



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1039

Introduced 1/9/2025, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7.5

Creates the Public Official Body Camera Act. Provides that the State Board of Elections shall develop rules for the use of body cameras by public officials of the State. Specifies requirements concerning the use of body cameras. Provides that recordings made with the use of a body camera worn by a public official are subject to disclosure under the Freedom of Information Act only to the extent recordings or portions of recordings are responsive to the request. Provides that the recordings may be used as evidence in any administrative, judicial, legislative, or disciplinary proceeding. Provides that, if a court or other finder of fact finds by a preponderance of the evidence that a recording was intentionally not captured, destroyed, altered, or intermittently captured in violation of the Act, then the court or other finder of fact shall consider or be instructed to consider that violation in weighing the evidence, unless the State or public official provides a reasonable justification. Makes conforming changes to the Freedom of Information Act.

LRB104 03482 SPS 13505 b

1 AN ACT concerning State government.

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 Public
5 Official Body Camera Act.

6 Section 5. Definitions. In this Act:

7 "Body camera" means an electronic camera system for
8 creating, generating, sending, receiving, storing, displaying,
9 and processing audiovisual recordings that may be worn about
10 the person wearing the device.

11 "Official duties" means the duties and responsibilities of
12 the public official that may vary depending on the role of the
13 public official.

14 "Public official" means any person who is elected or
15 appointed to public office.

16 Section 10. Requirements; body cameras.

17 (a) The State Board of Elections shall develop rules for
18 the use of body cameras by public officials of this State. The
19 policy adopted must include, at a minimum, all of the
20 following:

21 (1) Cameras must be equipped with pre-event recording,
22 capable of recording at least the 30 seconds prior to

1 camera activation.

2 (2) Cameras must be capable of recording for a period
3 of 10 hours or more.

4 (3) Cameras must be turned on at all times when the
5 public official is engaged in his or her official duties.
6 The State Board of Elections shall prescribe when a public
7 official needs to wear a body camera to be in compliance
8 with this Act.

9 (4) The public official must provide notice of
10 recording to any person if the person has a reasonable
11 expectation of privacy and proof of notice must be evident
12 in the recording.

13 (5) Recordings made on a body camera worn by a public
14 official must be retained on a recording medium for a
15 period of 90 days. Under no circumstances shall any
16 recording made with an body camera worn by a public
17 official be altered, erased, or destroyed prior to the
18 expiration of the 90-day storage period.

19 (6) For the purposes of redaction, labeling, or
20 duplicating recordings, access to camera recordings shall
21 be restricted to only those personnel responsible for
22 those purposes.

23 (b) Recordings made with the use of a body camera worn by a
24 public official are subject to disclosure under the Freedom of
25 Information Act only to the extent the recordings or portions
26 of recordings are responsive to the request. Nothing in this

1 subsection shall require the disclosure of any recording or
2 portion of any recording which would otherwise be exempt from
3 disclosure under the Freedom of Information Act. Nothing in
4 this subsection shall limit access to a camera recording for
5 the purposes of complying with Supreme Court rules or the
6 rules of evidence.

7 Section 15. Evidence. The recordings may be used as
8 evidence in any administrative, judicial, legislative, or
9 disciplinary proceeding. If a court or other finder of fact
10 finds by a preponderance of the evidence that a recording was
11 intentionally not captured, destroyed, altered, or
12 intermittently captured in violation of this Act, then the
13 court or other finder of fact shall consider or be instructed
14 to consider that violation in weighing the evidence, unless
15 the State or public official provides a reasonable
16 justification.

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

19 (5 ILCS 140/7.5)

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

23 (a) All information determined to be confidential

1 under Section 4002 of the Technology Advancement and
2 Development Act.

3 (b) Library circulation and order records identifying
4 library users with specific materials under the Library
5 Records Confidentiality Act.

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

12 (d) Information and records held by the Department of
13 Public Health and its authorized representatives relating
14 to known or suspected cases of sexually transmitted
15 infection or any information the disclosure of which is
16 restricted under the Illinois Sexually Transmitted
17 Infection Control Act.

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

20 (f) Firm performance evaluations under Section 55 of
21 the Architectural, Engineering, and Land Surveying
22 Qualifications Based Selection Act.

23 (g) Information the disclosure of which is restricted
24 and exempted under Section 50 of the Illinois Prepaid
25 Tuition Act.

26 (h) Information the disclosure of which is exempted

1 under the State Officials and Employees Ethics Act, and
2 records of any lawfully created State or local inspector
3 general's office that would be exempt if created or
4 obtained by an Executive Inspector General's office under
5 that Act.

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

10 (j) Information and data concerning the distribution
11 of surcharge moneys collected and remitted by carriers
12 under the Emergency Telephone System Act.

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

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

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

25 (n) Defense budgets and petitions for certification of
26 compensation and expenses for court appointed trial

1 counsel as provided under Sections 10 and 15 of the
2 Capital Crimes Litigation Act (repealed). This subsection
3 (n) shall apply until the conclusion of the trial of the
4 case, even if the prosecution chooses not to pursue the
5 death penalty prior to trial or sentencing.

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

9 (p) Security portions of system safety program plans,
10 investigation reports, surveys, schedules, lists, data, or
11 information compiled, collected, or prepared by or for the
12 Department of Transportation under Sections 2705-300 and
13 2705-616 of the Department of Transportation Law of the
14 Civil Administrative Code of Illinois, the Regional
15 Transportation Authority under Section 2.11 of the
16 Regional Transportation Authority Act, or the St. Clair
17 County Transit District under the Bi-State Transit Safety
18 Act (repealed).

19 (q) Information prohibited from being disclosed by the
20 Personnel Record Review Act.

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

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

25 (t) (Blank).

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and
2 Mental Health Safety Act (also known as Brian's Law).

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

13 (v-5) Records of the Firearm Owner's Identification
14 Card Review Board that are exempted from disclosure under
15 Section 10 of the Firearm Owners Identification Card Act.

16 (w) Personally identifiable information which is
17 exempted from disclosure under subsection (g) of Section
18 19.1 of the Toll Highway Act.

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

22 (y) Confidential information under the Adult
23 Protective Services Act and its predecessor enabling
24 statute, the Elder Abuse and Neglect Act, including
25 information about the identity and administrative finding
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of
2 an eligible adult maintained in the Registry established
3 under Section 7.5 of the Adult Protective Services Act.

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

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

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

12 (cc) Recordings made under the Law Enforcement
13 Officer-Worn Body Camera Act, except to the extent
14 authorized under that Act.

15 (dd) Information that is prohibited from being
16 disclosed under Section 45 of the Condominium and Common
17 Interest Community Ombudsperson Act.

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

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

22 (gg) Information that is prohibited from being
23 disclosed under Section 7-603.5 of the Illinois Vehicle
24 Code.

25 (hh) Records that are exempt from disclosure under
26 Section 1A-16.7 of the Election Code.

1 (ii) Information which is exempted from disclosure
2 under Section 2505-800 of the Department of Revenue Law of
3 the Civil Administrative Code of Illinois.

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

9 (kk) Information prohibited from disclosure under the
10 Seizure and Forfeiture Reporting Act.

11 (ll) Information the disclosure of which is restricted
12 and exempted under Section 5-30.8 of the Illinois Public
13 Aid Code.

14 (mm) Records that are exempt from disclosure under
15 Section 4.2 of the Crime Victims Compensation Act.

16 (nn) Information that is exempt from disclosure under
17 Section 70 of the Higher Education Student Assistance Act.

18 (oo) Communications, notes, records, and reports
19 arising out of a peer support counseling session
20 prohibited from disclosure under the First Responders
21 Suicide Prevention Act.

22 (pp) Names and all identifying information relating to
23 an employee of an emergency services provider or law
24 enforcement agency under the First Responders Suicide
25 Prevention Act.

26 (qq) Information and records held by the Department of

1 Public Health and its authorized representatives collected
2 under the Reproductive Health Act.

3 (rr) Information that is exempt from disclosure under
4 the Cannabis Regulation and Tax Act.

5 (ss) Data reported by an employer to the Department of
6 Human Rights pursuant to Section 2-108 of the Illinois
7 Human Rights Act.

8 (tt) Recordings made under the Children's Advocacy
9 Center Act, except to the extent authorized under that
10 Act.

11 (uu) Information that is exempt from disclosure under
12 Section 50 of the Sexual Assault Evidence Submission Act.

13 (vv) Information that is exempt from disclosure under
14 subsections (f) and (j) of Section 5-36 of the Illinois
15 Public Aid Code.

16 (ww) Information that is exempt from disclosure under
17 Section 16.8 of the State Treasurer Act.

18 (xx) Information that is exempt from disclosure or
19 information that shall not be made public under the
20 Illinois Insurance Code.

21 (yy) Information prohibited from being disclosed under
22 the Illinois Educational Labor Relations Act.

23 (zz) Information prohibited from being disclosed under
24 the Illinois Public Labor Relations Act.

25 (aaa) Information prohibited from being disclosed
26 under Section 1-167 of the Illinois Pension Code.

1 (bbb) Information that is prohibited from disclosure
2 by the Illinois Police Training Act and the Illinois State
3 Police Act.

4 (ccc) Records exempt from disclosure under Section
5 2605-304 of the Illinois State Police Law of the Civil
6 Administrative Code of Illinois.

7 (ddd) Information prohibited from being disclosed
8 under Section 35 of the Address Confidentiality for
9 Victims of Domestic Violence, Sexual Assault, Human
10 Trafficking, or Stalking Act.

11 (eee) Information prohibited from being disclosed
12 under subsection (b) of Section 75 of the Domestic
13 Violence Fatality Review Act.

14 (fff) Images from cameras under the Expressway Camera
15 Act. This subsection (fff) is inoperative on and after
16 July 1, 2025.

17 (ggg) Information prohibited from disclosure under
18 paragraph (3) of subsection (a) of Section 14 of the Nurse
19 Agency Licensing Act.

20 (hhh) Information submitted to the Illinois State
21 Police in an affidavit or application for an assault
22 weapon endorsement, assault weapon attachment endorsement,
23 .50 caliber rifle endorsement, or .50 caliber cartridge
24 endorsement under the Firearm Owners Identification Card
25 Act.

26 (iii) Data exempt from disclosure under Section 50 of

1 the School Safety Drill Act.

2 (jjj) Information exempt from disclosure under Section
3 30 of the Insurance Data Security Law.

4 (kkk) Confidential business information prohibited
5 from disclosure under Section 45 of the Paint Stewardship
6 Act.

7 (lll) Data exempt from disclosure under Section
8 2-3.196 of the School Code.

9 (mmm) Information prohibited from being disclosed
10 under subsection (e) of Section 1-129 of the Illinois
11 Power Agency Act.

12 (nnn) Materials received by the Department of Commerce
13 and Economic Opportunity that are confidential under the
14 Music and Musicians Tax Credit and Jobs Act.

15 (ooo) ~~(nnn)~~ Data or information provided pursuant to
16 Section 20 of the Statewide Recycling Needs and Assessment
17 Act.

18 (ppp) ~~(nnn)~~ Information that is exempt from disclosure
19 under Section 28-11 of the Lawful Health Care Activity
20 Act.

21 (qqq) ~~(nnn)~~ Information that is exempt from disclosure
22 under Section 7-101 of the Illinois Human Rights Act.

23 (rrr) ~~(mmm)~~ Information prohibited from being
24 disclosed under Section 4-2 of the Uniform Money
25 Transmission Modernization Act.

26 (sss) ~~(nnn)~~ Information exempt from disclosure under

1 Section 40 of the Student-Athlete Endorsement Rights Act.
2 (ttt) Recordings or parts of recordings made under the
3 Public Official Body Camera Act not explicitly requested
4 by a requester.

5 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
6 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
7 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
8 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
9 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
10 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
11 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.
12 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786,
13 eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24;
14 103-1049, eff. 8-9-24; revised 11-26-24.)