



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3671

Introduced 2/9/2024, by Sen. Erica Harriss

SYNOPSIS AS INTRODUCED:

New Act

Creates the State's Attorney and Peace Officer Privacy Act. Provides that government agencies shall not publicly post or display publicly available content that includes the personal information of a State's Attorney, Assistant State's Attorney, or peace officer if the government agency has received a written request in accordance with the Act that it refrain from disclosing the personal information of a State's Attorney, Assistant State's Attorney, or peace officer. Provides that if a government agency fails to comply with a written request to refrain from disclosing personal information, the State's Attorney, Assistant State's Attorney, or peace officer may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. Provides that it is unlawful for any person to knowingly publicly post on the Internet the personal information of a State's Attorney, Assistant State's Attorney, or peace officer or of the immediate family of a State's Attorney, Assistant State's Attorney, or peace officer if the person knows or reasonably should know that publicly posting the personal information poses an imminent and serious threat to the health and safety of the State's Attorney, Assistant State's Attorney, or peace officer or the immediate family of the State's Attorney, Assistant State's Attorney, or peace officer, and the violation is a proximate cause of bodily injury or death of the State's Attorney, Assistant State's Attorney, or peace officer or the immediate family of the State's Attorney, Assistant State's Attorney, or peace officer. Provides that a person who violates this provision is guilty of a Class 3 felony. Provides exemptions. Defines terms. Effective immediately.

LRB103 36530 JRC 66637 b

A BILL FOR

1 AN ACT concerning State's Attorneys, Assistant State's
2 Attorneys, peace officers, and their immediate families.

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

5 Section 1. Short title. This Act may be cited as the
6 State's Attorney and Peace Officer Privacy Act.

7 Section 5. Purpose. The purpose of this Act is to improve
8 the safety and security of Illinois State's Attorneys,
9 Assistant State's Attorneys, and peace officers to ensure they
10 are able to administer their duties fairly without fear of
11 personal reprisal from individuals affected by the decisions
12 they make in the course of carrying out their public function.

13 This Act is not intended to restrain a State's Attorney,
14 Assistant State's Attorney, or peace officer from
15 independently making public his or her own personal
16 information. Additionally, no government agency, person,
17 business, or association has any obligation under this Act to
18 protect the privacy of the personal information of a State's
19 Attorney, Assistant State's Attorney, or peace officer until
20 the State's Attorney, Assistant State's Attorney, or peace
21 officer makes a written request that his or her personal
22 information not be publicly posted.

23 Nothing in this Act shall be construed to impair free

1 access to the official actions of a State's Attorney,
2 Assistant State's Attorney, or peace officer that are public
3 information and in the course of carrying out his or her public
4 functions.

5 Section 10. Definitions. In this Act:

6 "Government agency" includes all agencies, authorities,
7 boards, commissions, departments, institutions, offices, and
8 any other bodies politic and corporate of the State created by
9 the Constitution or statute, whether in the executive,
10 judicial, or legislative branch; all units and corporate
11 outgrowths created by executive order of the Governor or any
12 constitutional officer, by the Supreme Court, or by resolution
13 of the General Assembly; or agencies, authorities, boards,
14 commissions, departments, institutions, offices, and any other
15 bodies politic and corporate of a unit of local government, or
16 school district.

17 "Home address" includes a permanent residence of a State's
18 Attorney, Assistant State's Attorney, or peace officer and any
19 secondary residences affirmatively identified by the State's
20 Attorney, Assistant State's Attorney, or peace officer, but
21 does not include a work address of a State's Attorney,
22 Assistant State's Attorney, or peace officer.

23 "Immediate family" includes a spouse, child, parent, or
24 any blood relative of the State's Attorney, Assistant State's
25 Attorney, or peace officer who lives in the same residence.

1 "Peace officer" has the meaning given the term in Section
2 2-13 of the Criminal Code of 2012.

3 "Personal information" means a home address, home
4 telephone number, mobile telephone number, pager number,
5 personal email address, social security number, federal tax
6 identification number, checking and savings account numbers,
7 credit card numbers, marital status, and identity of children
8 under the age of 18.

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

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

19 "Written request" means written notice signed by a State's
20 Attorney, Assistant State's Attorney, or peace officer or a
21 representative of the employer of the State's Attorney,
22 Assistant State's Attorney, or peace officer requesting a
23 government agency, person, business, or association to refrain
24 from posting or displaying publicly available content that
25 includes the personal information of a State's Attorney,
26 Assistant State's Attorney, or peace officer.

1 Section 15. Publicly posting personal information;
2 government agencies.

3 (a) Government agencies shall not publicly post or display
4 publicly available content that includes the personal
5 information of a State's Attorney, Assistant State's Attorney,
6 or peace officer if the government agency has received a
7 written request in accordance with Section 20 that it refrain
8 from disclosing the personal information of a State's
9 Attorney, Assistant State's Attorney, or peace officer. After
10 a government agency has received a written request, that
11 agency shall remove the personal information of a State's
12 Attorney, Assistant State's Attorney, or peace officer from
13 publicly available content within 5 business days. After the
14 government agency has removed the personal information of a
15 State's Attorney, Assistant State's Attorney, or peace officer
16 from publicly available content, the agency shall not publicly
17 post or display the information and the personal information
18 of a State's Attorney, Assistant State's Attorney, or peace
19 officer shall be exempt from the Freedom of Information Act
20 unless the government agency has received consent from the
21 State's Attorney, Assistant State's Attorney, or peace officer
22 to make the personal information available to the public.

23 (b) Redress. If a government agency fails to comply with a
24 written request to refrain from disclosing personal
25 information, the State's Attorney, Assistant State's Attorney,

1 or peace officer may bring an action seeking injunctive or
2 declaratory relief in any court of competent jurisdiction.

3 Section 20. Publicly posting personal information;
4 persons, businesses, and associations; Internet.

5 (a) Prohibited Conduct.

6 (1) All persons, businesses, and associations
7 shall refrain from publicly posting or displaying on
8 the Internet publicly available content that includes
9 the personal information of a State's Attorney,
10 Assistant State's Attorney, or peace officer if the
11 State's Attorney, Assistant State's Attorney, or peace
12 officer has made a written request to the person,
13 business, or association that it refrain from
14 disclosing the personal information.

15 (2) No person, business, or association shall
16 solicit, sell, or trade on the Internet the personal
17 information of a State's Attorney, Assistant State's
18 Attorney, or peace officer with the intent to pose an
19 imminent and serious threat to the health and safety
20 of the State's Attorney, Assistant State's Attorney,
21 or peace officer or the immediate family of the
22 State's Attorney, Assistant State's Attorney, or peace
23 officer.

24 (3) This subsection includes, but is not limited
25 to, Internet phone directories, Internet search

1 engines, Internet data aggregators, and Internet
2 service providers.

3 (b) Required Conduct.

4 (1) After a person, business, or association has
5 received a written request from a State's Attorney,
6 Assistant State's Attorney, or peace officer to
7 protect the privacy of the personal information of the
8 State's Attorney, Assistant State's Attorney, or peace
9 officer, that person, business, or association shall
10 have 72 hours to remove the personal information from
11 the Internet.

12 (2) After a person, business, or association has
13 received a written request from a State's Attorney,
14 Assistant State's Attorney, or peace officer, that
15 person, business, or association shall ensure that the
16 personal information of the State's Attorney,
17 Assistant State's Attorney, or peace officer is not
18 made available on any website or subsidiary website
19 controlled by that person, business, or association.

20 (3) After receiving a written request from the
21 State's Attorney, Assistant State's Attorney, or peace
22 officer, no person, business, or association shall
23 transfer the personal information of the State's
24 Attorney, Assistant State's Attorney, or peace officer
25 to any other person, business, or association through
26 any medium.

1 (c) Redress. A State's Attorney, Assistant State's
2 Attorney, or peace officer whose personal information is made
3 public as a result of a violation of this Act may bring an
4 action seeking injunctive or declaratory relief in any court
5 of competent jurisdiction. If the court grants injunctive or
6 declaratory relief, the person, business, or association
7 responsible for the violation shall be required to pay the
8 State's Attorney, Assistant State's Attorney, or peace officer
9 costs and reasonable attorney's fees.

10 Section 25. Written requests.

11 (a) Requirement that a State's Attorney, Assistant State's
12 Attorney, or peace officer make a written request. No
13 government agency, person, business, or association shall be
14 found to have violated any provision of this Act if the State's
15 Attorney, Assistant State's Attorney, or peace officer fails
16 to submit a written request calling for the protection of the
17 person's personal information.

18 (b) Written request procedure. A written request shall be
19 valid if:

20 (1) the State's Attorney, Assistant State's Attorney,
21 or peace officer sends a written request directly to a
22 government agency, person, business, or association; or

23 (2) if the Attorney General has a policy and procedure
24 for a State's Attorney, Assistant State's Attorney, or
25 peace officer to file the written request with the

1 Attorney General to notify government agencies, the
2 State's Attorney, Assistant State's Attorney, or peace
3 officer may send the written request to the Attorney
4 General. In each quarter of a calendar year, the Attorney
5 General shall provide a list of all State's Attorneys,
6 Assistant State's Attorneys, and peace officers who have
7 submitted a written request to the Attorney General, to
8 the appropriate officer with ultimate supervisory
9 authority for a government agency. The officer shall
10 promptly provide a copy of the list to any and all
11 government agencies under his or her supervision. Receipt
12 of the written request list compiled by the Attorney
13 General by a government agency shall constitute a written
14 request to that Agency for the purposes of this Act.

15 (c) A representative from the State's Attorney, Assistant
16 State's Attorney, or peace officer employer may submit a
17 written request on the State's Attorney, Assistant State's
18 Attorney, or peace officer behalf if the State's Attorney,
19 Assistant State's Attorney, or peace officer gives written
20 consent to the representative and if the representative agrees
21 to furnish a copy of that consent when a written request is
22 made. The representative shall submit the written request as
23 provided in subsection (b) of this Section.

24 (d) Information to be included in the written request. A
25 written request of the State's Attorney, Assistant State's
26 Attorney, or peace officer shall specify what personal

1 information shall be maintained private.

2 If a State's Attorney, Assistant State's Attorney, or
3 peace officer wishes to identify a secondary residence as a
4 home address as that term is defined in this Act, the
5 designation shall be made in the written request.

6 A State's Attorney, Assistant State's Attorney, or peace
7 officer shall disclose the identity of the immediate family of
8 the State's Attorney, Assistant State's Attorney, or peace
9 officer and indicate that the personal information of these
10 family members shall also be excluded to the extent that it
11 could reasonably be expected to reveal the personal
12 information of the State's Attorney, Assistant State's
13 Attorney, or peace officer.

14 (e) Duration of the written request. A written request of
15 the State's Attorney, Assistant State's Attorney, or peace
16 officer is valid until the State's Attorney, Assistant State's
17 Attorney, or peace officer provides the government agency,
18 person, business, or association with written permission to
19 release the private information. The written request of a
20 State's Attorney, Assistant State's Attorney, or peace officer
21 expires on death.

22 Section 30. Unlawful publication of personal information.
23 It is unlawful for any person to knowingly publicly post on the
24 Internet the personal information of a State's Attorney,
25 Assistant State's Attorney, or peace officer or of the

1 immediate family of a State's Attorney, Assistant State's
2 Attorney, or peace officer if the person knows or reasonably
3 should know that publicly posting the personal information
4 poses an imminent and serious threat to the health and safety
5 of the State's Attorney, Assistant State's Attorney, or peace
6 officer or the immediate family of the State's Attorney,
7 Assistant State's Attorney, or peace officer, and the
8 violation is a proximate cause of bodily injury or death of the
9 State's Attorney, Assistant State's Attorney, or peace officer
10 or the immediate family of the State's Attorney, Assistant
11 State's Attorney, or peace officer. A person who violates this
12 Section is guilty of a Class 3 felony.

13 Section 35. Exceptions for employees of government
14 agencies. If the employee of a government agency has complied
15 with the conditions set forth in this Act, it is not a
16 violation of Section 30 if an employee of a government agency
17 publishes personal information, in good faith, on the website
18 of the government agency in the ordinary course of carrying
19 out public functions.

20 Section 40. Construction. This Act and any rules adopted
21 to implement this Act shall be construed broadly to favor the
22 protection of the personal information of a State's Attorney,
23 Assistant State's Attorney, or peace officer or the immediate
24 family of a State's Attorney, Assistant State's Attorney, or

1 peace officer.

2 Section 97. Severability. The provisions of this Act are
3 severable under Section 1.31 of the Statute on Statutes.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.