



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5271

by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Domestic Violence Act of 1986 by creating the Domestic Violence Fatality Review Team Law. Authorizes the creation of Domestic Violence Fatality Review Teams to identify and review the circumstances that led to domestic violence-related homicides and identify strategies to prevent future fatalities. Allows, for the limited purpose of domestic violence fatality reviews, the disclosure to Team members of any information deemed confidential, privileged, or prohibited from disclosure by any other Act. Provides that confidential information obtained by a Team shall remain confidential and may not be disclosed by the Team. Provides that the proceedings, records, opinions, and deliberations of a Team are privileged. Limits the liability for a Team member or a person providing information to a Team for civil damages arising out of an official act or an omission during the gathering or processing of information by a Team, except for acts or omissions that constitute willful or wanton misconduct or acts performed outside the scope of the authority of the Team. Provides that the Office of the Attorney General shall convene a statewide Domestic Violence Fatality Review Advisory Council to advise regarding the development and implementation of Domestic Violence Fatality Review Teams and study the feasibility of an electronic database of orders of protection issued in the State. Requires the Office of the Attorney General and the Advisory Council to issue a biennial statewide report on Domestic Violence Fatality Review Teams. Makes other changes. Amends the Freedom of Information Act. Exempts information gathered by a Domestic Violence Fatality Review Team from the requirements of the Act.

LRB101 19255 LNS 68719 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning domestic violence.

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

4 Section 5. The Illinois Domestic Violence Act of 1986 is  
5 amended by adding Article V as follows:

6 (750 ILCS 60/Art. V heading new)

7 ARTICLE V

8 FATALITY REVIEW TEAMS

9 (750 ILCS 60/501 new)

10 Sec. 501. Short title. This Article may be cited as the  
11 Domestic Violence Fatality Review Team Law.

12 (750 ILCS 60/505 new)

13 Sec. 505. Purpose. The purpose of this Article is to allow  
14 the creation of teams to identify and review the circumstances  
15 that led to domestic violence-related homicides and identify  
16 strategies to prevent future fatalities.

17 (750 ILCS 60/510 new)

18 Sec. 510. Domestic Violence Fatality Review Teams.

19 (a) A county or group of counties or a municipality may  
20 establish a Domestic Violence Fatality Review Team. The Team

1 shall identify intimate partner violence-related homicides,  
2 review the circumstances that led to those deaths, and identify  
3 strategies to prevent future fatalities. For the purposes of  
4 this Article, "intimate partners" include: (i) spouses or  
5 former spouses; (ii) persons who have or allegedly have a child  
6 in common; and (iii) persons who have or had a dating or  
7 engagement relationship.

8 (b) Teams may determine which intimate partner  
9 violence-related homicides to review, but may not review cases  
10 under investigation by law enforcement or while an action is  
11 pending in criminal or civil court.

12 (c) Teams may be comprised of members who serve on an  
13 ongoing basis and members who serve on a case-specific basis.

14 (d) Teams shall include, but are not limited to,  
15 representatives from the following:

16 (1) coroners or medical examiners;

17 (2) judges and courts;

18 (3) the investigating law enforcement agency;

19 (4) prosecutors;

20 (5) a local domestic violence agency;

21 (6) health care professionals or emergency response  
22 personnel; and

23 (7) child welfare representatives.

24 (e) Teams may also include, but are not limited to, the  
25 following:

26 (1) mental health treatment providers;

1           (2) corrections and domestic partner abuse  
2           intervention providers;

3           (3) representatives from domestic violence programs;

4           (4) representatives from an area institution of higher  
5           education;

6           (5) city council members;

7           (6) survivors of domestic violence;

8           (7) county commissioners;

9           (8) local members of the clergy; and

10          (9) a family member of a decedent whose death resulted  
11          from domestic abuse.

12          (f) Teams shall have access to all appropriate information  
13          and records in possession of public and private agencies that  
14          are relevant to the review of a domestic violence fatality.  
15          This access includes, but is not limited to, access to victim  
16          and perpetrator medical, dental, and mental health records,  
17          pathologist reports, coroner and medical examiner records,  
18          direct service records, records of law enforcement agencies,  
19          records from the Department of Corrections and parole and  
20          probation departments, reports from states and governments,  
21          court records and information, and employment records. For the  
22          limited purpose of domestic violence fatality reviews, this  
23          subsection permits the disclosure to Team members of any  
24          information deemed confidential, privileged, or prohibited  
25          from disclosure by any other Act. Release of confidential  
26          communication between domestic violence advocates and a

1 domestic violence victim shall follow subsection (d) of Section  
2 227, which allows for the waiver of privilege afforded to  
3 guardians or executors or administrators of the estate of the  
4 domestic violence victim.

5 (750 ILCS 60/515 new)

6 Sec. 515. Information; confidentiality. Meetings of  
7 Domestic Violence Fatality Review Teams shall be closed to the  
8 public and not subject to the Open Meetings Act. Confidential  
9 information obtained by a Team shall remain confidential and  
10 may not be disclosed by the Team. The proceedings, records,  
11 opinions, and deliberations of a Team are privileged and are  
12 not subject to discovery, subpoena, the Freedom of Information  
13 Act, or introduction into evidence in any civil action in any  
14 manner that would directly or indirectly identify specific  
15 persons or cases reviewed by the Team. Release of confidential  
16 communications between domestic violence advocates and a  
17 domestic violence victim shall follow the provisions of  
18 subsection (d) of Section 227, which allows for the waiver of  
19 privilege afforded to guardians or executors or administrators  
20 of the estate of the domestic violence victim.

21 (750 ILCS 60/520 new)

22 Sec. 520. Liability. No member of a Team and no person  
23 providing information to a Team is liable for civil damages  
24 arising out of an official act or omission during the gathering

1 or processing of information by a Team, except for acts or  
2 omissions that constitute willful or wanton misconduct on the  
3 part of the member or person providing information, or acts  
4 performed outside the scope of the authority of the Team.

5 (750 ILCS 60/525 new)

6 Sec. 525. Statewide coordination.

7 (a) The Office of the Attorney General shall convene a  
8 statewide Domestic Violence Fatality Review Advisory Council  
9 including, but not limited to, representatives from the  
10 following professions:

11 (1) coroners or medical examiners;

12 (2) judges and courts;

13 (3) law enforcement;

14 (4) prosecutors;

15 (5) domestic violence programs and partner abuse  
16 intervention programs; and

17 (6) health care.

18 The Council shall advise regarding the development and  
19 implementation of Domestic Violence Fatality Review Teams.

20 (b) Domestic Violence Fatality Review Teams shall report  
21 annually to the Office of the Attorney General for compilation.

22 (c) The Council shall also study the feasibility of an  
23 electronic database of orders of protection issued in this  
24 State, accessible only to law enforcement personnel,  
25 prosecutors, prosecutorial staff, judges, and court personnel.

1 (750 ILCS 60/530 new)

2 Sec. 530. Report to General Assembly. A biennial statewide  
3 report on Domestic Violence Fatality Review Teams shall be  
4 issued by the Office of the Attorney General and the Advisory  
5 Council to the Illinois General Assembly in December of  
6 even-numbered years. The annual report in December of 2022  
7 shall contain a recommendation as to whether or not the  
8 domestic violence review process provided for in this Article  
9 should continue or be terminated.

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

12 (5 ILCS 140/7.5)

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

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

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

22 (c) Applications, related documents, and medical  
23 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  
5 under the Emergency Telephone System Act.

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

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

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 Record 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 the Developmental Disability and  
5 Mental Health Safety Act (also known as Brian's Law).

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

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

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

22 (y) Confidential information under the Adult  
23 Protective Services Act and its predecessor enabling  
24 statute, the Elder Abuse and Neglect Act, including  
25 information about the identity and administrative finding  
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of an  
2 eligible adult maintained in the Registry established  
3 under Section 7.5 of the Adult Protective Services Act.

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

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

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

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

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

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

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

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

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

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

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

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

11           (ll) Information the disclosure of which is restricted  
12 and exempted under Section 5-30.8 of the Illinois Public  
13 Aid Code.

14           (mm) Records that are exempt from disclosure under  
15 Section 4.2 of the Crime Victims Compensation Act.

16           (nn) Information that is exempt from disclosure under  
17 Section 70 of the Higher Education Student Assistance Act.

18           (oo) Communications, notes, records, and reports  
19 arising out of a peer support counseling session prohibited  
20 from disclosure under the First Responders Suicide  
21 Prevention Act.

22           (pp) Names and all identifying information relating to  
23 an employee of an emergency services provider or law  
24 enforcement agency under the First Responders Suicide  
25 Prevention Act.

26           (qq) Information and records held by the Department of

1 Public Health and its authorized representatives collected  
2 under the Reproductive Health Act.

3 (rr) Information that is exempt from disclosure under  
4 the Cannabis Regulation and Tax Act.

5 (ss) Data reported by an employer to the Department of  
6 Human Rights pursuant to Section 2-108 of the Illinois  
7 Human Rights Act.

8 (tt) Recordings made under the Children's Advocacy  
9 Center Act, except to the extent authorized under that Act.

10 (uu) Information that is exempt from disclosure under  
11 Section 50 of the Sexual Assault Evidence Submission Act.

12 (vv) Information that is exempt from disclosure under  
13 subsections (f) and (j) of Section 5-36 of the Illinois  
14 Public Aid Code.

15 (ww) Information that is exempt from disclosure under  
16 Section 16.8 of the State Treasurer Act.

17 (xx) Information that is exempt from disclosure or  
18 information that shall not be made public under the  
19 Illinois Insurance Code.

20 (yy) ~~(ee)~~ Information prohibited from being disclosed  
21 under the Illinois Educational Labor Relations Act.

22 (zz) ~~(pp)~~ Information prohibited from being disclosed  
23 under the Illinois Public Labor Relations Act.

24 (aaa) ~~(qq)~~ Information prohibited from being disclosed  
25 under Section 1-167 of the Illinois Pension Code.

26 (bbb) Information gathered by a Domestic Violence

1           Fatality Review Team under Article V of the Illinois  
2           Domestic Violence Act of 1986.

3           (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
4           100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
5           8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
6           eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;  
7           100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.  
8           6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,  
9           eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;  
10          101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.  
11          1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; revised  
12          1-6-20.)

1 INDEX

2 Statutes amended in order of appearance

3 750 ILCS 60/Art. V heading

4 new

5 750 ILCS 60/501 new

6 750 ILCS 60/505 new

7 750 ILCS 60/510 new

8 750 ILCS 60/515 new

9 750 ILCS 60/520 new

10 750 ILCS 60/525 new

11 750 ILCS 60/530 new

12 5 ILCS 140/7.5