



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1664

Introduced 2/5/2025, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

820 ILCS 40/1	from Ch. 48, par. 2001
820 ILCS 40/8	from Ch. 48, par. 2008
820 ILCS 40/8.5 new	
820 ILCS 40/9	from Ch. 48, par. 2009

Amends the Personnel Record Review Act. Provides that a law enforcement agency shall only release a law enforcement personnel file upon receipt of a written request from a law enforcement agency for the purpose of making an employment determination by the law enforcement agency or a hiring board. Provides that a written request shall be on the law enforcement agency's official letterhead, signed by the agency head or the agency head's designee, and shall include either a waiver signed by the law enforcement officer applying for employment with the law enforcement agency or a copy of the law enforcement officer's application for employment. Provides that, if a request is made for release of a law enforcement personnel file that satisfies the requirements, the law enforcement agency shall release a copy of the complete law enforcement personnel file to the requesting law enforcement agency. Provides that a requesting law enforcement agency shall not maintain the law enforcement personnel file following the employment determination. Permits an employer to keep records concerning an employee's activities or associations with extremist or terrorist organizations. Defines terms.

LRB104 09873 SPS 19941 b

1 AN ACT concerning employment.

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

4 Section 5. The Personnel Record Review Act is amended by
5 changing Sections 1, 8, and 9 and by adding Section 8.5 as
6 follows:

7 (820 ILCS 40/1) (from Ch. 48, par. 2001)

8 Sec. 1. Definitions. As used in this Act:

9 (a) "Employee" means a person currently employed or
10 subject to recall after layoff or leave of absence with a right
11 to return at a position with an employer or a former employee
12 who has terminated service within the preceding year.

13 (b) "Employer" means an individual, corporation,
14 partnership, labor organization, unincorporated association,
15 the State, an agency or a political subdivision of the State,
16 or any other legal, business, or commercial entity which has 5
17 employees or more than 5 employees exclusive of the employer's
18 parent, spouse or child or other members of his immediate
19 family and includes an agent of the employer.

20 (c) "Law enforcement agency" means any entity with
21 statutory police powers and the ability to employ individuals
22 authorized to make arrests.

23 (d) "Law enforcement personnel file" means all records

1 related to a law enforcement officer's performance,
2 discipline, training, employment history, and any
3 investigation of the law enforcement officer for the duration
4 of the law enforcement officer's employment with the law
5 enforcement agency.

6 (Source: P.A. 83-1339.)

7 (820 ILCS 40/8) (from Ch. 48, par. 2008)

8 Sec. 8. An employer shall review a personnel record before
9 releasing information to a third party and, except when the
10 release is required under Section 9 or ordered to a party in a
11 legal action or arbitration, delete disciplinary reports,
12 letters of reprimand, or other records of disciplinary action
13 which are more than 4 years old. This Section does not apply to
14 a school district or an authorized employee or agent of a
15 school district who is sharing information related to an
16 incident or an attempted incident of sexual abuse, severe
17 physical abuse, or sexual misconduct as defined in subsection
18 (c) of Section 22-85.5 of this Code.

19 (Source: P.A. 101-531, eff. 8-23-19; 102-702, eff. 7-1-23.)

20 (820 ILCS 40/8.5 new)

21 Sec. 8.5. Release of law enforcement personnel files.

22 (a) A law enforcement agency shall only release a law
23 enforcement personnel file upon receipt of a written request
24 from a law enforcement agency for the purpose of making an

1 employment determination by the law enforcement agency or a
2 hiring board, such as the Illinois State Police Merit Board or
3 an equivalent board. A written request under this subsection
4 shall be on the law enforcement agency's official letterhead,
5 signed by the agency head or the agency head's designee, and
6 shall include either a waiver signed by the law enforcement
7 officer applying for employment with the law enforcement
8 agency or a copy of the law enforcement officer's application
9 for employment.

10 (b) If a request is made for release of a law enforcement
11 personnel file that satisfies the requirements described in
12 subsection (a), the law enforcement agency shall release a
13 copy of the complete law enforcement personnel file to the
14 requesting law enforcement agency. A requesting law
15 enforcement agency shall not maintain the law enforcement
16 personnel file following the employment determination.

17 (820 ILCS 40/9) (from Ch. 48, par. 2009)

18 Sec. 9. An employer shall not gather or keep a record of an
19 employee's associations, political activities, publications,
20 communications or nonemployment activities, unless the
21 employee submits the information in writing or gives the
22 employer express, written consent when the employer keeps or
23 gathers the information. This prohibition shall not apply to
24 (i) activities or associations with individuals or groups
25 involved in the physical, sexual, or other exploitation of a

1 minor, (ii) activities or associations with extremist or
2 terrorist organizations, or (iii) ~~(ii)~~ the activities that
3 occur on the employer's premises or during the employee's
4 working hours with that employer which interfere with the
5 performance of the employee's duties or the duties of other
6 employees or activities, regardless of when and where
7 occurring, which constitute criminal conduct or may reasonably
8 be expected to harm the employer's property, operations or
9 business, or could by the employee's action cause the employer
10 financial liability. A record which is kept by the employer as
11 permitted under this Section shall be part of the personnel
12 record.

13 (Source: P.A. 103-727, eff. 1-1-25.)