



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1345

Introduced 2/13/2019, by Sen. Scott M. Bennett

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2.15

Amends the Freedom of Information Act. Provides that a booking photograph shall be furnished within 72 hours after the arrest only if there is an imminent threat to public or personal safety. Provides that any person or entity engaged in publishing or otherwise disseminating criminal record information through print or electronic media shall not make booking photographs available for publishing prior to an arrestee's conviction of the crime, except a booking photograph shall be made available for publishing if the booking photograph would assist in addressing an imminent threat to public or personal safety, as determined by the chief law enforcement officer.

LRB101 07849 HEP 52903 b

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 2.15 as follows:

6 (5 ILCS 140/2.15)

7 Sec. 2.15. Arrest reports and criminal history records.

8 (a) Arrest reports. The following chronologically
9 maintained arrest and criminal history information maintained
10 by State or local criminal justice agencies shall be furnished
11 as soon as practical, but in no event later than 72 hours after
12 the arrest, notwithstanding the time limits otherwise provided
13 for in Section 3 of this Act: (i) information that identifies
14 the individual, including the name, age, and address, ~~and~~
15 ~~photograph~~, when and if available; (ii) information detailing
16 any charges relating to the arrest; (iii) the time and location
17 of the arrest; (iv) the name of the investigating or arresting
18 law enforcement agency; (v) if the individual is incarcerated,
19 the amount of any bail or bond; ~~and~~ (vi) if the individual is
20 incarcerated, the time and date that the individual was
21 received into, discharged from, or transferred from the
22 arresting agency's custody; and (vii) the booking photograph,
23 but only if there is an imminent threat to public or personal

1 safety.

2 (b) Criminal history records. The following documents
3 maintained by a public body pertaining to criminal history
4 record information are public records subject to inspection and
5 copying by the public pursuant to this Act: (i) court records
6 that are public; (ii) records that are otherwise available
7 under State or local law; and (iii) records in which the
8 requesting party is the individual identified, except as
9 provided under Section 7(1)(d)(vi).

10 (c) Information described in items (iii) through (vi) of
11 subsection (a) may be withheld if it is determined that
12 disclosure would: (i) interfere with pending or actually and
13 reasonably contemplated law enforcement proceedings conducted
14 by any law enforcement agency; (ii) endanger the life or
15 physical safety of law enforcement or correctional personnel or
16 any other person; or (iii) compromise the security of any
17 correctional facility.

18 (d) The provisions of this Section do not supersede the
19 confidentiality provisions for law enforcement or arrest
20 records of the Juvenile Court Act of 1987.

21 (e) ~~A Notwithstanding the requirements of subsection (a), a~~
22 law enforcement agency may not publish booking photographs,
23 commonly known as "mugshots", on its social media website in
24 connection with civil offenses, petty offenses, business
25 offenses, Class C misdemeanors, and Class B misdemeanors unless
26 the booking photograph is posted to social media to assist in

1 the search for a missing person or to assist in the search for
2 a fugitive, person of interest, or individual wanted in
3 relation to a crime other than a petty offense, business
4 offense, Class C misdemeanor, or Class B misdemeanor.

5 (f) Any person or entity engaged in publishing or otherwise
6 disseminating criminal record information through print or
7 electronic media shall not make booking photographs available
8 for publishing prior to an arrestee's conviction of the crime,
9 except a booking photograph shall be made available for
10 publishing if the booking photograph would assist in addressing
11 an imminent threat to public or personal safety, as determined
12 by the chief law enforcement officer.

13 (Source: P.A. 99-298, eff. 8-6-15; 100-927, eff. 1-1-19.)