

1 AN ACT in relation to minors.

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 Section 5-905 as follows:

6 (705 ILCS 405/5-905)

7 Sec. 5-905. Law enforcement records.

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

14 (a) A judge of the circuit court and members of the
15 staff of the court designated by the judge;

16 (b) Law enforcement officers, probation officers or
17 prosecutors or their staff;

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

21 (d) Adult and Juvenile Prisoner Review Boards;

22 (e) Authorized military personnel;

23 (f) Persons engaged in bona fide research, with the
24 permission of the judge of juvenile court and the chief
25 executive of the agency that prepared the particular
26 recording: provided that publication of such research
27 results in no disclosure of a minor's identity and
28 protects the confidentiality of the record;

29 (g) Individuals responsible for supervising or
30 providing temporary or permanent care and custody of
31 minors pursuant to orders of the juvenile court or

1 directives from officials of the Department of Children
2 and Family Services or the Department of Human Services
3 who certify in writing that the information will not be
4 disclosed to any other party except as provided under law
5 or order of court;

6 (h) The appropriate school official. Inspection
7 and copying shall be limited to law enforcement records
8 transmitted to the appropriate school official by a local
9 law enforcement agency under a reciprocal reporting
10 system established and maintained between the school
11 district and the local law enforcement agency under
12 Section 10-20.14 of the School Code concerning a minor
13 enrolled in a school within the school district who has
14 been arrested for any offense classified as a felony or a
15 Class A or B misdemeanor;

16 (i) Programs and services defined as "juvenile
17 justice continuum" providing services to the minor as
18 described in subsection (8) of Section 5-105, who certify
19 in writing that the information will not be disclosed to
20 any other party except as provided under law or court
21 order.

22 (2) Information identifying victims and alleged victims
23 of sex offenses, shall not be disclosed or open to public
24 inspection under any circumstances. Nothing in this Section
25 shall prohibit the victim or alleged victim of any sex
26 offense from voluntarily disclosing his or her identity.

27 (3) Relevant information, reports and records shall be
28 made available to the Department of Corrections when a
29 juvenile offender has been placed in the custody of the
30 Department of Corrections, Juvenile Division.

31 (4) Nothing in this Section shall prohibit the
32 inspection or disclosure to victims and witnesses of
33 photographs contained in the records of law enforcement
34 agencies when the inspection or disclosure is conducted in

1 the presence of a law enforcement officer for purposes of
2 identification or apprehension of any person in the course of
3 any criminal investigation or prosecution.

4 (5) The records of law enforcement officers concerning
5 all minors under 17 years of age must be maintained separate
6 from the records of adults and may not be open to public
7 inspection or their contents disclosed to the public except
8 by order of the court or when the institution of criminal
9 proceedings has been permitted under Section 5-130 or 5-805
10 or required under Section 5-130 or 5-805 or such a person has
11 been convicted of a crime and is the subject of pre-sentence
12 investigation or when provided by law.

13 (6) ~~Except as otherwise provided in this subsection (6),~~
14 Law enforcement officers may not disclose the identity of any
15 minor in releasing information to the general public as to
16 the arrest, investigation or disposition of any case
17 involving a minor. Upon written request, law enforcement
18 officers may release the name and address of a minor who has
19 been arrested for a criminal offense to the victim, or if the
20 victim is a minor, to the victim's legal custodian, guardian,
21 or parent. The law enforcement officer may release the
22 information only if he or she reasonably believes the release
23 would not endanger the person or property of the arrested
24 minor or his or her family. Any victim or parent or legal
25 guardian of a victim may petition the court to disclose the
26 name and address of the minor and the minor's parents or
27 legal guardian, or both. Upon a finding by clear and
28 convincing evidence that the disclosure is either necessary
29 for the victim to pursue a civil remedy against the minor or
30 the minor's parents or legal guardian, or both, or to protect
31 the victim's person or property from the minor, then the
32 court may order the disclosure of the information to the
33 victim or to the parent or legal guardian of the victim only
34 for the purpose of the victim pursuing a civil remedy against

1 ~~the-minor-or-the-minor's-parents-or-legal-guardian,--or--both,~~
2 ~~or-to-protect-the-victim's-person-or-property-from-the-minor.~~

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

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

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.