



Sen. Celina Villanueva

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1 AMENDMENT TO HOUSE BILL 3161

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3161 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Domestic Violence Fatality Review Act.

6 Section 5. Definitions. As used in this Act:

7 "Board" means the Illinois Criminal Justice Information  
8 Authority Board.

9 "Case eligible for review" means the case based upon a  
10 qualifying relationship that the regional review teams can  
11 review under Section 70.

12 "Confidential information" means:

13 (1) any oral, written, digital or electronic, original  
14 or copied information, records, documents, photographs,  
15 images, exhibits, or communications provided to, obtained  
16 by, shared with, discussed by, created by, or maintained

1 by the Board, Statewide Committee, or by a regional review  
2 team with regard to a case eligible for review to  
3 determine whether the case should be reviewed or a review  
4 of an eligible case;

5 (2) any information that discloses the identities of  
6 victims, survivors, deceased, or offenders, or their  
7 family members, or any information by which their  
8 identities can be determined by a reasonably diligent  
9 inquiry; and

10 (3) any discussions, deliberations, minutes, notes,  
11 records, or opinions of the members of the Board,  
12 Statewide Committee, or a regional review team with regard  
13 to a case eligible for review to determine whether the  
14 case should be reviewed or a review of an eligible case.  
15 Confidential information does not mean nonidentifying or  
16 aggregate data information or analysis of data, and  
17 recommendations for community and systemic reform.

18 "Deceased" means anyone who died in connection with the  
19 actions of the offender, other than the victim, survivor, or  
20 offender.

21 "Domestic violence" means abuse as it is defined in  
22 Section 103 of the Illinois Domestic Violence Act of 1986 and  
23 paragraph (1) of subsection (b) of Section 112A-3 of the Code  
24 of Criminal Procedure of 1963.

25 "Domestic violence fatality review" means the deliberative  
26 process of multiagency and multidisciplinary teams that select

1 eligible cases of domestic violence related fatalities and  
2 near-fatalities, and trace prior systemic interventions and  
3 involvement to:

4 (1) examine barriers to safety, justice,  
5 self-determination, and equity;

6 (2) identify systemic and community gaps and consider  
7 alternate and more effective systemic responses; and

8 (3) develop recommendations for greater coordinated  
9 and improved community and systemic response and  
10 prevention initiatives to domestic violence in order to  
11 reduce the occurrence, frequency, and severity of domestic  
12 violence and prevent fatalities and near-fatalities.

13 "Familicide" means the killing of a family, including one  
14 or both parents and any children, by a family member.

15 "Fatality" means death caused by suicide or homicide.

16 "Near-fatality" means a death that nearly occurred by  
17 means of suicide or homicide, or an injury that could have  
18 resulted in death.

19 "Offender" means the person who inflicted domestic  
20 violence upon the victim and caused the victim's death, or the  
21 person who inflicted domestic violence upon a survivor.

22 "Offender" includes a person who is deceased or alive, and is  
23 not required to have been the subject of a criminal  
24 investigation or prosecution.

25 "Regional domestic violence fatality review team" or  
26 "regional review team" means a multiagency and

1 multidisciplinary team that selects and reviews eligible cases  
2 in accordance with Section 45.

3 "Statewide Committee" means the Ad Hoc Statewide Domestic  
4 Violence Fatality Review Committee of the Illinois Criminal  
5 Justice Information Authority Board.

6 "Survivor" means a person who experienced domestic  
7 violence and is alive.

8 "Victim" means the person who experienced domestic  
9 violence and is deceased, including by means of homicide or  
10 suicide.

11 Section 10. Findings. The General Assembly finds and  
12 declares the following:

13 (a) Over 10,000,000 people in the United States experience  
14 physical domestic violence by a current or former partner each  
15 year.

16 (b) According to the Centers for Disease Control and  
17 Prevention of the United States Department of Health and Human  
18 Services, domestic violence accounts for 15% of all violent  
19 crime in the United States, and in this State, 42% of women and  
20 26% of men have been harmed by an intimate partner in their  
21 lifetime.

22 (c) According to the U.S. Department of Justice,  
23 nationwide approximately 1 in 4 women and nearly 1 in 7 men  
24 experience severe physical violence resulting from domestic  
25 violence by an intimate partner at some point in their

1 lifetime.

2 (d) The Illinois Criminal Justice Information Authority  
3 found that while the actual number of domestic violence  
4 incidents are underreported, in this State over 100,000  
5 domestic violence offenses were reported to law enforcement  
6 each year between 2005 and 2017. Between 400,000 and nearly  
7 600,000 orders of protection were filed each year between 2005  
8 and 2017.

9 (e) From 2001 to 2018, State domestic violence agencies  
10 served nearly 800,000 adults and children, at an average of  
11 57,684 clients per year, according to the Illinois Criminal  
12 Justice Information Authority.

13 (f) Domestic violence related homicides account for nearly  
14 1 in 5 murders in the United States. According to the National  
15 Coalition Against Domestic Violence, female homicide victims  
16 are substantially more likely than male homicide victims to  
17 have been killed by an intimate partner. One in 3 female murder  
18 victims are killed by intimate partners. About 4% of male  
19 homicide victims were killed by an intimate partner.  
20 Nationwide, 72% of all homicide-suicides involved an intimate  
21 partner of which 94% of the murdered victims are women.

22 (g) The Illinois Criminal Justice Information Authority  
23 found that 15% of all homicides in this State are connected to  
24 domestic violence, such that at least 130 domestic violence  
25 related homicides occurred in this State during 2019. The  
26 Illinois Coalition Against Domestic Violence found that

1 domestic violence fatalities occurred across at least 26  
2 counties and included at least 7 children between July 2019  
3 and June 2020.

4 (h) The Illinois Criminal Justice Information Authority  
5 found that the estimated financial impact of domestic violence  
6 homicides reported in this State during 2019 would total  
7 nearly \$1.2 billion.

8 (i) Nearly all familicides involve a history of domestic  
9 violence.

10 (j) Effective responses to domestic violence and domestic  
11 violence related fatalities involve governmental, social  
12 services, and other systems in the community. A coordinated  
13 and consistent approach among community and system points of  
14 intervention are important to fostering the safety, stability,  
15 well-being and healing of survivors, and facilitating  
16 meaningful engagement with and sustainable accountability for  
17 offenders.

18 (k) Domestic violence transcends boundaries of race,  
19 religion, ethnicity, sexual orientation, gender identity,  
20 disability, culture, socioeconomic status, and geography.

21 (l) Domestic violence related fatalities and  
22 near-fatalities are experienced and responded to differently  
23 in historically marginalized communities. The communities and  
24 systems that victims, survivors, and offenders engage with in  
25 historically marginalized communities are typically those with  
26 power imbalances often rooted in systemic racism and

1 oppression. Women of color, in particular, face additional  
2 barriers and gaps in accessing systemic and community  
3 responses aimed at reducing domestic violence related  
4 fatalities and near-fatalities.

5 (m) Over 200 domestic violence fatality review teams exist  
6 across the United States. Those teams are engaged in systems  
7 reform in order to improve the response to domestic violence  
8 and reduce and prevent domestic violence related fatalities  
9 and near-fatalities.

10 (n) Domestic violence related fatalities and  
11 near-fatalities can be prevented, and the use of regional  
12 domestic violence fatality review teams under the leadership,  
13 guidance, and technical assistance of the Statewide Committee  
14 in support of the regional teams is an effort toward such  
15 prevention.

16 Section 15. Purposes. The purposes of this Act are:

17 (1) To create the Ad Hoc Statewide Domestic Violence  
18 Fatality Review Committee of the Illinois Criminal Justice  
19 Information Authority Board to support domestic violence  
20 fatality review in this State.

21 (2) To establish regional domestic violence fatality  
22 review teams that engage in domestic violence fatality review  
23 in this State in order to foster systemic reform that aims to:

24 (A) reduce domestic violence and domestic violence  
25 related fatalities and near-fatalities in this State;

1 (B) address disparate and discriminatory practices and  
2 attitudes in the systems that interact with victims,  
3 survivors, and offenders; and

4 (C) reduce the cost on society of domestic violence  
5 and domestic violence related fatalities and  
6 near-fatalities by:

7 (i) reviewing selected cases eligible for review;

8 (ii) examining how systems have responded to  
9 individual experiences;

10 (iii) identifying gaps and barriers to effective  
11 and equitable responses that promote safety,  
12 stability, well-being, healing, and accountability;  
13 and

14 (iv) recommending strategies to improve community  
15 and systemic responses to domestic violence in order  
16 to foster points of intervention and support that are  
17 effective, coordinated, collaborative, consistent,  
18 just, and equitable.

19 Section 20. Ad Hoc Statewide Domestic Violence Fatality  
20 Review Committee of the Illinois Criminal Justice Information  
21 Authority Board. The Ad Hoc Statewide Domestic Violence  
22 Fatality Review Committee of the Illinois Criminal Justice  
23 Information Authority Board is hereby created to provide  
24 guidance, leadership, technical assistance, research, and  
25 other supports to the regional domestic violence fatality



1 review teams in carrying out their responsibilities under this  
2 Act, and to serve as a statewide resource for addressing  
3 domestic violence related fatalities and near-fatalities as  
4 well as other forms of abuse connected to domestic violence.

5 Section 25. Membership of the Statewide Committee.

6 (a) The Statewide Committee shall consist of the following  
7 voting members and nonvoting ex officio members. The voting  
8 membership shall have racial, ethnic, gender, and geographic  
9 diversity and include the following:

10 (1) Four members of the General Assembly as follows: 2  
11 members of the Senate, one member appointed by the  
12 President of the Senate and one member appointed by the  
13 Senate Minority Leader; 2 members of the House of  
14 Representatives, one member appointed by the Speaker of  
15 the House and one member appointed by the House Minority  
16 Leader.

17 (2) One member of the Governor's policy leadership  
18 team appointed by the Governor.

19 (3) Up to 20 public members designated by the Board  
20 Chairperson, including:

21 (A) Four members representing different regional  
22 review teams established under this Act, or at-large  
23 members in accordance with subparagraph (I) if 4  
24 regional review teams have not yet been established at  
25 the time of appointment.

1           (B) Two members representing statewide, regional,  
2 or local organizations that advocate on behalf of  
3 survivors of domestic violence.

4           (C) Two members who are domestic violence  
5 survivors, one of whom may be a family member of a  
6 victim of domestic violence-related fatality or  
7 near-fatality.

8           (D) Four social services providers representing  
9 different geographic areas of the State whose  
10 significant purpose is to provide services to  
11 survivors of domestic violence.

12           (E) Two social service providers who have  
13 significant experience working with domestic violence  
14 offenders.

15           (F) One physician licensed by the State whose  
16 State practice focuses on emergency medicine.

17           (G) One member of the Illinois Association of  
18 Chiefs of Police recommended by the Association  
19 Director or President.

20           (H) One member of the Illinois Sheriffs'  
21 Association recommended by the Association Director or  
22 President.

23           (I) Three at-large members who have substantial  
24 expertise and experience in the response to or  
25 prevention of domestic violence and domestic violence  
26 related fatalities and near-fatalities, or a related

1 skill or expertise.

2 (b) The following, or a designee, shall serve as nonvoting  
3 ex officio members of the Statewide Committee: the Lieutenant  
4 Governor; the Secretary of Human Services; the Director of  
5 Public Health; the Attorney General; the Director of the  
6 Illinois State Police; the Director of Children and Family  
7 Services; the Director of the Illinois Criminal Justice  
8 Information Authority; the Director of the Office of the  
9 State's Attorney Appellate Prosecutor; and the Director of the  
10 Office of the State Appellate Defender.

11 Section 30. Statewide Committee terms of members;  
12 vacancies.

13 (a) Terms of the original voting members shall be  
14 staggered as follows: one-half shall be designated for 2-year  
15 terms and one-half shall be designated for 3-year terms. The  
16 length of the initial terms of each original voting member  
17 shall be drawn by lot at the first meeting held by the  
18 Statewide Committee and shall be recorded as part of the  
19 minutes of the meeting. After the initial term, each term  
20 shall be for 3 years. Length of terms of co-chairs, the  
21 secretary, and other officers coincide with Statewide  
22 Committee members' terms.

23 (b) The Board Chairperson shall designate members to fill  
24 vacancies in accordance with Section 25. A member whose term  
25 has expired may serve until a successor is appointed and

1 accepts the appointment.

2 Section 35. Statewide Committee quorum; meetings;  
3 compensation.

4 (a) A quorum shall consist of 7 of the voting members of  
5 the Statewide Committee.

6 (b) The first meeting of the Statewide Committee shall  
7 occur by January 15, 2022. At the first meeting and at  
8 subsequent meetings when terms expire, the voting members  
9 shall elect 2 co-chairs and a secretary from among the voting  
10 members and may elect any other officers and other officers  
11 the voting members deem necessary to carry out the duties and  
12 responsibilities of the Statewide Committee.

13 (c) The Statewide Committee shall meet at least quarterly  
14 each State Fiscal Year. Additional meetings may be called by  
15 the co-chairs, after at least 7 days prior notice to the  
16 Statewide Committee members, or upon a written request signed  
17 by at least 5 Statewide Committee members to the co-chairs for  
18 a meeting request. Meetings may be held by a virtual meeting  
19 format during a public health emergency or disaster  
20 proclamation declared by the Governor, or at the discretion of  
21 the co-chairs.

22 (d) The meetings of the Statewide Committee are subject to  
23 the Open Meetings Act, except the following shall occur in  
24 closed executive sessions not subject to the requirements of  
25 the Open Meetings Act:

1           (1) discussions about personnel matters, confidential  
2 information as defined by Section 5, or cases eligible for  
3 review under Section 70;

4           (2) conducting a domestic violence fatality review;  
5 and

6           (3) any other matters that the Statewide Committee  
7 co-chairs deem necessary or a majority of the Statewide  
8 Committee members vote to discuss in a closed executive  
9 session in order to advance the purposes of this Act.

10          (e) The members shall receive no compensation for their  
11 service as members of the Statewide Committee, but may receive  
12 reimbursement for actual expenses incurred in the performance  
13 of their duties, subject to the availability of funds for that  
14 purpose.

15          Section 40. Duties and responsibilities of the Statewide  
16 Committee.

17          (a) The Statewide Committee shall carry out the following  
18 duties and responsibilities:

19           (1) Subject to available funds, hire or assign a  
20 full-time Program Manager to carry out the duties and  
21 responsibilities of the Statewide Committee and the  
22 purposes of this Act. The Program Manager may hire  
23 additional staff, subject to the availability of funds for  
24 that purpose and subject to the approval of the Board. The  
25 Statewide Committee and regional review teams can operate

1 without an acting Program Manager.

2 (2) Establish and maintain an Internet website.

3 (3) Prepare an annual budget that includes  
4 compensation for the Program Manager and staff, and  
5 financial reimbursement to regional review team members or  
6 teams for actual expenses incurred in the performance of  
7 their duties, subject to the availability of funds for  
8 that purpose.

9 (4) Facilitate the establishment and implementation of  
10 regional review teams across the State over 6 years after  
11 the effective date of this Act and collaboratively develop  
12 regional implementation plans and procedures.

13 (5) Provide training and ongoing technical assistance  
14 to regional review teams.

15 (6) Conduct, or assist in conducting, regional  
16 domestic violence fatality reviews if requested by  
17 regional review teams in specific cases.

18 (7) Develop model confidentiality agreement, policies,  
19 and procedures for the use of regional review teams.

20 (8) Develop guidelines for the annual and biennial  
21 reports of the Statewide Committee and the regional review  
22 teams pursuant to this Section and Section 65.

23 (9) Appoint the initial members of each regional  
24 review team in accordance with Section 50 or designate a  
25 founding member of a regional review team to form the  
26 remainder of the regional review team in accordance with

1 Section 50, unless the regional review team has been  
2 formed prior to the effective date of this Act or elects to  
3 form without the involvement of the Statewide Committee.

4 (10) Create a process whereby the Statewide Committee  
5 shall annually officially recognize regional review teams  
6 that are formed and operated in substantial compliance  
7 with the requirements of this Act, and nonrecognize those  
8 regional review teams that are substantially out of  
9 compliance after reasonable efforts are made by the  
10 Statewide Committee to engage the regional review team's  
11 co-chairs and other regional stakeholders to facilitate  
12 corrective actions to bring the regional review team into  
13 substantial compliance. A nonrecognized regional review  
14 team no longer has the authority to operate under this  
15 Act, however, nonrecognition would not preclude the  
16 formation of a new regional review team for the affected  
17 region.

18 (11) Review, analyze, maintain, and securely store  
19 regional review team reports and recommendations submitted  
20 by each regional review team as required by Section 65.

21 (12) File an annual report with the Governor and the  
22 General Assembly on the operations and activities of the  
23 Statewide Committee and of the regional review teams. The  
24 first report shall be due no later than March 1, 2023, and  
25 each subsequent report shall be due no later than March 1  
26 of each year thereafter. The annual report shall be made

1 publicly available on the Statewide Committee's Internet  
2 website.

3 (13) In even numbered years, file a substantive  
4 biennial report reviewing and analyzing the data and  
5 recommendations collected from the reports of the regional  
6 review teams. The biennial report shall include specific  
7 recommendations for legislative, systemic, policy, and any  
8 other changes to reduce domestic violence and domestic  
9 violence related fatalities and near-fatalities. The first  
10 report shall be due no later than April 1, 2024, and each  
11 subsequent report shall be due no later than April 1 of  
12 each even year thereafter. The biennial report shall be  
13 made publicly available on the Statewide Committee's  
14 Internet website.

15 (b) The Statewide Committee may carry out the following  
16 duties and responsibilities:

17 (1) After a vote by the majority of the voting  
18 Statewide Committee members or a decision by the  
19 co-chairs, establish one or more subcommittees or task  
20 forces to address specific issues regarding domestic  
21 violence, domestic violence fatalities and  
22 near-fatalities, domestic violence fatality review, or  
23 other related issues or subject matters, and may invite  
24 nonmembers with expertise on the issue or subject matter  
25 to serve on the subcommittee or task force. Each  
26 subcommittee or task force shall be chaired by a member of



1 the Statewide Committee.

2 (2) Advise the Governor and General Assembly on  
3 domestic violence, domestic violence fatalities and  
4 near-fatalities, domestic violence fatality review, data,  
5 and related topics or policies.

6 (3) Engage nonmember stakeholders in reviewing  
7 selected recommendations from the regional review teams in  
8 accordance with notions of fairness, equity, justice, due  
9 process, and practicality.

10 (4) Analyze data and identify trends related to  
11 domestic violence and domestic violence related fatalities  
12 and near-fatalities, and develop mechanisms for  
13 collecting, analyzing, and storing data that it collects  
14 or that is provided by the regional review teams.

15 (5) Adopt administrative rules in order to implement  
16 this Act.

17 (6) Subject to the availability of funding and  
18 approval by a vote of the majority of the Statewide  
19 Committee members, engage with and enter into contracts  
20 with a higher education institution or research entity for  
21 research, analysis, training, and educational purposes in  
22 furtherance of the purposes of this Act. Statewide  
23 Committee members or Statewide Committee staff shall not  
24 share information with contractors that would disclose the  
25 identities of victims, survivors, deceased, offenders, and  
26 their family members or by which their identities can be

1 determined by a reasonably diligent inquiry.

2 (7) Support the implementation of systemic and  
3 community reform recommendations in order to advance the  
4 purposes of this Act.

5 (8) Adopt notice of funding opportunities, award  
6 grants, or enter into contracts with statewide or local  
7 organizations that advocate on behalf of survivors.

8 (9) Assign any responsibilities under this Section.

9 (10) Engage in any other activities that enable the  
10 Statewide Committee, its staff, and the regional review  
11 teams to carry out the purposes of this Act.

12 Section 45. Regional domestic violence fatality review  
13 teams. A regional domestic violence fatality review team may  
14 be established within the boundaries of each judicial circuit.  
15 Once a review team is established within the boundaries of the  
16 judicial circuit, the team may establish one or more subteams  
17 to efficiently and effectively carry out the responsibilities  
18 of the regional review team and conduct domestic violence  
19 fatality review.

20 Section 50. Membership of regional domestic violence  
21 fatality review teams. Each regional review team shall, at a  
22 minimum, include the following members from within the  
23 boundaries of the judicial circuit:

24 (1) a State's Attorney or Assistant State's Attorney;

- 1 (2) a public defender or other criminal defense lawyer;
- 2 (3) a coroner or medical examiner;
- 3 (4) a Sheriff, Deputy Sheriff, Chief of Police, or other  
4 law enforcement officer with experience in domestic violence  
5 cases;
- 6 (5) a social services provider whose significant role is  
7 to provide services to survivors of domestic violence;
- 8 (6) a social services provider who has significant  
9 experience working with domestic violence offenders, if  
10 available in the region;
- 11 (7) a civil legal services lawyer or pro bono lawyer  
12 connected with a civil legal services program; and
- 13 (8) at least 2 of the following members: a public health  
14 official; a physician licensed by the State who specializes in  
15 emergency medicine; an advanced practice registered nurse; a  
16 licensed mental health professional such as a psychiatrist,  
17 clinical psychologist, licensed clinical professional  
18 counselor, or licensed clinical social worker; a circuit judge  
19 or associate judge; a clerk of the circuit court or other  
20 elected or appointed court official; an administrative law  
21 judge; an emergency medical technician, paramedic, or other  
22 first responder; a local or regional elected official or State  
23 legislator; a representative from the private business sector;  
24 a member of the clergy or other representative of the faith  
25 community; a public housing authority administrator or  
26 manager; an alcohol and substance abuse treatment

1 professional; a probation or parole officer; a child welfare  
2 administrator, caseworker, or investigator; a public school  
3 administrator, teacher, or school support staff person  
4 licensed and endorsed by the Illinois State Board of  
5 Education; a representative of a State university or community  
6 college; a social science researcher or data analyst; a  
7 survivor or a family member or friend of a survivor or victim;  
8 a supervised child visitation or child exchange staff person;  
9 or a member of the public at-large who has the education,  
10 training, or experience to carry out the purposes of the  
11 regional review team.

12 Section 55. Terms of regional review team members;  
13 vacancies.

14 (a) Terms of the original regional team members shall be  
15 staggered as follows: one-half of the initial members of the  
16 review team shall serve 2-year terms, and one-half of the  
17 initial members shall serve 3-year terms. The initial terms  
18 shall be drawn by lot at the first meeting of the review team.  
19 Following the initial terms, each member of the review team  
20 shall serve 3-year terms. No member shall serve more than 2  
21 consecutive terms. Length of terms of co-chairs, the  
22 secretary, and other officers coincide with regional review  
23 team membership terms.

24 (b) Vacancies shall be filled by individuals who meet the  
25 requirements of Section 50 either by an application process or

1 upon the recommendation of a member of the regional review  
2 team, and approved by a vote of the majority of the regional  
3 review team members. Vacancies occurring during a term shall  
4 be filled to complete the current term. Members whose terms  
5 have expired may continue to serve until a new member is  
6 appointed. Former members are eligible for reappointment after  
7 the expiration of at least 12 months following their last date  
8 of service.

9 Section 60. Regional review team quorum; meetings;  
10 compensation.

11 (a) All members of the regional review team are voting  
12 members. Five members of the regional review team shall  
13 constitute a quorum.

14 (b) At the first meeting and at subsequent meetings when  
15 terms expire, the regional review team shall elect 2 co-chairs  
16 and a secretary and may elect any other officers the voting  
17 members deem necessary to carry out the duties and  
18 responsibilities of the regional review team.

19 (c) Each regional review team shall meet at least  
20 quarterly on a date and at a time and location determined by  
21 the co-chairs. Additional meetings may be convened by the  
22 co-chairs upon at least 7 days prior written notice to the  
23 regional review team members, or upon the written request by  
24 at least 5 regional review team members to the co-chairs.  
25 Meetings may be held by virtual meeting format during a public

1 health emergency or disaster proclamation declared by the  
2 Governor, or at the discretion of the co-chairs.

3 (d) Members of regional review teams are not entitled to  
4 compensation, but may receive reimbursement for actual  
5 expenses incurred in the performance of their duties, subject  
6 to the availability of State or local funds for such purposes.

7 Section 65. Duties and responsibilities of the regional  
8 domestic violence fatality review team.

9 (a) Each regional review team shall carry out the  
10 following duties and responsibilities:

11 (1) Form a regional review team in accordance with  
12 Sections 50 and 55.

13 (2) Report the names, professional titles, if  
14 applicable, and business contact information of each  
15 review team member to the Statewide Committee and inform  
16 the Statewide Committee in a timely manner of any changes  
17 to the membership of the regional review team.

18 (3) Create a secure system of maintaining and storing  
19 minutes, correspondence, and confidential information  
20 related to the regional review team and the domestic  
21 violence fatality reviews.

22 (4) Ensure that each member of the regional review  
23 team participates in trainings and technical assistance  
24 provided by the Statewide Committee and other  
25 professionals.

1           (5) Meet at least quarterly and maintain minutes of  
2 the business conducted by the regional review team at each  
3 meeting.

4           (6) Establish priorities for reviewing eligible cases  
5 that consider, in part, demographic and case type  
6 diversity.

7           (7) Based upon information available from a variety of  
8 sources, consider cases eligible for review in accordance  
9 with Section 70.

10          (8) Vote by a majority of the regional review team  
11 members to review a specific case based upon various  
12 factors, including the priorities by the regional review  
13 team.

14          (9) Invite and coordinate with the specific people  
15 designated in Section 50 who were involved in the selected  
16 domestic violence-related fatality or near-fatality to  
17 participate in the domestic violence fatality review.  
18 Members of the regional review team may also participate  
19 directly in the domestic violence fatality review.

20          (10) Execute a confidentiality agreement with each  
21 member of the regional review team and participant of a  
22 domestic violence fatality review in accordance with  
23 Section 75.

24          (11) Conduct a domestic violence fatality review of at  
25 least 2 eligible cases per calendar year, or, if the  
26 regional review team is unable to complete at least 2

1 reviews in a given year, provide an explanation to the  
2 Statewide Committee in the regional review team's annual  
3 report pursuant to paragraph (12).

4 (12) Prepare and submit an annual report to the  
5 Statewide Committee on the operations and activities of  
6 the regional review team in accordance with guidelines  
7 established by the Statewide Committee. The initial report  
8 shall be due on March 1 following the formation of the  
9 regional review team and subsequent reports shall be  
10 submitted no later than March 1 of each year thereafter.

11 (13) On odd numbered years, prepare and submit to the  
12 Statewide Committee a biennial report based upon the  
13 domestic violence fatality reviews of the corresponding  
14 time period. The biennial report shall include specific  
15 recommendations for legislative, systemic, policy, and any  
16 other changes to reduce domestic violence and domestic  
17 violence related fatalities and near-fatalities. These  
18 recommendations will be reviewed by the Statewide  
19 Committee according to Section 40 and will, in part,  
20 inform the Statewide Committee's biennial report on even  
21 years. Any information that identifies the victims,  
22 survivors, deceased, or offenders, or their family members  
23 or any information by which their identities can be  
24 determined by a reasonably diligent inquiry shall not be  
25 disclosed in any domestic violence fatality review  
26 biennial report or by any other means. Any narrative of



1 nonidentifying facts will be limited to those essential  
2 and indispensable to the explanation of data analysis or a  
3 recommendation for reform. Aggregate and nonidentifying  
4 data, including demographics, may be included in the  
5 biennial report. The first biennial report shall be due no  
6 later than April 1, 2023, and each subsequent report shall  
7 be due no later than April 1 of each odd year thereafter.

8 (b) Each regional review team may carry out the following  
9 duties and responsibilities:

10 (1) Collect and analyze data from its regional area  
11 regarding cases eligible for review that were and were not  
12 reviewed by the regional review team for purposes of  
13 identifying patterns and making recommendations for  
14 community and systemic reforms.

15 (2) Subject to the availability of funding and  
16 approval by a vote of the majority of the regional review  
17 team members, engage with and enter into contracts with a  
18 higher education institution or research entity for  
19 research, analysis, training, and educational purposes in  
20 furtherance of the purposes of this Act. Regional review  
21 team members shall not share information with contractors  
22 that would disclose the identities of victims, survivors,  
23 deceased, offenders, and their family members or by which  
24 their identities can be determined by a reasonably  
25 diligent inquiry.

26 (3) Seek funds to support the operations of the

1 regional review team and the facilitation of domestic  
2 violence fatality reviews.

3 (4) Support the implementation of systemic and  
4 community reform recommendations in order to advance the  
5 purposes of this Act.

6 (5) Engage in any other activities that enable the  
7 regional review team to carry out the purposes of this  
8 Act.

9 Section 70. Case eligible for review by regional review  
10 team. A case eligible for review shall include a fatality or  
11 near-fatality that occurred within the geographic boundaries  
12 of the judicial circuit covered by the regional review team  
13 and a qualifying relationship.

14 (a) A fatality or near-fatality includes at least one of  
15 the following:

16 (1) a homicide, as defined in Article 9 of the  
17 Criminal Code of 2012 in which:

18 (A) the offender causes the death of the victim,  
19 the deceased, or others; or

20 (B) the survivor causes the death of the offender,  
21 the deceased, or others;

22 (2) a suicide or attempt suicide of the offender;

23 (3) a suicide of the victim;

24 (4) a suicide attempt of the survivor;

25 (5) a familicide in which the offender causes the

1 death of the victim and other members of the victim's  
2 family including, but not limited to, minor or adult  
3 children and parents;

4 (6) the near-fatality of a survivor caused by the  
5 offender;

6 (7) the near-fatality of an offender caused by the  
7 survivor; or

8 (8) any other case involving domestic violence if a  
9 majority of the regional review team vote that a review of  
10 the case will advance the purposes of this Act.

11 (b) A qualifying relationship between the offender and the  
12 victim or survivor shall include instances or a history of  
13 domestic violence perpetrated by the offender against the  
14 victim or survivor and at least one of the following  
15 circumstances:

16 (1) the offender and the victim or survivor:

17 (A) resided together or shared a common dwelling  
18 at any time;

19 (B) have or are alleged to have a child in common;  
20 or

21 (C) are or were engaged, married, divorced,  
22 separated, or had a dating or romantic relationship,  
23 regardless of whether they had sexual relations;

24 (2) the offender stalked the victim or survivor as  
25 described in Section 12-7.3 of the Criminal Code of 2012;

26 (3) the victim or survivor filed for an order of

1 protection against the offender under the Illinois  
2 Domestic Violence Act of 1986 or Section 112A-2.5 of the  
3 Code of Criminal Procedure of 1963;

4 (4) the victim or survivor filed for a civil no  
5 contact order against the offender under the Civil No  
6 Contact Order Act or Section 112A-14.5 of the Code of  
7 Criminal Procedure of 1963;

8 (5) the victim or survivor filed for a stalking no  
9 contact order against the offender under the Stalking No  
10 Contact Order Act or Section 112A-2.5 of the Code of  
11 Criminal Procedure of 1963;

12 (6) the offender violated an order of protection,  
13 civil no contact order, or stalking no contact order  
14 obtained by the victim or survivor;

15 (7) the deceased resided in the same household as, was  
16 present at the workplace of, was in the proximity of, or  
17 was related by blood or affinity to a victim or survivor;

18 (8) the deceased was a law enforcement officer,  
19 emergency medical technician, or other responder to a  
20 domestic violence incident between the offender and the  
21 victim or survivor; or

22 (9) a relationship between the offender and the  
23 victim, survivor, or deceased exists that a majority of  
24 the regional review team votes warrants review of the case  
25 to advance the purposes of this Act.

26 (c) A case eligible review does not require criminal

1 charges or a conviction.

2 (d) Any criminal investigation, civil, criminal, or  
3 administrative proceeding, and appeals shall be complete for a  
4 case to be eligible for review.

5 Section 75. Confidentiality of regional review teams,  
6 information, and domestic violence fatality reviews.

7 (a) Meetings in which regional review teams are engaged in  
8 any activity related to domestic violence fatality review or  
9 in which confidential information is shared or disclosed are  
10 closed to the public and not subject to Section 2 of the Open  
11 Meetings Act.

12 (b) Unless otherwise available and lawfully obtained  
13 through another source pursuant to an applicable law that  
14 allows the disclosure and release of the information,  
15 confidential information is not:

16 (1) subject to the Freedom of Information Act;

17 (2) subject to subpoena and discovery under Section  
18 2-402 of the Code of Civil Procedure, Article 115 of the  
19 Code of Criminal Procedure of 1963, or Illinois Supreme  
20 Court Rule 412,; and

21 (3) admissible as evidence in any civil or criminal  
22 proceeding.

23 (c) Confidential information shall not be disclosed,  
24 released or shared except as follows:

25 (1) among Statewide Committee members or Statewide

1 Committee staff pursuant to the review of an eligible  
2 case;

3 (2) among regional review team members to determine  
4 whether a case is eligible for review or whether an  
5 eligible case should be reviewed;

6 (3) among regional review team members and  
7 participants during a domestic violence fatality review;  
8 or

9 (4) a regional review team votes to share confidential  
10 information for solely educational or research purposes,  
11 consistent with State or federal law, as long as the  
12 information disclosed does not include the identities of  
13 victims, survivors, deceased, or offenders, or their  
14 family members or any information by which their  
15 identities can be determined by a reasonably diligent  
16 inquiry.

17 (d) All Statewide Committee members, Statewide Committee  
18 subcommittee members, Statewide Committee staff, all members  
19 of each regional review team, and any other person who  
20 participates in any manner in a review of an eligible case by a  
21 regional review team shall execute a confidentiality agreement  
22 based upon a model confidentiality agreement developed by the  
23 Statewide Committee or a document substantially similar to the  
24 Statewide Committee's model document that acknowledges and  
25 agrees to comply with the responsibility not to disclose or  
26 release confidential information. All executed confidentiality

1 agreements shall be maintained by the Statewide Committee and  
2 by each regional review team respectively.

3 (e) Members and staff of the Board, Statewide Committee,  
4 and members of a regional review team or participants of a  
5 domestic violence fatality review cannot be subject to  
6 examination or compelled to disclose or release confidential  
7 information in any administrative, civil or criminal  
8 proceeding, except for information that is otherwise available  
9 and lawfully obtained through another source pursuant to an  
10 applicable law that allows the disclosure and release of the  
11 information.

12 Section 80. Access to records and information.

13 (a) Upon the oral or written request by a regional review  
14 team, records and oral or written information relevant to the  
15 purposes of domestic violence fatality review and to the  
16 responsibilities of the regional review team shall be provided  
17 free of charge by the following: State and local governmental  
18 agencies and officials; medical and dental providers; domestic  
19 violence offender and partner abuse intervention service  
20 providers; child care providers; and employers. Examples of  
21 records and oral or written information that may be requested  
22 include, but are not limited to: guardian ad litem reports;  
23 parenting evaluations; victim impact statements; mental health  
24 evaluations submitted to a court; probation information,  
25 presentence interviews, and reports; recommendations made

1 regarding bail and release on own recognizance; child welfare  
2 reports and information; Child Advocacy Center reports and  
3 information; law enforcement incident reports, dispatch  
4 records, statements of victims, witnesses and suspects,  
5 supplemental reports, and probable cause statements; 9-1-1  
6 call-taker's reports; correction and post-sentence probation  
7 or supervision reports; medical, hospital, and dental  
8 treatment records; school records and information; child care  
9 records and information; and employer records and information.  
10 The records and oral or written information may be provided  
11 for purposes of domestic violence fatality review without  
12 authorization of the person or persons to whom the records and  
13 oral or written information relate.

14 (b) The records and oral or written information described  
15 in this Section provided to a regional review team or in a  
16 domestic violence fatality review become confidential  
17 information as defined in this Act. The Statewide Committee,  
18 regional review teams, and any other participant in a domestic  
19 violence fatality review shall maintain the confidentiality  
20 and shall not disclose or release the confidential information  
21 received, shared, or obtained.

22 (c) Nothing in this Act shall:

23 (1) limit public access to records or information that  
24 are lawfully available; or

25 (2) change the confidentiality and privilege of  
26 communications under the Illinois Domestic Violence Act of



1 1986, Section 8-802.1 of the Code of Civil Procedure, the  
2 Mental Health and Developmental Disabilities Code, 42 CFR  
3 2.15, Section 40002(b)(2) of the Violence Against Women  
4 Act of 1994 (34 U.S.C. 12291(b)(2)), 45 CFR 1370.4, and 28  
5 CFR 94.115.

6 (d) The Statewide Committee or a regional review team may  
7 request and obtain information and records from outside the  
8 State by any available legal means.

9 Section 85. Storage and destruction of confidential  
10 information.

11 (a) Following a domestic violence fatality review,  
12 participants who brought or provided confidential information  
13 may return to their possession the confidential information,  
14 shall not disclose or share the confidential information  
15 unless otherwise allowed by State or federal law or not  
16 otherwise privileged, and may destroy the confidential  
17 information unless otherwise prohibited by State or federal  
18 law.

19 (b) Following a domestic violence fatality review, the  
20 co-chairs of the regional review team will store at the place  
21 of their employment or virtually on their confidential  
22 electronic database or other technology any remaining  
23 confidential information and will maintain the confidentiality  
24 of the information. One year following the submission of the  
25 regional review team's biennial report pursuant to Section 65,

1 the co-chair or a designee shall destroy the confidential  
2 information.

3 Section 90. Penalty for unlawful disclosure of  
4 confidential information. Anyone who discloses, receives,  
5 makes use of, or knowingly permits the use of any confidential  
6 information in violation of this Act commits a Class A  
7 misdemeanor.

8 Section 95. Immunity. If acting in good faith, without  
9 malice, and within the protocols established by the Statewide  
10 Committee and the regional review team, members of the  
11 Statewide Committee and regional review team, and anyone  
12 participating in a domestic violence fatality review shall  
13 have immunity from administrative, civil, or criminal  
14 liability for an act or omission related to the participation  
15 in a domestic violence fatality review, notwithstanding  
16 Section 90.

17 Section 900. The Open Meetings Act is amended by changing  
18 Section 2 as follows:

19 (5 ILCS 120/2) (from Ch. 102, par. 42)

20 (Text of Section before amendment by P.A. 101-652)

21 Sec. 2. Open meetings.

22 (a) Openness required. All meetings of public bodies shall

1 be open to the public unless excepted in subsection (c) and  
2 closed in accordance with Section 2a.

3 (b) Construction of exceptions. The exceptions contained  
4 in subsection (c) are in derogation of the requirement that  
5 public bodies meet in the open, and therefore, the exceptions  
6 are to be strictly construed, extending only to subjects  
7 clearly within their scope. The exceptions authorize but do  
8 not require the holding of a closed meeting to discuss a  
9 subject included within an enumerated exception.

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

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

1 public and posted and held in accordance with this Act.

2 (2) Collective negotiating matters between the public  
3 body and its employees or their representatives, or  
4 deliberations concerning salary schedules for one or more  
5 classes of employees.

6 (3) The selection of a person to fill a public office,  
7 as defined in this Act, including a vacancy in a public  
8 office, when the public body is given power to appoint  
9 under law or ordinance, or the discipline, performance or  
10 removal of the occupant of a public office, when the  
11 public body is given power to remove the occupant under  
12 law or ordinance.

13 (4) Evidence or testimony presented in open hearing,  
14 or in closed hearing where specifically authorized by law,  
15 to a quasi-adjudicative body, as defined in this Act,  
16 provided that the body prepares and makes available for  
17 public inspection a written decision setting forth its  
18 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 pool of which the public  
2 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, practices and procedures or  
17 professional ethics, when meeting with a representative of  
18 a statewide association of which the public body is a  
19 member.

20 (17) The recruitment, credentialing, discipline or  
21 formal peer review of physicians or other health care  
22 professionals, or for the discussion of matters protected  
23 under the federal Patient Safety and Quality Improvement  
24 Act of 2005, and the regulations promulgated thereunder,  
25 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
26 Health Insurance Portability and Accountability Act of

1 1996, and the regulations promulgated thereunder,  
2 including 45 C.F.R. Parts 160, 162, and 164, by a  
3 hospital, or other institution providing medical care,  
4 that is operated by the public body.

5 (18) Deliberations for decisions of the Prisoner  
6 Review Board.

7 (19) Review or discussion of applications received  
8 under the Experimental Organ Transplantation Procedures  
9 Act.

10 (20) The classification and discussion of matters  
11 classified as confidential or continued confidential by  
12 the State Government Suggestion Award Board.

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

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

19 (23) The operation by a municipality of a municipal  
20 utility or the operation of a municipal power agency or  
21 municipal natural gas agency when the discussion involves  
22 (i) contracts relating to the purchase, sale, or delivery  
23 of electricity or natural gas or (ii) the results or  
24 conclusions of load forecast studies.

25 (24) Meetings of a residential health care facility  
26 resident sexual assault and death review team or the

1 Executive Council under the Abuse Prevention Review Team  
2 Act.

3 (25) Meetings of an independent team of experts under  
4 Brian's Law.

5 (26) Meetings of a mortality review team appointed  
6 under the Department of Juvenile Justice Mortality Review  
7 Team Act.

8 (27) (Blank).

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

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

20 (30) Those meetings or portions of meetings of a  
21 fatality review team or the Illinois Fatality Review Team  
22 Advisory Council during which a review of the death of an  
23 eligible adult in which abuse or neglect is suspected,  
24 alleged, or substantiated is conducted pursuant to Section  
25 15 of the Adult Protective Services Act.

26 (31) Meetings and deliberations for decisions of the



1 Concealed Carry Licensing Review Board under the Firearm  
2 Concealed Carry Act.

3 (32) Meetings between the Regional Transportation  
4 Authority Board and its Service Boards when the discussion  
5 involves review by the Regional Transportation Authority  
6 Board of employment contracts under Section 28d of the  
7 Metropolitan Transit Authority Act and Sections 3A.18 and  
8 3B.26 of the Regional Transportation Authority Act.

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

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

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

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

1           (37) Meetings of the regional review teams under  
2           Section 75 of the Domestic Violence Fatality Review Act.

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

4           "Employee" means a person employed by a public body whose  
5           relationship with the public body constitutes an  
6           employer-employee relationship under the usual common law  
7           rules, and who is not an independent contractor.

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

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

22          (e) Final action. No final action may be taken at a closed  
23          meeting. Final action shall be preceded by a public recital of  
24          the nature of the matter being considered and other  
25          information that will inform the public of the business being  
26          conducted.

1 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;  
2 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.  
3 8-23-19; revised 9-27-19.)

4 (Text of Section after amendment by P.A. 101-652)

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9 (b) Construction of exceptions. The exceptions contained  
10 in subsection (c) are in derogation of the requirement that  
11 public bodies meet in the open, and therefore, the exceptions  
12 are to be strictly construed, extending only to subjects  
13 clearly within their scope. The exceptions authorize but do  
14 not require the holding of a closed meeting to discuss a  
15 subject included within an enumerated exception.

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

18 (1) The appointment, employment, compensation,  
19 discipline, performance, or dismissal of specific  
20 employees, specific individuals who serve as independent  
21 contractors in a park, recreational, or educational  
22 setting, or specific volunteers of the public body or  
23 legal counsel for the public body, including hearing  
24 testimony on a complaint lodged against an employee, a  
25 specific individual who serves as an independent

1 contractor in a park, recreational, or educational  
2 setting, or a volunteer of the public body or against  
3 legal counsel for the public body to determine its  
4 validity. However, a meeting to consider an increase in  
5 compensation to a specific employee of a public body that  
6 is subject to the Local Government Wage Increase  
7 Transparency Act may not be closed and shall be open to the  
8 public and posted and held in accordance with this Act.

9 (2) Collective negotiating matters between the public  
10 body and its employees or their representatives, or  
11 deliberations concerning salary schedules for one or more  
12 classes of employees.

13 (3) The selection of a person to fill a public office,  
14 as defined in this Act, including a vacancy in a public  
15 office, when the public body is given power to appoint  
16 under law or ordinance, or the discipline, performance or  
17 removal of the occupant of a public office, when the  
18 public body is given power to remove the occupant under  
19 law or ordinance.

20 (4) Evidence or testimony presented in open hearing,  
21 or in closed hearing where specifically authorized by law,  
22 to a quasi-adjudicative body, as defined in this Act,  
23 provided that the body prepares and makes available for  
24 public inspection a written decision setting forth its  
25 determinative reasoning.

26 (5) The purchase or lease of real property for the use

1 of the public body, including meetings held for the  
2 purpose of discussing whether a particular parcel should  
3 be acquired.

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

6 (7) The sale or purchase of securities, investments,  
7 or investment contracts. This exception shall not apply to  
8 the investment of assets or income of funds deposited into  
9 the Illinois Prepaid Tuition Trust Fund.

10 (8) Security procedures, school building safety and  
11 security, and the use of personnel and equipment to  
12 respond to an actual, a threatened, or a reasonably  
13 potential danger to the safety of employees, students,  
14 staff, the public, or public property.

15 (9) Student disciplinary cases.

16 (10) The placement of individual students in special  
17 education programs and other matters relating to  
18 individual students.

19 (11) Litigation, when an action against, affecting or  
20 on behalf of the particular public body has been filed and  
21 is pending before a court or administrative tribunal, or  
22 when the public body finds that an action is probable or  
23 imminent, in which case the basis for the finding shall be  
24 recorded and entered into the minutes of the closed  
25 meeting.

26 (12) The establishment of reserves or settlement of

1 claims as provided in the Local Governmental and  
2 Governmental Employees Tort Immunity Act, if otherwise the  
3 disposition of a claim or potential claim might be  
4 prejudiced, or the review or discussion of claims, loss or  
5 risk management information, records, data, advice or  
6 communications from or with respect to any insurer of the  
7 public body or any intergovernmental risk management  
8 association or self insurance pool of which the public  
9 body is a member.

10 (13) Conciliation of complaints of discrimination in  
11 the sale or rental of housing, when closed meetings are  
12 authorized by the law or ordinance prescribing fair  
13 housing practices and creating a commission or  
14 administrative agency for their enforcement.

15 (14) Informant sources, the hiring or assignment of  
16 undercover personnel or equipment, or ongoing, prior or  
17 future criminal investigations, when discussed by a public  
18 body with criminal investigatory responsibilities.

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

23 (16) Self evaluation, practices and procedures or  
24 professional ethics, when meeting with a representative of  
25 a statewide association of which the public body is a  
26 member.

1           (17) The recruitment, credentialing, discipline or  
2 formal peer review of physicians or other health care  
3 professionals, or for the discussion of matters protected  
4 under the federal Patient Safety and Quality Improvement  
5 Act of 2005, and the regulations promulgated thereunder,  
6 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
7 Health Insurance Portability and Accountability Act of  
8 1996, and the regulations promulgated thereunder,  
9 including 45 C.F.R. Parts 160, 162, and 164, by a  
10 hospital, or other institution providing medical care,  
11 that is operated by the public body.

12           (18) Deliberations for decisions of the Prisoner  
13 Review Board.

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15 under the Experimental Organ Transplantation Procedures  
16 Act.

17           (20) The classification and discussion of matters  
18 classified as confidential or continued confidential by  
19 the State Government Suggestion Award Board.

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

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25 Emergency Medical Services Disciplinary Review Board.

26           (23) The operation by a municipality of a municipal

1 utility or the operation of a municipal power agency or  
2 municipal natural gas agency when the discussion involves  
3 (i) contracts relating to the purchase, sale, or delivery  
4 of electricity or natural gas or (ii) the results or  
5 conclusions of load forecast studies.

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7 resident sexual assault and death review team or the  
8 Executive Council under the Abuse Prevention Review Team  
9 Act.

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11 Brian's Law.

12 (26) Meetings of a mortality review team appointed  
13 under the Department of Juvenile Justice Mortality Review  
14 Team Act.

15 (27) (Blank).

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

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



1           (30) Those meetings or portions of meetings of a  
2 fatality review team or the Illinois Fatality Review Team  
3 Advisory Council during which a review of the death of an  
4 eligible adult in which abuse or neglect is suspected,  
5 alleged, or substantiated is conducted pursuant to Section  
6 15 of the Adult Protective Services Act.

7           (31) Meetings and deliberations for decisions of the  
8 Concealed Carry Licensing Review Board under the Firearm  
9 Concealed Carry Act.

10          (32) Meetings between the Regional Transportation  
11 Authority Board and its Service Boards when the discussion  
12 involves review by the Regional Transportation Authority  
13 Board of employment contracts under Section 28d of the  
14 Metropolitan Transit Authority Act and Sections 3A.18 and  
15 3B.26 of the Regional Transportation Authority Act.

16          (33) Those meetings or portions of meetings of the  
17 advisory committee and peer review subcommittee created  
18 under Section 320 of the Illinois Controlled Substances  
19 Act during which specific controlled substance prescriber,  
20 dispenser, or patient information is discussed.

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

24          (35) Meetings of the group established to discuss  
25 Medicaid capitation rates under Section 5-30.8 of the  
26 Illinois Public Aid Code.

1           (36) Those deliberations or portions of deliberations  
2           for decisions of the Illinois Gaming Board in which there  
3           is discussed any of the following: (i) personal,  
4           commercial, financial, or other information obtained from  
5           any source that is privileged, proprietary, confidential,  
6           or a trade secret; or (ii) information specifically  
7           exempted from the disclosure by federal or State law.

8           (37) Deliberations for decisions of the Illinois Law  
9           Enforcement Training Standards Board, the Certification  
10          Review Panel, and the Illinois State Police Merit Board  
11          regarding certification and decertification.

12          (38) Meetings of the regional review teams under  
13          Section 75 of the Domestic Violence Fatality Review Act.

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

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

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

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

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

12 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;  
13 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.  
14 8-23-19; 101-652, eff. 1-1-22.)

15 Section 905. The Freedom of Information Act is amended by  
16 changing Section 7.5 as follows:

17 (5 ILCS 140/7.5)

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

21 (a) All information determined to be confidential  
22 under Section 4002 of the Technology Advancement and  
23 Development Act.

24 (b) Library circulation and order records identifying

1 library users with specific materials under the Library  
2 Records Confidentiality Act.

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

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

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

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

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

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

1           obtained by an Executive Inspector General's office under  
2           that Act.

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

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

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

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

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

22          (n) Defense budgets and petitions for certification of  
23          compensation and expenses for court appointed trial  
24          counsel as provided under Sections 10 and 15 of the  
25          Capital Crimes Litigation Act. This subsection (n) shall  
26          apply until the conclusion of the trial of the case, even

1 if the prosecution chooses not to pursue the death penalty  
2 prior to trial or sentencing.

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

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

13 (q) Information prohibited from being disclosed by the  
14 Personnel Record Review Act.

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

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

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

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

7 (u) Records and information provided to an independent  
8 team of experts under the Developmental Disability and  
9 Mental Health Safety Act (also known as Brian's Law).

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

20 (w) Personally identifiable information which is  
21 exempted from disclosure under subsection (g) of Section  
22 19.1 of the Toll Highway Act.

23 (x) Information which is exempted from disclosure  
24 under Section 5-1014.3 of the Counties Code or Section  
25 8-11-21 of the Illinois Municipal Code.

26 (y) Confidential information under the Adult

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

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

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

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

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

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

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

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

26 (gg) Information that is prohibited from being



1 disclosed under Section 7-603.5 of the Illinois Vehicle  
2 Code.

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

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

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

13 (kk) Information prohibited from disclosure under the  
14 Seizure and Forfeiture Reporting Act.

15 (ll) Information the disclosure of which is restricted  
16 and exempted under Section 5-30.8 of the Illinois Public  
17 Aid Code.

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

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

22 (oo) Communications, notes, records, and reports  
23 arising out of a peer support counseling session  
24 prohibited from disclosure under the First Responders  
25 Suicide Prevention Act.

26 (pp) Names and all identifying information relating to

1 an employee of an emergency services provider or law  
2 enforcement agency under the First Responders Suicide  
3 Prevention Act.

4 (qq) Information and records held by the Department of  
5 Public Health and its authorized representatives collected  
6 under the Reproductive Health Act.

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

9 (ss) Data reported by an employer to the Department of  
10 Human Rights pursuant to Section 2-108 of the Illinois  
11 Human Rights Act.

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

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

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

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

22 (xx) Information that is exempt from disclosure or  
23 information that shall not be made public under the  
24 Illinois Insurance Code.

25 (yy) Information prohibited from being disclosed under  
26 the Illinois Educational Labor Relations Act.

1 (zz) Information prohibited from being disclosed under  
2 the Illinois Public Labor Relations Act.

3 (aaa) Information prohibited from being disclosed  
4 under Section 1-167 of the Illinois Pension Code.

5 (bbb) Information prohibited from being disclosed  
6 under subsection (d) of Section 35 of the Domestic  
7 Violence Fatality Review Act.

8 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
9 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
10 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
11 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;  
12 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.  
13 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,  
14 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;  
15 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.  
16 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,  
17 eff. 7-7-20.)

18 Section 995. No acceleration or delay. Where this Act  
19 makes changes in a statute that is represented in this Act by  
20 text that is not yet or no longer in effect (for example, a  
21 Section represented by multiple versions), the use of that  
22 text does not accelerate or delay the taking effect of (i) the  
23 changes made by this Act or (ii) provisions derived from any  
24 other Public Act.

1           Section 999. Effective date. This Act takes effect upon  
2    becoming law.".