



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3210

Introduced 2/15/2018, by Sen. Wm. Sam McCann

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7.5

Creates the State Law Enforcement Privacy Act. Provides that on and after the effective date of the bill, government agencies shall remove publicly available content indicating a State law enforcement officer's residence address or county of residence. Provides that after the government agency has removed the State law enforcement officer's residence address and county of residence from publicly available content, the agency shall not publicly post or display that information and the State law enforcement officer's residence address and county of residence shall be exempt from the Freedom of Information Act unless the government agency has received consent from the State law enforcement officer to make that information available to the public. Provides that on and after the effective date of the bill, a person, business, or association shall remove publicly available content indicating a State law enforcement officer's residence address or county of residence. Provides that a person, business, or association shall not solicit, sell, or trade on the Internet a State law enforcement officer's residence address or county of residence information with the intent to pose an imminent and serious threat to the health and safety of the State law enforcement officer or the State law enforcement officer's immediate family. Amends the Freedom of Information Act to make corresponding changes.

LRB100 18705 SLF 33937 b

1 AN ACT concerning law enforcement.

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

4 Section 1. Short title. This Act may be cited as the State
5 Law Enforcement Privacy Act.

6 Section 5. Definitions. As used in this Act:

7 "Immediate family" includes a State law enforcement
8 officer's spouse, child, parent, or any blood relative of the
9 State law enforcement officer who lives in the same residence.

10 "Publicly available content" means any written, printed,
11 or electronic document or record that provides information or
12 that serves as a document or record maintained, controlled, or
13 in the possession of a government agency that may be obtained
14 by any person or entity, from the Internet, from the government
15 agency upon request either free of charge or for a fee, or in
16 response to a request under the Freedom of Information Act.

17 "Publicly post" or "publicly display" means to communicate
18 to another or otherwise make available to the general public.

19 "State law enforcement officer" means any person employed
20 by the State as a policeman, peace officer, or in a line
21 position involving the enforcement of law and protection of
22 public interest at the risk of the person's life, including a
23 State correctional officer.

1 Section 10. Publicly posting or displaying a State law
2 enforcement officer's residence address and county of
3 residence by government agencies. Government agencies shall
4 not publicly post or display publicly available content that
5 includes a State law enforcement officer's residence address or
6 county of residence. On and after the effective date of this
7 Act, a government agency shall remove publicly available
8 content indicating a State law enforcement officer's residence
9 address or county of residence. After the government agency has
10 removed the State law enforcement officer's residence address
11 and county of residence from publicly available content, the
12 agency shall not publicly post or display that information and
13 the State law enforcement officer's residence address and
14 county of residence shall be exempt from the Freedom of
15 Information Act unless the government agency has received
16 consent from the State law enforcement officer to make that
17 information available to the public.

18 Section 15. Publicly posting a State law enforcement
19 officer's residence address and county of residence on the
20 Internet by persons, businesses, and associations. All
21 persons, businesses, and associations shall refrain from
22 publicly posting or displaying on the Internet publicly
23 available content that includes a State law enforcement
24 officer's residence address or county of residence. On and

1 after the effective date of this Act, a person, business, or
2 association shall remove publicly available content indicating
3 a State law enforcement officer's residence address or county
4 of residence. A person, business, or association shall not
5 solicit, sell, or trade on the Internet a State law enforcement
6 officer's residence address and county of residence
7 information with the intent to pose an imminent and serious
8 threat to the health and safety of the State law enforcement
9 officer or the State law enforcement officer's immediate
10 family. This Section includes, but is not limited to, Internet
11 phone directories, Internet search engines, Internet data
12 aggregators, and Internet service providers.

13 Section 105. The Freedom of Information Act is amended by
14 changing Section 7.5 as follows:

15 (5 ILCS 140/7.5)

16 (Text of Section before amendment by P.A. 100-512 and
17 100-517)

18 Sec. 7.5. Statutory exemptions. To the extent provided for
19 by the statutes referenced below, the following shall be exempt
20 from inspection and copying:

21 (a) All information determined to be confidential
22 under Section 4002 of the Technology Advancement and
23 Development Act.

24 (b) Library circulation and order records identifying

1 library users with specific materials under the Library
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical
4 records received by the Experimental Organ Transplantation
5 Procedures Board and any and all documents or other records
6 prepared by the Experimental Organ Transplantation
7 Procedures Board or its staff relating to applications it
8 has received.

9 (d) Information and records held by the Department of
10 Public Health and its authorized representatives relating
11 to known or suspected cases of sexually transmissible
12 disease or any information the disclosure of which is
13 restricted under the Illinois Sexually Transmissible
14 Disease Control Act.

15 (e) Information the disclosure of which is exempted
16 under Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of
18 the Architectural, Engineering, and Land Surveying
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted
21 and exempted under Section 50 of the Illinois Prepaid
22 Tuition Act.

23 (h) Information the disclosure of which is exempted
24 under the State Officials and Employees Ethics Act, and
25 records of any lawfully created State or local inspector
26 general's office that would be exempt if created or

1 obtained by an Executive Inspector General's office under
2 that Act.

3 (i) Information contained in a local emergency energy
4 plan submitted to a municipality in accordance with a local
5 emergency energy plan ordinance that is adopted under
6 Section 11-21.5-5 of the Illinois Municipal Code.

7 (j) Information and data concerning the distribution
8 of surcharge moneys collected and remitted by carriers
9 under the Emergency Telephone System Act.

10 (k) Law enforcement officer identification information
11 or driver identification information compiled by a law
12 enforcement agency or the Department of Transportation
13 under Section 11-212 of the Illinois Vehicle Code.

14 (l) Records and information provided to a residential
15 health care facility resident sexual assault and death
16 review team or the Executive Council under the Abuse
17 Prevention Review Team Act.

18 (m) Information provided to the predatory lending
19 database created pursuant to Article 3 of the Residential
20 Real Property Disclosure Act, except to the extent
21 authorized under that Article.

22 (n) Defense budgets and petitions for certification of
23 compensation and expenses for court appointed trial
24 counsel as provided under Sections 10 and 15 of the Capital
25 Crimes Litigation Act. This subsection (n) shall apply
26 until the conclusion of the trial of the case, even if the

1 prosecution chooses not to pursue the death penalty prior
2 to trial or sentencing.

3 (o) Information that is prohibited from being
4 disclosed under Section 4 of the Illinois Health and
5 Hazardous Substances Registry Act.

6 (p) Security portions of system safety program plans,
7 investigation reports, surveys, schedules, lists, data, or
8 information compiled, collected, or prepared by or for the
9 Regional Transportation Authority under Section 2.11 of
10 the Regional Transportation Authority Act or the St. Clair
11 County Transit District under the Bi-State Transit Safety
12 Act.

13 (q) Information prohibited from being disclosed by the
14 Personnel Records Review Act.

15 (r) Information prohibited from being disclosed by the
16 Illinois School Student Records Act.

17 (s) Information the disclosure of which is restricted
18 under Section 5-108 of the Public Utilities Act.

19 (t) All identified or deidentified health information
20 in the form of health data or medical records contained in,
21 stored in, submitted to, transferred by, or released from
22 the Illinois Health Information Exchange, and identified
23 or deidentified health information in the form of health
24 data and medical records of the Illinois Health Information
25 Exchange in the possession of the Illinois Health
26 Information Exchange Authority due to its administration

1 of the Illinois Health Information Exchange. The terms
2 "identified" and "deidentified" shall be given the same
3 meaning as in the Health Insurance Portability and
4 Accountability Act of 1996, Public Law 104-191, or any
5 subsequent amendments thereto, and any regulations
6 promulgated thereunder.

7 (u) Records and information provided to an independent
8 team of experts under Brian's Law.

9 (v) Names and information of people who have applied
10 for or received Firearm Owner's Identification Cards under
11 the Firearm Owners Identification Card Act or applied for
12 or received a concealed carry license under the Firearm
13 Concealed Carry Act, unless otherwise authorized by the
14 Firearm Concealed Carry Act; and databases under the
15 Firearm Concealed Carry Act, records of the Concealed Carry
16 Licensing Review Board under the Firearm Concealed Carry
17 Act, and law enforcement agency objections under the
18 Firearm Concealed Carry Act.

19 (w) Personally identifiable information which is
20 exempted from disclosure under subsection (g) of Section
21 19.1 of the Toll Highway Act.

22 (x) Information which is exempted from disclosure
23 under Section 5-1014.3 of the Counties Code or Section
24 8-11-21 of the Illinois Municipal Code.

25 (y) Confidential information under the Adult
26 Protective Services Act and its predecessor enabling

1 statute, the Elder Abuse and Neglect Act, including
2 information about the identity and administrative finding
3 against any caregiver of a verified and substantiated
4 decision of abuse, neglect, or financial exploitation of an
5 eligible adult maintained in the Registry established
6 under Section 7.5 of the Adult Protective Services Act.

7 (z) Records and information provided to a fatality
8 review team or the Illinois Fatality Review Team Advisory
9 Council under Section 15 of the Adult Protective Services
10 Act.

11 (aa) Information which is exempted from disclosure
12 under Section 2.37 of the Wildlife Code.

13 (bb) Information which is or was prohibited from
14 disclosure by the Juvenile Court Act of 1987.

15 (cc) Recordings made under the Law Enforcement
16 Officer-Worn Body Camera Act, except to the extent
17 authorized under that Act.

18 (dd) Information that is prohibited from being
19 disclosed under Section 45 of the Condominium and Common
20 Interest Community Ombudsperson Act.

21 (ee) Information that is exempted from disclosure
22 under Section 30.1 of the Pharmacy Practice Act.

23 (ff) Information that is exempted from disclosure
24 under the Revised Uniform Unclaimed Property Act.

25 (gg) ~~(ff)~~ Information that is prohibited from being
26 disclosed under Section 7-603.5 of the Illinois Vehicle

1 Code.

2 (hh) ~~(ff)~~ Records that are exempt from disclosure under
3 Section 1A-16.7 of the Election Code.

4 (ii) ~~(ff)~~ Information which is exempted from
5 disclosure under Section 2505-800 of the Department of
6 Revenue Law of the Civil Administrative Code of Illinois.

7 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
8 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
9 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
10 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
11 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

12 (Text of Section after amendment by P.A. 100-517 but before
13 amendment by P.A. 100-512)

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23 (c) Applications, related documents, and medical
24 records received by the Experimental Organ Transplantation
25 Procedures Board and any and all documents or other records

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2 Procedures Board or its staff relating to applications it
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7 disease or any information the disclosure of which is
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11 under Section 30 of the Radon Industry Licensing Act.

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13 the Architectural, Engineering, and Land Surveying
14 Qualifications Based Selection Act.

15 (g) Information the disclosure of which is restricted
16 and exempted under Section 50 of the Illinois Prepaid
17 Tuition Act.

18 (h) Information the disclosure of which is exempted
19 under the State Officials and Employees Ethics Act, and
20 records of any lawfully created State or local inspector
21 general's office that would be exempt if created or
22 obtained by an Executive Inspector General's office under
23 that Act.

24 (i) Information contained in a local emergency energy
25 plan submitted to a municipality in accordance with a local
26 emergency energy plan ordinance that is adopted under

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2 (j) Information and data concerning the distribution
3 of surcharge moneys collected and remitted by carriers
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6 or driver identification information compiled by a law
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8 under Section 11-212 of the Illinois Vehicle Code.

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13 (m) Information provided to the predatory lending
14 database created pursuant to Article 3 of the Residential
15 Real Property Disclosure Act, except to the extent
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22 prosecution chooses not to pursue the death penalty prior
23 to trial or sentencing.

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12 (s) Information the disclosure of which is restricted
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23 (hh) ~~(ff)~~ Records that are exempt from disclosure under
24 Section 1A-16.7 of the Election Code.

25 (ii) ~~(ff)~~ Information which is exempted from
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1 Revenue Law of the Civil Administrative Code of Illinois.

2 (jj) ~~(ff)~~ Information and reports that are required to
3 be submitted to the Department of Labor by registering day
4 and temporary labor service agencies but are exempt from
5 disclosure under subsection (a-1) of Section 45 of the Day
6 and Temporary Labor Services Act.

7 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
8 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
9 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
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25 (ii) ~~(ff)~~ Information which is exempted from
26 disclosure under Section 2505-800 of the Department of

1 Revenue Law of the Civil Administrative Code of Illinois.

2 (jj) ~~(ff)~~ Information and reports that are required to
3 be submitted to the Department of Labor by registering day
4 and temporary labor service agencies but are exempt from
5 disclosure under subsection (a-1) of Section 45 of the Day
6 and Temporary Labor Services Act.

7 (kk) ~~(ff)~~ Information prohibited from disclosure under
8 the Seizure and Forfeiture Reporting Act.

9 (ll) The residence address and county of residence of a
10 State law enforcement officer prohibited from disclosure
11 under Section 10 of the State Law Enforcement Privacy Act.

12 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
13 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
14 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
15 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
16 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
17 eff. 6-1-18; revised 11-2-17.)

18 Section 995. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act.