

HB3524



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3524

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. Provides that the written policy that must be adopted by each law enforcement agency that employs the use of officer-worn body cameras must require cameras to be turned off when, among other things, an executive branch constitutional officer requests that the camera be turned off and that request is made to the executive branch constitutional officer's on-duty and assigned security detail.

LRB104 11849 RTM 21939 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; or.

6 (E) an executive branch constitutional officer
7 requests that the camera be turned off and that
8 request is made to the executive branch constitutional
9 officer's on-duty and assigned security detail.

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

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

1 practicable.

2 (5) The officer must provide notice of recording to
3 any person if the person has a reasonable expectation of
4 privacy and proof of notice must be evident in the
5 recording. If exigent circumstances exist which prevent
6 the officer from providing notice, notice must be provided
7 as soon as practicable.

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

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

24 (a) has been involved in or is a witness to an
25 officer-involved shooting, use of deadly force
26 incident, or use of force incidents resulting in

1 great bodily harm;

2 (b) is ordered to write a report in response
3 to or during the investigation of a misconduct
4 complaint against the officer.

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

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

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

24 (A) Under no circumstances shall any recording,
25 except for a non-law enforcement related activity or
26 encounter, made with an officer-worn body camera be

1 altered, erased, or destroyed prior to the expiration
2 of the 90-day storage period. In the event any
3 recording made with an officer-worn body camera is
4 altered, erased, or destroyed prior to the expiration
5 of the 90-day storage period, the law enforcement
6 agency shall maintain, for a period of one year, a
7 written record including (i) the name of the
8 individual who made such alteration, erasure, or
9 destruction, and (ii) the reason for any such
10 alteration, erasure, or destruction.

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

16 (i) a formal or informal complaint has been
17 filed;

18 (ii) the officer discharged his or her firearm
19 or used force during the encounter;

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

22 (iv) the encounter resulted in a detention or
23 an arrest, excluding traffic stops which resulted
24 in only a minor traffic offense or business
25 offense;

(v) the officer is the subject of an internal

investigation or otherwise being investigated for possible misconduct;

(vi) the supervisor of the officer, 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 recordings may be viewed by officers, in the presence of a supervisor or training instructor, for the purposes of instruction, training, or ensuring compliance with agency policies.

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

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

(B) a use of force incident has occurred;

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

(D) as corroboration of other evidence of misconduct.

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

(10) The law enforcement agency shall ensure proper care and maintenance of officer-worn body cameras. Upon becoming aware, officers must as soon as practical document and notify the appropriate supervisor of any technical difficulties, failures, or problems with the

1 officer-worn body camera or associated equipment. Upon
2 receiving notice, the appropriate supervisor shall make
3 every reasonable effort to correct and repair any of the
4 officer-worn body camera equipment.

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

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

22 (1) if the subject of the encounter has a reasonable
23 expectation of privacy, at the time of the recording, any
24 recording which is flagged, due to the filing of a
25 complaint, discharge of a firearm, use of force, arrest or
26 detention, or resulting death or bodily harm, shall be

1 disclosed in accordance with the Freedom of Information
2 Act if:

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

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

8 (2) except as provided in paragraph (1) of this
9 subsection (b), any recording which is flagged due to the
10 filing of a complaint, discharge of a firearm, use of
11 force, arrest or detention, or resulting death or bodily
12 harm shall be disclosed in accordance with the Freedom of
13 Information Act; and

14 (3) upon request, the law enforcement agency shall
15 disclose, in accordance with the Freedom of Information
16 Act, the recording to the subject of the encounter
17 captured on the recording or to the subject's attorney, or
18 the officer or his or her legal representative.

19 For the purposes of paragraph (1) of this subsection (b),
20 the subject of the encounter does not have a reasonable
21 expectation of privacy if the subject was arrested as a result
22 of the encounter. For purposes of subparagraph (A) of
23 paragraph (1) of this subsection (b), "witness" does not
24 include a person who is a victim or who was arrested as a
25 result of the encounter.

26 Only recordings or portions of recordings responsive to

1 the request shall be available for inspection or reproduction.
2 Any recording disclosed under the Freedom of Information Act
3 shall be redacted to remove identification of any person that
4 appears on the recording and is not the officer, a subject of
5 the encounter, or directly involved in the encounter. Nothing
6 in this subsection (b) shall require the disclosure of any
7 recording or portion of any recording which would be exempt
8 from disclosure under the Freedom of Information Act.

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

12 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
13 102-687, eff. 12-17-21; 102-694, eff. 1-7-22; 102-1104, eff.
14 12-6-22.)