

SB3767



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3767

Introduced 1/21/2022, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

5 ILCS 120/3

from Ch. 102, par. 43

Amends the Open Meetings Act. Provides that a civil action for violation of the Act may be brought within 60 days after the discovery of failure to comply with specified notice requirements.

LRB102 23311 RJF 32477 b

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The Open Meetings Act is amended by changing
5 Section 3 as follows:

6 (5 ILCS 120/3) (from Ch. 102, par. 43)

7 Sec. 3. (a) Where the provisions of this Act are not
8 complied with, or where there is probable cause to believe
9 that the provisions of this Act will not be complied with, any
10 person, including the State's Attorney of the county in which
11 such noncompliance may occur, may bring a civil action in the
12 circuit court for the judicial circuit in which the alleged
13 noncompliance has occurred or is about to occur, or in which
14 the affected public body has its principal office: (i) ~~r~~ prior
15 to or within 60 days of the meeting alleged to be in violation
16 of this Act; (ii) ~~or~~, if facts concerning the meeting are not
17 discovered within the 60-day period, within 60 days of the
18 discovery of a violation by the State's Attorney; (iii) ~~or~~, if
19 the person timely files a request for review under Section
20 3.5, within 60 days of the decision by the Attorney General to
21 resolve a request for review by a means other than the issuance
22 of a binding opinion under subsection (e) of Section 3.5; or
23 (iv) if the public body failed to provide notice of the meeting

1 compliant with Section 2.02, within 60 days after the
2 discovery of a violation of this Act by the person.

3 Records that are obtained by a State's Attorney from a
4 public body for purposes of reviewing whether the public body
5 has complied with this Act may not be disclosed to the public.
6 Those records, while in the possession of the State's
7 Attorney, are exempt from disclosure under the Freedom of
8 Information Act.

9 (b) In deciding such a case the court may examine in camera
10 any portion of the minutes of a meeting at which a violation of
11 the Act is alleged to have occurred, and may take such
12 additional evidence as it deems necessary.

13 (c) The court, having due regard for orderly
14 administration and the public interest, as well as for the
15 interests of the parties, may grant such relief as it deems
16 appropriate, including granting a relief by mandamus requiring
17 that a meeting be open to the public, granting an injunction
18 against future violations of this Act, ordering the public
19 body to make available to the public such portion of the
20 minutes of a meeting as is not authorized to be kept
21 confidential under this Act, or declaring null and void any
22 final action taken at a closed meeting in violation of this
23 Act.

24 (d) The court may assess against any party, except a
25 State's Attorney, reasonable attorney's fees and other
26 litigation costs reasonably incurred by any other party who

1 substantially prevails in any action brought in accordance
2 with this Section, provided that costs may be assessed against
3 any private party or parties bringing an action pursuant to
4 this Section only upon the court's determination that the
5 action is malicious or frivolous in nature.

6 (Source: P.A. 99-714, eff. 8-5-16.)