (i) administrative manuals, procedural rules,

1 and instructions to staff, unless exempted by Section 7(p) of
2 this Act; (ii) final opinions and orders made in the
3 adjudication of cases, except an educational institution's
4 adjudication of student or employee grievance or disciplinary
5 cases; (iii) substantive rules; (iv) statements and
6 interpretations of policy which have been adopted by a public
7 body; (v) final planning policies, recommendations, and
8 decisions; (vi) factual reports, inspection reports, and
9 studies whether prepared by or for the public body; (vii) all
10 information in any account, voucher, or contract dealing with
11 the receipt or expenditure of public or other funds of public
12 bodies; (viii) the names, salaries, titles, and dates of
13 employment of all employees and officers of public bodies;
14 (ix) materials containing opinions concerning the rights of
15 the state, the public, a subdivision of state or a local
16 government, or of any private persons; (x) the name of every
17 official and the final records of voting in all proceedings
18 of public bodies; (xi) applications for any contract, permit,
19 grant, or agreement except as exempted from disclosure by
20 subsection (g) of Section 7 of this Act; (xii) each report,
21 document, study, or publication prepared by independent
22 consultants or other independent contractors for the public
23 body; (xiii) all other information required by law to be made
24 available for public inspection or copying; (xiv) information
25 relating to any grant or contract made by or between a public
26 body and another public body or private organization; (xv)
27 waiver documents filed with the State Superintendent of
28 Education or the president of the University of Illinois
29 under Section 30-12.5 of the School Code, concerning nominees
30 for General Assembly scholarships under Sections 30-9, 30-10,
31 and 30-11 of the School Code and (xvi) complaints, results of
32 complaints, and Department of Children and Family Services
33 staff findings of licensing violations at day care
34 facilities, provided that personal and identifying

1 information is not released.

2 (d) "Copying" means the reproduction of any public
3 record by means of any photographic, electronic, mechanical
4 or other process, device or means.

5 (e) "Head of the public body" means the president,
6 mayor, chairman, presiding officer, director, superintendent,
7 manager, supervisor or individual otherwise holding primary
8 executive and administrative authority for the public body,
9 or such person's duly authorized designee.

10 (f) "News media" means a newspaper or other periodical
11 issued at regular intervals whether in print or electronic
12 format, a news service whether in print or electronic format,
13 a radio station, a television station, a television network,
14 a community antenna television service, or a person or
15 corporation engaged in making news reels or other motion
16 picture news for public showing.

17 (Source: P.A. 89-681, eff. 12-13-96; 90-144, eff. 7-23-97;
18 90-670, eff. 7-31-98.)

19 (Text of Section after amendment by P.A. 91-935)

20 Sec. 2. Definitions. As used in this Act:

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22 administrative, or advisory bodies of the State, state
23 universities and colleges, counties, townships, cities,
24 villages, incorporated towns, school districts and all other
25 municipal corporations, boards, bureaus, committees, or
26 commissions of this State, and any subsidiary bodies of any
27 of the foregoing including but not limited to committees and
28 subcommittees which are supported in whole or in part by tax
29 revenue, or which expend tax revenue. "Public body" does not
30 include a child death review team established under the Child
31 Death Review Team Act.

32 (b) "Person" means any individual, corporation,
33 partnership, firm, organization or association, acting
34 individually or as a group.

1 (c) "Public records" means all records, reports, forms,
2 writings, letters, memoranda, books, papers, maps,
3 photographs, microfilms, cards, tapes, recordings, electronic
4 data processing records, recorded information and all other
5 documentary materials, regardless of physical form or
6 characteristics, having been prepared, or having been or
7 being used, received, possessed or under the control of any
8 public body. "Public records" includes, but is expressly not
9 limited to: (i) administrative manuals, procedural rules,
10 and instructions to staff, unless exempted by Section 7(p) of
11 this Act; (ii) final opinions and orders made in the
12 adjudication of cases, except an educational institution's
13 adjudication of student or employee grievance or disciplinary
14 cases; (iii) substantive rules; (iv) statements and
15 interpretations of policy which have been adopted by a public
16 body; (v) final planning policies, recommendations, and
17 decisions; (vi) factual reports, inspection reports, and
18 studies whether prepared by or for the public body; (vii) all
19 information in any account, voucher, or contract dealing with
20 the receipt or expenditure of public or other funds of public
21 bodies; (viii) the names, salaries, titles, and dates of
22 employment of all employees and officers of public bodies;
23 (ix) materials containing opinions concerning the rights of
24 the state, the public, a subdivision of state or a local
25 government, or of any private persons; (x) the name of every
26 official and the final records of voting in all proceedings
27 of public bodies; (xi) applications for any contract, permit,
28 grant, or agreement except as exempted from disclosure by
29 subsection (g) of Section 7 of this Act; (xii) each report,
30 document, study, or publication prepared by independent
31 consultants or other independent contractors for the public
32 body; (xiii) all other information required by law to be made
33 available for public inspection or copying; (xiv) information
34 relating to any grant or contract made by or between a public

1 body and another public body or private organization; (xv)
2 waiver documents filed with the State Superintendent of
3 Education or the president of the University of Illinois
4 under Section 30-12.5 of the School Code, concerning nominees
5 for General Assembly scholarships under Sections 30-9, 30-10,
6 and 30-11 of the School Code; (xvi) complaints, results of
7 complaints, and Department of Children and Family Services
8 staff findings of licensing violations at day care
9 facilities, provided that personal and identifying
10 information is not released; and (xvii) records, reports,
11 forms, writings, letters, memoranda, books, papers, and other
12 documentary information, regardless of physical form or
13 characteristics, having been prepared, or having been or
14 being used, received, possessed, or under the control of the
15 Illinois Sports Facilities Authority dealing with the receipt
16 or expenditure of public funds or other funds of the
17 Authority in connection with the reconstruction, renovation,
18 remodeling, extension, or improvement of all or substantially
19 all of an existing "facility" as that term is defined in the
20 Illinois Sports Facilities Authority Act.

21 (d) "Copying" means the reproduction of any public
22 record by means of any photographic, electronic, mechanical
23 or other process, device or means.

24 (e) "Head of the public body" means the president,
25 mayor, chairman, presiding officer, director, superintendent,
26 manager, supervisor or individual otherwise holding primary
27 executive and administrative authority for the public body,
28 or such person's duly authorized designee.

29 (f) "News media" means a newspaper or other periodical
30 issued at regular intervals whether in print or electronic
31 format, a news service whether in print or electronic format,
32 a radio station, a television station, a television network,
33 a community antenna television service, or a person or
34 corporation engaged in making news reels or other motion

1 picture news for public showing.

2 (Source: P.A. 90-144, eff. 7-23-97; 90-670, eff. 7-31-98;
3 91-935, eff. 6-1-01.)

4 Section 10. The State Records Act is amended by changing
5 Section 4a as follows:

6 (5 ILCS 160/4a)

7 Sec. 4a. Arrest reports.

8 (a) When an individual is arrested, the following
9 information must be made available to the news media for
10 inspection and copying:

11 (1) Information that identifies the individual
12 person, including the name, age, address, and photograph,
13 when and if available.

14 (2) Information detailing any charges relating to
15 the arrest.

16 (3) The time and location of the arrest.

17 (4) The name of the investigating or arresting law
18 enforcement agency.

19 (5) If the individual is incarcerated, the amount
20 of any bail or bond.

21 (6) If the individual is incarcerated, the time and
22 date that the individual was received, discharged, or
23 transferred from the arresting agency's custody.

24 (b) The information required by this Section must be
25 made available to the news media for inspection and copying
26 as soon as practicable, but in no event shall the time period
27 exceed 72 hours from the arrest. The information described
28 in paragraphs (3), (4), (5), and (6) ~~37--47--57--and--6~~ of
29 subsection (a), however, may be withheld if it is determined
30 that disclosure would:

31 (1) interfere with pending or actually and
32 reasonably contemplated law enforcement proceedings

1 conducted by any law enforcement or correctional agency;

2 (2) endanger the life or physical safety of law
3 enforcement or correctional personnel or any other
4 person; or

5 (3) compromise the security of any correctional
6 facility.

7 (c) For the purposes of this Section, the term "news
8 media" means personnel of a newspaper or other periodical
9 issued at regular intervals whether in print or electronic
10 format, a news service whether in print or electronic format,
11 a radio station, a television station, a television network,
12 a community antenna television service, or a person or
13 corporation engaged in making news reels or other motion
14 picture news for public showing.

15 (d) Each law enforcement or correctional agency may
16 charge fees for arrest records, but in no instance may the
17 fee exceed the actual cost of copying and reproduction. The
18 fees may not include the cost of the labor used to reproduce
19 the arrest record.

20 (e) The provisions of this Section do not supersede the
21 confidentiality provisions for arrest records of the Juvenile
22 Court Act of 1987.

23 (Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)

24 Section 15. The Department of State Police Law of the
25 Civil Administrative Code of Illinois is amended by changing
26 Section 55a as follows:

27 (20 ILCS 2605/55a) (from Ch. 127, par. 55a)

28 (Text of Section from P.A. 91-309)

29 Sec. 55a. Powers and duties.

30 (A) The Department of State Police shall have the
31 following powers and duties, and those set forth in Sections
32 55a-1 through 55c:

1 1. To exercise the rights, powers and duties which have
2 been vested in the Department of Public Safety by the State
3 Police Act.

4 2. To exercise the rights, powers and duties which have
5 been vested in the Department of Public Safety by the State
6 Police Radio Act.

7 3. To exercise the rights, powers and duties which have
8 been vested in the Department of Public Safety by the
9 Criminal Identification Act.

10 4. To (a) investigate the origins, activities, personnel
11 and incidents of crime and the ways and means to redress the
12 victims of crimes, and study the impact, if any, of
13 legislation relative to the effusion of crime and growing
14 crime rates, and enforce the criminal laws of this State
15 related thereto, (b) enforce all laws regulating the
16 production, sale, prescribing, manufacturing, administering,
17 transporting, having in possession, dispensing, delivering,
18 distributing, or use of controlled substances and cannabis,
19 (c) employ skilled experts, scientists, technicians,
20 investigators or otherwise specially qualified persons to aid
21 in preventing or detecting crime, apprehending criminals, or
22 preparing and presenting evidence of violations of the
23 criminal laws of the State, (d) cooperate with the police of
24 cities, villages and incorporated towns, and with the police
25 officers of any county, in enforcing the laws of the State
26 and in making arrests and recovering property, (e) apprehend
27 and deliver up any person charged in this State or any other
28 State of the United States with treason, felony, or other
29 crime, who has fled from justice and is found in this State,
30 and (f) conduct such other investigations as may be provided
31 by law. Persons exercising these powers within the Department
32 are conservators of the peace and as such have all the powers
33 possessed by policemen in cities and sheriffs, except that
34 they may exercise such powers anywhere in the State in

1 cooperation with and after contact with the local law
2 enforcement officials. Such persons may use false or
3 fictitious names in the performance of their duties under
4 this paragraph, upon approval of the Director, and shall not
5 be subject to prosecution under the criminal laws for such
6 use.

7 5. To: (a) be a central repository and custodian of
8 criminal statistics for the State, (b) be a central
9 repository for criminal history record information, (c)
10 procure and file for record such information as is necessary
11 and helpful to plan programs of crime prevention, law
12 enforcement and criminal justice, (d) procure and file for
13 record such copies of fingerprints, as may be required by
14 law, (e) establish general and field crime laboratories, (f)
15 register and file for record such information as may be
16 required by law for the issuance of firearm owner's
17 identification cards, (g) employ polygraph operators,
18 laboratory technicians and other specially qualified persons
19 to aid in the identification of criminal activity, and (h)
20 undertake such other identification, information, laboratory,
21 statistical or registration activities as may be required by
22 law.

23 5.5. Provide, when an individual is arrested, that the
24 following information must be made available to the news
25 media for inspection and copying:

26 (a) Information that identifies the person,
27 including the name, age, address, and photograph, when
28 and if available.

29 (b) Information detailing any charges relating to
30 the arrest.

31 (c) The time and location of the arrest.

32 (d) The name of the investigating or arresting law
33 enforcement agency.

34 (e) If incarcerated, the amount of any bail or

1 bond.

2 (f) If incarcerated, the time and date that the
3 individual was received, discharged, or transferred from
4 the arresting agency's custody.

5 (1) The information required by this paragraph
6 must be made available to the news media for
7 inspection and copying as soon as practicable, but
8 in no event shall the time period exceed 72 hours
9 from the arrest. The information described in
10 subparagraphs (c), (d), (e), and (f) of this
11 paragraph, however, may be withheld if it is
12 determined that disclosure would (i) interfere with
13 pending or actually and reasonably contemplated law
14 enforcement proceedings conducted by any law
15 enforcement or correctional agency; (ii) endanger
16 the life or physical safety of law enforcement or
17 correctional personnel or any other person; or (iii)
18 compromise the security of any correctional
19 facility.

20 (2) For the purposes of this paragraph, the
21 term "news media" means personnel of a newspaper or
22 other periodical issued at regular intervals whether
23 in print or electronic format, a news service
24 whether in print or electronic format, a radio
25 station, a television station, a television network,
26 a community antenna television service, or a person
27 or corporation engaged in making news reels or other
28 motion picture news for public showing.

29 (3) Each law enforcement or correctional
30 agency may charge fees for arrest records, but in no
31 instance may the fee exceed the actual cost of
32 copying and reproduction. The fees may not include
33 the cost of the labor used to reproduce the arrest
34 record.

1 (4) The provisions of this paragraph do not
2 supersede the confidentiality provisions for arrest
3 records of the Juvenile Court Act.

4 6. To (a) acquire and operate one or more radio
5 broadcasting stations in the State to be used for police
6 purposes, (b) operate a statewide communications network to
7 gather and disseminate information for law enforcement
8 agencies, (c) operate an electronic data processing and
9 computer center for the storage and retrieval of data
10 pertaining to criminal activity, and (d) undertake such other
11 communication activities as may be required by law.

12 7. To provide, as may be required by law, assistance to
13 local law enforcement agencies through (a) training,
14 management and consultant services for local law enforcement
15 agencies, and (b) the pursuit of research and the publication
16 of studies pertaining to local law enforcement activities.

17 8. To exercise the rights, powers and duties which have
18 been vested in the Department of State Police and the
19 Director of the Department of State Police by the Narcotic
20 Control Division Abolition Act.

21 9. To exercise the rights, powers and duties which have
22 been vested in the Department of Public Safety by the
23 Illinois Vehicle Code.

24 10. To exercise the rights, powers and duties which have
25 been vested in the Department of Public Safety by the Firearm
26 Owners Identification Card Act.

27 11. To enforce and administer such other laws in
28 relation to law enforcement as may be vested in the
29 Department.

30 12. To transfer jurisdiction of any realty title to
31 which is held by the State of Illinois under the control of
32 the Department to any other department of the State
33 government or to the State Employees Housing Commission, or
34 to acquire or accept Federal land, when such transfer,

1 acquisition or acceptance is advantageous to the State and is
2 approved in writing by the Governor.

3 13. With the written approval of the Governor, to enter
4 into agreements with other departments created by this Act,
5 for the furlough of inmates of the penitentiary to such other
6 departments for their use in research programs being
7 conducted by them.

8 For the purpose of participating in such research
9 projects, the Department may extend the limits of any
10 inmate's place of confinement, when there is reasonable cause
11 to believe that the inmate will honor his or her trust by
12 authorizing the inmate, under prescribed conditions, to leave
13 the confines of the place unaccompanied by a custodial agent
14 of the Department. The Department shall make rules governing
15 the transfer of the inmate to the requesting other department
16 having the approved research project, and the return of such
17 inmate to the unextended confines of the penitentiary. Such
18 transfer shall be made only with the consent of the inmate.

19 The willful failure of a prisoner to remain within the
20 extended limits of his or her confinement or to return within
21 the time or manner prescribed to the place of confinement
22 designated by the Department in granting such extension shall
23 be deemed an escape from custody of the Department and
24 punishable as provided in Section 3-6-4 of the Unified Code
25 of Corrections.

26 14. To provide investigative services, with all of the
27 powers possessed by policemen in cities and sheriffs, in and
28 around all race tracks subject to the Horse Racing Act of
29 1975.

30 15. To expend such sums as the Director deems necessary
31 from Contractual Services appropriations for the Division of
32 Criminal Investigation for the purchase of evidence and for
33 the employment of persons to obtain evidence. Such sums shall
34 be advanced to agents authorized by the Director to expend

1 funds, on vouchers signed by the Director.

2 16. To assist victims and witnesses in gang crime
3 prosecutions through the administration of funds appropriated
4 from the Gang Violence Victims and Witnesses Fund to the
5 Department. Such funds shall be appropriated to the
6 Department and shall only be used to assist victims and
7 witnesses in gang crime prosecutions and such assistance may
8 include any of the following:

- 9 (a) temporary living costs;
- 10 (b) moving expenses;
- 11 (c) closing costs on the sale of private residence;
- 12 (d) first month's rent;
- 13 (e) security deposits;
- 14 (f) apartment location assistance;
- 15 (g) other expenses which the Department considers
16 appropriate; and

17 (h) compensation for any loss of or injury to real
18 or personal property resulting from a gang crime to a
19 maximum of \$5,000, subject to the following provisions:

20 (1) in the case of loss of property, the
21 amount of compensation shall be measured by the
22 replacement cost of similar or like property which
23 has been incurred by and which is substantiated by
24 the property owner,

25 (2) in the case of injury to property, the
26 amount of compensation shall be measured by the cost
27 of repair incurred and which can be substantiated by
28 the property owner,

29 (3) compensation under this provision is a
30 secondary source of compensation and shall be
31 reduced by any amount the property owner receives
32 from any other source as compensation for the loss
33 or injury, including, but not limited to, personal
34 insurance coverage,

1 (4) no compensation may be awarded if the
2 property owner was an offender or an accomplice of
3 the offender, or if the award would unjustly benefit
4 the offender or offenders, or an accomplice of the
5 offender or offenders.

6 No victim or witness may receive such assistance if he or
7 she is not a part of or fails to fully cooperate in the
8 prosecution of gang crime members by law enforcement
9 authorities.

10 The Department shall promulgate any rules necessary for
11 the implementation of this amendatory Act of 1985.

12 17. To conduct arson investigations.

13 18. To develop a separate statewide statistical police
14 contact record keeping system for the study of juvenile
15 delinquency. The records of this police contact system shall
16 be limited to statistical information. No individually
17 identifiable information shall be maintained in the police
18 contact statistical record system.

19 19. To develop a separate statewide central juvenile
20 records system for persons arrested prior to the age of 17
21 under Section 5-401 of the Juvenile Court Act of 1987 or
22 adjudicated delinquent minors and to make information
23 available to local law enforcement officers so that law
24 enforcement officers will be able to obtain rapid access to
25 the background of the minor from other jurisdictions to the
26 end that the juvenile police officers can make appropriate
27 decisions which will best serve the interest of the child and
28 the community. The Department shall submit a quarterly
29 report to the General Assembly and Governor which shall
30 contain the number of juvenile records that the Department
31 has received in that quarter and a list, by category, of
32 offenses that minors were arrested for or convicted of by
33 age, race and gender.

34 20. To develop rules which guarantee the confidentiality

1 of such individually identifiable juvenile records except to
2 juvenile authorities who request information concerning the
3 minor and who certify in writing that the information will
4 not be disclosed to any other party except as provided under
5 law or order of court. For purposes of this Section,
6 "juvenile authorities" means: (i) a judge of the circuit
7 court and members of the staff of the court designated by the
8 judge; (ii) parties to the proceedings under the Juvenile
9 Court Act of 1987 and their attorneys; (iii) probation
10 officers and court appointed advocates for the juvenile
11 authorized by the judge hearing the case; (iv) any individual
12 or public or private agency having custody of the child
13 pursuant to court order; (v) any individual or public or
14 private agency providing education, medical or mental health
15 service to the child when the requested information is needed
16 to determine the appropriate service or treatment for the
17 minor; (vi) any potential placement provider when such
18 release is authorized by the court for the limited purpose of
19 determining the appropriateness of the potential placement;
20 (vii) law enforcement officers and prosecutors; (viii) adult
21 and juvenile prisoner review boards; (ix) authorized military
22 personnel; (x) individuals authorized by court; (xi) the
23 Illinois General Assembly or any committee or commission
24 thereof.

25 21. To develop administrative rules and administrative
26 hearing procedures which allow a minor, his or her attorney,
27 and his or her parents or guardian access to individually
28 identifiable juvenile records for the purpose of determining
29 or challenging the accuracy of the records. Final
30 administrative decisions shall be subject to the provisions
31 of the Administrative Review Law.

32 22. To charge, collect, and receive fees or moneys
33 equivalent to the cost of providing Department of State
34 Police personnel, equipment, and services to local

1 governmental agencies when explicitly requested by a local
2 governmental agency and pursuant to an intergovernmental
3 agreement as provided by this Section, other State agencies,
4 and federal agencies, including but not limited to fees or
5 moneys equivalent to the cost of providing dispatching
6 services, radio and radar repair, and training to local
7 governmental agencies on such terms and conditions as in the
8 judgment of the Director are in the best interest of the
9 State; and to establish, charge, collect and receive fees or
10 moneys based on the cost of providing responses to requests
11 for criminal history record information pursuant to positive
12 identification and any Illinois or federal law authorizing
13 access to some aspect of such information and to prescribe
14 the form and manner for requesting and furnishing such
15 information to the requestor on such terms and conditions as
16 in the judgment of the Director are in the best interest of
17 the State, provided fees for requesting and furnishing
18 criminal history record information may be waived for
19 requests in the due administration of the criminal laws. The
20 Department may also charge, collect and receive fees or
21 moneys equivalent to the cost of providing electronic data
22 processing lines or related telecommunication services to
23 local governments, but only when such services can be
24 provided by the Department at a cost less than that
25 experienced by said local governments through other means.
26 All services provided by the Department shall be conducted
27 pursuant to contracts in accordance with the
28 Intergovernmental Cooperation Act, and all telecommunication
29 services shall be provided pursuant to the provisions of
30 Section 67.18 of this Code.

31 All fees received by the Department of State Police under
32 this Act or the Illinois Uniform Conviction Information Act
33 shall be deposited in a special fund in the State Treasury to
34 be known as the State Police Services Fund. The money

1 deposited in the State Police Services Fund shall be
2 appropriated to the Department of State Police for expenses
3 of the Department of State Police.

4 Upon the completion of any audit of the Department of
5 State Police as prescribed by the Illinois State Auditing
6 Act, which audit includes an audit of the State Police
7 Services Fund, the Department of State Police shall make the
8 audit open to inspection by any interested person.

9 23. To exercise the powers and perform the duties which
10 have been vested in the Department of State Police by the
11 Intergovernmental Missing Child Recovery Act of 1984, and to
12 establish reasonable rules and regulations necessitated
13 thereby.

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

28 (b) In exercising its duties under this subsection, the
29 Department shall:

30 (1) provide a uniform reporting format for the
31 entry of pertinent information regarding the report of a
32 missing person into LEADS;

33 (2) develop and implement a policy whereby a
34 statewide or regional alert would be used in situations

1 relating to the disappearances of individuals, based on
2 criteria and in a format established by the Department.
3 Such a format shall include, but not be limited to, the
4 age of the missing person and the suspected circumstance
5 of the disappearance;

6 (3) notify all law enforcement agencies that
7 reports of missing persons shall be entered as soon as
8 the minimum level of data specified by the Department is
9 available to the reporting agency, and that no waiting
10 period for the entry of such data exists;

11 (4) compile and retain information regarding lost,
12 abducted, missing or runaway minors in a separate data
13 file, in a manner that allows such information to be used
14 by law enforcement and other agencies deemed appropriate
15 by the Director, for investigative purposes. Such
16 information shall include the disposition of all reported
17 lost, abducted, missing or runaway minor cases;

18 (5) compile and maintain an historic data
19 repository relating to lost, abducted, missing or runaway
20 minors and other missing persons in order to develop and
21 improve techniques utilized by law enforcement agencies
22 when responding to reports of missing persons; and

23 (6) create a quality control program regarding
24 confirmation of missing person data, timeliness of
25 entries of missing person reports into LEADS and
26 performance audits of all entering agencies.

27 25. On request of a school board or regional
28 superintendent of schools, to conduct an inquiry pursuant to
29 Section 10-21.9 or 34-18.5 of the School Code to ascertain if
30 an applicant for employment in a school district has been
31 convicted of any criminal or drug offenses enumerated in
32 Section 10-21.9 or 34-18.5 of the School Code. The
33 Department shall furnish such conviction information to the
34 President of the school board of the school district which

1 has requested the information, or if the information was
2 requested by the regional superintendent to that regional
3 superintendent.

4 26. To promulgate rules and regulations necessary for
5 the administration and enforcement of its powers and duties,
6 wherever granted and imposed, pursuant to the Illinois
7 Administrative Procedure Act.

8 27. To (a) promulgate rules pertaining to the
9 certification, revocation of certification and training of
10 law enforcement officers as electronic criminal surveillance
11 officers, (b) provide training and technical assistance to
12 State's Attorneys and local law enforcement agencies
13 pertaining to the interception of private oral
14 communications, (c) promulgate rules necessary for the
15 administration of Article 108B of the Code of Criminal
16 Procedure of 1963, including but not limited to standards for
17 recording and minimization of electronic criminal
18 surveillance intercepts, documentation required to be
19 maintained during an intercept, procedures in relation to
20 evidence developed by an intercept, and (d) charge a
21 reasonable fee to each law enforcement agency that sends
22 officers to receive training as electronic criminal
23 surveillance officers.

24 28. Upon the request of any private organization which
25 devotes a major portion of its time to the provision of
26 recreational, social, educational or child safety services to
27 children, to conduct, pursuant to positive identification,
28 criminal background investigations of all of that
29 organization's current employees, current volunteers,
30 prospective employees or prospective volunteers charged with
31 the care and custody of children during the provision of the
32 organization's services, and to report to the requesting
33 organization any record of convictions maintained in the
34 Department's files about such persons. The Department shall

1 charge an application fee, based on actual costs, for the
2 dissemination of conviction information pursuant to this
3 subsection. The Department is empowered to establish this
4 fee and shall prescribe the form and manner for requesting
5 and furnishing conviction information pursuant to this
6 subsection. Information received by the organization from the
7 Department concerning an individual shall be provided to such
8 individual. Any such information obtained by the
9 organization shall be confidential and may not be transmitted
10 outside the organization and may not be transmitted to anyone
11 within the organization except as needed for the purpose of
12 evaluating the individual. Only information and standards
13 which bear a reasonable and rational relation to the
14 performance of child care shall be used by the organization.
15 Any employee of the Department or any member, employee or
16 volunteer of the organization receiving confidential
17 information under this subsection who gives or causes to be
18 given any confidential information concerning any criminal
19 convictions of an individual shall be guilty of a Class A
20 misdemeanor unless release of such information is authorized
21 by this subsection.

22 29. Upon the request of the Department of Children and
23 Family Services, to investigate reports of child abuse or
24 neglect.

25 30. To obtain registration of a fictitious vital record
26 pursuant to Section 15.1 of the Vital Records Act.

27 31. To collect and disseminate information relating to
28 "hate crimes" as defined under Section 12-7.1 of the Criminal
29 Code of 1961 contingent upon the availability of State or
30 Federal funds to revise and upgrade the Illinois Uniform
31 Crime Reporting System. All law enforcement agencies shall
32 report monthly to the Department of State Police concerning
33 such offenses in such form and in such manner as may be
34 prescribed by rules and regulations adopted by the Department

1 of State Police. Such information shall be compiled by the
2 Department and be disseminated upon request to any local law
3 enforcement agency, unit of local government, or state
4 agency. Dissemination of such information shall be subject
5 to all confidentiality requirements otherwise imposed by law.
6 The Department of State Police shall provide training for
7 State Police officers in identifying, responding to, and
8 reporting all hate crimes. The Illinois Law Enforcement
9 Training Standards Board shall develop and certify a course
10 of such training to be made available to local law
11 enforcement officers.

12 32. Upon the request of a private carrier company that
13 provides transportation under Section 28b of the Metropolitan
14 Transit Authority Act, to ascertain if an applicant for a
15 driver position has been convicted of any criminal or drug
16 offense enumerated in Section 28b of the Metropolitan Transit
17 Authority Act. The Department shall furnish the conviction
18 information to the private carrier company that requested the
19 information.

20 33. To apply for grants or contracts, receive, expend,
21 allocate, or disburse funds and moneys made available by
22 public or private entities, including, but not limited to,
23 contracts, bequests, grants, or receiving equipment from
24 corporations, foundations, or public or private institutions
25 of higher learning. All funds received by the Department
26 from these sources shall be deposited into the appropriate
27 fund in the State Treasury to be appropriated to the
28 Department for purposes as indicated by the grantor or
29 contractor or, in the case of funds or moneys bequeathed or
30 granted for no specific purpose, for any purpose as deemed
31 appropriate by the Director in administering the
32 responsibilities of the Department.

33 34. Upon the request of the Department of Children and
34 Family Services, the Department of State Police shall provide

1 properly designated employees of the Department of Children
2 and Family Services with criminal history record information
3 as defined in the Illinois Uniform Conviction Information Act
4 and information maintained in the Statewide Central Juvenile
5 record system as defined in subdivision (A)19 of this Section
6 if the Department of Children and Family Services determines
7 the information is necessary to perform its duties under the
8 Abused and Neglected Child Reporting Act, the Child Care Act
9 of 1969, and the Children and Family Services Act. The
10 request shall be in the form and manner specified by the
11 Department of State Police.

12 35. The Illinois Department of Public Aid is an
13 authorized entity under this Section for the purpose of
14 exchanging information, in the form and manner required by
15 the Department of State Police, to facilitate the location of
16 individuals for establishing paternity, and establishing,
17 modifying, and enforcing child support obligations, pursuant
18 to the Illinois Public Aid Code and Title IV, Part D of the
19 Social Security Act.

20 36. Upon request of the Department of Human Services, to
21 conduct an assessment and evaluation of sexually violent
22 persons as mandated by the Sexually Violent Persons
23 Commitment Act, the Department shall furnish criminal history
24 information maintained on the requested person. The request
25 shall be in the form and manner specified by the Department.

26 (B) The Department of State Police may establish and
27 maintain, within the Department of State Police, a Statewide
28 Organized Criminal Gang Database (SWORD) for the purpose of
29 tracking organized criminal gangs and their memberships.
30 Information in the database may include, but not be limited
31 to, the name, last known address, birth date, physical
32 descriptions (such as scars, marks, or tattoos), officer
33 safety information, organized gang affiliation, and entering
34 agency identifier. The Department may develop, in

1 consultation with the Criminal Justice Information Authority,
2 and in a form and manner prescribed by the Department, an
3 automated data exchange system to compile, to maintain, and
4 to make this information electronically available to
5 prosecutors and to other law enforcement agencies. The
6 information may be used by authorized agencies to combat the
7 operations of organized criminal gangs statewide.

8 (C) The Department of State Police may ascertain the
9 number of bilingual police officers and other personnel
10 needed to provide services in a language other than English
11 and may establish, under applicable personnel rules and
12 Department guidelines or through a collective bargaining
13 agreement, a bilingual pay supplement program.

14 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98;
15 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff.
16 7-30-98; 90-793, eff. 8-14-98; 91-309, eff. 7-29-99.)

17 (Text of Section from P.A. 91-371)

18 Sec. 55a. Powers and duties.

19 (A) The Department of State Police shall have the
20 following powers and duties, and those set forth in Sections
21 55a-1 through 55c:

22 1. To exercise the rights, powers and duties which have
23 been vested in the Department of Public Safety by the State
24 Police Act.

25 2. To exercise the rights, powers and duties which have
26 been vested in the Department of Public Safety by the State
27 Police Radio Act.

28 3. To exercise the rights, powers and duties which have
29 been vested in the Department of Public Safety by the
30 Criminal Identification Act.

31 4. To (a) investigate the origins, activities, personnel
32 and incidents of crime and the ways and means to redress the
33 victims of crimes, and study the impact, if any, of
34 legislation relative to the effusion of crime and growing

1 crime rates, and enforce the criminal laws of this State
2 related thereto, (b) enforce all laws regulating the
3 production, sale, prescribing, manufacturing, administering,
4 transporting, having in possession, dispensing, delivering,
5 distributing, or use of controlled substances and cannabis,
6 (c) employ skilled experts, scientists, technicians,
7 investigators or otherwise specially qualified persons to aid
8 in preventing or detecting crime, apprehending criminals, or
9 preparing and presenting evidence of violations of the
10 criminal laws of the State, (d) cooperate with the police of
11 cities, villages and incorporated towns, and with the police
12 officers of any county, in enforcing the laws of the State
13 and in making arrests and recovering property, (e) apprehend
14 and deliver up any person charged in this State or any other
15 State of the United States with treason, felony, or other
16 crime, who has fled from justice and is found in this State,
17 and (f) conduct such other investigations as may be provided
18 by law. Persons exercising these powers within the Department
19 are conservators of the peace and as such have all the powers
20 possessed by policemen in cities and sheriffs, except that
21 they may exercise such powers anywhere in the State in
22 cooperation with and after contact with the local law
23 enforcement officials. Such persons may use false or
24 fictitious names in the performance of their duties under
25 this paragraph, upon approval of the Director, and shall not
26 be subject to prosecution under the criminal laws for such
27 use.

28 5. To: (a) be a central repository and custodian of
29 criminal statistics for the State, (b) be a central
30 repository for criminal history record information, (c)
31 procure and file for record such information as is necessary
32 and helpful to plan programs of crime prevention, law
33 enforcement and criminal justice, (d) procure and file for
34 record such copies of fingerprints, as may be required by

1 law, (e) establish general and field crime laboratories, (f)
2 register and file for record such information as may be
3 required by law for the issuance of firearm owner's
4 identification cards, (g) employ polygraph operators,
5 laboratory technicians and other specially qualified persons
6 to aid in the identification of criminal activity, and (h)
7 undertake such other identification, information, laboratory,
8 statistical or registration activities as may be required by
9 law.

10 6. To (a) acquire and operate one or more radio
11 broadcasting stations in the State to be used for police
12 purposes, (b) operate a statewide communications network to
13 gather and disseminate information for law enforcement
14 agencies, (c) operate an electronic data processing and
15 computer center for the storage and retrieval of data
16 pertaining to criminal activity, and (d) undertake such other
17 communication activities as may be required by law.

18 7. To provide, as may be required by law, assistance to
19 local law enforcement agencies through (a) training,
20 management and consultant services for local law enforcement
21 agencies, and (b) the pursuit of research and the publication
22 of studies pertaining to local law enforcement activities.

23 8. To exercise the rights, powers and duties which have
24 been vested in the Department of State Police and the
25 Director of the Department of State Police by the Narcotic
26 Control Division Abolition Act.

27 9. To exercise the rights, powers and duties which have
28 been vested in the Department of Public Safety by the
29 Illinois Vehicle Code.

30 10. To exercise the rights, powers and duties which have
31 been vested in the Department of Public Safety by the Firearm
32 Owners Identification Card Act.

33 11. To enforce and administer such other laws in
34 relation to law enforcement as may be vested in the

1 Department.

2 12. To transfer jurisdiction of any realty title to
3 which is held by the State of Illinois under the control of
4 the Department to any other department of the State
5 government or to the State Employees Housing Commission, or
6 to acquire or accept Federal land, when such transfer,
7 acquisition or acceptance is advantageous to the State and is
8 approved in writing by the Governor.

9 13. With the written approval of the Governor, to enter
10 into agreements with other departments created by this Act,
11 for the furlough of inmates of the penitentiary to such other
12 departments for their use in research programs being
13 conducted by them.

14 For the purpose of participating in such research
15 projects, the Department may extend the limits of any
16 inmate's place of confinement, when there is reasonable cause
17 to believe that the inmate will honor his or her trust by
18 authorizing the inmate, under prescribed conditions, to leave
19 the confines of the place unaccompanied by a custodial agent
20 of the Department. The Department shall make rules governing
21 the transfer of the inmate to the requesting other department
22 having the approved research project, and the return of such
23 inmate to the unextended confines of the penitentiary. Such
24 transfer shall be made only with the consent of the inmate.

25 The willful failure of a prisoner to remain within the
26 extended limits of his or her confinement or to return within
27 the time or manner prescribed to the place of confinement
28 designated by the Department in granting such extension shall
29 be deemed an escape from custody of the Department and
30 punishable as provided in Section 3-6-4 of the Unified Code
31 of Corrections.

32 14. To provide investigative services, with all of the
33 powers possessed by policemen in cities and sheriffs, in and
34 around all race tracks subject to the Horse Racing Act of

1 1975.

2 15. To expend such sums as the Director deems necessary
3 from Contractual Services appropriations for the Division of
4 Criminal Investigation for the purchase of evidence and for
5 the employment of persons to obtain evidence. Such sums shall
6 be advanced to agents authorized by the Director to expend
7 funds, on vouchers signed by the Director.

8 16. To assist victims and witnesses in gang crime
9 prosecutions through the administration of funds appropriated
10 from the Gang Violence Victims and Witnesses Fund to the
11 Department. Such funds shall be appropriated to the
12 Department and shall only be used to assist victims and
13 witnesses in gang crime prosecutions and such assistance may
14 include any of the following:

- 15 (a) temporary living costs;
- 16 (b) moving expenses;
- 17 (c) closing costs on the sale of private residence;
- 18 (d) first month's rent;
- 19 (e) security deposits;
- 20 (f) apartment location assistance;
- 21 (g) other expenses which the Department considers
22 appropriate; and
- 23 (h) compensation for any loss of or injury to real
24 or personal property resulting from a gang crime to a
25 maximum of \$5,000, subject to the following provisions:

26 (1) in the case of loss of property, the
27 amount of compensation shall be measured by the
28 replacement cost of similar or like property which
29 has been incurred by and which is substantiated by
30 the property owner,

31 (2) in the case of injury to property, the
32 amount of compensation shall be measured by the cost
33 of repair incurred and which can be substantiated by
34 the property owner,

1 (3) compensation under this provision is a
2 secondary source of compensation and shall be
3 reduced by any amount the property owner receives
4 from any other source as compensation for the loss
5 or injury, including, but not limited to, personal
6 insurance coverage,

7 (4) no compensation may be awarded if the
8 property owner was an offender or an accomplice of
9 the offender, or if the award would unjustly benefit
10 the offender or offenders, or an accomplice of the
11 offender or offenders.

12 No victim or witness may receive such assistance if he or
13 she is not a part of or fails to fully cooperate in the
14 prosecution of gang crime members by law enforcement
15 authorities.

16 The Department shall promulgate any rules necessary for
17 the implementation of this amendatory Act of 1985.

18 17. To conduct arson investigations.

19 18. To develop a separate statewide statistical police
20 contact record keeping system for the study of juvenile
21 delinquency. The records of this police contact system shall
22 be limited to statistical information. No individually
23 identifiable information shall be maintained in the police
24 contact statistical record system.

25 19. To develop a separate statewide central juvenile
26 records system for persons arrested prior to the age of 17
27 under Section 5-401 of the Juvenile Court Act of 1987 or
28 adjudicated delinquent minors and to make information
29 available to local law enforcement officers so that law
30 enforcement officers will be able to obtain rapid access to
31 the background of the minor from other jurisdictions to the
32 end that the juvenile police officers can make appropriate
33 decisions which will best serve the interest of the child and
34 the community. The Department shall submit a quarterly

1 report to the General Assembly and Governor which shall
2 contain the number of juvenile records that the Department
3 has received in that quarter and a list, by category, of
4 offenses that minors were arrested for or convicted of by
5 age, race and gender.

6 20. To develop rules which guarantee the confidentiality
7 of such individually identifiable juvenile records except to
8 juvenile authorities who request information concerning the
9 minor and who certify in writing that the information will
10 not be disclosed to any other party except as provided under
11 law or order of court. For purposes of this Section,
12 "juvenile authorities" means: (i) a judge of the circuit
13 court and members of the staff of the court designated by the
14 judge; (ii) parties to the proceedings under the Juvenile
15 Court Act of 1987 and their attorneys; (iii) probation
16 officers and court appointed advocates for the juvenile
17 authorized by the judge hearing the case; (iv) any individual
18 or public or private agency having custody of the child
19 pursuant to court order; (v) any individual or public or
20 private agency providing education, medical or mental health
21 service to the child when the requested information is needed
22 to determine the appropriate service or treatment for the
23 minor; (vi) any potential placement provider when such
24 release is authorized by the court for the limited purpose of
25 determining the appropriateness of the potential placement;
26 (vii) law enforcement officers and prosecutors; (viii) adult
27 and juvenile prisoner review boards; (ix) authorized military
28 personnel; (x) individuals authorized by court; (xi) the
29 Illinois General Assembly or any committee or commission
30 thereof.

31 21. To develop administrative rules and administrative
32 hearing procedures which allow a minor, his or her attorney,
33 and his or her parents or guardian access to individually
34 identifiable juvenile records for the purpose of determining

1 or challenging the accuracy of the records. Final
2 administrative decisions shall be subject to the provisions
3 of the Administrative Review Law.

4 22. To charge, collect, and receive fees or moneys
5 equivalent to the cost of providing Department of State
6 Police personnel, equipment, and services to local
7 governmental agencies when explicitly requested by a local
8 governmental agency and pursuant to an intergovernmental
9 agreement as provided by this Section, other State agencies,
10 and federal agencies, including but not limited to fees or
11 moneys equivalent to the cost of providing dispatching
12 services, radio and radar repair, and training to local
13 governmental agencies on such terms and conditions as in the
14 judgment of the Director are in the best interest of the
15 State; and to establish, charge, collect and receive fees or
16 moneys based on the cost of providing responses to requests
17 for criminal history record information pursuant to positive
18 identification and any Illinois or federal law authorizing
19 access to some aspect of such information and to prescribe
20 the form and manner for requesting and furnishing such
21 information to the requestor on such terms and conditions as
22 in the judgment of the Director are in the best interest of
23 the State, provided fees for requesting and furnishing
24 criminal history record information may be waived for
25 requests in the due administration of the criminal laws. The
26 Department may also charge, collect and receive fees or
27 moneys equivalent to the cost of providing electronic data
28 processing lines or related telecommunication services to
29 local governments, but only when such services can be
30 provided by the Department at a cost less than that
31 experienced by said local governments through other means.
32 All services provided by the Department shall be conducted
33 pursuant to contracts in accordance with the
34 Intergovernmental Cooperation Act, and all telecommunication

1 services shall be provided pursuant to the provisions of
2 Section 67.18 of this Code.

3 All fees received by the Department of State Police under
4 this Act or the Illinois Uniform Conviction Information Act
5 shall be deposited in a special fund in the State Treasury to
6 be known as the State Police Services Fund. The money
7 deposited in the State Police Services Fund shall be
8 appropriated to the Department of State Police for expenses
9 of the Department of State Police.

10 Upon the completion of any audit of the Department of
11 State Police as prescribed by the Illinois State Auditing
12 Act, which audit includes an audit of the State Police
13 Services Fund, the Department of State Police shall make the
14 audit open to inspection by any interested person.

15 23. To exercise the powers and perform the duties which
16 have been vested in the Department of State Police by the
17 Intergovernmental Missing Child Recovery Act of 1984, and to
18 establish reasonable rules and regulations necessitated
19 thereby.

20 24. (a) To establish and maintain a statewide Law
21 Enforcement Agencies Data System (LEADS) for the purpose of
22 providing electronic access by authorized entities to
23 criminal justice data repositories and effecting an immediate
24 law enforcement response to reports of missing persons,
25 including lost, missing or runaway minors. The Department
26 shall implement an automatic data exchange system to compile,
27 to maintain and to make available to other law enforcement
28 agencies for immediate dissemination data which can assist
29 appropriate agencies in recovering missing persons and
30 provide access by authorized entities to various data
31 repositories available through LEADS for criminal justice and
32 related purposes. To assist the Department in this effort,
33 funds may be appropriated from the LEADS Maintenance Fund.

34 (b) In exercising its duties under this subsection, the

1 Department shall:

2 (1) provide a uniform reporting format for the
3 entry of pertinent information regarding the report of a
4 missing person into LEADS;

5 (2) develop and implement a policy whereby a
6 statewide or regional alert would be used in situations
7 relating to the disappearances of individuals, based on
8 criteria and in a format established by the Department.
9 Such a format shall include, but not be limited to, the
10 age of the missing person and the suspected circumstance
11 of the disappearance;

12 (3) notify all law enforcement agencies that
13 reports of missing persons shall be entered as soon as
14 the minimum level of data specified by the Department is
15 available to the reporting agency, and that no waiting
16 period for the entry of such data exists;

17 (4) compile and retain information regarding lost,
18 abducted, missing or runaway minors in a separate data
19 file, in a manner that allows such information to be used
20 by law enforcement and other agencies deemed appropriate
21 by the Director, for investigative purposes. Such
22 information shall include the disposition of all reported
23 lost, abducted, missing or runaway minor cases;

24 (5) compile and maintain an historic data
25 repository relating to lost, abducted, missing or runaway
26 minors and other missing persons in order to develop and
27 improve techniques utilized by law enforcement agencies
28 when responding to reports of missing persons; and

29 (6) create a quality control program regarding
30 confirmation of missing person data, timeliness of
31 entries of missing person reports into LEADS and
32 performance audits of all entering agencies.

33 25. On request of a school board or regional
34 superintendent of schools, to conduct an inquiry pursuant to

1 Section 10-21.9 or 34-18.5 of the School Code to ascertain if
2 an applicant for employment in a school district has been
3 convicted of any criminal or drug offenses enumerated in
4 Section 10-21.9 or 34-18.5 of the School Code. The
5 Department shall furnish such conviction information to the
6 President of the school board of the school district which
7 has requested the information, or if the information was
8 requested by the regional superintendent to that regional
9 superintendent.

10 26. To promulgate rules and regulations necessary for
11 the administration and enforcement of its powers and duties,
12 wherever granted and imposed, pursuant to the Illinois
13 Administrative Procedure Act.

14 27. To (a) promulgate rules pertaining to the
15 certification, revocation of certification and training of
16 law enforcement officers as electronic criminal surveillance
17 officers, (b) provide training and technical assistance to
18 State's Attorneys and local law enforcement agencies
19 pertaining to the interception of private oral
20 communications, (c) promulgate rules necessary for the
21 administration of Article 108B of the Code of Criminal
22 Procedure of 1963, including but not limited to standards for
23 recording and minimization of electronic criminal
24 surveillance intercepts, documentation required to be
25 maintained during an intercept, procedures in relation to
26 evidence developed by an intercept, and (d) charge a
27 reasonable fee to each law enforcement agency that sends
28 officers to receive training as electronic criminal
29 surveillance officers.

30 28. Upon the request of any private organization which
31 devotes a major portion of its time to the provision of
32 recreational, social, educational or child safety services to
33 children, to conduct, pursuant to positive identification,
34 criminal background investigations of all of that

1 organization's current employees, current volunteers,
2 prospective employees or prospective volunteers charged with
3 the care and custody of children during the provision of the
4 organization's services, and to report to the requesting
5 organization any record of convictions maintained in the
6 Department's files about such persons. The Department shall
7 charge an application fee, based on actual costs, for the
8 dissemination of conviction information pursuant to this
9 subsection. The Department is empowered to establish this
10 fee and shall prescribe the form and manner for requesting
11 and furnishing conviction information pursuant to this
12 subsection. Information received by the organization from the
13 Department concerning an individual shall be provided to such
14 individual. Any such information obtained by the
15 organization shall be confidential and may not be transmitted
16 outside the organization and may not be transmitted to anyone
17 within the organization except as needed for the purpose of
18 evaluating the individual. Only information and standards
19 which bear a reasonable and rational relation to the
20 performance of child care shall be used by the organization.
21 Any employee of the Department or any member, employee or
22 volunteer of the organization receiving confidential
23 information under this subsection who gives or causes to be
24 given any confidential information concerning any criminal
25 convictions of an individual shall be guilty of a Class A
26 misdemeanor unless release of such information is authorized
27 by this subsection.

28 29. Upon the request of the Department of Children and
29 Family Services, to investigate reports of child abuse or
30 neglect.

31 30. To obtain registration of a fictitious vital record
32 pursuant to Section 15.1 of the Vital Records Act.

33 31. To collect and disseminate information relating to
34 "hate crimes" as defined under Section 12-7.1 of the Criminal

1 Code of 1961 contingent upon the availability of State or
2 Federal funds to revise and upgrade the Illinois Uniform
3 Crime Reporting System. All law enforcement agencies shall
4 report monthly to the Department of State Police concerning
5 such offenses in such form and in such manner as may be
6 prescribed by rules and regulations adopted by the Department
7 of State Police. Such information shall be compiled by the
8 Department and be disseminated upon request to any local law
9 enforcement agency, unit of local government, or state
10 agency. Dissemination of such information shall be subject
11 to all confidentiality requirements otherwise imposed by law.
12 The Department of State Police shall provide training for
13 State Police officers in identifying, responding to, and
14 reporting all hate crimes. The Illinois Law Enforcement
15 Training Standards Board shall develop and certify a course
16 of such training to be made available to local law
17 enforcement officers.

18 32. Upon the request of a private carrier company that
19 provides transportation under Section 28b of the Metropolitan
20 Transit Authority Act, to ascertain if an applicant for a
21 driver position has been convicted of any criminal or drug
22 offense enumerated in Section 28b of the Metropolitan Transit
23 Authority Act. The Department shall furnish the conviction
24 information to the private carrier company that requested the
25 information.

26 33. To apply for grants or contracts, receive, expend,
27 allocate, or disburse funds and moneys made available by
28 public or private entities, including, but not limited to,
29 contracts, bequests, grants, or receiving equipment from
30 corporations, foundations, or public or private institutions
31 of higher learning. All funds received by the Department
32 from these sources shall be deposited into the appropriate
33 fund in the State Treasury to be appropriated to the
34 Department for purposes as indicated by the grantor or

1 contractor or, in the case of funds or moneys bequeathed or
2 granted for no specific purpose, for any purpose as deemed
3 appropriate by the Director in administering the
4 responsibilities of the Department.

5 34. Upon the request of the Department of Children and
6 Family Services, the Department of State Police shall provide
7 properly designated employees of the Department of Children
8 and Family Services with criminal history record information
9 as defined in the Illinois Uniform Conviction Information Act
10 and information maintained in the Statewide Central Juvenile
11 record system as defined in subdivision (A)19 of this Section
12 if the Department of Children and Family Services determines
13 the information is necessary to perform its duties under the
14 Abused and Neglected Child Reporting Act, the Child Care Act
15 of 1969, and the Children and Family Services Act. The
16 request shall be in the form and manner specified by the
17 Department of State Police.

18 35. The Illinois Department of Public Aid is an
19 authorized entity under this Section for the purpose of
20 exchanging information, in the form and manner required by
21 the Department of State Police, to facilitate the location of
22 individuals for establishing paternity, and establishing,
23 modifying, and enforcing child support obligations, pursuant
24 to the Illinois Public Aid Code and Title IV, Part D of the
25 Social Security Act.

26 36. Upon request of the Department of Human Services, to
27 conduct an assessment and evaluation of sexually violent
28 persons as mandated by the Sexually Violent Persons
29 Commitment Act, the Department shall furnish criminal history
30 information maintained on the requested person. The request
31 shall be in the form and manner specified by the Department.

32 37. Upon the request of the chief of a volunteer fire
33 department, the Department shall conduct criminal background
34 investigations of prospective firefighters and report to the

1 requesting chief any record of convictions maintained in the
2 Department's files about those persons. The Department may
3 charge a fee, based on actual costs, for the dissemination of
4 conviction information under this paragraph. The Department
5 may prescribe the form and manner for requesting and
6 furnishing conviction information under this paragraph.

7 (B) The Department of State Police may establish and
8 maintain, within the Department of State Police, a Statewide
9 Organized Criminal Gang Database (SWORD) for the purpose of
10 tracking organized criminal gangs and their memberships.
11 Information in the database may include, but not be limited
12 to, the name, last known address, birth date, physical
13 descriptions (such as scars, marks, or tattoos), officer
14 safety information, organized gang affiliation, and entering
15 agency identifier. The Department may develop, in
16 consultation with the Criminal Justice Information Authority,
17 and in a form and manner prescribed by the Department, an
18 automated data exchange system to compile, to maintain, and
19 to make this information electronically available to
20 prosecutors and to other law enforcement agencies. The
21 information may be used by authorized agencies to combat the
22 operations of organized criminal gangs statewide.

23 (C) The Department of State Police may ascertain the
24 number of bilingual police officers and other personnel
25 needed to provide services in a language other than English
26 and may establish, under applicable personnel rules and
27 Department guidelines or through a collective bargaining
28 agreement, a bilingual pay supplement program.

29 (Source: P.A. 89-54, eff. 6-30-95; 90-18, eff. 7-1-97;
30 90-130, eff. 1-1-98; 90-372, eff. 7-1-98; 90-590, eff.
31 1-1-00; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; revised
32 10-6-98; 91-371, eff. 1-1-00.)

33 (Text of Section from P.A. 91-660)

34 Sec. 55a. Powers and duties.

1 (A) The Department of State Police shall have the
2 following powers and duties, and those set forth in Sections
3 55a-1 through 55c:

4 1. To exercise the rights, powers and duties which have
5 been vested in the Department of Public Safety by the State
6 Police Act.

7 2. To exercise the rights, powers and duties which have
8 been vested in the Department of Public Safety by the State
9 Police Radio Act.

10 3. To exercise the rights, powers and duties which have
11 been vested in the Department of Public Safety by the
12 Criminal Identification Act.

13 4. To (a) investigate the origins, activities, personnel
14 and incidents of crime and the ways and means to redress the
15 victims of crimes, and study the impact, if any, of
16 legislation relative to the effusion of crime and growing
17 crime rates, and enforce the criminal laws of this State
18 related thereto, (b) enforce all laws regulating the
19 production, sale, prescribing, manufacturing, administering,
20 transporting, having in possession, dispensing, delivering,
21 distributing, or use of controlled substances and cannabis,
22 (c) employ skilled experts, scientists, technicians,
23 investigators or otherwise specially qualified persons to aid
24 in preventing or detecting crime, apprehending criminals, or
25 preparing and presenting evidence of violations of the
26 criminal laws of the State, (d) cooperate with the police of
27 cities, villages and incorporated towns, and with the police
28 officers of any county, in enforcing the laws of the State
29 and in making arrests and recovering property, (e) apprehend
30 and deliver up any person charged in this State or any other
31 State of the United States with treason, felony, or other
32 crime, who has fled from justice and is found in this State,
33 and (f) conduct such other investigations as may be provided
34 by law. Persons exercising these powers within the Department

1 are conservators of the peace and as such have all the powers
2 possessed by policemen in cities and sheriffs, except that
3 they may exercise such powers anywhere in the State in
4 cooperation with and after contact with the local law
5 enforcement officials. Such persons may use false or
6 fictitious names in the performance of their duties under
7 this paragraph, upon approval of the Director, and shall not
8 be subject to prosecution under the criminal laws for such
9 use.

10 5. To: (a) be a central repository and custodian of
11 criminal statistics for the State, (b) be a central
12 repository for criminal history record information, (c)
13 procure and file for record such information as is necessary
14 and helpful to plan programs of crime prevention, law
15 enforcement and criminal justice, (d) procure and file for
16 record such copies of fingerprints, as may be required by
17 law, (e) establish general and field crime laboratories, (f)
18 register and file for record such information as may be
19 required by law for the issuance of firearm owner's
20 identification cards, (g) employ polygraph operators,
21 laboratory technicians and other specially qualified persons
22 to aid in the identification of criminal activity, and (h)
23 undertake such other identification, information, laboratory,
24 statistical or registration activities as may be required by
25 law.

26 6. To (a) acquire and operate one or more radio
27 broadcasting stations in the State to be used for police
28 purposes, (b) operate a statewide communications network to
29 gather and disseminate information for law enforcement
30 agencies, (c) operate an electronic data processing and
31 computer center for the storage and retrieval of data
32 pertaining to criminal activity, and (d) undertake such other
33 communication activities as may be required by law.

34 7. To provide, as may be required by law, assistance to

1 local law enforcement agencies through (a) training,
2 management and consultant services for local law enforcement
3 agencies, and (b) the pursuit of research and the publication
4 of studies pertaining to local law enforcement activities.

5 8. To exercise the rights, powers and duties which have
6 been vested in the Department of State Police and the
7 Director of the Department of State Police by the Narcotic
8 Control Division Abolition Act.

9 9. To exercise the rights, powers and duties which have
10 been vested in the Department of Public Safety by the
11 Illinois Vehicle Code.

12 10. To exercise the rights, powers and duties which have
13 been vested in the Department of Public Safety by the Firearm
14 Owners Identification Card Act.

15 11. To enforce and administer such other laws in
16 relation to law enforcement as may be vested in the
17 Department.

18 12. To transfer jurisdiction of any realty title to
19 which is held by the State of Illinois under the control of
20 the Department to any other department of the State
21 government or to the State Employees Housing Commission, or
22 to acquire or accept Federal land, when such transfer,
23 acquisition or acceptance is advantageous to the State and is
24 approved in writing by the Governor.

25 13. With the written approval of the Governor, to enter
26 into agreements with other departments created by this Act,
27 for the furlough of inmates of the penitentiary to such other
28 departments for their use in research programs being
29 conducted by them.

30 For the purpose of participating in such research
31 projects, the Department may extend the limits of any
32 inmate's place of confinement, when there is reasonable cause
33 to believe that the inmate will honor his or her trust by
34 authorizing the inmate, under prescribed conditions, to leave

1 the confines of the place unaccompanied by a custodial agent
2 of the Department. The Department shall make rules governing
3 the transfer of the inmate to the requesting other department
4 having the approved research project, and the return of such
5 inmate to the unextended confines of the penitentiary. Such
6 transfer shall be made only with the consent of the inmate.

7 The willful failure of a prisoner to remain within the
8 extended limits of his or her confinement or to return within
9 the time or manner prescribed to the place of confinement
10 designated by the Department in granting such extension shall
11 be deemed an escape from custody of the Department and
12 punishable as provided in Section 3-6-4 of the Unified Code
13 of Corrections.

14 14. To provide investigative services, with all of the
15 powers possessed by policemen in cities and sheriffs, in and
16 around all race tracks subject to the Horse Racing Act of
17 1975.

18 15. To expend such sums as the Director deems necessary
19 from Contractual Services appropriations for the Division of
20 Criminal Investigation for the purchase of evidence and for
21 the employment of persons to obtain evidence. Such sums shall
22 be advanced to agents authorized by the Director to expend
23 funds, on vouchers signed by the Director.

24 16. To assist victims and witnesses in gang crime
25 prosecutions through the administration of funds appropriated
26 from the Gang Violence Victims and Witnesses Fund to the
27 Department. Such funds shall be appropriated to the
28 Department and shall only be used to assist victims and
29 witnesses in gang crime prosecutions and such assistance may
30 include any of the following:

- 31 (a) temporary living costs;
- 32 (b) moving expenses;
- 33 (c) closing costs on the sale of private residence;
- 34 (d) first month's rent;

1 (e) security deposits;
2 (f) apartment location assistance;
3 (g) other expenses which the Department considers
4 appropriate; and

5 (h) compensation for any loss of or injury to real
6 or personal property resulting from a gang crime to a
7 maximum of \$5,000, subject to the following provisions:

8 (1) in the case of loss of property, the
9 amount of compensation shall be measured by the
10 replacement cost of similar or like property which
11 has been incurred by and which is substantiated by
12 the property owner,

13 (2) in the case of injury to property, the
14 amount of compensation shall be measured by the cost
15 of repair incurred and which can be substantiated by
16 the property owner,

17 (3) compensation under this provision is a
18 secondary source of compensation and shall be
19 reduced by any amount the property owner receives
20 from any other source as compensation for the loss
21 or injury, including, but not limited to, personal
22 insurance coverage,

23 (4) no compensation may be awarded if the
24 property owner was an offender or an accomplice of
25 the offender, or if the award would unjustly benefit
26 the offender or offenders, or an accomplice of the
27 offender or offenders.

28 No victim or witness may receive such assistance if he or
29 she is not a part of or fails to fully cooperate in the
30 prosecution of gang crime members by law enforcement
31 authorities.

32 The Department shall promulgate any rules necessary for
33 the implementation of this amendatory Act of 1985.

34 17. To conduct arson investigations.

1 18. To develop a separate statewide statistical police
2 contact record keeping system for the study of juvenile
3 delinquency. The records of this police contact system shall
4 be limited to statistical information. No individually
5 identifiable information shall be maintained in the police
6 contact statistical record system.

7 19. To develop a separate statewide central juvenile
8 records system for persons arrested prior to the age of 17
9 under Section 5-401 of the Juvenile Court Act of 1987 or
10 adjudicated delinquent minors and to make information
11 available to local law enforcement officers so that law
12 enforcement officers will be able to obtain rapid access to
13 the background of the minor from other jurisdictions to the
14 end that the juvenile police officers can make appropriate
15 decisions which will best serve the interest of the child and
16 the community. The Department shall submit a quarterly
17 report to the General Assembly and Governor which shall
18 contain the number of juvenile records that the Department
19 has received in that quarter and a list, by category, of
20 offenses that minors were arrested for or convicted of by
21 age, race and gender.

22 20. To develop rules which guarantee the confidentiality
23 of such individually identifiable juvenile records except to
24 juvenile authorities who request information concerning the
25 minor and who certify in writing that the information will
26 not be disclosed to any other party except as provided under
27 law or order of court. For purposes of this Section,
28 "juvenile authorities" means: (i) a judge of the circuit
29 court and members of the staff of the court designated by the
30 judge; (ii) parties to the proceedings under the Juvenile
31 Court Act of 1987 and their attorneys; (iii) probation
32 officers and court appointed advocates for the juvenile
33 authorized by the judge hearing the case; (iv) any individual
34 or public or private agency having custody of the child

1 pursuant to court order; (v) any individual or public or
2 private agency providing education, medical or mental health
3 service to the child when the requested information is needed
4 to determine the appropriate service or treatment for the
5 minor; (vi) any potential placement provider when such
6 release is authorized by the court for the limited purpose of
7 determining the appropriateness of the potential placement;
8 (vii) law enforcement officers and prosecutors; (viii) adult
9 and juvenile prisoner review boards; (ix) authorized military
10 personnel; (x) individuals authorized by court; (xi) the
11 Illinois General Assembly or any committee or commission
12 thereof.

13 21. To develop administrative rules and administrative
14 hearing procedures which allow a minor, his or her attorney,
15 and his or her parents or guardian access to individually
16 identifiable juvenile records for the purpose of determining
17 or challenging the accuracy of the records. Final
18 administrative decisions shall be subject to the provisions
19 of the Administrative Review Law.

20 22. To charge, collect, and receive fees or moneys
21 equivalent to the cost of providing Department of State
22 Police personnel, equipment, and services to local
23 governmental agencies when explicitly requested by a local
24 governmental agency and pursuant to an intergovernmental
25 agreement as provided by this Section, other State agencies,
26 and federal agencies, including but not limited to fees or
27 moneys equivalent to the cost of providing dispatching
28 services, radio and radar repair, and training to local
29 governmental agencies on such terms and conditions as in the
30 judgment of the Director are in the best interest of the
31 State; and to establish, charge, collect and receive fees or
32 moneys based on the cost of providing responses to requests
33 for criminal history record information pursuant to positive
34 identification and any Illinois or federal law authorizing

1 access to some aspect of such information and to prescribe
2 the form and manner for requesting and furnishing such
3 information to the requestor on such terms and conditions as
4 in the judgment of the Director are in the best interest of
5 the State, provided fees for requesting and furnishing
6 criminal history record information may be waived for
7 requests in the due administration of the criminal laws. The
8 Department may also charge, collect and receive fees or
9 moneys equivalent to the cost of providing electronic data
10 processing lines or related telecommunication services to
11 local governments, but only when such services can be
12 provided by the Department at a cost less than that
13 experienced by said local governments through other means.
14 All services provided by the Department shall be conducted
15 pursuant to contracts in accordance with the
16 Intergovernmental Cooperation Act, and all telecommunication
17 services shall be provided pursuant to the provisions of
18 Section 67.18 of this Code.

19 All fees received by the Department of State Police under
20 this Act or the Illinois Uniform Conviction Information Act
21 shall be deposited in a special fund in the State Treasury to
22 be known as the State Police Services Fund. The money
23 deposited in the State Police Services Fund shall be
24 appropriated to the Department of State Police for expenses
25 of the Department of State Police.

26 Upon the completion of any audit of the Department of
27 State Police as prescribed by the Illinois State Auditing
28 Act, which audit includes an audit of the State Police
29 Services Fund, the Department of State Police shall make the
30 audit open to inspection by any interested person.

31 23. To exercise the powers and perform the duties which
32 have been vested in the Department of State Police by the
33 Intergovernmental Missing Child Recovery Act of 1984, and to
34 establish reasonable rules and regulations necessitated

1 thereby.

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

16 (b) In exercising its duties under this subsection, the
17 Department shall:

18 (1) provide a uniform reporting format for the
19 entry of pertinent information regarding the report of a
20 missing person into LEADS;

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

28 (3) notify all law enforcement agencies that
29 reports of missing persons shall be entered as soon as
30 the minimum level of data specified by the Department is
31 available to the reporting agency, and that no waiting
32 period for the entry of such data exists;

33 (4) compile and retain information regarding lost,
34 abducted, missing or runaway minors in a separate data

1 file, in a manner that allows such information to be used
2 by law enforcement and other agencies deemed appropriate
3 by the Director, for investigative purposes. Such
4 information shall include the disposition of all reported
5 lost, abducted, missing or runaway minor cases;

6 (5) compile and maintain an historic data
7 repository relating to lost, abducted, missing or runaway
8 minors and other missing persons in order to develop and
9 improve techniques utilized by law enforcement agencies
10 when responding to reports of missing persons; and

11 (6) create a quality control program regarding
12 confirmation of missing person data, timeliness of
13 entries of missing person reports into LEADS and
14 performance audits of all entering agencies.

15 25. On request of a school board or regional
16 superintendent of schools, to conduct an inquiry pursuant to
17 Section 10-21.9 or 34-18.5 of the School Code to ascertain if
18 an applicant for employment in a school district has been
19 convicted of any criminal or drug offenses enumerated in
20 Section 10-21.9 or 34-18.5 of the School Code. The
21 Department shall furnish such conviction information to the
22 President of the school board of the school district which
23 has requested the information, or if the information was
24 requested by the regional superintendent to that regional
25 superintendent.

26 26. To promulgate rules and regulations necessary for
27 the administration and enforcement of its powers and duties,
28 wherever granted and imposed, pursuant to the Illinois
29 Administrative Procedure Act.

30 27. To (a) promulgate rules pertaining to the
31 certification, revocation of certification and training of
32 law enforcement officers as electronic criminal surveillance
33 officers, (b) provide training and technical assistance to
34 State's Attorneys and local law enforcement agencies

1 pertaining to the interception of private oral
2 communications, (c) promulgate rules necessary for the
3 administration of Article 108B of the Code of Criminal
4 Procedure of 1963, including but not limited to standards for
5 recording and minimization of electronic criminal
6 surveillance intercepts, documentation required to be
7 maintained during an intercept, procedures in relation to
8 evidence developed by an intercept, and (d) charge a
9 reasonable fee to each law enforcement agency that sends
10 officers to receive training as electronic criminal
11 surveillance officers.

12 28. Upon the request of any private organization which
13 devotes a major portion of its time to the provision of
14 recreational, social, educational or child safety services to
15 children, to conduct, pursuant to positive identification,
16 criminal background investigations of all of that
17 organization's current employees, current volunteers,
18 prospective employees or prospective volunteers charged with
19 the care and custody of children during the provision of the
20 organization's services, and to report to the requesting
21 organization any record of convictions maintained in the
22 Department's files about such persons. The Department shall
23 charge an application fee, based on actual costs, for the
24 dissemination of conviction information pursuant to this
25 subsection. The Department is empowered to establish this
26 fee and shall prescribe the form and manner for requesting
27 and furnishing conviction information pursuant to this
28 subsection. Information received by the organization from the
29 Department concerning an individual shall be provided to such
30 individual. Any such information obtained by the
31 organization shall be confidential and may not be transmitted
32 outside the organization and may not be transmitted to anyone
33 within the organization except as needed for the purpose of
34 evaluating the individual. Only information and standards

1 which bear a reasonable and rational relation to the
2 performance of child care shall be used by the organization.
3 Any employee of the Department or any member, employee or
4 volunteer of the organization receiving confidential
5 information under this subsection who gives or causes to be
6 given any confidential information concerning any criminal
7 convictions of an individual shall be guilty of a Class A
8 misdemeanor unless release of such information is authorized
9 by this subsection.

10 29. Upon the request of the Department of Children and
11 Family Services, to investigate reports of child abuse or
12 neglect.

13 30. To obtain registration of a fictitious vital record
14 pursuant to Section 15.1 of the Vital Records Act.

15 31. To collect and disseminate information relating to
16 "hate crimes" as defined under Section 12-7.1 of the Criminal
17 Code of 1961 contingent upon the availability of State or
18 Federal funds to revise and upgrade the Illinois Uniform
19 Crime Reporting System. All law enforcement agencies shall
20 report monthly to the Department of State Police concerning
21 such offenses in such form and in such manner as may be
22 prescribed by rules and regulations adopted by the Department
23 of State Police. Such information shall be compiled by the
24 Department and be disseminated upon request to any local law
25 enforcement agency, unit of local government, or state
26 agency. Dissemination of such information shall be subject
27 to all confidentiality requirements otherwise imposed by law.
28 The Department of State Police shall provide training for
29 State Police officers in identifying, responding to, and
30 reporting all hate crimes. The Illinois Law Enforcement
31 Training Standards Board shall develop and certify a course
32 of such training to be made available to local law
33 enforcement officers.

34 32. Upon the request of a private carrier company that

1 provides transportation under Section 28b of the Metropolitan
2 Transit Authority Act, to ascertain if an applicant for a
3 driver position has been convicted of any criminal or drug
4 offense enumerated in Section 28b of the Metropolitan Transit
5 Authority Act. The Department shall furnish the conviction
6 information to the private carrier company that requested the
7 information.

8 33. To apply for grants or contracts, receive, expend,
9 allocate, or disburse funds and moneys made available by
10 public or private entities, including, but not limited to,
11 contracts, bequests, grants, or receiving equipment from
12 corporations, foundations, or public or private institutions
13 of higher learning. All funds received by the Department
14 from these sources shall be deposited into the appropriate
15 fund in the State Treasury to be appropriated to the
16 Department for purposes as indicated by the grantor or
17 contractor or, in the case of funds or moneys bequeathed or
18 granted for no specific purpose, for any purpose as deemed
19 appropriate by the Director in administering the
20 responsibilities of the Department.

21 34. Upon the request of the Department of Children and
22 Family Services, the Department of State Police shall provide
23 properly designated employees of the Department of Children
24 and Family Services with criminal history record information
25 as defined in the Illinois Uniform Conviction Information Act
26 and information maintained in the Statewide Central Juvenile
27 record system as defined in subdivision (A)19 of this Section
28 if the Department of Children and Family Services determines
29 the information is necessary to perform its duties under the
30 Abused and Neglected Child Reporting Act, the Child Care Act
31 of 1969, and the Children and Family Services Act. The
32 request shall be in the form and manner specified by the
33 Department of State Police.

34 35. The Illinois Department of Public Aid is an

1 authorized entity under this Section for the purpose of
2 exchanging information, in the form and manner required by
3 the Department of State Police, to facilitate the location of
4 individuals for establishing paternity, and establishing,
5 modifying, and enforcing child support obligations, pursuant
6 to the Illinois Public Aid Code and Title IV, Part D of the
7 Social Security Act.

8 36. Upon request of the Department of Human Services, to
9 conduct an assessment and evaluation of sexually violent
10 persons as mandated by the Sexually Violent Persons
11 Commitment Act, the Department shall furnish criminal history
12 information maintained on the requested person. The request
13 shall be in the form and manner specified by the Department.

14 37. To exercise the powers and perform the duties
15 specifically assigned to the Department under the Wireless
16 Emergency Telephone Safety Act with respect to the
17 development and improvement of emergency communications
18 procedures and facilities in such a manner as to facilitate a
19 quick response to any person calling the number "9-1-1"
20 seeking police, fire, medical, or other emergency services
21 through a wireless carrier as defined in Section 10 of the
22 Wireless Emergency Telephone Safety Act. Nothing in the
23 Wireless Emergency Telephone Safety Act shall require the
24 Illinois State Police to provide wireless enhanced 9-1-1
25 services.

26 (B) The Department of State Police may establish and
27 maintain, within the Department of State Police, a Statewide
28 Organized Criminal Gang Database (SWORD) for the purpose of
29 tracking organized criminal gangs and their memberships.
30 Information in the database may include, but not be limited
31 to, the name, last known address, birth date, physical
32 descriptions (such as scars, marks, or tattoos), officer
33 safety information, organized gang affiliation, and entering
34 agency identifier. The Department may develop, in

1 consultation with the Criminal Justice Information Authority,
2 and in a form and manner prescribed by the Department, an
3 automated data exchange system to compile, to maintain, and
4 to make this information electronically available to
5 prosecutors and to other law enforcement agencies. The
6 information may be used by authorized agencies to combat the
7 operations of organized criminal gangs statewide.

8 (C) The Department of State Police may ascertain the
9 number of bilingual police officers and other personnel
10 needed to provide services in a language other than English
11 and may establish, under applicable personnel rules and
12 Department guidelines or through a collective bargaining
13 agreement, a bilingual pay supplement program.

14 (Source: P.A. 89-54, eff. 6-30-95; 90-18, eff. 7-1-97;
15 90-130, eff. 1-1-98; 90-372, eff. 7-1-98; 90-590, eff.
16 1-1-00; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; revised
17 1-21-99; 91-660, eff. 12-22-99.)

18 Section 20. The Local Records Act is amended by changing
19 Section 3b as follows:

20 (50 ILCS 205/3b)

21 Sec. 3b. Arrest reports.

22 (a) When an individual is arrested, the following
23 information must be made available to the news media for
24 inspection and copying:

25 (1) Information that identifies the individual
26 ~~person~~, including the name, age, address, and photograph,
27 when and if available.

28 (2) Information detailing any charges relating to
29 the arrest.

30 (3) The time and location of the arrest.

31 (4) The name of the investigating or arresting law
32 enforcement agency.

1 (5) If the individual is incarcerated, the amount
2 of any bail or bond.

3 (6) If the individual is incarcerated, the time and
4 date that the individual was received, discharged, or
5 transferred from the arresting agency's custody.

6 (b) The information required by this Section must be
7 made available to the news media for inspection and copying
8 as soon as practicable, but in no event shall the time period
9 exceed 72 hours from the arrest. The information described
10 in paragraphs (3), (4), (5), and (6) ~~37--47--57--and--6~~ of
11 subsection (a), however, may be withheld if it is determined
12 that disclosure would:

13 (1) interfere with pending or actually and
14 reasonably contemplated law enforcement proceedings
15 conducted by any law enforcement or correctional agency;

16 (2) endanger the life or physical safety of law
17 enforcement or correctional personnel or any other
18 person; or

19 (3) compromise the security of any correctional
20 facility.

21 (c) For the purposes of this Section the term "news
22 media" means personnel of a newspaper or other periodical
23 issued at regular intervals whether in print or electronic
24 format, a news service whether in print or electronic format,
25 a radio station, a television station, a television network,
26 a community antenna television service, or a person or
27 corporation engaged in making news reels or other motion
28 picture news for public showing.

29 (d) Each law enforcement or correctional agency may
30 charge fees for arrest records, but in no instance may the
31 fee exceed the actual cost of copying and reproduction. The
32 fees may not include the cost of the labor used to reproduce
33 the arrest record.

34 (e) The provisions of this Section do not supersede the

1 confidentiality provisions for arrest records of the Juvenile
2 Court Act of 1987.

3 (Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)

4 Section 25. The Campus Security Act is amended by
5 changing Section 15 as follows:

6 (110 ILCS 12/15)

7 Sec. 15. Arrest reports.

8 (a) When an individual is arrested, the following
9 information must be made available to the news media for
10 inspection and copying:

11 (1) Information that identifies the individual
12 person, including the name, age, address, and photograph,
13 when and if available.

14 (2) Information detailing any charges relating to
15 the arrest.

16 (3) The time and location of the arrest.

17 (4) The name of the investigating or arresting law
18 enforcement agency.

19 (5) If the individual is incarcerated, the amount
20 of any bail or bond.

21 (6) If the individual is incarcerated, the time and
22 date that the individual was received, discharged, or
23 transferred from the arresting agency's custody.

24 (b) The information required by this Section must be
25 made available to the news media for inspection and copying
26 as soon as practicable, but in no event shall the time period
27 exceed 72 hours from the arrest. The information described
28 in paragraphs (3), (4), (5), and (6) ~~37--47--57--and--6~~ of
29 subsection (a), however, may be withheld if it is determined
30 that disclosure would:

31 (1) interfere with pending or actually and
32 reasonably contemplated law enforcement proceedings

1 conducted by any law enforcement or correctional agency;

2 (2) endanger the life or physical safety of law
3 enforcement or correctional personnel or any other
4 person; or

5 (3) compromise the security of any correctional
6 facility.

7 (c) For the purposes of this Section the term "news
8 media" means personnel of a newspaper or other periodical
9 issued at regular intervals whether in print or electronic
10 format, a news service whether in print or electronic format,
11 a radio station, a television station, a television network,
12 a community antenna television service, or a person or
13 corporation engaged in making news reels or other motion
14 picture news for public showing.

15 (d) Each law enforcement or correctional agency may
16 charge fees for arrest records, but in no instance may the
17 fee exceed the actual cost of copying and reproduction. The
18 fees may not include the cost of the labor used to reproduce
19 the arrest record.

20 (e) The provisions of this Section do not supersede the
21 confidentiality provisions for arrest records of the Juvenile
22 Court Act of 1987.

23 (Source: P.A. 91-309, eff. 7-29-99; revised 11-3-99.)

24 Section 30. The Illinois Vehicle Code is amended by
25 changing Section 1-148.5 as follows:

26 (625 ILCS 5/1-148.5)

27 Sec. 1-148.5. News media. A newspaper or other
28 periodical issued at regular intervals whether in print or
29 electronic format, a news service whether in print or
30 electronic format, a radio station, a television station, a
31 television network, a community antenna television service,
32 or a person or corporation engaged in making news reels or

1 other motion picture news for public showing.

2 (Source: P.A. 90-144, eff. 7-23-97.)

3 Section 35. The Code of Civil Procedure is amended by
4 changing Section 8-902 as follows:

5 (735 ILCS 5/8-902) (from Ch. 110, par. 8-902)

6 Sec. 8-902. Definitions. As used in this Act:

7 (a) "reporter" means any person regularly engaged in the
8 business of collecting, writing or editing news for
9 publication through a news medium on a full-time or part-time
10 basis; and includes any person who was a reporter at the time
11 the information sought was procured or obtained.

12 (b) "news medium" means any newspaper or other
13 periodical issued at regular intervals whether in print or
14 electronic format and having a general circulation; a news
15 service whether in print or electronic format; a radio
16 station; a television station; a television network; a
17 community antenna television service; and any person or
18 corporation engaged in the making of news reels or other
19 motion picture news for public showing.

20 (c) "source" means the person or means from or through
21 which the news or information was obtained.

22 (Source: P.A. 84-398.)

23 Section 95. No acceleration or delay. Where this Act
24 makes changes in a statute that is represented in this Act by
25 text that is not yet or no longer in effect (for example, a
26 Section represented by multiple versions), the use of that
27 text does not accelerate or delay the taking effect of (i)
28 the changes made by this Act or (ii) provisions derived from
29 any other Public Act.

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.