

1 AN ACT concerning State 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 2 and 7 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall  
9 be open to the public unless excepted in subsection (c) and  
10 closed in accordance with Section 2a.

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

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

20 (1) The appointment, employment, compensation,  
21 discipline, performance, or dismissal of specific  
22 employees, specific individuals who serve as independent  
23 contractors in a park, recreational, or educational

1 setting, or specific volunteers of the public body or  
2 legal counsel for the public body, including hearing  
3 testimony on a complaint lodged against an employee, a  
4 specific individual who serves as an independent  
5 contractor in a park, recreational, or educational  
6 setting, or a volunteer of the public body or against  
7 legal counsel for the public body to determine its  
8 validity. However, a meeting to consider an increase in  
9 compensation to a specific employee of a public body that  
10 is subject to the Local Government Wage Increase  
11 Transparency Act may not be closed and shall be open to the  
12 public and posted and held in accordance with this Act.

13 (2) Collective negotiating matters between the public  
14 body and its employees or their representatives, or  
15 deliberations concerning salary schedules for one or more  
16 classes of employees.

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

24 (4) Evidence or testimony presented in open hearing,  
25 or in closed hearing where specifically authorized by law,  
26 to a quasi-adjudicative body, as defined in this Act,

1 provided that the body prepares and makes available for  
2 public inspection a written decision setting forth its  
3 determinative reasoning.

4 (4.5) Evidence or testimony presented to a school  
5 board regarding denial of admission to school events or  
6 property pursuant to Section 24-24 of the School Code,  
7 provided that the school board prepares and makes  
8 available for public inspection a written decision setting  
9 forth its determinative reasoning.

10 (5) The purchase or lease of real property for the use  
11 of the public body, including meetings held for the  
12 purpose of discussing whether a particular parcel should  
13 be acquired.

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

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

20 (8) Security procedures, school building safety and  
21 security, and the use of personnel and equipment to  
22 respond to an actual, a threatened, or a reasonably  
23 potential danger to the safety of employees, students,  
24 staff, the public, or public property.

25 (9) Student disciplinary cases.

26 (10) The placement of individual students in special

1 education programs and other matters relating to  
2 individual students.

3 (11) Litigation, when an action against, affecting or  
4 on behalf of the particular public body has been filed and  
5 is pending before a court or administrative tribunal, or  
6 when the public body finds that an action is probable or  
7 imminent, in which case the basis for the finding shall be  
8 recorded and entered into the minutes of the closed  
9 meeting.

10 (12) The establishment of reserves or settlement of  
11 claims as provided in the Local Governmental and  
12 Governmental Employees Tort Immunity Act, if otherwise the  
13 disposition of a claim or potential claim might be  
14 prejudiced, or the review or discussion of claims, loss or  
15 risk management information, records, data, advice or  
16 communications from or with respect to any insurer of the  
17 public body or any intergovernmental risk management  
18 association or self insurance pool of which the public  
19 body is a member.

20 (13) Conciliation of complaints of discrimination in  
21 the sale or rental of housing, when closed meetings are  
22 authorized by the law or ordinance prescribing fair  
23 housing practices and creating a commission or  
24 administrative agency for their enforcement.

25 (14) Informant sources, the hiring or assignment of  
26 undercover personnel or equipment, or ongoing, prior or

1 future criminal investigations, when discussed by a public  
2 body with criminal investigatory responsibilities.

3 (15) Professional ethics or performance when  
4 considered by an advisory body appointed to advise a  
5 licensing or regulatory agency on matters germane to the  
6 advisory body's field of competence.

7 (16) Self evaluation, practices and procedures or  
8 professional ethics, when meeting with a representative of  
9 a statewide association of which the public body is a  
10 member.

11 (17) The recruitment, credentialing, discipline or  
12 formal peer review of physicians or other health care  
13 professionals, or for the discussion of matters protected  
14 under the federal Patient Safety and Quality Improvement  
15 Act of 2005, and the regulations promulgated thereunder,  
16 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
17 Health Insurance Portability and Accountability Act of  
18 1996, and the regulations promulgated thereunder,  
19 including 45 C.F.R. Parts 160, 162, and 164, by a  
20 hospital, or other institution providing medical care,  
21 that is operated by the public body.

22 (18) Deliberations for decisions of the Prisoner  
23 Review Board.

24 (19) Review or discussion of applications received  
25 under the Experimental Organ Transplantation Procedures  
26 Act.

1           (20) The classification and discussion of matters  
2 classified as confidential or continued confidential by  
3 the State Government Suggestion Award Board.

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

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

10           (23) The operation by a municipality of a municipal  
11 utility or the operation of a municipal power agency or  
12 municipal natural gas agency when the discussion involves  
13 (i) contracts relating to the purchase, sale, or delivery  
14 of electricity or natural gas or (ii) the results or  
15 conclusions of load forecast studies.

16           (24) Meetings of a residential health care facility  
17 resident sexual assault and death review team or the  
18 Executive Council under the Abuse Prevention Review Team  
19 Act.

20           (25) Meetings of an independent team of experts under  
21 Brian's Law.

22           (26) Meetings of a mortality review team appointed  
23 under the Department of Juvenile Justice Mortality Review  
24 Team Act.

25           (27) (Blank).

26           (28) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid  
2 Code or (ii) that pertain to appeals under Section 11-8 of  
3 the Illinois Public Aid Code.

4 (29) Meetings between internal or external auditors  
5 and governmental audit committees, finance committees, and  
6 their equivalents, when the discussion involves internal  
7 control weaknesses, identification of potential fraud risk  
8 areas, known or suspected frauds, and fraud interviews  
9 conducted in accordance with generally accepted auditing  
10 standards of the United States of America.

11 (30) Those meetings or portions of meetings of a  
12 fatality review team or the Illinois Fatality Review Team  
13 Advisory Council during which a review of the death of an  
14 eligible adult in which abuse or neglect is suspected,  
15 alleged, or substantiated is conducted pursuant to Section  
16 15 of the Adult Protective Services Act.

17 (31) Meetings and deliberations for decisions of the  
18 Concealed Carry Licensing Review Board under the Firearm  
19 Concealed Carry Act.

20 (32) Meetings between the Regional Transportation  
21 Authority Board and its Service Boards when the discussion  
22 involves review by the Regional Transportation Authority  
23 Board of employment contracts under Section 28d of the  
24 Metropolitan Transit Authority Act and Sections 3A.18 and  
25 3B.26 of the Regional Transportation Authority Act.

26 (33) Those meetings or portions of meetings of the

1 advisory committee and peer review subcommittee created  
2 under Section 320 of the Illinois Controlled Substances  
3 Act during which specific controlled substance prescriber,  
4 dispenser, or patient information is discussed.

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

8 (35) Meetings of the group established to discuss  
9 Medicaid capitation rates under Section 5-30.8 of the  
10 Illinois Public Aid Code.

11 (36) Those deliberations or portions of deliberations  
12 for decisions of the Illinois Gaming Board in which there  
13 is discussed any of the following: (i) personal,  
14 commercial, financial, or other information obtained from  
15 any source that is privileged, proprietary, confidential,  
16 or a trade secret; or (ii) information specifically  
17 exempted from the disclosure by federal or State law.

18 (37) Deliberations for decisions of the Illinois Law  
19 Enforcement Training Standards Board, the Certification  
20 Review Panel, and the Illinois State Police Merit Board  
21 regarding certification and decertification.

22 (38) Meetings of the Ad Hoc Statewide Domestic  
23 Violence Fatality Review Committee of the Illinois  
24 Criminal Justice Information Authority Board that occur in  
25 closed executive session under subsection (d) of Section  
26 35 of the Domestic Violence Fatality Review Act.



1           (39) Meetings of the regional review teams under  
2 subsection (a) of Section 75 of the Domestic Violence  
3 Fatality Review Act.

4           (40) Meetings of the Firearm Owner's Identification  
5 Card Review Board under Section 10 of the Firearm Owners  
6 Identification Card Act.

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

8           "Employee" means a person employed by a public body whose  
9 relationship with the public body constitutes an  
10 employer-employee relationship under the usual common law  
11 rules, and who is not an independent contractor.

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

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

26           (e) Final action. No final action may be taken at a closed

1 meeting. Final action shall be preceded by a public recital of  
2 the nature of the matter being considered and other  
3 information that will inform the public of the business being  
4 conducted.

5 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;  
6 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.  
7 8-20-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

8 (5 ILCS 120/7)

9 Sec. 7. Attendance by a means other than physical  
10 presence.

11 (a) If a quorum of the members of the public body is  
12 physically present as required by Section 2.01, a majority of  
13 the public body may allow a member of that body to attend the  
14 meeting by other means if the member is prevented from  
15 physically attending because of: (i) personal illness or  
16 disability; (ii) employment purposes or the business of the  
17 public body; ~~or~~ (iii) a family or other emergency; or (iv)  
18 unexpected childcare obligations. "Other means" is by video or  
19 audio conference.

20 (b) If a member wishes to attend a meeting by other means,  
21 the member must notify the recording secretary or clerk of the  
22 public body before the meeting unless advance notice is  
23 impractical.

24 (c) A majority of the public body may allow a member to  
25 attend a meeting by other means only in accordance with and to

1 the extent allowed by rules adopted by the public body. The  
2 rules must conform to the requirements and restrictions of  
3 this Section, may further limit the extent to which attendance  
4 by other means is allowed, and may provide for the giving of  
5 additional notice to the public or further facilitate public  
6 access to meetings.

7 (d) The limitations of this Section shall not apply to (i)  
8 closed meetings of (A) public bodies with statewide  
9 jurisdiction, (B) Illinois library systems with jurisdiction  
10 over a specific geographic area of more than 4,500 square  
11 miles, (C) municipal transit districts with jurisdiction over  
12 a specific geographic area of more than 4,500 square miles, or  
13 (D) local workforce innovation areas with jurisdiction over a  
14 specific geographic area of more than 4,500 square miles or  
15 (ii) open or closed meetings of State advisory boards or  
16 bodies that do not have authority to make binding  
17 recommendations or determinations or to take any other  
18 substantive action. State advisory boards or bodies, public  
19 bodies with statewide jurisdiction, Illinois library systems  
20 with jurisdiction over a specific geographic area of more than  
21 4,500 square miles, municipal transit districts with  
22 jurisdiction over a specific geographic area of more than  
23 4,500 square miles, and local workforce investment areas with  
24 jurisdiction over a specific geographic area of more than  
25 4,500 square miles, however, may permit members to attend  
26 meetings by other means only in accordance with and to the

1 extent allowed by specific procedural rules adopted by the  
2 body. For the purposes of this Section, "local workforce  
3 innovation area" means any local workforce innovation area or  
4 areas designated by the Governor pursuant to the federal  
5 Workforce Innovation and Opportunity Act or its reauthorizing  
6 legislation.

7 (e) Subject to the requirements of Section 2.06 but  
8 notwithstanding any other provision of law, an open or closed  
9 meeting subject to this Act may be conducted by audio or video  
10 conference, without the physical presence of a quorum of the  
11 members, so long as the following conditions are met:

12 (1) the Governor or the Director of the Illinois  
13 Department of Public Health has issued a disaster  
14 declaration related to public health concerns because of a  
15 disaster as defined in Section 4 of the Illinois Emergency  
16 Management Agency Act, and all or part of the jurisdiction  
17 of the public body is covered by the disaster area;

18 (2) the head of the public body as defined in  
19 subsection (e) of Section 2 of the Freedom of Information  
20 Act determines that an in-person meeting or a meeting  
21 conducted under this Act is not practical or prudent  
22 because of a disaster;

23 (3) all members of the body participating in the  
24 meeting, wherever their physical location, shall be  
25 verified and can hear one another and can hear all  
26 discussion and testimony;

1           (4) for open meetings, members of the public present  
2           at the regular meeting location of the body can hear all  
3           discussion and testimony and all votes of the members of  
4           the body, unless attendance at the regular meeting  
5           location is not feasible due to the disaster, including  
6           the issued disaster declaration, in which case the public  
7           body must make alternative arrangements and provide notice  
8           pursuant to this Section of such alternative arrangements  
9           in a manner to allow any interested member of the public  
10          access to contemporaneously hear all discussion,  
11          testimony, and roll call votes, such as by offering a  
12          telephone number or a web-based link;

13          (5) at least one member of the body, chief legal  
14          counsel, or chief administrative officer is physically  
15          present at the regular meeting location, unless unfeasible  
16          due to the disaster, including the issued disaster  
17          declaration; and

18          (6) all votes are conducted by roll call, so each  
19          member's vote on each issue can be identified and  
20          recorded.

21          (7) Except in the event of a bona fide emergency, 48  
22          hours' notice shall be given of a meeting to be held  
23          pursuant to this Section. Notice shall be given to all  
24          members of the public body, shall be posted on the website  
25          of the public body, and shall also be provided to any news  
26          media who has requested notice of meetings pursuant to

1 subsection (a) of Section 2.02 of this Act. If the public  
2 body declares a bona fide emergency:

3 (A) Notice shall be given pursuant to subsection  
4 (a) of Section 2.02 of this Act, and the presiding  
5 officer shall state the nature of the emergency at the  
6 beginning of the meeting.

7 (B) The public body must comply with the verbatim  
8 recording requirements set forth in Section 2.06 of  
9 this Act.

10 (8) Each member of the body participating in a meeting  
11 by audio or video conference for a meeting held pursuant  
12 to this Section is considered present at the meeting for  
13 purposes of determining a quorum and participating in all  
14 proceedings.

15 (9) In addition to the requirements for open meetings  
16 under Section 2.06, public bodies holding open meetings  
17 under this subsection (e) must also keep a verbatim record  
18 of all their meetings in the form of an audio or video  
19 recording. Verbatim records made under this paragraph (9)  
20 shall be made available to the public under, and are  
21 otherwise subject to, the provisions of Section 2.06.

22 (10) The public body shall bear all costs associated  
23 with compliance with this subsection (e).

24 (Source: P.A. 100-477, eff. 9-8-17; 101-640, eff. 6-12-20.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.