



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1611

Introduced 2/1/2023, by Rep. Daniel Didech - Justin Slaughter
- Anthony DeLuca, Joyce Mason, Maurice A. West, II, et al.

SYNOPSIS AS INTRODUCED:

20 ILCS 1370/1-15
50 ILCS 706/10-20

Amends the Department of Innovation and Technology Act. Requires the Department of Innovation and Technology to develop, manage, and make available to any law enforcement agency a digital repository for the collection, storage, retention, and retrieval of any officer-worn body camera recording collected by such an agency under the Law Enforcement Officer-Worn Body Camera Act. Requires recordings retained in the repository to be managed in a manner that is not inconsistent with the minimum requirements set forth in a specified provision of the Law Enforcement Officer-Worn Body Camera Act. Amends the Law Enforcement Officer-Worn Body Camera Act. Authorizes a law enforcement agency to use the digital repository developed by the Department of Innovation and Technology for the collection, storage, retention, and retrieval of officer-worn body camera recordings. Provides that, if a law enforcement agency uses the digital repository developed by the Department of Innovation and Technology and if an encounter on such a recording is flagged, then the law enforcement agency must notify the Department in writing that the encounter has been flagged not less than 10 days before the expiration of the 90-day storage period. Effective immediately.

LRB103 00014 DTM 45014 b

1 AN ACT concerning officer-worn body cameras.

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

4 Section 5. The Department of Innovation and Technology Act
5 is amended by changing Section 1-15 as follows:

6 (20 ILCS 1370/1-15)

7 Sec. 1-15. Powers and duties.

8 (a) The head officer of the Department is the Secretary,
9 who shall be the chief information officer for the State and
10 the steward of State data with respect to those agencies under
11 the jurisdiction of the Governor. The Secretary shall be
12 appointed by the Governor, with the advice and consent of the
13 Senate. The Department may employ or retain other persons to
14 assist in the discharge of its functions, subject to the
15 Personnel Code.

16 (b) The Department shall promote best-in-class innovation
17 and technology to client agencies to foster collaboration
18 among client agencies, empower client agencies to provide
19 better service to residents of Illinois, and maximize the
20 value of taxpayer resources. The Department shall be
21 responsible for information technology functions on behalf of
22 client agencies.

23 (c) The Department shall provide for and coordinate

1 information technology for State agencies and, when requested
2 and when in the best interests of the State, for State
3 constitutional offices, units of federal or local governments,
4 and public and not-for-profit institutions of primary,
5 secondary, and higher education, or other parties not
6 associated with State government. The Department shall
7 establish charges for information technology for State
8 agencies and, when requested, for State constitutional
9 offices, units of federal or local government, and public and
10 not-for-profit institutions of primary, secondary, or higher
11 education and for use by other parties not associated with
12 State government. Entities charged for these services shall
13 make payment to the Department. The Department may instruct
14 all State agencies to report their usage of information
15 technology regularly to the Department in the manner the
16 Secretary may prescribe.

17 (d) The Department shall develop and implement standards,
18 policies, and procedures to protect the security and
19 interoperability of State data with respect to those agencies
20 under the jurisdiction of the Governor, including in
21 particular data that are confidential, sensitive, or protected
22 from disclosure by privacy or other laws, while recognizing
23 and balancing the need for collaboration and public
24 transparency.

25 (e) The Department shall be responsible for providing the
26 Governor with timely, comprehensive, and meaningful

1 information pertinent to the formulation and execution of
2 fiscal policy. In performing this responsibility, the
3 Department shall have the power to do the following:

4 (1) Control the procurement, retention, installation,
5 maintenance, and operation, as specified by the
6 Department, of information technology equipment used by
7 client agencies in such a manner as to achieve maximum
8 economy and provide appropriate assistance in the
9 development of information suitable for management
10 analysis.

11 (2) Establish principles and standards of information
12 technology-related reporting by client agencies and
13 priorities for completion of research by those agencies in
14 accordance with the requirements for management analysis
15 specified by the Department.

16 (3) Establish charges for information technology and
17 related services requested by client agencies and rendered
18 by the Department. The Department is likewise empowered to
19 establish prices or charges for all information technology
20 reports purchased by agencies and individuals not
21 connected with State government.

22 (4) Instruct all client agencies to report regularly
23 to the Department, in the manner the Department may
24 prescribe, their usage of information technology, the cost
25 incurred, the information produced, and the procedures
26 followed in obtaining the information. All client agencies

1 shall request from the Department assistance and
2 consultation in securing any necessary information
3 technology to support their requirements.

4 (5) Examine the accounts and information
5 technology-related data of any organization, body, or
6 agency receiving appropriations from the General Assembly,
7 except for a State constitutional office, the Office of
8 the Executive Inspector General, or any office of the
9 legislative or judicial branches of State government. For
10 a State constitutional office, the Office of the Executive
11 Inspector General, or any office of the legislative or
12 judicial branches of State government, the Department
13 shall have the power to examine the accounts and
14 information technology-related data of the State
15 constitutional office, the Office of the Executive
16 Inspector General, or any office of the legislative or
17 judicial branches of State government when requested by
18 those offices.

19 (6) Install and operate a modern information
20 technology system using equipment adequate to satisfy the
21 requirements for analysis and review as specified by the
22 Department. Expenditures for information technology and
23 related services rendered shall be reimbursed by the
24 recipients. The reimbursement shall be determined by the
25 Department as amounts sufficient to reimburse the
26 Technology Management Revolving Fund for expenditures

1 incurred in rendering the services.

2 (f) In addition to the other powers and duties listed in
3 subsection (e), the Department shall analyze the present and
4 future aims, needs, and requirements of information
5 technology, research, and planning in order to provide for the
6 formulation of overall policy relative to the use of
7 information technology and related equipment by the State of
8 Illinois. In making this analysis, the Department shall
9 formulate a master plan for information technology, using
10 information technology most advantageously, and advising
11 whether information technology should be leased or purchased
12 by the State. The Department shall prepare and submit interim
13 reports of meaningful developments and proposals for
14 legislation to the Governor on or before January 30 each year.
15 The Department shall engage in a continuing analysis and
16 evaluation of the master plan so developed, and it shall be the
17 responsibility of the Department to recommend from time to
18 time any needed amendments and modifications of any master
19 plan enacted by the General Assembly.

20 (g) The Department may make information technology and the
21 use of information technology available to units of local
22 government, elected State officials, State educational
23 institutions, the judicial branch, the legislative branch, and
24 all other governmental units of the State requesting them. The
25 Department shall establish prices and charges for the
26 information technology so furnished and for the use of the

1 information technology. The prices and charges shall be
2 sufficient to reimburse the cost of furnishing the services
3 and use of information technology.

4 (h) The Department shall develop, manage, and make
5 available to any law enforcement agency a digital repository
6 for the collection, storage, retention, and retrieval of any
7 officer-worn body camera recording collected by such an agency
8 under the Law Enforcement Officer-Worn Body Camera Act. The
9 Department shall manage recordings retained in the repository
10 in a manner that is not inconsistent with the minimum
11 requirements set forth in Section 10-20 of the Law Enforcement
12 Officer-Worn Body Camera Act. For purposes of this subsection
13 (h), "law enforcement agency", "officer-worn body camera", and
14 "recording" have the meanings given in Section 10-10 of the
15 Law Enforcement Officer-Worn Body Camera Act.

16 (i) ~~(h)~~ The Department may establish standards to provide
17 consistency in the operation and use of information
18 technology.

19 (j) ~~(i)~~ The Department may adopt rules under the Illinois
20 Administrative Procedure Act necessary to carry out its
21 responsibilities under this Act.

22 (Source: P.A. 102-376, eff. 1-1-22.)

23 Section 10. The Law Enforcement Officer-Worn Body Camera
24 Act is amended by changing Section 10-20 as follows:

1 (50 ILCS 706/10-20)

2 Sec. 10-20. Requirements.

3 (a) The Board shall develop basic guidelines for the use
4 of officer-worn body cameras by law enforcement agencies. The
5 guidelines developed by the Board shall be the basis for the
6 written policy which must be adopted by each law enforcement
7 agency which employs the use of officer-worn body cameras. The
8 written policy adopted by the law enforcement agency must
9 include, at a minimum, all of the following:

10 (1) Cameras must be equipped with pre-event recording,
11 capable of recording at least the 30 seconds prior to
12 camera activation, unless the officer-worn body camera was
13 purchased and acquired by the law enforcement agency prior
14 to July 1, 2015.

15 (2) Cameras must be capable of recording for a period
16 of 10 hours or more, unless the officer-worn body camera
17 was purchased and acquired by the law enforcement agency
18 prior to July 1, 2015.

19 (3) Cameras must be turned on at all times when the
20 officer is in uniform and is responding to calls for
21 service or engaged in any law enforcement-related
22 encounter or activity that occurs while the officer is on
23 duty.

24 (A) If exigent circumstances exist which prevent
25 the camera from being turned on, the camera must be
26 turned on as soon as practicable.

1 (B) Officer-worn body cameras may be turned off
2 when the officer is inside of a patrol car which is
3 equipped with a functioning in-car camera; however,
4 the officer must turn on the camera upon exiting the
5 patrol vehicle for law enforcement-related encounters.

6 (C) Officer-worn body cameras may be turned off
7 when the officer is inside a correctional facility or
8 courthouse which is equipped with a functioning camera
9 system.

10 (4) Cameras must be turned off when:

11 (A) the victim of a crime requests that the camera
12 be turned off, and unless impractical or impossible,
13 that request is made on the recording;

14 (B) a witness of a crime or a community member who
15 wishes to report a crime requests that the camera be
16 turned off, and unless impractical or impossible that
17 request is made on the recording;

18 (C) the officer is interacting with a confidential
19 informant used by the law enforcement agency; or

20 (D) an officer of the Department of Revenue enters
21 a Department of Revenue facility or conducts an
22 interview during which return information will be
23 discussed or visible.

24 However, an officer may continue to record or resume
25 recording a victim or a witness, if exigent circumstances
26 exist, or if the officer has reasonable articulable

1 suspicion that a victim or witness, or confidential
2 informant has committed or is in the process of committing
3 a crime. Under these circumstances, and unless impractical
4 or impossible, the officer must indicate on the recording
5 the reason for continuing to record despite the request of
6 the victim or witness.

7 (4.5) Cameras may be turned off when the officer is
8 engaged in community caretaking functions. However, the
9 camera must be turned on when the officer has reason to
10 believe that the person on whose behalf the officer is
11 performing a community caretaking function has committed
12 or is in the process of committing a crime. If exigent
13 circumstances exist which prevent the camera from being
14 turned on, the camera must be turned on as soon as
15 practicable.

16 (5) The officer must provide notice of recording to
17 any person if the person has a reasonable expectation of
18 privacy and proof of notice must be evident in the
19 recording. If exigent circumstances exist which prevent
20 the officer from providing notice, notice must be provided
21 as soon as practicable.

22 (6) (A) For the purposes of redaction, labeling, or
23 duplicating recordings, access to camera recordings shall
24 be restricted to only those personnel responsible for
25 those purposes. The recording officer or his or her
26 supervisor may not redact, label, duplicate or otherwise

1 alter the recording officer's camera recordings. Except as
2 otherwise provided in this Section, the recording officer
3 and his or her supervisor may access and review recordings
4 prior to completing incident reports or other
5 documentation, provided that the supervisor discloses that
6 fact in the report or documentation.

7 (i) A law enforcement officer shall not have
8 access to or review his or her body-worn camera
9 recordings or the body-worn camera recordings of
10 another officer prior to completing incident reports
11 or other documentation when the officer:

12 (a) has been involved in or is a witness to an
13 officer-involved shooting, use of deadly force
14 incident, or use of force incidents resulting in
15 great bodily harm;

16 (b) is ordered to write a report in response
17 to or during the investigation of a misconduct
18 complaint against the officer.

19 (ii) If the officer subject to subparagraph (i)
20 prepares a report, any report shall be prepared
21 without viewing body-worn camera recordings, and
22 subject to supervisor's approval, officers may file
23 amendatory reports after viewing body-worn camera
24 recordings. Supplemental reports under this provision
25 shall also contain documentation regarding access to
26 the video footage.

1 (B) The recording officer's assigned field
2 training officer may access and review recordings for
3 training purposes. Any detective or investigator
4 directly involved in the investigation of a matter may
5 access and review recordings which pertain to that
6 investigation but may not have access to delete or
7 alter such recordings.

8 (7) Recordings made on officer-worn cameras must be
9 retained by the law enforcement agency or by the camera
10 vendor used by the agency, on a recording medium for a
11 period of 90 days.

12 (A) Under no circumstances shall any recording,
13 except for a non-law enforcement related activity or
14 encounter, made with an officer-worn body camera be
15 altered, erased, or destroyed prior to the expiration
16 of the 90-day storage period. In the event any
17 recording made with an officer-worn body camera is
18 altered, erased, or destroyed prior to the expiration
19 of the 90-day storage period, the law enforcement
20 agency shall maintain, for a period of one year, a
21 written record including (i) the name of the
22 individual who made such alteration, erasure, or
23 destruction, and (ii) the reason for any such
24 alteration, erasure, or destruction.

25 (B) Following the 90-day storage period, any and
26 all recordings made with an officer-worn body camera

1 must be destroyed, unless any encounter captured on
2 the recording has been flagged. An encounter is deemed
3 to be flagged when:

4 (i) a formal or informal complaint has been
5 filed;

6 (ii) the officer discharged his or her firearm
7 or used force during the encounter;

8 (iii) death or great bodily harm occurred to
9 any person in the recording;

10 (iv) the encounter resulted in a detention or
11 an arrest, excluding traffic stops which resulted
12 in only a minor traffic offense or business
13 offense;

14 (v) the officer is the subject of an internal
15 investigation or otherwise being investigated for
16 possible misconduct;

17 (vi) the supervisor of the officer,
18 prosecutor, defendant, or court determines that
19 the encounter has evidentiary value in a criminal
20 prosecution; or

21 (vii) the recording officer requests that the
22 video be flagged for official purposes related to
23 his or her official duties.

24 If a law enforcement agency uses the digital
25 repository developed by the Department of Innovation and
26 Technology under Section 1-15 of the Department of

1 Innovation and Technology Act for the collection, storage,
2 retention, and retrieval of officer-worn body camera
3 recordings and if an encounter on such a recording is
4 flagged, then the law enforcement agency must notify the
5 Department in writing that the encounter has been flagged
6 not less than 10 days before the expiration of the 90-day
7 storage period.

8 (C) Under no circumstances shall any recording
9 made with an officer-worn body camera relating to a
10 flagged encounter be altered or destroyed prior to 2
11 years after the recording was flagged. If the flagged
12 recording was used in a criminal, civil, or
13 administrative proceeding, the recording shall not be
14 destroyed except upon a final disposition and order
15 from the court.

16 (D) Nothing in this Act prohibits law enforcement
17 agencies from labeling officer-worn body camera video
18 within the recording medium; provided that the
19 labeling does not alter the actual recording of the
20 incident captured on the officer-worn body camera. The
21 labels, titles, and tags shall not be construed as
22 altering the officer-worn body camera video in any
23 way.

24 (8) Following the 90-day storage period, recordings
25 may be retained if a supervisor at the law enforcement
26 agency designates the recording for training purposes. If

1 the recording is designated for training purposes, the
2 recordings may be viewed by officers, in the presence of a
3 supervisor or training instructor, for the purposes of
4 instruction, training, or ensuring compliance with agency
5 policies.

6 (9) Recordings shall not be used to discipline law
7 enforcement officers unless:

8 (A) a formal or informal complaint of misconduct
9 has been made;

10 (B) a use of force incident has occurred;

11 (C) the encounter on the recording could result in
12 a formal investigation under the Uniform Peace
13 Officers' Disciplinary Act; or

14 (D) as corroboration of other evidence of
15 misconduct.

16 Nothing in this paragraph (9) shall be construed to
17 limit or prohibit a law enforcement officer from being
18 subject to an action that does not amount to discipline.

19 (10) The law enforcement agency shall ensure proper
20 care and maintenance of officer-worn body cameras. Upon
21 becoming aware, officers must as soon as practical
22 document and notify the appropriate supervisor of any
23 technical difficulties, failures, or problems with the
24 officer-worn body camera or associated equipment. Upon
25 receiving notice, the appropriate supervisor shall make
26 every reasonable effort to correct and repair any of the

1 officer-worn body camera equipment.

2 (11) No officer may hinder or prohibit any person, not
3 a law enforcement officer, from recording a law
4 enforcement officer in the performance of his or her
5 duties in a public place or when the officer has no
6 reasonable expectation of privacy. The law enforcement
7 agency's written policy shall indicate the potential
8 criminal penalties, as well as any departmental
9 discipline, which may result from unlawful confiscation or
10 destruction of the recording medium of a person who is not
11 a law enforcement officer. However, an officer may take
12 reasonable action to maintain safety and control, secure
13 crime scenes and accident sites, protect the integrity and
14 confidentiality of investigations, and protect the public
15 safety and order.

16 (b) Recordings made with the use of an officer-worn body
17 camera are not subject to disclosure under the Freedom of
18 Information Act, except that:

19 (1) if the subject of the encounter has a reasonable
20 expectation of privacy, at the time of the recording, any
21 recording which is flagged, due to the filing of a
22 complaint, discharge of a firearm, use of force, arrest or
23 detention, or resulting death or bodily harm, shall be
24 disclosed in accordance with the Freedom of Information
25 Act if:

26 (A) the subject of the encounter captured on the

1 recording is a victim or witness; and

2 (B) the law enforcement agency obtains written
3 permission of the subject or the subject's legal
4 representative;

5 (2) except as provided in paragraph (1) of this
6 subsection (b), any recording which is flagged due to the
7 filing of a complaint, discharge of a firearm, use of
8 force, arrest or detention, or resulting death or bodily
9 harm shall be disclosed in accordance with the Freedom of
10 Information Act; and

11 (3) upon request, the law enforcement agency shall
12 disclose, in accordance with the Freedom of Information
13 Act, the recording to the subject of the encounter
14 captured on the recording or to the subject's attorney, or
15 the officer or his or her legal representative.

16 For the purposes of paragraph (1) of this subsection (b),
17 the subject of the encounter does not have a reasonable
18 expectation of privacy if the subject was arrested as a result
19 of the encounter. For purposes of subparagraph (A) of
20 paragraph (1) of this subsection (b), "witness" does not
21 include a person who is a victim or who was arrested as a
22 result of the encounter.

23 Only recordings or portions of recordings responsive to
24 the request shall be available for inspection or reproduction.
25 Any recording disclosed under the Freedom of Information Act
26 shall be redacted to remove identification of any person that

1 appears on the recording and is not the officer, a subject of
2 the encounter, or directly involved in the encounter. Nothing
3 in this subsection (b) shall require the disclosure of any
4 recording or portion of any recording which would be exempt
5 from disclosure under the Freedom of Information Act.

6 (b-5) A law enforcement agency may use the digital
7 repository developed by the Department of Innovation and
8 Technology under Section 1-15 of the Department of Innovation
9 and Technology Act for the collection, storage, retention, and
10 retrieval of officer-worn body camera recordings.

11 (c) Nothing in this Section shall limit access to a camera
12 recording for the purposes of complying with Supreme Court
13 rules or the rules of evidence.

14 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
15 102-687, eff. 12-17-21; 102-694, eff. 1-7-22.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.