

**HB3380**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**HB3380**

Introduced 2/18/2025, by Rep. Justin Slaughter

**SYNOPSIS AS INTRODUCED:**

50 ILCS 706/10-20

Amends the Law Enforcement Officer-Worn Body Camera Act. Limits disclosure of a recording made with the use of an officer-worn body camera which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm to a request made by (1) court order; (2) a person involved in the encounter that resulted in the recording being flagged; (3) a legal representative of a person involved in the encounter that resulted in the recording being flagged; (4) a witness of the encounter that resulted in the recording being flagged; (5) a legal representative of a witness of the encounter that resulted in the recording being flagged; or (6) a representative of news media.

LRB104 07732 RTM 17777 b

**A BILL FOR**

1 AN ACT concerning local government.

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

4 Section 5. The Law Enforcement Officer-Worn Body Camera  
5 Act is amended by changing Section 10-20 as follows:

6 (50 ILCS 706/10-20)

7 Sec. 10-20. Requirements.

8 (a) The Board shall develop basic guidelines for the use  
9 of officer-worn body cameras by law enforcement agencies. The  
10 guidelines developed by the Board shall be the basis for the  
11 written policy which must be adopted by each law enforcement  
12 agency which employs the use of officer-worn body cameras. The  
13 written policy adopted by the law enforcement agency must  
14 include, at a minimum, all of the following:

15 (1) Cameras must be equipped with pre-event recording,  
16 capable of recording at least the 30 seconds prior to  
17 camera activation, unless the officer-worn body camera was  
18 purchased and acquired by the law enforcement agency prior  
19 to July 1, 2015.

20 (2) Cameras must be capable of recording for a period  
21 of 10 hours or more, unless the officer-worn body camera  
22 was purchased and acquired by the law enforcement agency  
23 prior to July 1, 2015.

(3) Cameras must be turned on at all times when the officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity that occurs while the officer is on duty.

(A) If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

(B) Officer-worn body cameras may be turned off when the officer is inside of a patrol car which is equipped with a functioning in-car camera; however, the officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.

(C) Officer-worn body cameras may be turned off when the officer is inside a correctional facility or courthouse which is equipped with a functioning camera system.

(4) Cameras must be turned off when:

(A) the victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording;

(B) a witness of a crime or a community member who wishes to report a crime requests that the camera be turned off, and unless impractical or impossible that request is made on the recording:

(C) the officer is interacting with a confidential

1 informant used by the law enforcement agency; or

2 (D) an officer of the Department of Revenue enters  
3 a Department of Revenue facility or conducts an  
4 interview during which return information will be  
5 discussed or visible.

6 However, an officer may continue to record or resume  
7 recording a victim or a witness, if exigent circumstances  
8 exist, or if the officer has reasonable articulable  
9 suspicion that a victim or witness, or confidential  
10 informant has committed or is in the process of committing  
11 a crime. Under these circumstances, and unless impractical  
12 or impossible, the officer must indicate on the recording  
13 the reason for continuing to record despite the request of  
14 the victim or witness.

15 (4.5) Cameras may be turned off when the officer is  
16 engaged in community caretaking functions. However, the  
17 camera must be turned on when the officer has reason to  
18 believe that the person on whose behalf the officer is  
19 performing a community caretaking function has committed  
20 or is in the process of committing a crime. If exigent  
21 circumstances exist which prevent the camera from being  
22 turned on, the camera must be turned on as soon as  
23 practicable.

24 (5) The officer must provide notice of recording to  
25 any person if the person has a reasonable expectation of  
26 privacy and proof of notice must be evident in the

1 recording. If exigent circumstances exist which prevent  
2 the officer from providing notice, notice must be provided  
3 as soon as practicable.

4 (6) (A) For the purposes of redaction or duplicating  
5 recordings, access to camera recordings shall be  
6 restricted to only those personnel responsible for those  
7 purposes. The recording officer or his or her supervisor  
8 may not redact, duplicate, or otherwise alter the  
9 recording officer's camera recordings. Except as otherwise  
10 provided in this Section, the recording officer and his or  
11 her supervisor may access and review recordings prior to  
12 completing incident reports or other documentation,  
13 provided that the supervisor discloses that fact in the  
14 report or documentation.

15 (i) A law enforcement officer shall not have  
16 access to or review his or her body-worn camera  
17 recordings or the body-worn camera recordings of  
18 another officer prior to completing incident reports  
19 or other documentation when the officer:

20 (a) has been involved in or is a witness to an  
21 officer-involved shooting, use of deadly force  
22 incident, or use of force incidents resulting in  
23 great bodily harm;

24 (b) is ordered to write a report in response  
25 to or during the investigation of a misconduct  
26 complaint against the officer.

(ii) If the officer subject to subparagraph (i) prepares a report, any report shall be prepared without viewing body-worn camera recordings, and subject to supervisor's approval, officers may file amendatory reports after viewing body-worn camera recordings. Supplemental reports under this provision shall also contain documentation regarding access to the video footage.

(B) The recording officer's assigned field training officer may access and review recordings for training purposes. Any detective or investigator directly involved in the investigation of a matter may access and review recordings which pertain to that investigation but may not have access to delete or alter such recordings.

(7) Recordings made on officer-worn cameras must be retained by the law enforcement agency or by the camera vendor used by the agency, on a recording medium for a period of 90 days.

(A) Under no circumstances shall any recording, except for a non-law enforcement related activity or encounter, made with an officer-worn body camera be altered, erased, or destroyed prior to the expiration of the 90-day storage period. In the event any recording made with an officer-worn body camera is altered, erased, or destroyed prior to the expiration

1                   of the 90-day storage period, the law enforcement  
2                   agency shall maintain, for a period of one year, a  
3                   written record including (i) the name of the  
4                   individual who made such alteration, erasure, or  
5                   destruction, and (ii) the reason for any such  
6                   alteration, erasure, or destruction.

7                   (B) Following the 90-day storage period, any and  
8                   all recordings made with an officer-worn body camera  
9                   must be destroyed, unless any encounter captured on  
10                  the recording has been flagged. An encounter is deemed  
11                  to be flagged when:

12                   (i) a formal or informal complaint has been  
13                   filed;

14                   (ii) the officer discharged his or her firearm  
15                   or used force during the encounter;

16                   (iii) death or great bodily harm occurred to  
17                   any person in the recording;

18                   (iv) the encounter resulted in a detention or  
19                   an arrest, excluding traffic stops which resulted  
20                  in only a minor traffic offense or business  
21                  offense;

22                   (v) the officer is the subject of an internal  
23                   investigation or otherwise being investigated for  
24                   possible misconduct;

25                   (vi) the supervisor of the officer,  
26                   prosecutor, defendant, or court determines that

the encounter has evidentiary value in a criminal prosecution; or

(vii) the recording officer requests that the video be flagged for official purposes related to his or her official duties or believes it may have evidentiary value in a criminal prosecution.

(C) Under no circumstances shall any recording made with an officer-worn body camera relating to a flagged encounter be altered or destroyed prior to 2 years after the recording was flagged. If the flagged recording was used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.

(D) Nothing in this Act prohibits law enforcement agencies from labeling officer-worn body camera video within the recording medium; provided that the labeling does not alter the actual recording of the incident captured on the officer-worn body camera. The labels, titles, and tags shall not be construed as altering the officer-worn body camera video in any way.

(8) Following the 90-day storage period, recordings may be retained if a supervisor at the law enforcement agency designates the recording for training purposes. If the recording is designated for training purposes, the

1 recordings may be viewed by officers, in the presence of a  
2 supervisor or training instructor, for the purposes of  
3 instruction, training, or ensuring compliance with agency  
4 policies.

5 (9) Recordings shall not be used to discipline law  
6 enforcement officers unless:

7 (A) a formal or informal complaint of misconduct  
8 has been made;

9 (B) a use of force incident has occurred;

10 (C) the encounter on the recording could result in  
11 a formal investigation under the Uniform Peace  
12 Officers' Disciplinary Act; or

13 (D) as corroboration of other evidence of  
14 misconduct.

15 Nothing in this paragraph (9) shall be construed to  
16 limit or prohibit a law enforcement officer from being  
17 subject to an action that does not amount to discipline.

18 (10) The law enforcement agency shall ensure proper  
19 care and maintenance of officer-worn body cameras. Upon  
20 becoming aware, officers must as soon as practical  
21 document and notify the appropriate supervisor of any  
22 technical difficulties, failures, or problems with the  
23 officer-worn body camera or associated equipment. Upon  
24 receiving notice, the appropriate supervisor shall make  
25 every reasonable effort to correct and repair any of the  
26 officer-worn body camera equipment.

(11) No officer may hinder or prohibit any person, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or when the officer has no reasonable expectation of privacy. The law enforcement agency's written policy shall indicate the potential criminal penalties, as well as any departmental discipline, which may result from unlawful confiscation or destruction of the recording medium of a person who is not a law enforcement officer. However, an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.

(b) Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act, except that:

(1) if the subject of the encounter has a reasonable expectation of privacy, at the time of the recording, any recording which is flagged, due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:

(A) the subject of the encounter captured on the recording is a victim or witness; and

(B) the law enforcement agency obtains written permission of the subject or the subject's legal representative;

(2) except as provided in paragraph (1) of this subsection (b), upon request, any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with the Freedom of Information Act if the request is made by:

(A) court order;

(B) a person involved in the encounter that resulted in the recording being flagged;

(C) a legal representative of a person involved in the encounter that resulted in the recording being flagged;

(D) a witness of the encounter that resulted in the recording being flagged;

(E) a legal representative of a witness of the encounter that resulted in the recording being flagged; or

(F) a representative of news media, as defined in subsection (f) of Section 2 of the Freedom of Information Act; and

(3) upon request, the law enforcement agency shall disclose, in accordance with the Freedom of Information Act, the recording to the subject of the encounter

1           captured on the recording or to the subject's attorney, or  
2           the officer or his or her legal representative.

3           For the purposes of paragraph (1) of this subsection (b),  
4           the subject of the encounter does not have a reasonable  
5           expectation of privacy if the subject was arrested as a result  
6           of the encounter. For purposes of subparagraph (A) of  
7           paragraph (1) of this subsection (b), "witness" does not  
8           include a person who is a victim or who was arrested as a  
9           result of the encounter.

10           Only recordings or portions of recordings responsive to  
11           the request shall be available for inspection or reproduction.  
12           Any recording disclosed under the Freedom of Information Act  
13           shall be redacted to remove identification of any person that  
14           appears on the recording and is not the officer, a subject of  
15           the encounter, or directly involved in the encounter. Nothing  
16           in this subsection (b) shall require the disclosure of any  
17           recording or portion of any recording which would be exempt  
18           from disclosure under the Freedom of Information Act.

19           (c) Nothing in this Section shall limit access to a camera  
20           recording for the purposes of complying with Supreme Court  
21           rules or the rules of evidence.

22           (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
23           102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.  
24           12-6-22.)