



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5125

Introduced 2/8/2024, by Rep. Dennis Tipsword, Jr. - Patrick Windhorst and Dave Severin

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/3

from Ch. 116, par. 203

Amends the Freedom of Information Act. Provides that, if a request for public records for officer-worn body camera recorded audio or video is received by a public body, the public body shall either comply with or deny the request within 15 business days (rather than 5 days) after its receipt of the request. Allows an extension to the time to respond to a request for officer-worn body camera recorded audio or video to 15 business days (rather than 5 business days).

LRB103 38087 AWJ 68219 b

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 Freedom of Information Act is amended by  
5 changing Section 3 as follows:

6 (5 ILCS 140/3) (from Ch. 116, par. 203)

7 Sec. 3. (a) Each public body shall make available to any  
8 person for inspection or copying all public records, except as  
9 otherwise provided in Sections 7 and 8.5 of this Act.  
10 Notwithstanding any other law, a public body may not grant to  
11 any person or entity, whether by contract, license, or  
12 otherwise, the exclusive right to access and disseminate any  
13 public record as defined in this Act.

14 (b) Subject to the fee provisions of Section 6 of this Act,  
15 each public body shall promptly provide, to any person who  
16 submits a request, a copy of any public record required to be  
17 disclosed by subsection (a) of this Section and shall certify  
18 such copy if so requested.

19 (c) Requests for inspection or copies shall be made in  
20 writing and directed to the public body. Written requests may  
21 be submitted to a public body via personal delivery, mail,  
22 telefax, or other means available to the public body. A public  
23 body may honor oral requests for inspection or copying. A

1 public body may not require that a request be submitted on a  
2 standard form or require the requester to specify the purpose  
3 for a request, except to determine whether the records are  
4 requested for a commercial purpose or whether to grant a  
5 request for a fee waiver. All requests for inspection and  
6 copying received by a public body shall immediately be  
7 forwarded to its Freedom of Information officer or designee.

8 (d) Each public body shall, promptly, either comply with  
9 or deny a request for public records within 5 business days  
10 after its receipt of the request, unless the time for response  
11 is properly extended under subsection (e) of this Section or  
12 unless time of response is covered under subsection (d-5).

13 Denial shall be in writing as provided in Section 9 of this  
14 Act. Failure to comply with a written request, extend the time  
15 for response, or deny a request within 5 business days after  
16 its receipt shall be considered a denial of the request. A  
17 public body that fails to respond to a request within the  
18 requisite periods in this Section but thereafter provides the  
19 requester with copies of the requested public records may not  
20 impose a fee for such copies. A public body that fails to  
21 respond to a request received may not treat the request as  
22 unduly burdensome under subsection (g).

23 (d-5) If a request for public records for officer-worn  
24 body camera recorded audio or video allowed under subsection  
25 (b) of Section 10-20 of the Law Enforcement Officer-Worn Body  
26 Camera Act is received by a public body, the public body shall,

1 promptly, either comply with or deny a request for the audio or  
2 video within 15 business days after its receipt of the  
3 request. The time for a response under this subsection may be  
4 extended by the public body for not more than 15 business days  
5 from the original due date for any of the reasons allowed under  
6 subsection (e) unless the person making the request and the  
7 public body make an agreement in writing to extend the time for  
8 compliance as allowed under subsection (e).

9 (e) Except as provided in subsection (d-5), the ~~The~~ time  
10 for response under this Section may be extended by the public  
11 body for not more than 5 business days from the original due  
12 date for any of the following reasons:

13 (i) the requested records are stored in whole or in  
14 part at other locations than the office having charge of  
15 the requested records;

16 (ii) the request requires the collection of a  
17 substantial number of specified records;

18 (iii) the request is couched in categorical terms and  
19 requires an extensive search for the records responsive to  
20 it;

21 (iv) the requested records have not been located in  
22 the course of routine search and additional efforts are  
23 being made to locate them;

24 (v) the requested records require examination and  
25 evaluation by personnel having the necessary competence  
26 and discretion to determine if they are exempt from

1 disclosure under Section 7 of this Act or should be  
2 revealed only with appropriate deletions;

3 (vi) the request for records cannot be complied with  
4 by the public body within the time limits prescribed by  
5 subsection (d) of this Section without unduly burdening or  
6 interfering with the operations of the public body;

7 (vii) there is a need for consultation, which shall be  
8 conducted with all practicable speed, with another public  
9 body or among 2 or more components of a public body having  
10 a substantial interest in the determination or in the  
11 subject matter of the request.

12 The person making a request and the public body may agree  
13 in writing to extend the time for compliance for a period to be  
14 determined by the parties. If the requester and the public  
15 body agree to extend the period for compliance, a failure by  
16 the public body to comply with any previous deadlines shall  
17 not be treated as a denial of the request for the records.

18 (f) When additional time is required for any of the above  
19 reasons, the public body shall, within 5 business days after  
20 receipt of the request, notify the person making the request  
21 of the reasons for the extension and the date by which the  
22 response will be forthcoming. Failure to respond within the  
23 time permitted for extension shall be considered a denial of  
24 the request. A public body that fails to respond to a request  
25 within the time permitted for extension but thereafter  
26 provides the requester with copies of the requested public

1 records may not impose a fee for those copies. A public body  
2 that requests an extension and subsequently fails to respond  
3 to the request may not treat the request as unduly burdensome  
4 under subsection (g).

5 (g) Requests calling for all records falling within a  
6 category shall be complied with unless compliance with the  
7 request would be unduly burdensome for the complying public  
8 body and there is no way to narrow the request and the burden  
9 on the public body outweighs the public interest in the  
10 information. Before invoking this exemption, the public body  
11 shall extend to the person making the request an opportunity  
12 to confer with it in an attempt to reduce the request to  
13 manageable proportions. If any public body responds to a  
14 categorical request by stating that compliance would unduly  
15 burden its operation and the conditions described above are  
16 met, it shall do so in writing, specifying the reasons why it  
17 would be unduly burdensome and the extent to which compliance  
18 will so burden the operations of the public body. Such a  
19 response shall be treated as a denial of the request for  
20 information.

21 Repeated requests from the same person for the same  
22 records that are unchanged or identical to records previously  
23 provided or properly denied under this Act shall be deemed  
24 unduly burdensome under this provision.

25 (h) Each public body may promulgate rules and regulations  
26 in conformity with the provisions of this Section pertaining

1 to the availability of records and procedures to be followed,  
2 including:

3 (i) the times and places where such records will be  
4 made available, and

5 (ii) the persons from whom such records may be  
6 obtained.

7 (i) The time periods for compliance or denial of a request  
8 to inspect or copy records set out in this Section shall not  
9 apply to requests for records made for a commercial purpose,  
10 requests by a recurrent requester, or voluminous requests.  
11 Such requests shall be subject to the provisions of Sections  
12 3.1, 3.2, and 3.6 of this Act, as applicable.

13 (Source: P.A. 101-81, eff. 7-12-19.)