



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4683

by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

| | |
|--------------------|------------------------|
| 5 ILCS 140/2 | from Ch. 116, par. 202 |
| 5 ILCS 140/3 | from Ch. 116, par. 203 |
| 5 ILCS 140/3.7 new | |
| 5 ILCS 140/9.5 | |
| 5 ILCS 140/11 | from Ch. 116, par. 211 |

Amends the Freedom of Information Act. Requires a public body to respond to a request for records submitted by a mass requester within 21 business days after receipt. Requires the response to (i) provide to the requester an estimate of the time required by the public body to provide the records requested and an estimate of the fees to be charged, which the public body may require the person to pay in full before copying the requested documents, (ii) deny the request pursuant to one or more of the exemptions set out in the Act, (iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions, or (iv) provide the records requested. Provides that, unless the records are exempt from disclosure, a public body shall comply with a request for records within a reasonable period considering the size and complexity of the request and giving priority to records requested by requesters who are not mass requesters. Provides that it is a violation of the Act for a person to knowingly obtain a public record without disclosing the person's status as a mass requester, if requested to do so by the public body, within 5 business days. Allows the public body to deny the request based upon the violation. Requires a mass requester to notify the public body of an objection before seeking review of a denial of a request with the Public Access Counselor, and requires review by a Public Access Counselor before judicial review. Limits awards of attorney's fees to mass requesters under the Act. Defines "mass requester". Makes conforming changes.

LRB104 18833 BDA 32278 b

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 Sections 2, 3, 9.5, and 11 and by adding Section 3.7
6 as follows:

7 (5 ILCS 140/2) (from Ch. 116, par. 202)

8 Sec. 2. Definitions. As used in this Act:

9 (a) "Public body" means all legislative, executive,
10 administrative, or advisory bodies of the State, state
11 universities and colleges, counties, townships, cities,
12 villages, incorporated towns, school districts and all other
13 municipal corporations, boards, bureaus, committees, or
14 commissions of this State, any subsidiary bodies of any of the
15 foregoing including but not limited to committees and
16 subcommittees thereof, and a School Finance Authority created
17 under Article 1E of the School Code. "Public body" does not
18 include a child death review team or the Illinois Child Death
19 Review Teams Executive Council established under the Child
20 Death Review Team Act, or a regional youth advisory board or
21 the Statewide Youth Advisory Board established under the
22 Department of Children and Family Services Statewide Youth
23 Advisory Board Act.

1 (b) "Person" means any individual or any individual acting
2 as an agent of a corporation, partnership, firm, organization
3 or association, acting individually or as a group.

4 (c) "Public records" means all records, reports, forms,
5 writings, letters, memoranda, books, papers, maps,
6 photographs, microfilms, cards, tapes, recordings, electronic
7 data processing records, electronic communications, recorded
8 information and all other documentary materials pertaining to
9 the transaction of public business, regardless of physical
10 form or characteristics, having been prepared by or for, or
11 having been or being used by, received by, in the possession
12 of, or under the control of any public body. "Public records"
13 does not include junk mail.

14 (c-5) "Private information" means unique identifiers,
15 including a person's social security number, driver's license
16 number, employee identification number, biometric identifiers,
17 personal financial information, passwords or other access
18 codes, medical records, home or personal telephone numbers,
19 and personal email addresses. Private information also
20 includes home address and personal license plates, except as
21 otherwise provided by law or when compiled without possibility
22 of attribution to any person. For a public body that is a
23 HIPAA-covered entity, "private information" includes
24 electronic medical records and all information, including
25 demographic information, contained within or extracted from an
26 electronic medical records system operated or maintained by

1 the public body in compliance with State and federal medical
2 privacy laws and regulations, including, but not limited to,
3 the Health Insurance Portability and Accountability Act and
4 its regulations, 45 CFR Parts 160 and 164. As used in this
5 subsection, "HIPAA-covered entity" has the meaning given to
6 the term "covered entity" in 45 CFR 160.103.

7 (c-10) "Commercial purpose" means the use of any part of a
8 public record or records, or information derived from public
9 records, in any form for sale, resale, or solicitation or
10 advertisement for sales or services. For purposes of this
11 definition, requests made by news media and non-profit,
12 scientific, or academic organizations shall not be considered
13 to be made for a "commercial purpose" when the principal
14 purpose of the request is (i) to access and disseminate
15 information concerning news and current or passing events,
16 (ii) for articles of opinion or features of interest to the
17 public, or (iii) for the purpose of academic, scientific, or
18 public research or education.

19 (d) "Copying" means the reproduction of any public record
20 by means of any photographic, electronic, mechanical or other
21 process, device or means now known or hereafter developed and
22 available to the public body.

23 (e) "Head of the public body" means the president, mayor,
24 chairman, presiding officer, director, superintendent,
25 manager, supervisor or individual otherwise holding primary
26 executive and administrative authority for the public body, or

1 such person's duly authorized designee.

2 (f) "News media" means a newspaper or other periodical
3 issued at regular intervals whether in print or electronic
4 format, a news service whether in print or electronic format,
5 a radio station, a television station, a television network, a
6 community antenna television service, or a person or
7 corporation engaged in making news reels or other motion
8 picture news for public showing.

9 (g) "Recurrent requester", as used in Section 3.2 of this
10 Act, means a person that, in the 12 months immediately
11 preceding the request, has submitted to the same public body
12 (i) a minimum of 50 requests for records, (ii) a minimum of 15
13 requests for records within a 30-day period, or (iii) a
14 minimum of 7 requests for records within a 7-day period. For
15 purposes of this definition, requests made by news media and
16 non-profit, scientific, or academic organizations shall not be
17 considered in calculating the number of requests made in the
18 time periods in this definition when the principal purpose of
19 the requests is (i) to access and disseminate information
20 concerning news and current or passing events, (ii) for
21 articles of opinion or features of interest to the public, or
22 (iii) for the purpose of academic, scientific, or public
23 research or education.

24 For the purposes of this subsection (g), "request" means a
25 written document (or oral request, if the public body chooses
26 to honor oral requests) that is submitted to a public body via

1 personal delivery, mail, telefax, electronic mail, or other
2 means available to the public body and that identifies the
3 particular public record the requester seeks. One request may
4 identify multiple records to be inspected or copied.

5 (h) "Voluminous request" means a request that: (i)
6 includes more than 5 individual requests for more than 5
7 different categories of records or a combination of individual
8 requests that total requests for more than 5 different
9 categories of records in a period of 20 business days; or (ii)
10 requires the compilation of more than 500 letter or
11 legal-sized pages of public records unless a single requested
12 record exceeds 500 pages. "Single requested record" may
13 include, but is not limited to, one report, form, e-mail,
14 letter, memorandum, book, map, microfilm, tape, or recording.

15 "Voluminous request" does not include a request made by
16 news media and non-profit, scientific, or academic
17 organizations if the principal purpose of the request is: (1)
18 to access and disseminate information concerning news and
19 current or passing events; (2) for articles of opinion or
20 features of interest to the public; or (3) for the purpose of
21 academic, scientific, or public research or education.

22 For the purposes of this subsection (h), "request" means a
23 written document, or oral request, if the public body chooses
24 to honor oral requests, that is submitted to a public body via
25 personal delivery, mail, telefax, electronic mail, or other
26 means available to the public body and that identifies the

1 particular public record or records the requester seeks. One
2 request may identify multiple individual records to be
3 inspected or copied.

4 (i) "Severance agreement" means a mutual agreement between
5 any public body and its employee for the employee's
6 resignation in exchange for payment by the public body.

7 (j) "Junk mail" means (i) any unsolicited commercial mail
8 sent to a public body and not responded to by an official,
9 employee, or agent of the public body or (ii) any unsolicited
10 commercial electronic communication sent to a public body and
11 not responded to by an official, employee, or agent of the
12 public body.

13 (k) "Mass requester" means a person who submits identical
14 or substantially similar requests for records to 5 or more
15 public bodies in the span of 30 calendar days.

16 (Source: P.A. 103-554, eff. 1-1-24; 104-438, eff. 1-1-26.)

17 (5 ILCS 140/3) (from Ch. 116, par. 203)

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

25 (b) Subject to the fee provisions of Section 6 of this Act,

1 each public body shall promptly provide, to any person who
2 submits a request, a copy of any public record required to be
3 disclosed by subsection (a) of this Section and shall certify
4 such copy if so requested.

5 (c) Requests for inspection or copies shall be made in
6 writing and directed to the public body. Written requests may
7 be submitted to a public body via personal delivery, mail,
8 telefax, or other means available to the public body.
9 Electronic requests under this Section must appear in their
10 entirety within the body of the electronic submission. As a
11 cybersecurity measure, no public body shall be required to
12 open electronically attached files or hyperlinks to view or
13 access details of a request. A public body that receives a
14 request that would require the public body to open hyperlinks
15 or attached files shall, within 5 business days, notify the
16 requester of the requirement that the entirety of an
17 electronic request must appear within the body of the
18 electronic submission. A public body may honor oral requests
19 for inspection or copying. A public body may not require that a
20 request be submitted on a standard form or require the
21 requester to specify the purpose for a request, except to
22 determine whether the records are requested for a commercial
23 purpose, whether the requester has been identified as a mass
24 requester, or whether to grant a request for a fee waiver. All
25 requests for inspection and copying received by a public body
26 shall immediately be forwarded to its Freedom of Information

1 officer or designee.

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

16 (e) The time for response under this Section may be
17 extended by the public body for not more than 5 business days
18 from the original due date for any of the following reasons:

19 (i) the requested records are stored in whole or in
20 part at other locations than the office having charge of
21 the requested records;

22 (ii) the request requires the collection of a
23 substantial number of specified records;

24 (iii) the request is couched in categorical terms and
25 requires an extensive search for the records responsive to
26 it;

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

4 (v) the requested records require examination and
5 evaluation by personnel having the necessary competence
6 and discretion to determine if they are exempt from
7 disclosure under Section 7 of this Act or should be
8 revealed only with appropriate deletions;

9 (vi) the request for records cannot be complied with
10 by the public body within the time limits prescribed by
11 subsection (d) of this Section without unduly burdening or
12 interfering with the operations of the public body;

13 (vii) there is a need for consultation, which shall be
14 conducted with all practicable speed, with another public
15 body or among 2 or more components of a public body having
16 a substantial interest in the determination or in the
17 subject matter of the request.

18 The person making a request and the public body may agree
19 in writing to extend the time for compliance for a period to be
20 determined by the parties. If the requester and the public
21 body agree to extend the period for compliance, a failure by
22 the public body to comply with any previous deadlines shall
23 not be treated as a denial of the request for the records.

24 (f) When additional time is required for any of the above
25 reasons, the public body shall, within 5 business days after
26 receipt of the request, notify the person making the request

1 of the reasons for the extension and the date by which the
2 response will be forthcoming. Failure to respond within the
3 time permitted for extension shall be considered a denial of
4 the request. A public body that fails to respond to a request
5 within the time permitted for extension but thereafter
6 provides the requester with copies of the requested public
7 records may not impose a fee for those copies. A public body
8 that requests an extension and subsequently fails to respond
9 to the request may not treat the request as unduly burdensome
10 under subsection (g).

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

1 Repeated requests from the same person for the same
2 records that are unchanged or identical to records previously
3 provided or properly denied under this Act shall be deemed
4 unduly burdensome under this provision.

5 (h) Each public body may promulgate rules and regulations
6 in conformity with the provisions of this Section pertaining
7 to the availability of records and procedures to be followed,
8 including:

9 (i) the times and places where such records will be
10 made available, and

11 (ii) the persons from whom such records may be
12 obtained.

13 (i) The time periods for compliance or denial of a request
14 to inspect or copy records set out in this Section shall not
15 apply to requests for records made for a commercial purpose,
16 requests by a recurrent requester, ~~or~~ voluminous requests, or
17 requests by a mass requester. Such requests shall be subject
18 to the provisions of Sections 3.1, 3.2, ~~and~~ 3.6, and 3.7 of
19 this Act, as applicable.

20 (j) Within 5 business days after its receipt of the
21 request, a public body that has a reasonable belief that a
22 request was not submitted by a person may require the
23 requester to verify orally or in writing that the requester is
24 a person. The deadline for the public body to respond to the
25 request shall be tolled until the requester verifies that he
26 or she is a person. If the requester fails to verify that he or

1 she is a person within 30 days after the public body requests
2 such a verification, then the public body may deny the
3 request. For purposes of this subsection (j), a public body
4 may not require the requester to submit personal information,
5 private information, or identifying information to verify that
6 the requester is a person.

7 (Source: P.A. 104-438, eff. 1-1-26.)

8 (5 ILCS 140/3.7 new)

9 Sec. 3.7. Mass requesters.

10 (a) A public body shall respond to a request for records
11 submitted by a mass requester within 21 business days after
12 receipt. The response shall (i) provide to the requester an
13 estimate of the time required by the public body to provide the
14 records requested and an estimate of the fees to be charged,
15 which the public body may require the person to pay in full
16 before copying the requested documents, (ii) deny the request
17 pursuant to one or more of the exemptions set out in this Act,
18 (iii) notify the requester that the request is unduly
19 burdensome and extend an opportunity to the requester to
20 attempt to reduce the request to manageable proportions, or
21 (iv) provide the records requested.

22 (b) Unless the records are exempt from disclosure, a
23 public body shall comply with a request for records within a
24 reasonable period considering the size and complexity of the
25 request and giving priority to records requested by requesters

1 who are not mass requesters.

2 (c) It is a violation of this Act for a person to knowingly
3 obtain a public record without disclosing the person's status
4 as a mass requester, if requested to do so by the public body,
5 within 5 business days after receiving the public body's
6 notice requesting disclosure of mass-requester status. Such
7 violation shall permit the public body to deny the request.

8 (d) If a request for records submitted by a mass requester
9 is denied, the mass requester shall notify the public body of
10 any objection and the specific basis for its objection to the
11 denial prior to (1) seeking review to the Public Access
12 Counselor as permitted in Section 9.5 or (2) filing suit for
13 injunctive or declaratory relief.

14 (e) Any mass requester denied access to inspect or copy
15 any public record by a public body, after notifying the public
16 body of its basis for objection, must first seek review of the
17 decision with the Public Access Counselor prior to filing suit
18 for injunctive or declaratory relief.

19 (f) A court shall not be required to award attorney's fees
20 to a mass requester under subsection (i) of Section 11 of the
21 Act unless the public body knowingly fails to respond or
22 provide any basis for denial.

23 (5 ILCS 140/9.5)

24 Sec. 9.5. Public Access Counselor; opinions.

25 (a) A person whose request to inspect or copy a public

1 record is denied by a public body, except the General Assembly
2 and committees, commissions, and agencies thereof, and except
3 that mass requesters must first notify the public body of any
4 objection under subsection (d) of Section 3.7 and then seek
5 review under subsection (e) of Section 3.7, may file a request
6 for review with the Public Access Counselor established in the
7 Office of the Attorney General not later than 60 days after the
8 date of the final denial. The request for review must be in
9 writing, signed by the requester, and include (i) a copy of the
10 request for access to records and (ii) any responses from the
11 public body.

12 (b) A person whose request to inspect or copy a public
13 record is made for a commercial purpose as defined in
14 subsection (c-10) of Section 2 of this Act may not file a
15 request for review with the Public Access Counselor. A person
16 whose request to inspect or copy a public record was treated by
17 the public body as a request for a commercial purpose under
18 Section 3.1 of this Act may file a request for review with the
19 Public Access Counselor for the limited purpose of reviewing
20 whether the public body properly determined that the request
21 was made for a commercial purpose.

22 (b-5) A person whose request to inspect or copy a public
23 record was treated by a public body, except the General
24 Assembly and committees, commissions, and agencies thereof, as
25 a voluminous request under Section 3.6 of this Act may file a
26 request for review with the Public Access Counselor for the

1 purpose of reviewing whether the public body properly
2 determined that the request was a voluminous request.

3 (c) Upon receipt of a request for review, the Public
4 Access Counselor shall determine whether further action is
5 warranted. If the Public Access Counselor determines that the
6 alleged violation is unfounded, he or she shall so advise the
7 requester and the public body and no further action shall be
8 undertaken. In all other cases, the Public Access Counselor
9 shall forward a copy of the request for review to the public
10 body within 7 business days after receipt and shall specify
11 the records or other documents that the public body shall
12 furnish to facilitate the review. Within 7 business days after
13 receipt of the request for review, the public body shall
14 provide copies of records requested and shall otherwise fully
15 cooperate with the Public Access Counselor. If a public body
16 fails to furnish specified records pursuant to this Section,
17 or if otherwise necessary, the Attorney General may issue a
18 subpoena to any person or public body having knowledge of or
19 records pertaining to a request for review of a denial of
20 access to records under the Act. Records or documents obtained
21 by the Public Access Counselor from a public body for the
22 purpose of addressing a request for review under this Section
23 may not be disclosed to the public, including the requester,
24 by the Public Access Counselor. These records, while in the
25 possession of the Public Access Counselor, are exempt under
26 this Act from disclosure by the Public Access Counselor.

1 (d) Within 7 business days after it receives a copy of a
2 request for review and request for production of records from
3 the Public Access Counselor, the public body may, but is not
4 required to, answer the allegations of the request for review.
5 The answer may take the form of a letter, brief, or memorandum.
6 The Public Access Counselor shall forward a copy of the answer
7 to the person submitting the request for review, with any
8 alleged confidential information to which the request pertains
9 redacted from the copy. The requester may, but is not required
10 to, respond in writing to the answer within 7 business days and
11 shall provide a copy of the response to the public body.

12 (e) In addition to the request for review, and the answer
13 and the response thereto, if any, a requester or a public body
14 may furnish affidavits or records concerning any matter
15 germane to the review.

16 (f) Unless the Public Access Counselor extends the time by
17 no more than 30 business days by sending written notice to the
18 requester and the public body that includes a statement of the
19 reasons for the extension in the notice, or decides to address
20 the matter without the issuance of a binding opinion, the
21 Attorney General shall examine the issues and the records,
22 shall make findings of fact and conclusions of law, and shall
23 issue to the requester and the public body an opinion in
24 response to the request for review within 60 days after its
25 receipt. The opinion shall be binding upon both the requester
26 and the public body, subject to administrative review under

1 Section 11.5.

2 In responding to any request under this Section 9.5, the
3 Attorney General may exercise his or her discretion and choose
4 to resolve a request for review by mediation or by a means
5 other than the issuance of a binding opinion. The decision not
6 to issue a binding opinion shall not be reviewable.

7 Upon receipt of a binding opinion concluding that a
8 violation of this Act has occurred, the public body shall
9 either take necessary action immediately to comply with the
10 directive of the opinion or shall initiate administrative
11 review under Section 11.5. If the opinion concludes that no
12 violation of the Act has occurred, the requester may initiate
13 administrative review under Section 11.5.

14 A public body and any officer or employee of a public body
15 that discloses records in accordance with an opinion of the
16 Attorney General is immune from all liabilities by reason
17 thereof and shall not be liable for penalties under this Act.

18 (g) If the requester files suit under Section 11 with
19 respect to the same denial that is the subject of a pending
20 request for review, the requester shall notify the Public
21 Access Counselor, and the Public Access Counselor shall take
22 no further action with respect to the request for review and
23 shall so notify the public body.

24 (h) The Attorney General may also issue advisory opinions
25 to public bodies regarding compliance with this Act. A review
26 may be initiated upon receipt of a written request from the

1 head of the public body or its attorney, which shall contain
2 sufficient accurate facts from which a determination can be
3 made. The Public Access Counselor may request additional
4 information from the public body in order to assist in the
5 review. A public body that relies in good faith on an advisory
6 opinion of the Attorney General in responding to a request is
7 not liable for penalties under this Act, so long as the facts
8 upon which the opinion is based have been fully and fairly
9 disclosed to the Public Access Counselor.

10 (Source: P.A. 103-69, eff. 1-1-24; 104-438, eff. 1-1-26.)

11 (5 ILCS 140/11) (from Ch. 116, par. 211)

12 Sec. 11. (a) Any person denied access to inspect or copy
13 any public record by a public body may file suit for injunctive
14 or declaratory relief, except that mass requesters must first
15 notify the public body of any objection under subsection (d)
16 of Section 3.7 and then seek review under subsection (e) of
17 Section 3.7.

18 (a-5) In accordance with Section 11.6 of this Act, a
19 requester may file an action to enforce a binding opinion
20 issued under Section 9.5 of this Act.

21 (b) Where the denial is from a public body of the State,
22 suit may be filed in the circuit court for the county where the
23 public body has its principal office or where the person
24 denied access resides.

25 (c) Where the denial is from a municipality or other

1 public body, except as provided in subsection (b) of this
2 Section, suit may be filed in the circuit court for the county
3 where the public body is located.

4 (d) The circuit court shall have the jurisdiction to
5 enjoin the public body from withholding public records and to
6 order the production of any public records improperly withheld
7 from the person seeking access. If the public body can show
8 that exceptional circumstances exist, and that the body is
9 exercising due diligence in responding to the request, the
10 court may retain jurisdiction and allow the agency additional
11 time to complete its review of the records.

12 (e) On motion of the plaintiff, prior to or after in camera
13 inspection, the court shall order the public body to provide
14 an index of the records to which access has been denied. The
15 index shall include the following:

16 (i) A description of the nature or contents of each
17 document withheld, or each deletion from a released
18 document, provided, however, that the public body shall
19 not be required to disclose the information which it
20 asserts is exempt; and

21 (ii) A statement of the exemption or exemptions
22 claimed for each such deletion or withheld document.

23 (f) In any action considered by the court, the court shall
24 consider the matter de novo, and shall conduct such in camera
25 examination of the requested records as it finds appropriate
26 to determine if such records or any part thereof may be

1 withheld under any provision of this Act. The burden shall be
2 on the public body to establish that its refusal to permit
3 public inspection or copying is in accordance with the
4 provisions of this Act. Any public body that asserts that a
5 record is exempt from disclosure has the burden of proving
6 that it is exempt by clear and convincing evidence.

7 (g) In the event of noncompliance with an order of the
8 court to disclose, the court may enforce its order against any
9 public official or employee so ordered or primarily
10 responsible for such noncompliance through the court's
11 contempt powers.

12 (h) Except as to causes the court considers to be of
13 greater importance, proceedings arising under this Section
14 shall take precedence on the docket over all other causes and
15 be assigned for hearing and trial at the earliest practicable
16 date and expedited in every way.

17 (i) If a person seeking the right to inspect or receive a
18 copy of a public record prevails in a proceeding under this
19 Section, except as provided under subsection (f) of Section
20 3.7, the court shall award such person reasonable attorney's
21 fees and costs. In determining what amount of attorney's fees
22 is reasonable, the court shall consider the degree to which
23 the relief obtained relates to the relief sought. The changes
24 contained in this subsection apply to an action filed on or
25 after January 1, 2010 (the effective date of Public Act
26 96-542).

1 (j) If the court determines that a public body willfully
2 and intentionally failed to comply with this Act, or otherwise
3 acted in bad faith, the court shall also impose upon the public
4 body a civil penalty of not less than \$2,500 nor more than
5 \$5,000 for each occurrence. In assessing the civil penalty,
6 the court shall consider in aggravation or mitigation the
7 budget of the public body and whether the public body has
8 previously been assessed penalties for violations of this Act.
9 The court may impose an additional penalty of up to \$1,000 for
10 each day the violation continues if:

11 (1) the public body fails to comply with the court's
12 order after 30 days;

13 (2) the court's order is not on appeal or stayed; and

14 (3) the court does not grant the public body
15 additional time to comply with the court's order to
16 disclose public records.

17 The changes contained in this subsection made by Public
18 Act 96-542 apply to an action filed on or after January 1, 2010
19 (the effective date of Public Act 96-542).

20 (k) The changes to this Section made by this amendatory
21 Act of the 99th General Assembly apply to actions filed on or
22 after the effective date of this amendatory Act of the 99th
23 General Assembly.

24 (Source: P.A. 99-586, eff. 1-1-17; 99-642, eff. 7-28-16.)