



Sen. Scott M. Bennett

**Filed: 4/6/2018**

10000SB3138sam001

LRB100 19604 AXK 37636 a

1 AMENDMENT TO SENATE BILL 3138

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3138 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 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

1 Records Confidentiality Act.

2 (c) Applications, related documents, and medical  
3 records received by the Experimental Organ Transplantation  
4 Procedures Board and any and all documents or other records  
5 prepared by the Experimental Organ Transplantation  
6 Procedures Board or its staff relating to applications it  
7 has received.

8 (d) Information and records held by the Department of  
9 Public Health and its authorized representatives relating  
10 to known or suspected cases of sexually transmissible  
11 disease or any information the disclosure of which is  
12 restricted under the Illinois Sexually Transmissible  
13 Disease Control Act.

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

16 (f) Firm performance evaluations under Section 55 of  
17 the Architectural, Engineering, and Land Surveying  
18 Qualifications Based Selection Act.

19 (g) Information the disclosure of which is restricted  
20 and exempted under Section 50 of the Illinois Prepaid  
21 Tuition Act.

22 (h) Information the disclosure of which is exempted  
23 under the State Officials and Employees Ethics Act, and  
24 records of any lawfully created State or local inspector  
25 general's office that would be exempt if created or  
26 obtained by an Executive Inspector General's office under

1 that Act.

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

6 (j) Information and data concerning the distribution  
7 of surcharge moneys collected and remitted by carriers  
8 under the Emergency Telephone System Act.

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

13 (l) Records and information provided to a residential  
14 health care facility resident sexual assault and death  
15 review team or the Executive Council under the Abuse  
16 Prevention Review Team Act.

17 (m) Information provided to the predatory lending  
18 database created pursuant to Article 3 of the Residential  
19 Real Property Disclosure Act, except to the extent  
20 authorized under that Article.

21 (n) Defense budgets and petitions for certification of  
22 compensation and expenses for court appointed trial  
23 counsel as provided under Sections 10 and 15 of the Capital  
24 Crimes Litigation Act. This subsection (n) shall apply  
25 until the conclusion of the trial of the case, even if the  
26 prosecution chooses not to pursue the death penalty prior

1 to trial or sentencing.

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

5 (p) Security portions of system safety program plans,  
6 investigation reports, surveys, schedules, lists, data, or  
7 information compiled, collected, or prepared by or for the  
8 Regional Transportation Authority under Section 2.11 of  
9 the Regional Transportation Authority Act or the St. Clair  
10 County Transit District under the Bi-State Transit Safety  
11 Act.

12 (q) Information prohibited from being disclosed by the  
13 Personnel Records Review Act.

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

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

18 (t) All identified or deidentified health information  
19 in the form of health data or medical records contained in,  
20 stored in, submitted to, transferred by, or released from  
21 the Illinois Health Information Exchange, and identified  
22 or deidentified health information in the form of health  
23 data and medical records of the Illinois Health Information  
24 Exchange in the possession of the Illinois Health  
25 Information Exchange Authority due to its administration  
26 of the Illinois Health Information Exchange. The terms

1 "identified" and "deidentified" shall be given the same  
2 meaning as in the Health Insurance Portability and  
3 Accountability Act of 1996, Public Law 104-191, or any  
4 subsequent amendments thereto, and any regulations  
5 promulgated thereunder.

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

8 (v) Names and information of people who have applied  
9 for or received Firearm Owner's Identification Cards under  
10 the Firearm Owners Identification Card Act or applied for  
11 or received a concealed carry license under the Firearm  
12 Concealed Carry Act, unless otherwise authorized by the  
13 Firearm Concealed Carry Act; and databases under the  
14 Firearm Concealed Carry Act, records of the Concealed Carry  
15 Licensing Review Board under the Firearm Concealed Carry  
16 Act, and law enforcement agency objections under the  
17 Firearm Concealed Carry Act.

18 (w) Personally identifiable information which is  
19 exempted from disclosure under subsection (g) of Section  
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure  
22 under Section 5-1014.3 of the Counties Code or Section  
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult  
25 Protective Services Act and its predecessor enabling  
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding  
2 against any caregiver of a verified and substantiated  
3 decision of abuse, neglect, or financial exploitation of an  
4 eligible adult maintained in the Registry established  
5 under Section 7.5 of the Adult Protective Services Act.

6 (z) Records and information provided to a fatality  
7 review team or the Illinois Fatality Review Team Advisory  
8 Council under Section 15 of the Adult Protective Services  
9 Act.

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

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

14 (cc) Recordings made under the Law Enforcement  
15 Officer-Worn Body Camera Act, except to the extent  
16 authorized under that Act.

17 (dd) Information that is prohibited from being  
18 disclosed under Section 45 of the Condominium and Common  
19 Interest Community Ombudsperson Act.

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

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

24 (gg) ~~(ff)~~ Information that is prohibited from being  
25 disclosed under Section 7-603.5 of the Illinois Vehicle  
26 Code.

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

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

6            (ll) Information that is exempt from disclosure under  
7            Section 70 of the Higher Education Student Assistance Act.

8            (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
9            eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
10           99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
11           100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
12           8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

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

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

18           (a) All information determined to be confidential  
19           under Section 4002 of the Technology Advancement and  
20           Development Act.

21           (b) Library circulation and order records identifying  
22           library users with specific materials under the Library  
23           Records Confidentiality Act.

24           (c) Applications, related documents, and medical  
25           records received by the Experimental Organ Transplantation

1 Procedures Board and any and all documents or other records  
2 prepared by the Experimental Organ Transplantation  
3 Procedures Board or its staff relating to applications it  
4 has received.

5 (d) Information and records held by the Department of  
6 Public Health and its authorized representatives relating  
7 to known or suspected cases of sexually transmissible  
8 disease or any information the disclosure of which is  
9 restricted under the Illinois Sexually Transmissible  
10 Disease Control Act.

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

13 (f) Firm performance evaluations under Section 55 of  
14 the Architectural, Engineering, and Land Surveying  
15 Qualifications Based Selection Act.

16 (g) Information the disclosure of which is restricted  
17 and exempted under Section 50 of the Illinois Prepaid  
18 Tuition Act.

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

25 (i) Information contained in a local emergency energy  
26 plan submitted to a municipality in accordance with a local

1 emergency energy plan ordinance that is adopted under  
2 Section 11-21.5-5 of the Illinois Municipal Code.

3 (j) Information and data concerning the distribution  
4 of surcharge moneys collected and remitted by carriers  
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6 (k) Law enforcement officer identification information  
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8 enforcement agency or the Department of Transportation  
9 under Section 11-212 of the Illinois Vehicle Code.

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11 health care facility resident sexual assault and death  
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14 (m) Information provided to the predatory lending  
15 database created pursuant to Article 3 of the Residential  
16 Real Property Disclosure Act, except to the extent  
17 authorized under that Article.

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

25 (o) Information that is prohibited from being  
26 disclosed under Section 4 of the Illinois Health and

1 Hazardous Substances Registry Act.

2 (p) Security portions of system safety program plans,  
3 investigation reports, surveys, schedules, lists, data, or  
4 information compiled, collected, or prepared by or for the  
5 Regional Transportation Authority under Section 2.11 of  
6 the Regional Transportation Authority Act or the St. Clair  
7 County Transit District under the Bi-State Transit Safety  
8 Act.

9 (q) Information prohibited from being disclosed by the  
10 Personnel Records Review Act.

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

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

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

1 subsequent amendments thereto, and any regulations  
2 promulgated thereunder.

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

5 (v) Names and information of people who have applied  
6 for or received Firearm Owner's Identification Cards under  
7 the Firearm Owners Identification Card Act or applied for  
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12 Licensing Review Board under the Firearm Concealed Carry  
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16 exempted from disclosure under subsection (g) of Section  
17 19.1 of the Toll Highway Act.

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22 Protective Services Act and its predecessor enabling  
23 statute, the Elder Abuse and Neglect Act, including  
24 information about the identity and administrative finding  
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26 decision of abuse, neglect, or financial exploitation of an

1 eligible adult maintained in the Registry established  
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16 Interest Community Ombudsperson Act.

17 (ee) Information that is exempted from disclosure  
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19 (ff) Information that is exempted from disclosure  
20 under the Revised Uniform Unclaimed Property Act.

21 (gg) ~~(ff)~~ Information that is prohibited from being  
22 disclosed under Section 7-603.5 of the Illinois Vehicle  
23 Code.

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

26 (ii) ~~(ff)~~ Information which is exempted from

1 disclosure under Section 2505-800 of the Department of  
2 Revenue Law of the Civil Administrative Code of Illinois.

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

8 (ll) Information that is exempt from disclosure under  
9 Section 70 of the Higher Education Student Assistance Act.

10 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
11 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
12 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
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1 against any caregiver of a verified and substantiated  
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6 review team or the Illinois Fatality Review Team Advisory  
7 Council under Section 15 of the Adult Protective Services  
8 Act.

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25 Code.

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1 Section 1A-16.7 of the Election Code.

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

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

12 (ll) Information that is exempt from disclosure under  
13 Section 70 of the Higher Education Student Assistance Act.

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

20 Section 10. The Higher Education Student Assistance Act is  
21 amended by changing Section 70 as follows:

22 (110 ILCS 947/70)

23 Sec. 70. Administration of scholarship and grant programs.

24 (a) An applicant to whom the Commission has awarded a

1 scholarship or grant under this Act may apply for enrollment as  
2 a student in any qualified institution of higher learning. The  
3 institution is not required to accept the applicant for  
4 enrollment, but is free to exact compliance with its own  
5 admissions requirements, standards, and policies. The  
6 institution may receive the payments of tuition and other  
7 necessary fees provided by the scholarship or grant, for credit  
8 against the student's obligation for such tuition and fees, and  
9 for no other purpose, and shall be contractually obligated:

10 (1) to provide facilities and instruction to the  
11 student on the same terms as to other students generally;

12 (2) to provide the notices and information described in  
13 this Act; and to maintain records and documents which  
14 demonstrate the eligibility of the students for whom  
15 scholarships and grants are claimed.

16 (b) If, in the course of any academic period, any student  
17 enrolled in any institution pursuant to a scholarship or grant  
18 awarded under this Act for any reason ceases to be a student in  
19 good standing, the institution shall promptly give written  
20 notice to the Commission concerning that change of status and  
21 the reason therefor. For purposes of this Section, a student  
22 does not cease to be a student in good standing merely because  
23 he or she is not classified as a full-time student.

24 (c) A student to whom a renewal scholarship or grant has  
25 been awarded may either re-enroll in the institution which he  
26 or she attended during the preceding year, or enroll in any

1 other qualified institution of higher learning; and in either  
2 event, the institution accepting the student for enrollment or  
3 re-enrollment shall notify the Commission of that acceptance  
4 and may receive payments and shall be contractually obligated  
5 as provided with respect to a first-year scholarship or grant.

6 (d) The Commission shall administer the scholarship and  
7 grant accounts and related records of each student who is  
8 attending an institution of higher learning under financial  
9 assistance awarded pursuant to this Act, and at each proper  
10 time shall certify to the State Comptroller, in the manner  
11 prescribed by law, the current payment to be made to the  
12 institution on account of such financial assistance, in  
13 accordance with an appropriate certificate from the  
14 institution. The Commission may require the participating  
15 institution of higher learning to perform specific eligibility  
16 evaluation procedures as a condition of participation.

17 (e) The Commission shall conduct on-site audits of  
18 educational institutions participating in Commission  
19 administered programs. When institutions have claimed and  
20 received funds on behalf of ineligible recipients, the  
21 Commission may adjust subsequent institutional payments to  
22 recover those funds.

23 (f) The Commission may, upon the request of any institution  
24 which received payment for scholarship and grant awards for  
25 each of the last 5 years, certify to the Comptroller an advance  
26 payment for the current term to be made to the institution on

1 account of such financial assistance in an amount not to exceed  
2 75% of announced awards for the institution for such financial  
3 assistance for the current term, adjusted for attrition over  
4 the last 5 years. For the purposes of this Section, "attrition"  
5 is the number of announced award winners enrolled on the 10th  
6 class day as a percentage of the total announced awards. The  
7 request for an advance payment for the current term shall not  
8 be submitted until 10 class days after the last day for  
9 registration for that term. Upon appropriate certification  
10 from the institution presented for each payment period, after  
11 the standard tuition and mandatory fees have been established  
12 for all students for the term of payment and the award  
13 recipient has enrolled, the Commission shall certify to the  
14 State Comptroller the balance of the current payment to be made  
15 to the institution on account of such financial assistance. If  
16 an advance payment received by an institution exceeds the  
17 payment to which that institution is entitled, the Commission  
18 shall reduce subsequent payments to that institution for later  
19 terms within the same academic year as the overpayment by an  
20 amount equal to the overpayment; if the reduction cannot be  
21 made, the institution shall refund the overpayment to the  
22 Commission. The Commission may deny or reduce the advance  
23 payment provided to any institution under this Section if it  
24 has reason to believe that the advance payment for the current  
25 term may exceed the full payment the institution is entitled to  
26 receive for such assistance for that term.

1       (g) The identity and address of a scholarship, grant, or  
2 other financial assistance applicant or recipient under a  
3 program administered by the Commission is private information  
4 and is exempt from inspection and copying under the Freedom of  
5 Information Act. The exemption under this subsection (g) does  
6 not apply to the identity of a student recognized through the  
7 State Scholar program under Section 25 of this Act, Merit  
8 Recognition Scholarship program under Section 31 of this Act,  
9 Golden Apple Scholars of Illinois Program under Section 52 of  
10 this Act, or any other program created on or after the  
11 effective date of this amendatory Act of the 100th General  
12 Assembly that is administered by the Commission with the  
13 purpose of providing a recipient public recognition of  
14 achievement.

15       (Source: P.A. 92-713, eff. 7-23-02.)

16       Section 95. No acceleration or delay. Where this Act makes  
17 changes in a statute that is represented in this Act by text  
18 that is not yet or no longer in effect (for example, a Section  
19 represented by multiple versions), the use of that text does  
20 not accelerate or delay the taking effect of (i) the changes  
21 made by this Act or (ii) provisions derived from any other  
22 Public Act.

23       Section 99. Effective date. This Act takes effect upon  
24 becoming law."