

1 AN ACT in relation to sexually violent persons.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-7 and 1-8 as follows:

6 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

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

8 (A) Inspection and copying of law enforcement records
9 maintained by law enforcement agencies that relate to a minor
10 who has been arrested or taken into custody before his or her
11 17th birthday shall be restricted to the following:

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

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

31 (3) Prosecutors and probation officers:

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

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

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

13 (4) Adult and Juvenile Prisoner Review Board.

14 (5) Authorized military personnel.

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

21 (7) Department of Children and Family Services
22 child protection investigators acting in their official
23 capacity.

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

34 (i) unlawful use of weapons under Section 24-1

1 of the Criminal Code of 1961;

2 (ii) a violation of the Illinois Controlled
3 Substances Act;

4 (iii) a violation of the Cannabis Control Act;

5 or

6 (iv) a forcible felony as defined in Section
7 2-8 of the Criminal Code of 1961.

8 (9) Mental health professionals on behalf of the
9 Illinois Department of Corrections or the Department of
10 Human Services or prosecutors who are evaluating,
11 prosecuting, or investigating a potential or actual
12 petition brought under the Sexually Violent Persons
13 Commitment Act relating to a person who is the subject of
14 juvenile law enforcement records or the respondent to a
15 petition brought under the Sexually Violent Persons
16 Commitment Act who is the subject of the juvenile law
17 enforcement records sought.

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

29 (2) Law enforcement officers or other persons or
30 agencies shall transmit to the Department of State
31 Police copies of fingerprints and descriptions of all
32 minors who have been arrested or taken into custody
33 before their 17th birthday for the offense of unlawful
34 use of weapons under Article 24 of the Criminal Code of

1 1961, a Class X or Class 1 felony, a forcible felony as
2 defined in Section 2-8 of the Criminal Code of 1961, or a
3 Class 2 or greater felony under the Cannabis Control Act,
4 the Illinois Controlled Substances Act, or Chapter 4 of
5 the Illinois Vehicle Code, pursuant to Section 5 of the
6 Criminal Identification Act. Information reported to the
7 Department pursuant to this Section may be maintained
8 with records that the Department files pursuant to
9 Section 2.1 of the Criminal Identification Act. Nothing
10 in this Act prohibits a law enforcement agency from
11 fingerprinting a minor taken into custody or arrested
12 before his or her 17th birthday for an offense other than
13 those listed in this paragraph (2).

14 (C) The records of law enforcement officers concerning
15 all minors under 17 years of age must be maintained separate
16 from the records of arrests and may not be open to public
17 inspection or their contents disclosed to the public except
18 by order of the court or when the institution of criminal
19 proceedings has been permitted or required under Section
20 5-805 or such a person has been convicted of a crime and is
21 the subject of pre-sentence investigation or proceedings on
22 an application for probation or when provided by law.

23 (D) Nothing contained in subsection (C) of this Section
24 shall prohibit the inspection or disclosure to victims and
25 witnesses of photographs contained in the records of law
26 enforcement agencies when the inspection and disclosure is
27 conducted in the presence of a law enforcement officer for
28 the purpose of the identification or apprehension of any
29 person subject to the provisions of this Act or for the
30 investigation or prosecution of any crime.

31 (E) Law enforcement officers may not disclose the
32 identity of any minor in releasing information to the general
33 public as to the arrest, investigation or disposition of any
34 case involving a minor.

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

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

20 (Source: P.A. 90-127, eff. 1-1-98; 91-357, eff. 7-29-99;
21 91-368, eff. 1-1-00.)

22 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

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

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

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

30 (2) Law enforcement officers and law enforcement
31 agencies when such information is essential to executing
32 an arrest or search warrant or other compulsory process,
33 or to conducting an ongoing investigation or relating to

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

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

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

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

26 (4) Judges, prosecutors and probation officers:

27 (a) in the course of a trial when institution
 28 of criminal proceedings has been permitted or
 29 required under Section 5-805; or

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

34 (c) when criminal proceedings have been

1 permitted or required under Section 5-805 and a
2 minor is the subject of a pre-trial investigation,
3 pre-sentence investigation or fitness hearing, or
4 proceedings on an application for probation; or

5 (d) when a minor becomes 17 years of age or
6 older, and is the subject of criminal proceedings,
7 including a hearing to determine the amount of bail,
8 a pre-trial investigation, a pre-sentence
9 investigation, a fitness hearing, or proceedings on
10 an application for probation.

11 (5) Adult and Juvenile Prisoner Review Boards.

12 (6) Authorized military personnel.

13 (7) Victims, their subrogees and legal
14 representatives; however, such persons shall have access
15 only to the name and address of the minor and information
16 pertaining to the disposition or alternative adjustment
17 plan of the juvenile court.

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

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

30 (10) The administrator of a bonafide substance
31 abuse student assistance program with the permission of
32 the presiding judge of the juvenile court.

33 (11) Mental health professionals on behalf of the
34 Illinois Department of Corrections or the Department of

1 Human Services or prosecutors who are evaluating,
 2 prosecuting, or investigating a potential or actual
 3 petition brought under the Sexually Persons Commitment
 4 Act relating to a person who is the subject of juvenile
 5 court records or the respondent to a petition brought
 6 under the Sexually Violent Persons Commitment Act, who is
 7 the subject of juvenile court records sought.

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

12 (C) Except as otherwise provided in this subsection (C),
 13 juvenile court records shall not be made available to the
 14 general public but may be inspected by representatives of
 15 agencies, associations and news media or other properly
 16 interested persons by general or special order of the court.
 17 The State's Attorney, the minor, his parents, guardian and
 18 counsel shall at all times have the right to examine court
 19 files and records.

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

24 (A) The adjudication of delinquency was based
 25 upon the minor's commission of first degree murder,
 26 attempt to commit first degree murder, aggravated
 27 criminal sexual assault, or criminal sexual assault;
 28 or

29 (B) The court has made a finding that the
 30 minor was at least 13 years of age at the time the
 31 act was committed and the adjudication of
 32 delinquency was based upon the minor's commission
 33 of: (i) an act in furtherance of the commission of a
 34 felony as a member of or on behalf of a criminal

1 street gang, (ii) an act involving the use of a
2 firearm in the commission of a felony, (iii) an act
3 that would be a Class X felony offense under or the
4 minor's second or subsequent Class 2 or greater
5 felony offense under the Cannabis Control Act if
6 committed by an adult, (iv) an act that would be a
7 second or subsequent offense under Section 402 of
8 the Illinois Controlled Substances Act if committed
9 by an adult, or (v) an act that would be an offense
10 under Section 401 of the Illinois Controlled
11 Substances Act if committed by an adult.

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

18 (A) The minor has been convicted of first
19 degree murder, attempt to commit first degree
20 murder, aggravated criminal sexual assault, or
21 criminal sexual assault,

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

1 Illinois Controlled Substances Act.

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

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

20 (F) Following any adjudication of delinquency for a
21 crime which would be a felony if committed by an adult, or
22 following any adjudication of delinquency for a violation of
23 Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of
24 1961, the State's Attorney shall ascertain whether the minor
25 respondent is enrolled in school and, if so, shall provide a
26 copy of the dispositional order to the principal or chief
27 administrative officer of the school. Access to such
28 juvenile records shall be limited to the principal or chief
29 administrative officer of the school and any guidance
30 counselor designated by him.

31 (G) Nothing contained in this Act prevents the sharing
32 or disclosure of information or records relating or
33 pertaining to juveniles subject to the provisions of the
34 Serious Habitual Offender Comprehensive Action Program when

1 that information is used to assist in the early
2 identification and treatment of habitual juvenile offenders.

3 (H) When a Court hearing a proceeding under Article II
4 of this Act becomes aware that an earlier proceeding under
5 Article II had been heard in a different county, that Court
6 shall request, and the Court in which the earlier proceedings
7 were initiated shall transmit, an authenticated copy of the
8 Court record, including all documents, petitions, and orders
9 filed therein and the minute orders, transcript of
10 proceedings, and docket entries of the Court.

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

20 (Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-127,
21 eff. 1-1-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99;
22 91-368, eff. 1-1-00.)

23 Section 10. The Criminal Code of 1961 is amended by
24 changing Section 11-9.2 as follows:

25 (720 ILCS 5/11-9.2)

26 Sec. 11-9.2. Custodial sexual misconduct.

27 (a) A person commits the offense of custodial sexual
28 misconduct when: (1) he or she is an employee of a penal
29 system and engages in sexual conduct or sexual penetration
30 with a person who is in the custody of that penal system or
31 (2) he or she is an employee of a treatment and detention
32 facility and engages in sexual conduct or sexual penetration

1 with a person who is in the custody of that treatment and
2 detention facility.

3 (b) A probation or supervising officer or surveillance
4 agent commits the offense of custodial sexual misconduct when
5 the probation or supervising officer or surveillance agent
6 engages in sexual conduct or sexual penetration with a
7 probationer, parolee, or releasee or person serving a term of
8 conditional release who is under the supervisory,
9 disciplinary, or custodial authority of the officer or agent
10 so engaging in the sexual conduct or sexual penetration.

11 (c) Custodial sexual misconduct is a Class 3 felony.

12 (d) Any person convicted of violating this Section
13 immediately shall forfeit his or her employment with a penal
14 system, treatment and detention facility, or conditional
15 release program.

16 (e) For purposes of this Section, the consent of the
17 probationer, parolee, releasee, or inmate in custody of the
18 penal system or person detained or civilly committed under
19 the Sexually Violent Persons Commitment Act shall not be a
20 defense to a prosecution under this Section. A person is
21 deemed incapable of consent, for purposes of this Section,
22 when he or she is a probationer, parolee, releasee, or inmate
23 in custody of a penal system or person detained or civilly
24 committed under the Sexually Violent Persons Commitment Act.

25 (f) This Section does not apply to:

26 (1) Any employee, probation₇ or supervising
27 officer, or surveillance agent who is lawfully married to
28 a person in custody if the marriage occurred before the
29 date of custody.

30 (2) Any employee, probation₇ or supervising
31 officer, or surveillance agent who has no knowledge, and
32 would have no reason to believe, that the person with
33 whom he or she engaged in custodial sexual misconduct was
34 a person in custody.

1 (g) In this Section:

2 (1) "Custody" means:

3 (i) pretrial incarceration or detention;

4 (ii) incarceration or detention under a
5 sentence or commitment to a State or local penal
6 institution;

7 (iii) parole or mandatory supervised release;

8 (iv) electronic home detention;

9 (v) probation;

10 (vi) detention or civil commitment either in
11 secure care or in the community under the Sexually
12 Violent Persons Commitment Act.

13 (2) "Penal system" means any system which includes
14 institutions as defined in Section 2-14 of this Code or a
15 county shelter care or detention home established under
16 Section 1 of the County Shelter Care and Detention Home
17 Act.

18 (2.1) "Treatment and detention facility" means any
19 Department of Human Services facility established for the
20 detention or civil commitment of persons under the
21 Sexually Violent Persons Commitment Act.

22 (2.2) "Conditional release" means a program of
23 treatment and services, vocational services, and alcohol
24 or other drug abuse treatment provided to any person
25 civilly committed and conditionally released to the
26 community under the Sexually Violent Persons Commitment
27 Act;

28 (3) "Employee" means:

29 (i) an employee of any governmental agency of
30 this State or any county or municipal corporation
31 that has by statute, ordinance, or court order the
32 responsibility for the care, control, or supervision
33 of pretrial or sentenced persons in a penal system
34 or persons detained or civilly committed under the

1 Sexually Violent Persons Commitment Act;

2 (ii) a contractual employee of a penal system
3 as defined in paragraph (g)(2) of this Section who
4 works in a penal institution as defined in Section
5 2-14 of this Code;

6 (iii) a contractual employee of a "treatment
7 and detention facility" as defined in paragraph
8 (g)(2.1) of this Code or a contractual employee of
9 the Department of Human Services who provides
10 supervision of persons serving a term of conditional
11 release as defined in paragraph (g)(2.2) of this
12 Code.

13 (4) "Sexual conduct" or "sexual penetration" means
14 any act of sexual conduct or sexual penetration as
15 defined in Section 12-12 of this Code.

16 (5) "Probation officer" means any person employed
17 in a probation or court services department as defined in
18 Section 9b of the Probation and Probation Officers Act.

19 (6) "Supervising officer" means any person employed
20 to supervise persons placed on parole or mandatory
21 supervised release with the duties described in Section
22 3-14-2 of the Unified Code of Corrections.

23 (7) "Surveillance agent" means any person employed
24 or contracted to supervise persons placed on conditional
25 release in the community under the Sexually Violent
26 Persons Commitment Act.

27 (Source: P.A. 90-66, eff. 7-7-97; 90-655, eff. 7-30-98.)

28 Section 15. The Sexually Violent Persons Commitment Act
29 is amended by changing Sections 30, 35, 40, 60, and 65 as
30 follows:

31 (725 ILCS 207/30)

32 Sec. 30. Detention; probable cause hearing; transfer for

1 examination.

2 (a) Upon the filing of a petition under Section 15 of
3 this Act, the court shall review the petition to determine
4 whether to issue an order for detention of the person who is
5 the subject of the petition. The person shall be detained
6 only if there is cause to believe that the person is eligible
7 for commitment under subsection (f) of Section 35 of this
8 Act. A person detained under this Section shall be held in a
9 facility approved by the Department. If the person is
10 serving a sentence of imprisonment, is in a Department of
11 Corrections correctional facility or juvenile correctional
12 facility or is committed to institutional care, and the court
13 orders detention under this Section, the court shall order
14 that the person be transferred to a detention facility
15 approved by the Department. A detention order under this
16 Section remains in effect until the person is discharged
17 after a trial under Section 35 of this Act or until the
18 effective date of a commitment order under Section 40 of this
19 Act, whichever is applicable.

20 (b) Whenever a petition is filed under Section 15 of
21 this Act, the court shall hold a hearing to determine whether
22 there is probable cause to believe that the person named in
23 the petition is a sexually violent person. If the person
24 named in the petition is in custody, the court shall hold the
25 probable cause hearing within 72 hours after the petition is
26 filed, excluding Saturdays, Sundays and legal holidays. The
27 court may grant a continuance of the probable cause hearing
28 for no more than 7 additional days upon the motion of the
29 respondent, for good cause. If the person named in the
30 petition has been released, is on parole, is on mandatory
31 supervised release, or otherwise is not in custody, the court
32 shall hold the probable cause hearing within a reasonable
33 time after the filing of the petition. At the probable cause
34 hearing, the court shall admit and consider all relevant

1 hearsay evidence.

2 (c) If the court determines after a hearing that there
3 is probable cause to believe that the person named in the
4 petition is a sexually violent person, the court shall order
5 that the person be taken into custody if he or she is not in
6 custody and shall order the person to be transferred within a
7 reasonable time to an appropriate facility for an evaluation
8 as to whether the person is a sexually violent person. If the
9 person who is named in the petition refuses to speak to,
10 communicate with, or otherwise fails to cooperate with the
11 examining evaluator from the Department of Human Services or
12 the Department of Corrections, that person may only introduce
13 evidence and testimony from any expert or professional person
14 who is retained or court-appointed to conduct an examination
15 of the person that results from a review of the records and
16 may not introduce evidence resulting from an examination of
17 the person. ~~If the person named in the petition refuses to~~
18 ~~speak to, communicate with, or otherwise fails to cooperate~~
19 ~~with the expert from the Department of Human Services who is~~
20 ~~conducting the evaluation, the person shall be prohibited~~
21 ~~from introducing testimony or evidence from any expert or~~
22 ~~professional person who is retained or court appointed to~~
23 ~~conduct an evaluation of the person.~~ Notwithstanding the
24 provisions of Section 10 of the Mental Health and
25 Developmental Disabilities Confidentiality Act, all
26 evaluations conducted pursuant to this Act and all Illinois
27 Department of Corrections treatment records shall be
28 admissible at all proceedings held pursuant to this Act,
29 including the probable cause hearing and the trial.

30 If the court determines that probable cause does not
31 exist to believe that the person is a sexually violent
32 person, the court shall dismiss the petition.

33 (d) The Department shall promulgate rules that provide
34 the qualifications for persons conducting evaluations under

1 subsection (c) of this Section.

2 (e) If the person named in the petition claims or
3 appears to be indigent, the court shall, prior to the
4 probable cause hearing under subsection (b) of this Section,
5 appoint counsel.

6 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98.)

7 (725 ILCS 207/35)

8 Sec. 35. Trial.

9 (a) A trial to determine whether the person who is the
10 subject of a petition under Section 15 of this Act is a
11 sexually violent person shall commence no later than 120 45
12 days after the date of the probable cause hearing under
13 Section 30 of this Act. Delay is considered to be agreed to
14 by the person unless he or she objects to the delay by making
15 a written demand for trial or an oral demand for trial on the
16 record. Delay occasioned by the person temporarily suspends
17 for the time of the delay the period within which a person
18 must be tried. If the delay occurs within 21 days after the
19 end of the period within which a person must be tried, the
20 court may continue the cause on application of the State for
21 not more than an additional 21 days beyond the period
22 prescribed. The court may grant a continuance of the trial
23 date for good cause upon its own motion, the motion of any
24 party or the stipulation of the parties, provided that any
25 continuance granted shall be subject to Section 103-5 of the
26 Code of Criminal Procedure of 1963.

27 ~~(b) At the trial to determine whether the person who is~~
28 ~~the subject of a petition under Section 15 of this Act is a~~
29 ~~sexually violent person, all rules of evidence in criminal~~
30 ~~actions apply. All constitutional rights available to a~~
31 ~~defendant in a criminal proceeding are available to the~~
32 ~~person.~~ At the trial on the petition it shall be competent
33 to introduce evidence of the commission by the respondent of

1 any number of crimes together with whatever punishments, if
2 any, were imposed. The petitioner may present expert
3 testimony from both the Illinois Department of Corrections
4 evaluator and the Department of Human Services psychologist.

5 (c) The person who is the subject of the petition, the
6 person's attorney, the Attorney General or the State's
7 Attorney may request that a trial under this Section be by a
8 jury. A request for a jury trial under this subsection shall
9 be made within 10 days after the probable cause hearing under
10 Section 30 of this Act. If no request is made, the trial
11 shall be by the court. The person, the person's attorney or
12 the Attorney General or State's Attorney, whichever is
13 applicable, may withdraw his or her request for a jury trial.

14 (d) (1) At a trial on a petition under this Act, the
15 petitioner has the burden of proving the allegations in
16 the petition beyond a reasonable doubt.

17 (2) If the State alleges that the sexually violent
18 offense or act that forms the basis for the petition was
19 an act that was sexually motivated as provided in
20 paragraph (e)(2) of Section 5 of this Act, the State is
21 required to prove beyond a reasonable doubt that the
22 alleged sexually violent act was sexually motivated.

23 (e) Evidence that the person who is the subject of a
24 petition under Section 15 of this Act was convicted for or
25 committed sexually violent offenses before committing the
26 offense or act on which the petition is based is not
27 sufficient to establish beyond a reasonable doubt that the
28 person has a mental disorder.

29 (f) If the court or jury determines that the person who
30 is the subject of a petition under Section 15 is a sexually
31 violent person, the court shall enter a judgment on that
32 finding and shall commit the person as provided under Section
33 40 of this Act. If the court or jury is not satisfied beyond
34 a reasonable doubt that the person is a sexually violent

1 person, the court shall dismiss the petition and direct that
2 the person be released unless he or she is under some other
3 lawful restriction.

4 (g) A judgment entered under subsection (f) of this
5 Section on the finding that the person who is the subject of
6 a petition under Section 15 is a sexually violent person is
7 interlocutory to a commitment order under Section 40 and is
8 reviewable on appeal.

9 (Source: P.A. 90-40, eff. 1-1-98; 91-875, eff. 6-30-00.)

10 (725 ILCS 207/40)

11 Sec. 40. Commitment.

12 (a) If a court or jury determines that the person who is
13 the subject of a petition under Section 15 of this Act is a
14 sexually violent person, the court shall order the person to
15 be committed to the custody of the Department for control,
16 care and treatment until such time as the person is no longer
17 a sexually violent person.

18 (b) (1) The court shall enter an initial commitment
19 order under this Section pursuant to a hearing held as
20 soon as practicable after the judgment is entered that
21 the person who is the subject of a petition under Section
22 15 is a sexually violent person. If the court lacks
23 sufficient information to make the determination required
24 by paragraph (b)(2) of this Section immediately after
25 trial, it may adjourn the hearing and order the
26 Department to conduct a predisposition investigation or a
27 supplementary mental examination, or both, to assist the
28 court in framing the commitment order. A supplementary
29 mental examination under this Section shall be conducted
30 in accordance with Section 3-804 of the Mental Health and
31 Developmental Disabilities Code.

32 (2) An order for commitment under this Section
33 shall specify either institutional care in a secure

1 facility, as provided under Section 50 of this Act, or
2 conditional release. In determining whether commitment
3 shall be for institutional care in a secure facility or
4 for conditional release, the court shall ~~must~~ consider
5 the nature and circumstances of the behavior that was the
6 basis of the allegation in the petition under paragraph
7 (b)(1) of Section 15, the person's mental history and
8 present mental condition, where the person will live, how
9 the person will support himself or herself, and what
10 arrangements are available to ensure that the person has
11 access to and will participate in necessary treatment.
12 The Department shall arrange for control, care and
13 treatment of the person in the least restrictive manner
14 consistent with the requirements of the person and in
15 accordance with the court's commitment order.

16 (3) If the court finds that the person is
17 appropriate for conditional release, the court shall
18 notify the Department. The Department shall prepare a
19 plan that identifies the treatment and services, if any,
20 that the person will receive in the community. The plan
21 shall address the person's need, if any, for supervision,
22 counseling, medication, community support services,
23 residential services, vocational services, and alcohol or
24 other drug abuse treatment. The Department may contract
25 with a county health department, with another public
26 agency or with a private agency to provide the treatment
27 and services identified in the plan. The plan shall
28 specify who will be responsible for providing the
29 treatment and services identified in the plan. The plan
30 shall be presented to the court for its approval within
31 60 days after the court finding that the person is
32 appropriate for conditional release, unless the
33 Department and the person to be released request
34 additional time to develop the plan. The conditional

1 release program operated under this Section is not
2 subject to the provisions of the Mental Health and
3 Developmental Disabilities Confidentiality Act.

4 (4) An order for conditional release places the
5 person in the custody and control of the Department. A
6 person on conditional release is subject to the
7 conditions set by the court and to the rules of the
8 Department. Before a person is placed on conditional
9 release by the court under this Section, the court shall
10 so notify the municipal police department and county
11 sheriff for the municipality and county in which the
12 person will be residing. The notification requirement
13 under this Section does not apply if a municipal police
14 department or county sheriff submits to the court a
15 written statement waiving the right to be notified. If
16 the Department alleges that a released person has
17 violated any condition or rule, or that the safety of
18 others requires that conditional release be revoked, he
19 or she may be taken into custody under the rules of the
20 Department.

21 At any time during which the person is on
22 conditional release, if the Department determines that
23 the person has violated any condition or rule, or that
24 the safety of others requires that conditional release be
25 revoked, the Department may request the Attorney General
26 or State's Attorney to request the court to issue an
27 emergency ex parte order directing any law enforcement
28 officer to take the person into custody and transport the
29 person to the county jail. The Department may request,
30 or the Attorney General or State's Attorney may request
31 independently of the Department, that a petition to
32 revoke conditional release be filed. When a petition is
33 filed, the court may order the Department to issue a
34 notice to the person to be present at the Department or

1 other agency designated by the court, order a summons to
2 the person to be present, or order a body attachment for
3 all law enforcement officers to take the person into
4 custody and transport him or her to the county jail,
5 hospital, or treatment facility. The Department shall
6 submit a statement showing probable cause of the
7 detention and a petition to revoke the order for
8 conditional release to the committing court within 48
9 hours after the detention. The court shall hear the
10 petition within 30 days, unless the hearing or time
11 deadline is waived by the detained person. Pending the
12 revocation hearing, the Department may detain the person
13 in a jail, in a hospital or treatment facility. The
14 State has the burden of proving by clear and convincing
15 evidence that any rule or condition of release has been
16 violated, or that the safety of others requires that the
17 conditional release be revoked. If the court determines
18 after hearing that any rule or condition of release has
19 been violated, or that the safety of others requires that
20 conditional release be revoked, it may revoke the order
21 for conditional release and order that the released
22 person be placed in an appropriate institution until the
23 person is discharged from the commitment under Section 65
24 of this Act or until again placed on conditional release
25 under Section 60 of this Act.

26 (5) An order for conditional release places the
27 person in the custody, care, and control of the
28 Department. The court shall order the person be subject
29 to the following rules of conditional release, in
30 addition to any other conditions ordered, and the person
31 shall be given a certificate setting forth the conditions
32 of conditional release. These conditions shall be that
33 the person:

34 (A) not violate any criminal statute of any

1 jurisdiction;

2 (B) report to or appear in person before such
3 person or agency as directed by the court and the
4 Department;

5 (C) refrain from possession of a firearm or
6 other dangerous weapon;

7 (D) not leave the State without the consent of
8 the court or, in circumstances in which the reason
9 for the absence is of such an emergency nature, that
10 prior consent by the court is not possible without
11 the prior notification and approval of the
12 Department;

13 (E) at the direction of the Department, notify
14 third parties of the risks that may be occasioned by
15 his or her criminal record or sexual offending
16 history or characteristics, and permit the
17 supervising officer or agent to make the
18 notification requirement;

19 (F) attend and fully participate in
20 assessment, treatment, and behavior monitoring
21 including, but not limited to, medical,
22 psychological or psychiatric treatment specific to
23 sexual offending, drug addiction, or alcoholism, to
24 the extent appropriate to the person based upon the
25 recommendation and findings made in the Department
26 evaluation or based upon any subsequent
27 recommendations by the Department;

28 (G) waive confidentiality allowing the court
29 and Department access to assessment or treatment
30 results or both;

31 (H) work regularly at a Department approved
32 occupation or pursue a course of study or vocational
33 training and notify the Department within 72 hours
34 of any change in employment, study, or training;

1 (I) not be employed or participate in any
2 volunteer activity that involves contact with
3 children, except under circumstances approved in
4 advance and in writing by the Department officer;

5 (J) submit to the search of his or her person,
6 residence, vehicle, or any personal or real property
7 under his or her control at any time by the
8 Department;

9 (K) financially support his or her dependents
10 and provide the Department access to any requested
11 financial information;

12 (L) serve a term of home confinement, the
13 conditions of which shall be that the person:

14 (i) remain within the interior premises
15 of the place designated for his or her
16 confinement during the hours designated by the
17 Department;

18 (ii) admit any person or agent designated
19 by the Department into the offender's place of
20 confinement at any time for purposes of
21 verifying the person's compliance with the
22 condition of his or her confinement;

23 (iii) if deemed necessary by the
24 Department, be placed on an electronic
25 monitoring device;

26 (M) comply with the terms and conditions of an
27 order of protection issued by the court pursuant to
28 the Illinois Domestic Violence Act of 1986. A copy
29 of the order of protection shall be transmitted to
30 the Department by the clerk of the court;

31 (N) refrain from entering into a designated
32 geographic area except upon terms the Department
33 finds appropriate. The terms may include
34 consideration of the purpose of the entry, the time

1 of day, others accompanying the person, and advance
2 approval by the Department;

3 (O) refrain from having any contact, including
4 written or oral communications, directly or
5 indirectly, with certain specified persons
6 including, but not limited to, the victim or the
7 victim's family, and report any incidental contact
8 with the victim or the victim's family to the
9 Department within 72 hours; refrain from entering
10 onto the premises of, traveling past, or loitering
11 near the victim's residence, place of employment, or
12 other places frequented by the victim;

13 (P) refrain from having any contact, including
14 written or oral communications, directly or
15 indirectly, with particular types of persons,
16 including but not limited to members of street
17 gangs, drug users, drug dealers, or prostitutes;

18 (Q) refrain from all contact, direct or
19 indirect, personally, by telephone, letter, or
20 through another person, with minor children without
21 prior identification and approval of the Department;

22 (R) refrain from having in his or her body the
23 presence of alcohol or any illicit drug prohibited
24 by the Cannabis Control Act or the Illinois
25 Controlled Substances Act, unless prescribed by a
26 physician, and submit samples of his or her breath,
27 saliva, blood, or urine for tests to determine the
28 presence of alcohol or any illicit drug;

29 (S) not establish a dating, intimate, or
30 sexual relationship with a person without prior
31 written notification to the Department;

32 (T) neither possess or have under his or her
33 control any material that is pornographic, sexually
34 oriented, or sexually stimulating, or that depicts

1 or alludes to sexual activity or depicts minors
2 under the age of 18, including but not limited to
3 visual, auditory, telephonic, electronic media, or
4 any matter obtained through access to any computer
5 or material linked to computer access use;

6 (U) not patronize any business providing
7 sexually stimulating or sexually oriented
8 entertainment nor utilize "900" or adult telephone
9 numbers or any other sex-related telephone numbers;

10 (V) not reside near, visit, or be in or about
11 parks, schools, day care centers, swimming pools,
12 beaches, theaters, or any other places where minor
13 children congregate without advance approval of the
14 Department and report any incidental contact with
15 minor children to the Department within 72 hours;

16 (W) not establish any living arrangement or
17 residence without prior approval of the Department;

18 (X) not publish any materials or print any
19 advertisements without providing a copy of the
20 proposed publications to the Department officer and
21 obtaining permission prior to publication;

22 (Y) not leave the county except with prior
23 permission of the Department and provide the
24 Department officer or agent with written travel
25 routes to and from work and any other designated
26 destinations;

27 (Z) not possess or have under his or her
28 control certain specified items of contraband
29 related to the incidence of sexually offending items
30 including video or still camera items or children's
31 toys;

32 (AA) provide a written daily log of activities
33 as directed by the Department;

34 (BB) comply with all other special conditions

1 that the Department may impose that restrict the
2 person from high-risk situations and limit access or
3 potential victims.

4 (6) A person placed on conditional release and who
5 during the term undergoes mandatory drug or alcohol
6 testing or is assigned to be placed on an approved
7 electronic monitoring device may be ordered to pay all
8 costs incidental to the mandatory drug or alcohol testing
9 and all costs incidental to the approved electronic
10 monitoring in accordance with the person's ability to pay
11 those costs. The Department may establish reasonable
12 fees for the cost of maintenance, testing, and incidental
13 expenses related to the mandatory drug or alcohol testing
14 and all costs incidental to approved electronic
15 monitoring.

16 (Source: P.A. 90-40, eff. 1-1-98; 91-875, eff. 6-30-00.)

17 (725 ILCS 207/60)

18 Sec. 60. Petition for conditional release.

19 (a) Any person who is committed for institutional care
20 in a secure facility or other facility under Section 40 of
21 this Act may petition the committing court to modify its
22 order by authorizing conditional release if at least 6 months
23 have elapsed since the initial commitment order was entered,
24 the most recent release petition was denied or the most
25 recent order for conditional release was revoked. The
26 director of the facility at which the person is placed may
27 file a petition under this Section on the person's behalf at
28 any time.

29 (b) If the person files a timely petition without
30 counsel, the court shall serve a copy of the petition on the
31 Attorney General or State's Attorney, whichever is applicable
32 and, subject to paragraph (c)(1) of Section 25 of this Act,
33 appoint counsel. If the person petitions through counsel,

1 his or her attorney shall serve the Attorney General or
2 State's Attorney, whichever is applicable.

3 (c) Within 20 days after receipt of the petition, the
4 court shall appoint one or more examiners having the
5 specialized knowledge determined by the court to be
6 appropriate, who shall examine the mental condition of the
7 person and furnish a written report of the examination to the
8 court within 30 days after appointment. The examiners shall
9 have reasonable access to the person for purposes of
10 examination and to the person's past and present treatment
11 records and patient health care records. If any such
12 examiner believes that the person is appropriate for
13 conditional release, the examiner shall report on the type of
14 treatment and services that the person may need while in the
15 community on conditional release. The State has the right to
16 have the person evaluated by experts chosen by the State.
17 The court shall set a probable cause hearing as soon as
18 practical after the examiner's report is filed. If the court
19 determines at the probable cause hearing that cause exists to
20 believe that it is not substantially probable that the person
21 will engage in acts of sexual violence if on release or
22 conditional release, the court shall set a hearing on the
23 issue.

24 (d) The court, without a jury, shall hear the petition
25 within 30 days after the report of the court-appointed
26 examiner is filed with the court, unless the petitioner
27 waives this time limit. The court shall grant the petition
28 unless the State proves by clear and convincing evidence that
29 the person has not made sufficient progress to be
30 conditionally released ~~that-the-person-is--still--a--sexually~~
31 ~~violent--person--and--that-it-is-still-substantially-probable~~
32 ~~that-the-person-will-engage-in-acts-of-sexual-violence-if-the~~
33 ~~person-is-not-confined-in-a-secure--facility.~~ In making a
34 decision under this subsection, the court must may consider

1 the nature and circumstances of the behavior that was the
2 basis of the allegation in the petition under paragraph
3 (b)(1) of Section 15 of this Act, the person's mental history
4 and present mental condition, where the person will live, how
5 the person will support himself or herself and what
6 arrangements are available to ensure that the person has
7 access to and will participate in necessary treatment.

8 (e) Before the court may enter an order directing
9 conditional release to a less restrictive alternative it must
10 find the following: (1) the person will be treated by a
11 Department approved treatment provider, (2) the treatment
12 provider has presented a specific course of treatment and has
13 agreed to assume responsibility for the treatment and will
14 report progress to the Department on a regular basis, and
15 will report violations immediately to the Department,
16 consistent with treatment and supervision needs of the
17 respondent, (3) housing exists that is sufficiently secure to
18 protect the community, and the person or agency providing
19 housing to the conditionally released person has agreed in
20 writing to accept the person, to provide the level of
21 security required by the court, and immediately to report to
22 the Department if the person leaves the housing to which he
23 or she has been assigned without authorization, (4) the
24 person is willing to or has agreed to comply with the
25 treatment provider, the Department, and the court, and (5)
26 the person has agreed or is willing to agree to comply with
27 the behavioral monitoring requirements imposed by the court
28 and the Department.

29 (f) If the court finds that the person is appropriate
30 for conditional release, the court shall notify the
31 Department. The Department shall prepare a plan that
32 identifies the treatment and services, if any, that the
33 person will receive in the community. The plan shall address
34 the person's need, if any, for supervision, counseling,

1 medication, community support services, residential services,
2 vocational services, and alcohol or other drug abuse
3 treatment. The Department may contract with a county health
4 department, with another public agency or with a private
5 agency to provide the treatment and services identified in
6 the plan. The plan shall specify who will be responsible for
7 providing the treatment and services identified in the plan.
8 The plan shall be presented to the court for its approval
9 within 60 days after the court finding that the person is
10 appropriate for conditional release, unless the Department
11 and the person to be released request additional time to
12 develop the plan.

13 (g) The provisions of paragraph (b)(4) of Section 40 of
14 this Act apply to an order for conditional release issued
15 under this Section.

16 (Source: P.A. 90-40, eff. 1-1-98; 91-875, eff. 6-30-00.)

17 (725 ILCS 207/65)

18 Sec. 65. Petition for discharge; procedure.

19 (a)(1) If the Secretary determines at any time that a
20 person committed under this Act is no longer a sexually
21 violent person, the Secretary shall authorize the person to
22 petition the committing court for discharge. The person
23 shall file the petition with the court and serve a copy upon
24 the Attorney General or the State's Attorney's office that
25 filed the petition under subsection (a) of Section 15 of this
26 Act, whichever is applicable. The court, upon receipt of the
27 petition for discharge, shall order a hearing to be held
28 within 45 days after the date of receipt of the petition.

29 (2) At a hearing under this subsection, the Attorney
30 General or State's Attorney, whichever filed the original
31 petition, shall represent the State and shall have the right
32 to have the petitioner examined by an expert or professional
33 person of his or her choice. The committed person or the

1 State may elect to have the hearing before a jury. The State
2 has the burden of proving by clear and convincing evidence
3 that the petitioner is still a sexually violent person.

4 (3) If the court or jury is satisfied that the State has
5 not met its burden of proof under paragraph (a)(2) of this
6 Section, the petitioner shall be discharged from the custody
7 or supervision of the Department. If the court is satisfied
8 that the State has met its burden of proof under paragraph
9 (a)(2), the court may proceed under Section 40 of this Act to
10 determine whether to modify the petitioner's existing
11 commitment order.

12 (b)(1) A person may petition the committing court for
13 discharge from custody or supervision without the Secretary's
14 approval. At the time of an examination under subsection (a)
15 of Section 55 of this Act, the Secretary shall provide the
16 committed person with a written notice of the person's right
17 to petition the court for discharge over the Secretary's
18 objection. The notice shall contain a waiver of rights. The
19 Secretary shall forward the notice and waiver form to the
20 court with the report of the Department's examination under
21 Section 55 of this Act. If the person does not affirmatively
22 waive the right to petition, the court shall set a probable
23 cause hearing to determine whether facts exist that warrant a
24 hearing on whether the person is still a sexually violent
25 person. If a person does not file a petition for discharge,
26 yet fails to waive the right to petition under this Section,
27 then the probable cause hearing consists only of a review of
28 the reexamination reports and arguments on behalf of the
29 parties. The committed person has a right to have an attorney
30 represent him or her at the probable cause hearing, but the
31 person is not entitled to be present at the probable cause
32 hearing. The probable cause hearing under this Section must
33 be held within 45 days of the filing of the reexamination
34 report under Section 55 of this Act.

1 (2) If the court determines at the probable cause
2 hearing under paragraph (b)(1) of this Section that probable
3 cause exists to believe that the committed person is no
4 longer a sexually violent person, then the court shall set a
5 hearing on the issue. At a hearing under this Section, the
6 committed person is entitled to be present and to the benefit
7 of the protections afforded to the person under Section 25 of
8 this Act. The committed person or the State may elect to have
9 a hearing under this Section before a jury. A verdict of a
10 jury under this Section is not valid unless it is unanimous.
11 The Attorney General or State's Attorney, whichever filed the
12 original petition, shall represent the State at a hearing
13 under this Section. The State has the right to have the
14 committed person evaluated by experts chosen by the State.
15 At the hearing, the State has the burden of proving by clear
16 and convincing evidence that the committed person is still a
17 sexually violent person.

18 (3) If the court or jury is satisfied that the State has
19 not met its burden of proof under paragraph (b)(2) of this
20 Section, the person shall be discharged from the custody or
21 supervision of the Department. If the court or jury is
22 satisfied that the State has met its burden of proof under
23 paragraph (b)(2) of this Section, the court may proceed under
24 Section 40 of this Act to determine whether to modify the
25 person's existing commitment order.

26 (Source: P.A. 90-40, eff. 1-1-98; 91-227, eff. 1-1-00.)

27 Section 20. The Unified Code of Corrections is amended
28 by changing Section 5-3-4 as follows:

29 (730 ILCS 5/5-3-4) (from Ch. 38, par. 1005-3-4)
30 Sec. 5-3-4. Disclosure of Reports.

31 (a) Any report made pursuant to this Article or Section
32 5-705 of the Juvenile Court Act of 1987 shall be filed of

1 record with the court in a sealed envelope.

2 (b) Presentence reports shall be open for inspection
3 only as follows:

4 (1) to the sentencing court;

5 (2) to the state's attorney and the defendant's
6 attorney at least 3 days prior to the imposition of
7 sentence, unless such 3 day requirement is waived;

8 (3) to an appellate court in which the conviction
9 or sentence is subject to review;

10 (4) to any department, agency or institution to
11 which the defendant is committed;

12 (5) to any probation department of whom courtesy
13 probation is requested;

14 (6) to any probation department assigned by a court
15 of lawful jurisdiction to conduct a presentence report;

16 (7) to any other person only as ordered by the
17 court; and-

18 (8) to any mental health professional on behalf of
19 the Illinois Department of Corrections or the Department
20 of Human Services or to a prosecutor who is evaluating or
21 investigating a potential or actual petition brought
22 under the Sexually Violent Persons Commitment Act
23 relating to a person who is the subject of a presentence
24 report or the respondent to a petition brought under the
25 Sexually Violent Persons Commitment Act who is the
26 subject of the presentence report sought.

27 (c) Presentence reports shall be filed of record with
28 the court within 30 days of a verdict or finding of guilty
29 for any offense involving an illegal sexual act perpetrated
30 upon a victim, including but not limited to offenses for
31 violations of Article 12 of the Criminal Code of 1961.

32 (d) A complaint, information or indictment shall not be
33 quashed or dismissed nor shall any person in custody for an
34 offense be discharged from custody because of noncompliance

1 with subsection (c) of this Section.
2 (Source: P.A. 90-590, eff. 1-1-99.)

3 Section 25. The Mental Health and Developmental
4 Disabilities Confidentiality Act is amended by changing
5 Section 9.3 as follows:

6 (740 ILCS 110/9.3)

7 Sec. 9.3. Disclosure without consent under the Sexually
8 Violent Persons Commitment Act. Disclosure may be made
9 without consent by any therapist or other treatment provider
10 providing mental health or developmental disabilities
11 services pursuant to the provisions of the Sexually Violent
12 Persons Commitment Act or who previously provided any type of
13 mental health or developmental disabilities services to a
14 person who is subject to an evaluation, investigation, or
15 prosecution of a petition under the Sexually Violent Persons
16 Commitment Act. Disclosure may be made to the Attorney
17 General, the State's Attorney participating in the case, the
18 Department of Human Services, the court, and any other party
19 to whom the court directs disclosure to be made. The
20 information disclosed may include any records or
21 communications in the possession of the Department of
22 Corrections, if those records or communications were relied
23 upon by the therapist in providing mental health or
24 developmental disabilities services pursuant to the Sexually
25 Violent Persons Commitment Act.

26 (Source: P.A. 90-793, eff. 8-14-98.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.