

# JUVENILE COURT ACT

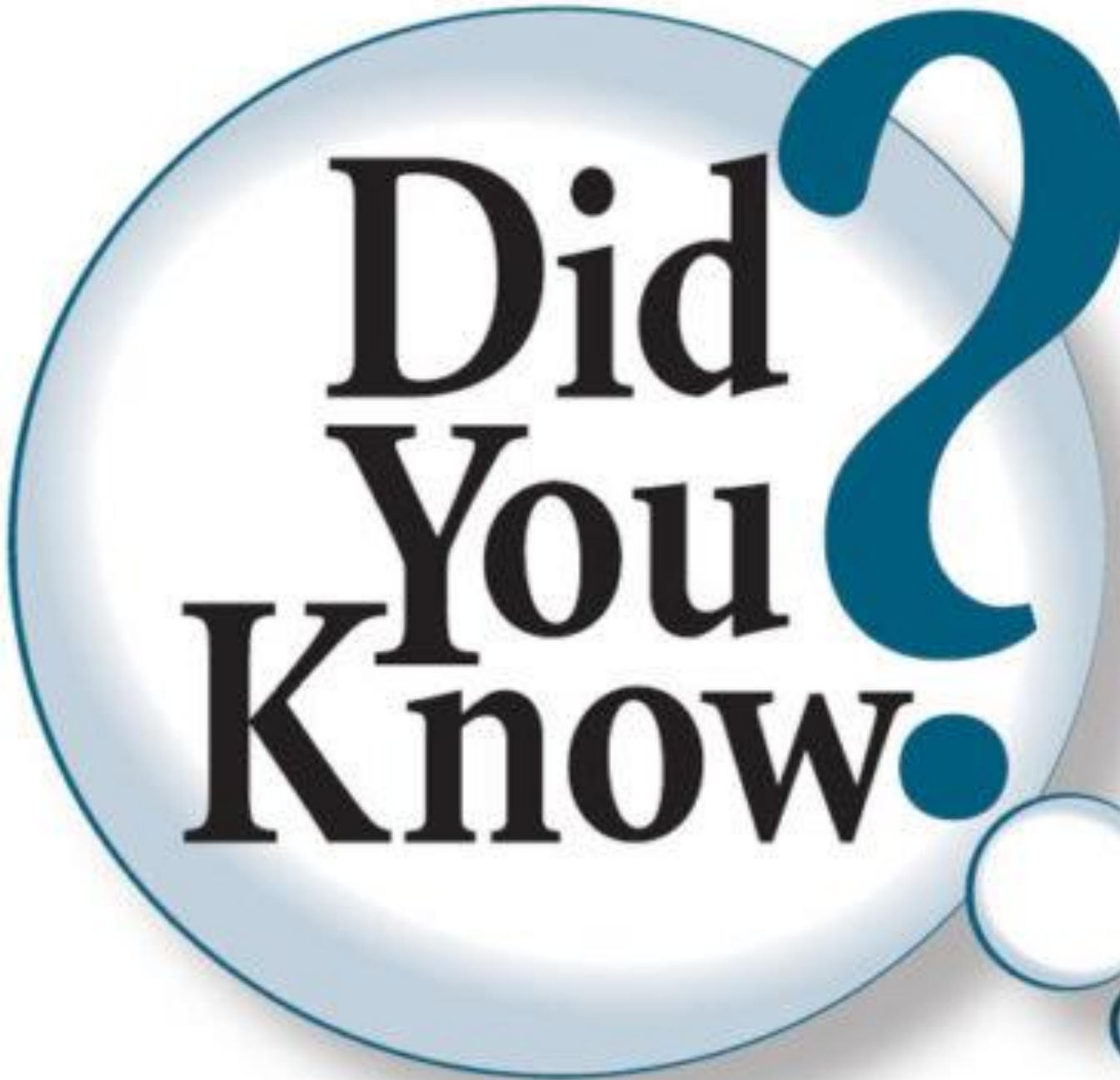


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- Juvenile Courts Act 705 ILCS 405/1-1 *et seq.*
- FOIA Statutory Exemptions – **Section 7.5(bb)**
- Minor vs. Juvenile





**Did  
You  
Know?**



# January 1, 2018

- Public Act 100-285
- Inspection and copying of law enforcement and **municipal ordinance violations** records of minor before 18<sup>th</sup> birthday prohibited **unless** exception applies (Section 1-7)
- Willful violations subject to criminal and civil penalties



- Automatic expungement of juvenile law enforcement records (Section 5-915)
  - On or before January 1<sup>st</sup> each year **IF**
    - 1 year or more has passed;
    - No charges filed; and
    - 6 months have passed without subsequent arrest **or** filing of charges
  - Written notice of expungement within 60 days



- **Public** and Private Employers
  - Cannot be considered for employment matters, certification, licensing or registration
  - Applications must contain specific disclosure language
    - Violation if disclosed **and** application fails to contain specific language
  - Criminal and civil penalties for violations



**NEW**

# December 20, 2018

- Public Act 100-1162
- Definition of juvenile law enforcement records (Section 1-3): includes records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense, and records maintained by a law enforcement agency that identifies a juvenile as a suspect in committing an offense, but does not include records identifying a juvenile as a victim, witness, or missing juvenile and any records created, maintained, or used for purposes of referral to diversion programs relating to diversion as defined in subsection (6) of Section 5-105





- Inspection, copying and **disclosure** of law enforcement and municipal ordinance violations records of minor before 18<sup>th</sup> birthday prohibited **unless** exception applies (Section 1-7)
- Exceptions
  - Administrative adjudication hearing officers
  - Federal, State and local prosecutors for prosecution purposes, including administrative adjudications
  - PAC Review
  - Collection agencies
- No closed hearings



- Automatic expungement of juvenile law enforcement records (Section 5-915)
  - 1/1/2013 through 1/1/2018 = by 1/1/2020
  - 1/1/2000 through 1/1/2013 = by 1/1/2023
  - Prior to 1/1/2000 = not subject to expungement
- **NOT** applicable to traffic, conservation, or ordinance violations



- **Exceptions**

- Felony investigations
- Internal investigations
- Civil action against municipality
- Officer worn body cameras



- Miscellaneous under new Section 5-923
  - Written notice of expungement within 60 days **may** be satisfied by publication for records **prior to 2016**
  - Not subject to Local Records Act
  - Statistical information
  - Internal records of States Attorney or other prosecutor



*But Wait...*

**THERE'S  
MORE!!**

# Other Changes

- Public Act 100-720 effective August 3, 2018
  - Exceptions to inspection and copying of law enforcement and municipal ordinance violation records (Section 1-7) for **public defenders** and **the minor, parents, guardians, and counsel**
- Public Act 100-987 effective August 20, 2018
  - Funded by “appropriation by the General Assembly”



I just need  
the main ideas




- Documented law enforcement interactions, including OV's not subject to FOIA and must be kept confidential unless one of 16 exceptions applies
- Automatic expungement on a yearly basis for mere arrests of an individual before 18<sup>th</sup> birthday except traffic, OV and conservation offenses
- Written notice of expungement within 60 days
- Even if allowed to retain for statutory purposes, must be treated as expunged
- Potential employees not required to disclose and employer cannot consider
- \$\$\$ for violations





# Tipos

The image features the word "Tipos" in a large, bold, black, sans-serif font. The letter 'i' is stylized with a lightbulb icon above it, which has several short lines radiating from its top, symbolizing an idea or tip. The background is plain white.

- Keep separate files and/or flag in database
- Review, revise and/or adopt policies and procedures for retaining juvenile records and information per statutory exceptions
- Review and revise employment applications





**Questions**

# Thank You!

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