

July 26, 2010

To the Honorable Members of the
Illinois House of Representatives,
96th General Assembly:

In accordance with Article IV, Section 9(e) of the Illinois Constitution, I hereby return House Bill 5154 with a specific recommendation for change.

I commend the sponsors of this bill for their hard work. House Bill 5154 exempts all public employees' performance evaluations from disclosure under the Illinois Freedom of Information Act (FOIA). This exemption is a departure from groundbreaking legislation that I approved just last year, making our State's open information laws among the most robust in the entire country.

As Governor, I am committed to government that is ethical, transparent, and accessible to the citizens of Illinois. Throughout my tenure, I have reshaped, revitalized, and reformed Illinois government to improve standards of openness, ethics, and accountability. We cannot turn back now.

My recommendation for change narrows the scope of House Bill 5154 to restrict its applicability to the performance evaluations of local and State law enforcement personnel. If disclosed, these evaluations could be used by criminal suspects or defendants to undermine a police investigation or attack the credibility and integrity of a police officer.

With this change, I am ensuring and promoting public safety while maintaining the integrity of the criminal justice system. At the same time, Illinois' new sunshine laws will be given time to work without significant amendments.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 5154, entitled "AN ACT concerning employment," with the following specific recommendation for change:

on page 1, by replacing lines 9 and 10 with the following:

"provided that disclosure of performance evaluations of any State or local peace officer under the Freedom of Information Act shall be prohibited. For the purpose of this Section, 'peace officer' has the same meaning as in Section 2-13 of the Criminal Code of 1961."

With this change, House Bill 5154 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor