

AN ACT concerning criminal law.

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

Section 5. The Privacy of Child Victims of Criminal Sexual Offenses Act is amended by changing Section 3 as follows:

(725 ILCS 190/3) (from Ch. 38, par. 1453)

Sec. 3. Confidentiality of Law Enforcement and Court Records. Notwithstanding any other law to the contrary, inspection and copying of law enforcement records maintained by any law enforcement agency or all circuit court records maintained by any circuit clerk relating to any investigation or proceeding pertaining to a criminal sexual offense, by any person, except a judge, state's attorney, assistant state's attorney, Attorney General, Assistant Attorney General, psychologist, psychiatrist, social worker, doctor, parent, parole agent, aftercare specialist, probation officer, defendant, ~~or~~ defendant's attorney, advocate, or victim's attorney (as defined in Section 3 of the Illinois Rights of Crime Victims and Witnesses Act) in any criminal proceeding or investigation related thereto, shall be restricted to exclude the identity of any child who is a victim of such criminal sexual offense or alleged criminal sexual offense unless a court order is issued authorizing the removal of such

restriction as provided under this Section of a particular case record or particular records of cases maintained by any circuit court clerk. A court may for the child's protection and for good cause shown, prohibit any person or agency present in court from further disclosing the child's identity.

A court may prohibit such disclosure only after giving notice and a hearing to all affected parties. In determining whether to prohibit disclosure of the minor's identity, the court shall consider:

(1) the best interest of the child; and

(2) whether such nondisclosure would further a compelling State interest.

When a criminal sexual offense is committed or alleged to have been committed by a school district employee or any individual contractually employed by a school district, a copy of the criminal history record information relating to the investigation of the offense or alleged offense shall be transmitted to the superintendent of schools of the district immediately upon request or if the law enforcement agency knows that a school district employee or any individual contractually employed by a school district has committed or is alleged to have committed a criminal sexual offense, the superintendent of schools of the district shall be immediately provided a copy of the criminal history record information. The copy of the criminal history record information to be provided under this Section shall exclude the identity of the

child victim. The superintendent shall be restricted from ~~specifically~~ revealing the identity ~~name~~ of the victim ~~without written consent of the victim or victim's parent or guardian.~~ Nothing in this Article precludes or may be used to preclude a mandated reporter from reporting child abuse or child neglect as required under the Abused and Neglected Child Reporting Act.

~~A court may prohibit such disclosure only after giving notice and a hearing to all affected parties. In determining whether to prohibit disclosure of the minor's identity the court shall consider:~~

~~(a) the best interest of the child; and~~

~~(b) whether such nondisclosure would further a compelling State interest.~~

For the purposes of this Act, "criminal history record information" means:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii)

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of paragraph (c) of subsection (1) of Section 7 of the
Freedom of Information Act.

(Source: P.A. 98-558, eff. 1-1-14.)