

HB1740



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1740

Introduced 1/28/2025, by Rep. Dennis Tipsword, Jr.

SYNOPSIS AS INTRODUCED:

5 ILCS 140/3

from Ch. 116, par. 203

Amends the Freedom of Information Act. Provides that, if a request for public records for officer-worn body camera recorded audio or video is received by a public body, the public body shall either comply with or deny the request within 15 business days (rather than 5 days) after its receipt of the request. Allows an extension to the time to respond to a request for officer-worn body camera recorded audio or video to 15 business days (rather than 5 business days).

LRB104 06269 BDA 16304 b

A BILL FOR

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 3 as follows:

6 (5 ILCS 140/3) (from Ch. 116, par. 203)

7 Sec. 3. (a) Each public body shall make available to any
8 person for inspection or copying all public records, except as
9 otherwise provided in Sections 7 and 8.5 of this Act.
10 Notwithstanding any other law, a public body may not grant to
11 any person or entity, whether by contract, license, or
12 otherwise, the exclusive right to access and disseminate any
13 public record as defined in this Act.

14 (b) Subject to the fee provisions of Section 6 of this Act,
15 each public body shall promptly provide, to any person who
16 submits a request, a copy of any public record required to be
17 disclosed by subsection (a) of this Section and shall certify
18 such copy if so requested.

19 (c) Requests for inspection or copies shall be made in
20 writing and directed to the public body. Written requests may
21 be submitted to a public body via personal delivery, mail,
22 telefax, or other means available to the public body. A public
23 body may honor oral requests for inspection or copying. A

1 public body may not require that a request be submitted on a
2 standard form or require the requester to specify the purpose
3 for a request, except to determine whether the records are
4 requested for a commercial purpose or whether to grant a
5 request for a fee waiver. All requests for inspection and
6 copying received by a public body shall immediately be
7 forwarded to its Freedom of Information officer or designee.

8 (d) Each public body shall, promptly, either comply with
9 or deny a request for public records within 5 business days
10 after its receipt of the request, unless the time for response
11 is properly extended under subsection (e) of this Section or
12 unless time of response is covered under subsection (d-5).
13 Denial shall be in writing as provided in Section 9 of this
14 Act. Failure to comply with a written request, extend the time
15 for response, or deny a request within 5 business days after
16 its receipt shall be considered a denial of the request. A
17 public body that fails to respond to a request within the
18 requisite periods in this Section but thereafter provides the
19 requester with copies of the requested public records may not
20 impose a fee for such copies. A public body that fails to
21 respond to a request received may not treat the request as
22 unduly burdensome under subsection (g).

23 (d-5) If a request for public records for officer-worn
24 body camera recorded audio or video allowed under subsection
25 (b) of Section 10-20 of the Law Enforcement Officer-Worn Body
26 Camera Act is received by a public body, the public body shall,

1 promptly, either comply with or deny a request for the audio or
2 video within 15 business days after its receipt of the
3 request. The time for a response under this subsection may be
4 extended by the public body for not more than 15 business days
5 from the original due date for any of the reasons allowed under
6 subsection (e) unless the person making the request and the
7 public body make an agreement in writing to extend the time for
8 compliance as allowed under subsection (e).

9 (e) Except as provided in subsection (d-5), the ~~The~~ time
10 for response under this Section may be extended by the public
11 body for not more than 5 business days from the original due
12 date for any of the following reasons:

13 (i) the requested records are stored in whole or in
14 part at other locations than the office having charge of
15 the requested records;

16 (ii) the request requires the collection of a
17 substantial number of specified records;

18 (iii) the request is couched in categorical terms and
19 requires an extensive search for the records responsive to
20 it;

21 (iv) the requested records have not been located in
22 the course of routine search and additional efforts are
23 being made to locate them;

24 (v) the requested records require examination and
25 evaluation by personnel having the necessary competence
26 and discretion to determine if they are exempt from

1 disclosure under Section 7 of this Act or should be
2 revealed only with appropriate deletions;

3 (vi) the request for records cannot be complied with
4 by the public body within the time limits prescribed by
5 subsection (d) of this Section without unduly burdening or
6 interfering with the operations of the public body;

7 (vii) there is a need for consultation, which shall be
8 conducted with all practicable speed, with another public
9 body or among 2 or more components of a public body having
10 a substantial interest in the determination or in the
11 subject matter of the request.

12 The person making a request and the public body may agree
13 in writing to extend the time for compliance for a period to be
14 determined by the parties. If the requester and the public
15 body agree to extend the period for compliance, a failure by
16 the public body to comply with any previous deadlines shall
17 not be treated as a denial of the request for the records.

18 (f) When additional time is required for any of the above
19 reasons, the public body shall, within 5 business days after
20 receipt of the request, notify the person making the request
21 of the reasons for the extension and the date by which the
22 response will be forthcoming. Failure to respond within the
23 time permitted for extension shall be considered a denial of
24 the request. A public body that fails to respond to a request
25 within the time permitted for extension but thereafter
26 provides the requester with copies of the requested public

1 records may not impose a fee for those copies. A public body
2 that requests an extension and subsequently fails to respond
3 to the request may not treat the request as unduly burdensome
4 under subsection (g).

5 (g) Requests calling for all records falling within a
6 category shall be complied with unless compliance with the
7 request would be unduly burdensome for the complying public
8 body and there is no way to narrow the request and the burden
9 on the public body outweighs the public interest in the
10 information. Before invoking this exemption, the public body
11 shall extend to the person making the request an opportunity
12 to confer with it in an attempt to reduce the request to
13 manageable proportions. If any public body responds to a
14 categorical request by stating that compliance would unduly
15 burden its operation and the conditions described above are
16 met, it shall do so in writing, specifying the reasons why it
17 would be unduly burdensome and the extent to which compliance
18 will so burden the operations of the public body. Such a
19 response shall be treated as a denial of the request for
20 information.

21 Repeated requests from the same person for the same
22 records that are unchanged or identical to records previously
23 provided or properly denied under this Act shall be deemed
24 unduly burdensome under this provision.

25 (h) Each public body may promulgate rules and regulations
26 in conformity with the provisions of this Section pertaining

1 to the availability of records and procedures to be followed,
2 including:

3 (i) the times and places where such records will be
4 made available, and

5 (ii) the persons from whom such records may be
6 obtained.

7 (i) The time periods for compliance or denial of a request
8 to inspect or copy records set out in this Section shall not
9 apply to requests for records made for a commercial purpose,
10 requests by a recurrent requester, or voluminous requests.
11 Such requests shall be subject to the provisions of Sections
12 3.1, 3.2, and 3.6 of this Act, as applicable.

13 (Source: P.A. 101-81, eff. 7-12-19.)