



## 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

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.

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

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

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

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

18           (4) Cameras must be turned off when:

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

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

26           (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.

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

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

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

20           (A) Under no circumstances shall any recording,  
21 except for a non-law enforcement related activity or  
22 encounter, made with an officer-worn body camera be  
23 altered, erased, or destroyed prior to the expiration  
24 of the 90-day storage period. In the event any  
25 recording made with an officer-worn body camera is  
26 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

1           the encounter has evidentiary value in a criminal  
2           prosecution; or

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

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

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

23          (8) Following the 90-day storage period, recordings  
24          may be retained if a supervisor at the law enforcement  
25          agency designates the recording for training purposes. If  
26          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.

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

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

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

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

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

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

10 (A) court order;

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

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

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

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

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

24 (3) upon request, the law enforcement agency shall  
25 disclose, in accordance with the Freedom of Information  
26 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.)