



Rep. Daniel Didech

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10400SB2715ham001

LRB104 15880 BDA 37430 a

1 AMENDMENT TO SENATE BILL 2715

2 AMENDMENT NO. _____. Amend Senate Bill 2715 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2)

7 (Text of Section before amendment by P.A. 104-457 and
8 104-458)

9 Sec. 2. Open meetings.

10 (a) Openness required. All meetings of public bodies shall
11 be open to the public unless excepted in subsection (c) and
12 closed in accordance with Section 2a.

13 (b) Construction of exceptions. The exceptions contained
14 in subsection (c) are in derogation of the requirement that
15 public bodies meet in the open, and therefore, the exceptions
16 are to be strictly construed, extending only to subjects

1 clearly within their scope. The exceptions authorize but do
2 not require the holding of a closed meeting to discuss a
3 subject included within an enumerated exception.

4 (c) Exceptions. A public body may hold closed meetings to
5 consider the following subjects:

6 (1) The appointment, employment, compensation,
7 discipline, performance, or dismissal of specific
8 employees, specific individuals who serve as independent
9 contractors in a park, recreational, or educational
10 setting, or specific volunteers of the public body or
11 legal counsel for the public body, including hearing
12 testimony on a complaint lodged against an employee, a
13 specific individual who serves as an independent
14 contractor in a park, recreational, or educational
15 setting, or a volunteer of the public body or against
16 legal counsel for the public body to determine its
17 validity. However, a meeting to consider an increase in
18 compensation to a specific employee of a public body that
19 is subject to the Local Government Wage Increase
20 Transparency Act may not be closed and shall be open to the
21 public and posted and held in accordance with this Act.

22 (2) Collective negotiating matters between the public
23 body and its employees or their representatives, or
24 deliberations concerning salary schedules for one or more
25 classes of employees.

26 (3) The selection of a person to fill a public office,

1 as defined in this Act, including a vacancy in a public
2 office, when the public body is given power to appoint
3 under law or ordinance, or the discipline, performance or
4 removal of the occupant of a public office, when the
5 public body is given power to remove the occupant under
6 law or ordinance.

7 (4) Evidence or testimony presented in open hearing,
8 or in closed hearing where specifically authorized by law,
9 to a quasi-adjudicative body, as defined in this Act,
10 provided that the body prepares and makes available for
11 public inspection a written decision setting forth its
12 determinative reasoning.

13 (4.5) Evidence or testimony presented to a school
14 board regarding denial of admission to school events or
15 property pursuant to Section 24-24 of the School Code,
16 provided that the school board prepares and makes
17 available for public inspection a written decision setting
18 forth its determinative reasoning.

19 (5) The purchase or lease of real property for the use
20 of the public body, including meetings held for the
21 purpose of discussing whether a particular parcel should
22 be acquired.

23 (6) The setting of a price for sale or lease of
24 property owned by the public body.

25 (7) The sale or purchase of securities, investments,
26 or investment contracts. This exception shall not apply to

1 the investment of assets or income of funds deposited into
2 the Illinois Prepaid Tuition Trust Fund.

3 (8) Security procedures, school building safety and
4 security, and the use of personnel and equipment to
5 respond to an actual, a threatened, or a reasonably
6 potential danger to the safety of employees, students,
7 staff, the public, or public property.

8 (9) Student disciplinary cases.

9 (10) The placement of individual students in special
10 education programs and other matters relating to
11 individual students.

12 (11) Litigation, when an action against, affecting or
13 on behalf of the particular public body has been filed and
14 is pending before a court or administrative tribunal, or
15 when the public body finds that an action is probable or
16 imminent, in which case the basis for the finding shall be
17 recorded and entered into the minutes of the closed
18 meeting.

19 (12) The establishment of reserves or settlement of
20 claims as provided in the Local Governmental and
21 Governmental Employees Tort Immunity Act, if otherwise the
22 disposition of a claim or potential claim might be
23 prejudiced, or the review or discussion of claims, loss or
24 risk management information, records, data, advice or
25 communications from or with respect to any insurer of the
26 public body or any intergovernmental risk management

1 association or self-insurance ~~self-insurance~~ pool of which
2 the public body is a member.

3 (13) Conciliation of complaints of discrimination in
4 the sale or rental of housing, when closed meetings are
5 authorized by the law or ordinance prescribing fair
6 housing practices and creating a commission or
7 administrative agency for their enforcement.

8 (14) Informant sources, the hiring or assignment of
9 undercover personnel or equipment, or ongoing, prior or
10 future criminal investigations, when discussed by a public
11 body with criminal investigatory responsibilities.

12 (15) Professional ethics or performance when
13 considered by an advisory body appointed to advise a
14 licensing or regulatory agency on matters germane to the
15 advisory body's field of competence.

16 (16) Self-evaluation ~~Self-evaluation~~, practices and
17 procedures, or professional ethics, when meeting with a
18 representative of a statewide or regional association of
19 which the public body is a member. As used in this
20 paragraph, "regional association" does not include a
21 regional superintendent of schools or a regional office of
22 education as defined in Section 3-0.01 of the School Code.

23 (17) The recruitment, credentialing, discipline or
24 formal peer review of physicians or other health care
25 professionals, or for the discussion of matters protected
26 under the federal Patient Safety and Quality Improvement

1 Act of 2005, and the regulations promulgated thereunder,
2 including 42 CFR ~~C.F.R.~~ Part 3 (73 FR 70732), or the
3 federal Health Insurance Portability and Accountability
4 Act of 1996, and the regulations promulgated thereunder,
5 including 45 CFR ~~C.F.R.~~ Parts 160, 162, and 164, by a
6 hospital, or other institution providing medical care,
7 that is operated by the public body.

8 (18) Deliberations for decisions of the Prisoner
9 Review Board.

10 (19) Review or discussion of applications received
11 under the Experimental Organ Transplantation Procedures
12 Act.

13 (20) The classification and discussion of matters
14 classified as confidential or continued confidential by
15 the State Government Suggestion Award Board.

16 (21) Discussion of minutes of meetings lawfully closed
17 under this Act, whether for purposes of approval by the
18 body of the minutes or semi-annual review of the minutes
19 as mandated by Section 2.06.

20 (22) Deliberations for decisions of the State
21 Emergency Medical Services Disciplinary Review Board.

22 (23) The operation by a municipality of a municipal
23 utility or the operation of a municipal power agency or
24 municipal natural gas agency when the discussion involves
25 (i) contracts relating to the purchase, sale, or delivery
26 of electricity or natural gas or (ii) the results or

1 conclusions of load forecast studies.

2 (24) Meetings of a residential health care facility
3 resident sexual assault and death review team or the
4 Executive Council under the Abuse Prevention Review Team
5 Act.

6 (25) Meetings of an independent team of experts under
7 the Developmental Disability and Mental Health Safety Act
8 or Brian's Law.

9 (26) Meetings of a mortality review team appointed
10 under the Department of Juvenile Justice Mortality Review
11 Team Act.

12 (27) (Blank).

13 (28) Correspondence and records (i) that may not be
14 disclosed under Section 11-9 of the Illinois Public Aid
15 Code or (ii) that pertain to appeals under Section 11-8 of
16 the Illinois Public Aid Code.

17 (29) Meetings between internal or external auditors
18 and governmental audit committees, finance committees, and
19 their equivalents, when the discussion involves internal
20 control weaknesses, identification of potential fraud risk
21 areas, known or suspected frauds, and fraud interviews
22 conducted in accordance with generally accepted auditing
23 standards of the United States of America.

24 (30) (Blank).

25 (31) Meetings and deliberations for decisions of the
26 Concealed Carry Licensing Review Board under the Firearm

1 Concealed Carry Act.

2 (32) Meetings between the Regional Transportation
3 Authority Board and its Service Boards when the discussion
4 involves review by the Regional Transportation Authority
5 Board of employment contracts under Section 28d of the
6 Metropolitan Transit Authority Act and Sections 3A.18 and
7 3B.26 of the Regional Transportation Authority Act.

8 (33) Those meetings or portions of meetings of the
9 advisory committee and peer review subcommittee created
10 under Section 320 of the Illinois Controlled Substances
11 Act during which specific controlled substance prescriber,
12 dispenser, or patient information is discussed.

13 (34) Meetings of the Tax Increment Financing Reform
14 Task Force under Section 2505-800 of the Department of
15 Revenue Law of the Civil Administrative Code of Illinois.

16 (35) Meetings of the group established to discuss
17 Medicaid capitation rates under Section 5-30.8 of the
18 Illinois Public Aid Code.

19 (36) Those deliberations or portions of deliberations
20 for decisions of the Illinois Gaming Board in which there
21 is discussed any of the following: (i) personal,
22 commercial, financial, or other information obtained from
23 any source that is privileged, proprietary, confidential,
24 or a trade secret; or (ii) information specifically
25 exempted from the disclosure by federal or State law.

26 (37) Deliberations for decisions of the Illinois Law

1 Enforcement Training Standards Board, the Certification
2 Review Panel, and the Illinois State Police Merit Board
3 regarding certification and decertification.

4 (38) Meetings of the Ad Hoc Statewide Domestic
5 Violence Fatality Review Committee of the Illinois
6 Criminal Justice Information Authority Board that occur in
7 closed executive session under subsection (d) of Section
8 35 of the Domestic Violence Fatality Review Act.

9 (39) Meetings of the regional review teams under
10 subsection (a) of Section 75 of the Domestic Violence
11 Fatality Review Act.

12 (40) Meetings of the Firearm Owner's Identification
13 Card Review Board under Section 10 of the Firearm Owners
14 Identification Card Act.

15 (d) Definitions. For purposes of this Section:

16 "Employee" means a person employed by a public body whose
17 relationship with the public body constitutes an
18 employer-employee relationship under the usual common law
19 rules, and who is not an independent contractor.

20 "Public office" means a position created by or under the
21 Constitution or laws of this State, the occupant of which is
22 charged with the exercise of some portion of the sovereign
23 power of this State. The term "public office" shall include
24 members of the public body, but it shall not include
25 organizational positions filled by members thereof, whether
26 established by law or by a public body itself, that exist to

1 assist the body in the conduct of its business.

2 "Quasi-adjudicative body" means an administrative body
3 charged by law or ordinance with the responsibility to conduct
4 hearings, receive evidence or testimony and make
5 determinations based thereon, but does not include local
6 electoral boards when such bodies are considering petition
7 challenges.

8 (e) Final action. No final action may be taken at a closed
9 meeting. Final action shall be preceded by a public recital of
10 the nature of the matter being considered and other
11 information that will inform the public of the business being
12 conducted.

13 (Source: P.A. 103-311, eff. 7-28-23; 103-626, eff. 1-1-25;
14 104-438, eff. 1-1-26; revised 1-12-26.)

15 (Text of Section after amendment by P.A. 104-457 and
16 104-458)

17 Sec. 2. Open meetings.

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19 be open to the public unless excepted in subsection (c) and
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22 in subsection (c) are in derogation of the requirement that
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1 not require the holding of a closed meeting to discuss a
2 subject included within an enumerated exception.

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4 consider the following subjects:

5 (1) The appointment, employment, compensation,
6 discipline, performance, or dismissal of specific
7 employees, specific individuals who serve as independent
8 contractors in a park, recreational, or educational
9 setting, or specific volunteers of the public body or
10 legal counsel for the public body, including hearing
11 testimony on a complaint lodged against an employee, a
12 specific individual who serves as an independent
13 contractor in a park, recreational, or educational
14 setting, or a volunteer of the public body or against
15 legal counsel for the public body to determine its
16 validity. However, a meeting to consider an increase in
17 compensation to a specific employee of a public body that
18 is subject to the Local Government Wage Increase
19 Transparency Act may not be closed and shall be open to the
20 public and posted and held in accordance with this Act.

21 (2) Collective negotiating matters between the public
22 body and its employees or their representatives, or
23 deliberations concerning salary schedules for one or more
24 classes of employees.

25 (3) The selection of a person to fill a public office,
26 as defined in this Act, including a vacancy in a public

1 office, when the public body is given power to appoint
2 under law or ordinance, or the discipline, performance or
3 removal of the occupant of a public office, when the
4 public body is given power to remove the occupant under
5 law or ordinance.

6 (4) Evidence or testimony presented in open hearing,
7 or in closed hearing where specifically authorized by law,
8 to a quasi-adjudicative body, as defined in this Act,
9 provided that the body prepares and makes available for
10 public inspection a written decision setting forth its
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13 board regarding denial of admission to school events or
14 property pursuant to Section 24-24 of the School Code,
15 provided that the school board prepares and makes
16 available for public inspection a written decision setting
17 forth its determinative reasoning.

18 (5) The purchase or lease of real property for the use
19 of the public body, including meetings held for the
20 purpose of discussing whether a particular parcel should
21 be acquired.

22 (6) The setting of a price for sale or lease of
23 property owned by the public body.

24 (7) The sale or purchase of securities, investments,
25 or investment contracts. This exception shall not apply to
26 the investment of assets or income of funds deposited into

1 the Illinois Prepaid Tuition Trust Fund.

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3 security, and the use of personnel and equipment to
4 respond to an actual, a threatened, or a reasonably
5 potential danger to the safety of employees, students,
6 staff, the public, or public property.

7 (9) Student disciplinary cases.

8 (10) The placement of individual students in special
9 education programs and other matters relating to
10 individual students.

11 (11) Litigation, when an action against, affecting or
12 on behalf of the particular public body has been filed and
13 is pending before a court or administrative tribunal, or
14 when the public body finds that an action is probable or
15 imminent, in which case the basis for the finding shall be
16 recorded and entered into the minutes of the closed
17 meeting.

18 (12) The establishment of reserves or settlement of
19 claims as provided in the Local Governmental and
20 Governmental Employees Tort Immunity Act, if otherwise the
21 disposition of a claim or potential claim might be
22 prejudiced, or the review or discussion of claims, loss or
23 risk management information, records, data, advice or
24 communications from or with respect to any insurer of the
25 public body or any intergovernmental risk management
26 association or self-insurance pool of which the public

1 body is a member.

2 (13) Conciliation of complaints of discrimination in
3 the sale or rental of housing, when closed meetings are
4 authorized by the law or ordinance prescribing fair
5 housing practices and creating a commission or
6 administrative agency for their enforcement.

7 (14) Informant sources, the hiring or assignment of
8 undercover personnel or equipment, or ongoing, prior or
9 future criminal investigations, when discussed by a public
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12 considered by an advisory body appointed to advise a
13 licensing or regulatory agency on matters germane to the
14 advisory body's field of competence.

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16 procedures, or professional ethics, when meeting with a
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21 education as defined in Section 3-0.01 of the School Code.

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5 hospital, or other institution providing medical care,
6 that is operated by the public body.

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19 (22) Deliberations for decisions of the State
20 Emergency Medical Services Disciplinary Review Board.

21 (23) The operation by a municipality of a municipal
22 utility or the operation of a municipal power agency or
23 municipal natural gas agency when the discussion involves:
24 (i) trade secrets or commercial or financial information
25 obtained from a person or business where the trade secrets
26 or commercial or financial information are furnished under

1 a claim that they are proprietary, privileged, or
2 confidential, and that disclosure of the trade secrets or
3 commercial or financial information would cause
4 competitive harm to the person or business; or
5 commercially sensitive information contained in offers to
6 buy or sell made in the competitive markets of a regional
7 transmission organization; and only insofar as the
8 discussion relates directly to such trade secrets or
9 information; (ii) physical or cybersecurity of facilities
10 or materials designated as Critical Energy/Electric
11 Infrastructure Information under federal law or
12 regulation; or (iii) ongoing contract negotiations or
13 results of a request for proposals relating to the
14 purchase, sale, or delivery of electricity or natural gas
15 from nonaffiliate entities; provided however, the
16 municipality, municipal power agency, or municipal natural
17 gas agency shall hold at least one public meeting as to any
18 contract discussed in whole or in part in closed session
19 prior to final action on the contract.

20 (24) Meetings of a residential health care facility
21 resident sexual assault and death review team or the
22 Executive Council under the Abuse Prevention Review Team
23 Act.

24 (25) Meetings of an independent team of experts under
25 the Developmental Disability and Mental Health Safety Act
26 or Brian's Law.

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2 under the Department of Juvenile Justice Mortality Review
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10 and governmental audit committees, finance committees, and
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13 areas, known or suspected frauds, and fraud interviews
14 conducted in accordance with generally accepted auditing
15 standards of the United States of America.

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18 Concealed Carry Licensing Review Board under the Firearm
19 Concealed Carry Act.

20 (32) Meetings between the Northern Illinois Transit
21 Authority Board and its Service Boards when the discussion
22 involves review by the Northern Illinois Transit Authority
23 Board of employment contracts under Section 28d of the
24 Chicago Transit Authority Act and Sections 3A.18 and 3B.26
25 of the Northern Illinois Transit Authority Act.

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16 or a trade secret; or (ii) information specifically
17 exempted from the disclosure by federal or State law.

18 (37) Deliberations for decisions of the Illinois Law
19 Enforcement Training Standards Board, the Certification
20 Review Panel, and the Illinois State Police Merit Board
21 regarding certification and decertification.

22 (38) Meetings of the Ad Hoc Statewide Domestic
23 Violence Fatality Review Committee of the Illinois
24 Criminal Justice Information Authority Board that occur in
25 closed executive session under subsection (d) of Section
26 35 of the Domestic Violence Fatality Review Act.

1 (39) Meetings of the regional review teams under
2 subsection (a) of Section 75 of the Domestic Violence
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5 Card Review Board under Section 10 of the Firearm Owners
6 Identification Card Act.

7 (d) Definitions. For purposes of this Section:

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10 employer-employee relationship under the usual common law
11 rules, and who is not an independent contractor.

12 "Public office" means a position created by or under the
13 Constitution or laws of this State, the occupant of which is
14 charged with the exercise of some portion of the sovereign
15 power of this State. The term "public office" shall include
16 members of the public body, but it shall not include
17 organizational positions filled by members thereof, whether
18 established by law or by a public body itself, that exist to
19 assist the body in the conduct of its business.

20 "Quasi-adjudicative body" means an administrative body
21 charged by law or ordinance with the responsibility to conduct
22 hearings, receive evidence or testimony and make
23 determinations based thereon, but does not include local
24 electoral boards when such bodies are considering petition
25 challenges.

26 (e) Final action. No final action may be taken at a closed

1 meeting. Final action shall be preceded by a public recital of
2 the nature of the matter being considered and other
3 information that will inform the public of the business being
4 conducted.

5 (Source: P.A. 103-311, eff. 7-28-23; 103-626, eff. 1-1-25;
6 104-438, eff. 1-1-26; 104-457, Article 10, Section 10-5, eff.
7 6-1-26; 104-457, Article 15, Section 15-5, eff. 6-1-26;
8 104-458, eff. 6-1-26; revised 1-12-26.)

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."