



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5446

by Rep. Christine Winger

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7.5

Creates the Crash Report Confidentiality Act. Provides that a public body shall not disclose a crash report, unless requested by (1) an individual who is an involved individual or involved party of the incident; (2) a person who possesses written permission from an involved individual; (3) an educational institution performing a study; (4) the insurance company of an involved individual; (5) a reporter; or (6) a news medium. Provides that the Act applies to all requests for a crash report, including a request made under the Freedom of Information Act. Provides that a law enforcement agency is not liable for actions taken in good faith compliance with the Act. Provides that the Department of State Police shall adopt rules to implement the Act, including rules prescribing procedures for a public body to verify that a person requesting a crash report is entitled to disclosure of the crash report. Makes a corresponding change in the Freedom of Information Act.

LRB100 20807 HEP 36297 b

1 AN ACT concerning records.

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

4 Section 1. Short title. This Act may be cited as the Crash
5 Report Confidentiality Act.

6 Section 5. Limitation on disclosure of crash reports.

7 (a) A public body shall not disclose a crash report, unless
8 requested by:

9 (1) an individual who is an involved individual or
10 involved party of the incident;

11 (2) a person who possesses written permission from an
12 involved individual;

13 (3) an educational institution performing a study;

14 (4) the insurance company of an involved individual;

15 (5) a reporter, as defined in Section 8-902 of the Code
16 of Civil Procedure; or

17 (6) a news medium, as defined in in Section 8-902 of
18 the Code of Civil Procedure.

19 (b) This Act applies to all requests for a crash report,
20 including a request made under the Freedom of Information Act.

21 (c) A law enforcement agency is not liable for actions
22 taken in good faith compliance with this Act.

23 (d) The Department of State Police shall adopt rules to

1 implement this Act, including rules prescribing procedures for
2 a public body to verify that a person requesting a crash report
3 is entitled to disclosure of the crash report under this Act.

4 Section 10. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 100-512 and
8 100-517)

9 Sec. 7.5. Statutory exemptions. To the extent provided for
10 by the statutes referenced below, the following shall be exempt
11 from inspection and copying:

12 (a) All information determined to be confidential
13 under Section 4002 of the Technology Advancement and
14 Development Act.

15 (b) Library circulation and order records identifying
16 library users with specific materials under the Library
17 Records Confidentiality Act.

18 (c) Applications, related documents, and medical
19 records received by the Experimental Organ Transplantation
20 Procedures Board and any and all documents or other records
21 prepared by the Experimental Organ Transplantation
22 Procedures Board or its staff relating to applications it
23 has received.

24 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating
2 to known or suspected cases of sexually transmissible
3 disease or any information the disclosure of which is
4 restricted under the Illinois Sexually Transmissible
5 Disease Control Act.

6 (e) Information the disclosure of which is exempted
7 under Section 30 of the Radon Industry Licensing Act.

8 (f) Firm performance evaluations under Section 55 of
9 the Architectural, Engineering, and Land Surveying
10 Qualifications Based Selection Act.

11 (g) Information the disclosure of which is restricted
12 and exempted under Section 50 of the Illinois Prepaid
13 Tuition Act.

14 (h) Information the disclosure of which is exempted
15 under the State Officials and Employees Ethics Act, and
16 records of any lawfully created State or local inspector
17 general's office that would be exempt if created or
18 obtained by an Executive Inspector General's office under
19 that Act.

20 (i) Information contained in a local emergency energy
21 plan submitted to a municipality in accordance with a local
22 emergency energy plan ordinance that is adopted under
23 Section 11-21.5-5 of the Illinois Municipal Code.

24 (j) Information and data concerning the distribution
25 of surcharge moneys collected and remitted by carriers
26 under the Emergency Telephone System Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Authority due to its administration
18 of the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability Act of 1996, Public Law 104-191, or any
22 subsequent amendments thereto, and any regulations
23 promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure
15 under the Revised Uniform Unclaimed Property Act.

16 (gg) ~~(ff)~~ Information that is prohibited from being
17 disclosed under Section 7-603.5 of the Illinois Vehicle
18 Code.

19 (hh) ~~(ff)~~ Records that are exempt from disclosure under
20 Section 1A-16.7 of the Election Code.

21 (ii) ~~(ff)~~ Information which is exempted from
22 disclosure under Section 2505-800 of the Department of
23 Revenue Law of the Civil Administrative Code of Illinois.

24 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
25 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
26 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;

1 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
2 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

3 (Text of Section after amendment by P.A. 100-517 but before
4 amendment by P.A. 100-512)

5 Sec. 7.5. Statutory exemptions. To the extent provided for
6 by the statutes referenced below, the following shall be exempt
7 from inspection and copying:

8 (a) All information determined to be confidential
9 under Section 4002 of the Technology Advancement and
10 Development Act.

11 (b) Library circulation and order records identifying
12 library users with specific materials under the Library
13 Records Confidentiality Act.

14 (c) Applications, related documents, and medical
15 records received by the Experimental Organ Transplantation
16 Procedures Board and any and all documents or other records
17 prepared by the Experimental Organ Transplantation
18 Procedures Board or its staff relating to applications it
19 has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating
22 to known or suspected cases of sexually transmissible
23 disease or any information the disclosure of which is
24 restricted under the Illinois Sexually Transmissible
25 Disease Control Act.

1 (e) Information the disclosure of which is exempted
2 under Section 30 of the Radon Industry Licensing Act.

3 (f) Firm performance evaluations under Section 55 of
4 the Architectural, Engineering, and Land Surveying
5 Qualifications Based Selection Act.

6 (g) Information the disclosure of which is restricted
7 and exempted under Section 50 of the Illinois Prepaid
8 Tuition Act.

9 (h) Information the disclosure of which is exempted
10 under the State Officials and Employees Ethics Act, and
11 records of any lawfully created State or local inspector
12 general's office that would be exempt if created or
13 obtained by an Executive Inspector General's office under
14 that Act.

15 (i) Information contained in a local emergency energy
16 plan submitted to a municipality in accordance with a local
17 emergency energy plan ordinance that is adopted under
18 Section 11-21.5-5 of the Illinois Municipal Code.

19 (j) Information and data concerning the distribution
20 of surcharge moneys collected and remitted by carriers
21 under the Emergency Telephone System Act.

22 (k) Law enforcement officer identification information
23 or driver identification information compiled by a law
24 enforcement agency or the Department of Transportation
25 under Section 11-212 of the Illinois Vehicle Code.

26 (l) Records and information provided to a residential

1 health care facility resident sexual assault and death
2 review team or the Executive Council under the Abuse
3 Prevention Review Team Act.

4 (m) Information provided to the predatory lending
5 database created pursuant to Article 3 of the Residential
6 Real Property Disclosure Act, except to the extent
7 authorized under that Article.

8 (n) Defense budgets and petitions for certification of
9 compensation and expenses for court appointed trial
10 counsel as provided under Sections 10 and 15 of the Capital
11 Crimes Litigation Act. This subsection (n) shall apply
12 until the conclusion of the trial of the case, even if the
13 prosecution chooses not to pursue the death penalty prior
14 to trial or sentencing.

15 (o) Information that is prohibited from being
16 disclosed under Section 4 of the Illinois Health and
17 Hazardous Substances Registry Act.

18 (p) Security portions of system safety program plans,
19 investigation reports, surveys, schedules, lists, data, or
20 information compiled, collected, or prepared by or for the
21 Regional Transportation Authority under Section 2.11 of
22 the Regional Transportation Authority Act or the St. Clair
23 County Transit District under the Bi-State Transit Safety
24 Act.

25 (q) Information prohibited from being disclosed by the
26 Personnel Records Review Act.

1 (r) Information prohibited from being disclosed by the
2 Illinois School Student Records Act.

3 (s) Information the disclosure of which is restricted
4 under Section 5-108 of the Public Utilities Act.

5 (t) All identified or deidentified health information
6 in the form of health data or medical records contained in,
7 stored in, submitted to, transferred by, or released from
8 the Illinois Health Information Exchange, and identified
9 or deidentified health information in the form of health
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11 Exchange in the possession of the Illinois Health
12 Information Exchange Authority due to its administration
13 of the Illinois Health Information Exchange. The terms
14 "identified" and "deidentified" shall be given the same
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24 or received a concealed carry license under the Firearm
25 Concealed Carry Act, unless otherwise authorized by the
26 Firearm Concealed Carry Act; and databases under the

1 Firearm Concealed Carry Act, records of the Concealed Carry
2 Licensing Review Board under the Firearm Concealed Carry
3 Act, and law enforcement agency objections under the
4 Firearm Concealed Carry Act.

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7 19.1 of the Toll Highway Act.

8 (x) Information which is exempted from disclosure
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13 statute, the Elder Abuse and Neglect Act, including
14 information about the identity and administrative finding
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11 (gg) ~~(ff)~~ Information that is prohibited from being
12 disclosed under Section 7-603.5 of the Illinois Vehicle
13 Code.

14 (hh) ~~(ff)~~ Records that are exempt from disclosure under
15 Section 1A-16.7 of the Election Code.

16 (ii) ~~(ff)~~ Information which is exempted from
17 disclosure under Section 2505-800 of the Department of
18 Revenue Law of the Civil Administrative Code of Illinois.

19 (jj) ~~(ff)~~ Information and reports that are required to
20 be submitted to the Department of Labor by registering day
21 and temporary labor service agencies but are exempt from
22 disclosure under subsection (a-1) of Section 45 of the Day
23 and Temporary Labor Services Act.

24 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
25 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
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18 Revenue Law of the Civil Administrative Code of Illinois.

19 (jj) ~~(ff)~~ Information and reports that are required to
20 be submitted to the Department of Labor by registering day
21 and temporary labor service agencies but are exempt from
22 disclosure under subsection (a-1) of Section 45 of the Day
23 and Temporary Labor Services Act.

24 (kk) ~~(ff)~~ Information prohibited from disclosure under
25 the Seizure and Forfeiture Reporting Act.

26 (ll) Crash Reports prohibited from disclosure under

1 the Crash Report Confidentiality Act.

2 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
3 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
4 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
5 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
6 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
7 eff. 6-1-18; revised 11-2-17.)

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