



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3953

Introduced 2/22/2021, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

110 ILCS 1020/1.5 new

Amends the Private College Campus Police Act. Provides that information and records in the custody or possession of a campus police department subject to the Act shall be open to inspection or copying to the extent the information and records relate to the members of the campus police department's exercise of the powers of municipal peace officers or county sheriffs. Lists the types of records that are and are not subject to inspection and copying. Sets forth provisions concerning record requests, and provides that any person denied access to any record required to be publicly available may file a request for review with the Office of the Attorney General Public Access Counselor.

LRB102 12710 CMG 18049 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The Private College Campus Police Act is
5 amended by adding Section 1.5 as follows:

6 (110 ILCS 1020/1.5 new)

7 Sec. 1.5. Records.

8 (a) Information and records in the custody or possession
9 of a campus police department subject to this Act shall be open
10 to inspection or copying as described in this Section to the
11 extent the information and records relate to the members of
12 the campus police department's exercise of the powers of
13 municipal peace officers or county sheriffs, as provided in
14 Section 1 of this Act.

15 (b) The following records are subject to inspection and
16 copying under subsection (a) of this Section:

17 (1) traffic stop and field contact information,
18 including, but not limited to, date, time, location,
19 reason for the stop, whether a search was conducted,
20 disposition, and race and gender of the person stopped;

21 (2) department directives;

22 (3) daily crime log information for all crimes
23 reported to the campus police department that is

1 maintained pursuant to the federal Jeanne Clery Disclosure
2 of Campus Security Policy and Campus Crime Statistics Act,
3 20 U.S.C. 1092(f) and its implementing regulations,
4 including, but not limited to, the date the crime was
5 reported, the date and time the crime occurred, the nature
6 and location of the crime, and the disposition of the
7 complaint, if known;

8 (4) arrest report information, including, but not
9 limited to, information that identifies the arrestee, when
10 and if available, information detailing any charges
11 relating to the arrest, the time and location of the
12 arrest, the name of the investigating or arresting law
13 enforcement agency, if the individual is detained, the
14 amount of any bail or bond, and the time and date that the
15 individual was received into, discharged from, or
16 transferred from the arresting agency's custody;

17 (5) broadcast radio communications between or among
18 officers and dispatchers of the campus police department
19 concerning traffic stops, field contacts, and arrests; and

20 (6) crime data and statistics that are required to be
21 reported pursuant to the federal Jeanne Clery Disclosure
22 of Campus Security Policy and Campus Crime Statistics Act.

23 (c) The following records are not subject to inspection
24 and copying under subsection (a) of this Section:

25 (1) records that are in the custody or possession of a
26 campus police department that do not pertain to the

1 exercise of power of a municipal peace officer or county
2 sheriff;

3 (2) records regarding employment matters, including
4 grievances and disciplinary matters, unless such records
5 relate to cases in which a member of the campus police
6 department's exercise of the powers of a municipal peace
7 officer or a county sheriff results in the imposition of
8 discipline; however, nothing in this subdivision (2) shall
9 be construed to limit, alter, or modify any of the terms,
10 conditions, or provisions of a collective bargaining
11 agreement existing on the effective date of this
12 amendatory Act of the 102nd General Assembly, and nothing
13 in this subdivision (2) precludes a private college or
14 private university and the exclusive bargaining
15 representative from agreeing to and implementing this
16 subdivision (2) prior to the termination of the existing
17 collective bargaining agreement;

18 (3) records regarding labor contract negotiations;

19 (4) wage information;

20 (5) information about insurance;

21 (6) records relating to all ongoing investigations or
22 security threats the disclosure of which would jeopardize
23 public safety;

24 (7) records relating to students and related
25 disciplinary proceedings and actions, including, but not
26 limited to, those prohibited by the federal Family

1 Educational Rights and Privacy Act of 1974 and the
2 Illinois Health Insurance Portability and Accountability
3 Act;

4 (8) arrest records protected by the Juvenile Court Act
5 of 1987;

6 (9) records relating to campus building access;

7 (10) records, tapes, and other digital media from
8 campus security cameras;

9 (11) non-criminal campus incident reports; and

10 (12) documents exempted from or not subject to the
11 Freedom of Information Act.

12 (d) A person may request records as described in this
13 Section, and a campus police department shall make records
14 available for public inspection. No fees shall be charged for
15 the first 50 pages of black and white, letter or legal-sized
16 copies. The fee for black and white, letter or legal-sized
17 copies shall not exceed 15 cents per page; for color copies or
18 copies of other sizes, the campus police department may charge
19 up to its actual cost for reproducing the records. A campus
20 police department is not required to copy a record that is
21 published on the department's, college's, or university's
22 Internet website. The campus police department shall notify
23 the requester that the record is available online and direct
24 the requester to the website where the record can be
25 reasonably accessed.

26 (e) Each campus police department shall designate one or

1 more employees to receive requests submitted to the campus
2 police department pursuant to subsection (a) of this Section
3 and ensure that the campus police department responds to
4 requests within 5 business days, or a different period of time
5 if agreed to by the requester and the campus police
6 department. The campus police department may notify a
7 requester that the department requires an additional 5
8 business days to respond to requests.

9 (f) Each campus police department that maintains an
10 Internet website shall post on its website a brief description
11 of the methods whereby the public may request information and
12 records. If the campus police department does not maintain a
13 website, such information shall be prominently displayed in
14 its offices and made available for inspection and copying. A
15 campus police department may train employees regarding
16 compliance with this Act by using the training program made
17 available by the Office of the Attorney General Public Access
18 Counselor.

19 (g) When a request is made to inspect or copy a record that
20 contains information that would be exempt from disclosure
21 under the Freedom of Information Act (including, but not
22 limited to, exemptions listed in Sections 2.15 and 7 of the
23 Freedom of Information Act), the campus police department may
24 redact the information subject to the exemptions.

25 (h) Any person denied access to any record required to be
26 publicly available under subsection (a) of this Section by a

1 campus police department may file a request for review with
2 the Public Access Counselor not later than 60 days after the
3 date of the denial. The request for review must be in writing,
4 signed by the requester, and include (i) a copy of the request
5 for access to records and (ii) any responses from the campus
6 police department.

7 (i) Upon receipt of a request for review, the Public
8 Access Counselor shall determine whether further action is
9 warranted. If the Public Access Counselor determines that the
10 alleged violation is unfounded, he or she shall so advise the
11 requester and the campus police department, and no further
12 action shall be undertaken. Unless the Public Access Counselor
13 extends the time by no more than 30 business days by sending
14 written notice to the requester and the campus police
15 department that includes a statement of the reasons for the
16 extension in the notice or decides to address the matter
17 without the issuance of a binding opinion, the Attorney
18 General shall examine the issues and the records, shall make
19 findings of fact and conclusions of law, and shall issue to the
20 requester and the campus police department an opinion in
21 response to the request for review within 60 days after its
22 receipt. The opinion shall be binding upon both the requester
23 and the campus police department, subject to review in circuit
24 court. In responding to any request under this Section, the
25 Attorney General may exercise his or her discretion and choose
26 to resolve a request for review by mediation or by a means

1 other than the issuance of a binding opinion. The decision not
2 to issue a binding opinion shall not be reviewable. Upon
3 receipt of a binding opinion concluding that a violation of
4 this Section has occurred, the campus police department shall
5 either take necessary action immediately to comply with the
6 directive of the opinion or shall initiate review proceedings.
7 A binding opinion granting or denying in whole or part the
8 request shall be subject to review in the circuit court of Cook
9 or Sangamon County.