



Sen. Julie A. Morrison

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10400SB1796sam002

LRB104 09386 TRT 36483 a

1 AMENDMENT TO SENATE BILL 1796

2 AMENDMENT NO. _____. Amend Senate Bill 1796 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 6 as follows:

6 (5 ILCS 140/6) (from Ch. 116, par. 206)

7 Sec. 6. Authority to charge fees.

8 (a) When a person requests a copy of a record maintained in
9 an electronic format, the public body shall furnish it in the
10 electronic format specified by the requester, if feasible. If
11 it is not feasible to furnish the public records in the
12 specified electronic format, then the public body shall
13 furnish it in the format in which it is maintained by the
14 public body, or in paper format at the option of the requester.
15 A public body may charge the requester for the actual cost of
16 purchasing the recording medium, whether disc, diskette, tape,

1 or other medium. If a request is not a request for a commercial
2 purpose or a voluminous request, a public body may not charge
3 the requester for the costs of any search for and review of the
4 records or other personnel costs associated with reproducing
5 the records. Except to the extent that the General Assembly
6 expressly provides, statutory fees applicable to copies of
7 public records when furnished in a paper format shall not be
8 applicable to those records when furnished in an electronic
9 format.

10 (a-5) If a voluminous request is for electronic records
11 and those records are not in a portable document format (PDF),
12 the public body may charge up to \$20 for not more than 2
13 megabytes of data, up to \$40 for more than 2 but not more than
14 4 megabytes of data, and up to \$100 for more than 4 megabytes
15 of data. If a voluminous request is for electronic records and
16 those records are in a portable document format, the public
17 body may charge up to \$20 for not more than 80 megabytes of
18 data, up to \$40 for more than 80 megabytes but not more than
19 160 megabytes of data, and up to \$100 for more than 160
20 megabytes of data. If the responsive electronic records are in
21 both a portable document format and not in a portable document
22 format, the public body may separate the fees and charge the
23 requester under both fee scales.

24 If a public body imposes a fee pursuant to this subsection
25 (a-5), it must provide the requester with an accounting of all
26 fees, costs, and personnel hours in connection with the

1 request for public records.

2 (b) Except when a fee is otherwise fixed by statute, each
3 public body may charge fees reasonably calculated to reimburse
4 its actual cost for reproducing and certifying public records
5 and for the use, by any person, of the equipment of the public
6 body to copy records. No fees shall be charged for the first 50
7 pages of black and white, letter or legal sized copies
8 requested by a requester. The fee for black and white, letter
9 or legal sized copies shall not exceed 15 cents per page. If a
10 public body provides copies in color or in a size other than
11 letter or legal, the public body may not charge more than its
12 actual cost for reproducing the records. In calculating its
13 actual cost for reproducing records or for the use of the
14 equipment of the public body to reproduce records, a public
15 body shall not include the costs of any search for and review
16 of the records or other personnel costs associated with
17 reproducing the records, except for commercial requests as
18 provided in subsection (f) of this Section. Such fees shall be
19 imposed according to a standard scale of fees, established and
20 made public by the body imposing them. The cost for certifying
21 a record shall not exceed \$1.

22 (c) Documents shall be furnished without charge or at a
23 reduced charge, as determined by the public body, if the
24 person requesting the documents states the specific purpose
25 for the request and indicates that a waiver or reduction of the
26 fee is in the public interest. Waiver or reduction of the fee

1 is in the public interest if the principal purpose of the
2 request is to access and disseminate information regarding the
3 health, safety, and welfare or the legal rights of the general
4 public and is not for the principal purpose of personal or
5 commercial benefit. For purposes of this subsection,
6 "commercial benefit" shall not apply to requests made by news
7 media when the principal purpose of the request is to access
8 and disseminate information regarding the health, safety, and
9 welfare or the legal rights of the general public. In setting
10 the amount of the waiver or reduction, the public body may take
11 into consideration the amount of materials requested and the
12 cost of copying them.

13 (d) The imposition of a fee not consistent with
14 subsections (6) (a) and (b) of this Act constitutes a denial of
15 access to public records for the purposes of judicial review.

16 (e) The fee for each abstract of a driver's record shall be
17 as provided in Section 6-118 of "The Illinois Vehicle Code",
18 approved September 29, 1969, as amended, whether furnished as
19 a paper copy or as an electronic copy.

20 (f) A public body may charge up to \$10 for each hour spent
21 by personnel in searching for and retrieving a requested
22 record or examining the record for or applying necessary
23 redactions. No fees shall be charged for the first 8 hours
24 spent by personnel in searching for or retrieving a requested
25 record, except for records subject to subsection (f-5) of this
26 Section. A public body may charge the actual cost of

1 retrieving and transporting public records from an off-site
2 storage facility when the public records are maintained by a
3 third-party storage company under contract with the public
4 body. If a public body imposes a fee pursuant to this
5 subsection (f), it must provide the requester with an
6 accounting of all fees, costs, and personnel hours in
7 connection with the request for public records. The provisions
8 of this subsection (f) apply only to ~~commercial~~ requests made
9 for a commercial purpose as defined in subsection (c-10) of
10 Section 2 of this Act.

11 (f-5) For recordings that are made pursuant to the Law
12 Enforcement Officer-Worn Body Camera Act, a public body may
13 charge fees reflecting its actual costs up to \$40 for each hour
14 spent by personnel in searching for and retrieving a requested
15 recording or examining the recording for or applying necessary
16 redactions on requests unless the request is made by:

17 (1) a court order;

18 (2) the subject of the encounter or the subject's
19 legal representative;

20 (3) a witness to the encounter or the witness's
21 representative, if the encounter resulted in the recording
22 being flagged;

23 (4) a representative of the news media, as defined in
24 subsection (f) of Section 2 of this Act; or

25 (5) a nonprofit, scientific, or academic organization
26 when the principal purpose of the request is (i) to access

1 and disseminate information concerning news and current or
2 passing events, (ii) for articles of opinion or features
3 of interest to the public, or (iii) for the purpose of
4 academic, scientific, or public research or education.

5 If a public body imposes a fee under this subsection
6 (f-5), the public body shall, within 5 business days after the
7 public body's receipt of the request, provide the requester
8 with an estimated time that will be required for the public
9 body to provide the recordings requested and an estimate of
10 the fees to be charged. A public body that fails to provide an
11 estimate of fees within 5 business days of the request may not
12 impose a fee for those copies. The deadline for the public body
13 to respond to a request that includes officer-worn body camera
14 video shall be tolled until the requester pays the estimated
15 fee. The public body shall have an additional 5 business days
16 to respond to a request once payment of the estimated fee is
17 made, as well as any extensions allowed under subsection (e)
18 of Section 3 or other applicable provisions of this Act. If the
19 requester fails to pay the estimated fees within 30 days after
20 the public body requests payment of the estimated fee, then
21 the public body may deny the request. If a public body imposes
22 a fee under this subsection (f-5), it must provide the
23 requester with an accounting of all fees, costs, and personnel
24 hours in connection with the request for public records and
25 must apply a new balance or refund paid amounts based on the
26 actual cost versus the paid estimate.

1 A requester who can demonstrate that the purpose of the
2 requester's request under this subsection is to access and
3 disseminate information in order to further the interest of
4 the health, safety, and welfare or the legal rights of the
5 community where the requester lives is eligible for a waiver
6 or reduction of the fees provided for under this subsection.
7 (Source: P.A. 97-579, eff. 8-26-11; 98-1129, eff. 12-3-14.)".