



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3148

Introduced 2/6/2024, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7

Creates the Voluntary Do Not Sell Firearms Act. Provides that a person may file a voluntary waiver of firearm rights, either in writing or electronically, with the clerk of the court in any county in the State. Provides that the clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to accepting the form. Provides that the person filing the form may provide the name of a family member, mental health professional, substance use disorder professional, or other person to be contacted if the filer attempts to purchase a firearm while the voluntary waiver of firearm rights is in effect or if the filer applies to have the voluntary waiver revoked. Provides that no sooner than 21 calendar days after filing a voluntary waiver of firearm rights, the person may file a revocation of the voluntary waiver of firearm rights, either in writing or electronically, in the same county where the voluntary waiver of firearm rights was filed. Provides that copies and records of the voluntary waiver of firearm rights shall not be disclosed except to law enforcement agencies. Provides that a voluntary waiver of firearm rights may not be required of an individual as a condition for receiving employment, benefits, or services. Provides that all records obtained and all reports produced, as required by this provision, are not subject to disclosure and shall be confidential with respect to all matters involving health care, employment, education, housing, insurance, government benefits, and contracting. Amends the Freedom of Information Act to make conforming changes. Effective January 1, 2025.

LRB103 36718 RLC 66828 b

A BILL FOR

1 AN ACT concerning firearms.

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

4 Section 1. Short title. This Act may be cited as the
5 Voluntary Do Not Sell Firearms Act.

6 Section 5. Voluntary waiver of firearm rights.

7 (a) A person may file a voluntary waiver of firearm
8 rights, either in writing or electronically, with the clerk of
9 the court in any county in this State. The clerk of the court
10 must request a physical or scanned copy of photo
11 identification to verify the person's identity prior to
12 accepting the form. The person filing the form may provide the
13 name of a family member, mental health professional, substance
14 use disorder professional, or other person to be contacted if
15 the filer attempts to purchase a firearm while the voluntary
16 waiver of firearm rights is in effect or if the filer applies
17 to have the voluntary waiver revoked. The clerk of the court
18 must immediately give notice to the person filing the form and
19 any listed family member, mental health professional,
20 substance use disorder professional, or other person if the
21 filer's voluntary waiver of firearm rights has been accepted.
22 By the end of the business day, the clerk of the court shall,
23 in the form and manner prescribed by the Illinois State

1 Police, transmit the accepted form to the Illinois State
2 Police. The Illinois State Police must enter the voluntary
3 waiver of firearm rights into the national instant criminal
4 background check system and any other federal or State
5 computer-based systems used by law enforcement agencies or
6 others to identify prohibited purchasers of firearms within 24
7 hours of receipt of the form. Copies and records of the
8 voluntary waiver of firearm rights shall not be disclosed
9 except to law enforcement agencies.

10 (b) A filer of a voluntary waiver of firearm rights may
11 update the contact information for any family member, mental
12 health professional, substance use disorder professional, or
13 other person provided under subsection (a) of this section by
14 making an electronic or written request to the clerk of the
15 court in the same county where the voluntary waiver of firearm
16 rights was filed. The clerk of the court must request a
17 physical or scanned copy of photo identification to verify the
18 person's identity prior to updating the contact information on
19 the form. By the end of the business day, the clerk of the
20 court shall transmit the updated contact information to the
21 Illinois State Police.

22 (c) No sooner than 21 calendar days after filing a
23 voluntary waiver of firearm rights, the person may file a
24 revocation of the voluntary waiver of firearm rights, either
25 in writing or electronically, in the same county where the
26 voluntary waiver of firearm rights was filed. The clerk of the

1 court must request a physical or scanned copy of photo
2 identification to verify the person's identity prior to
3 accepting the form. By the end of the business day, the clerk
4 of the court must transmit the form to the Illinois State
5 Police and to any family member, mental health professional,
6 substance use disorder professional, or other person listed on
7 the voluntary waiver of firearm rights. Within 7 days of
8 receiving a revocation of a voluntary waiver of firearm
9 rights, the Illinois State Police must remove the person from
10 the national instant criminal background check system, and any
11 other federal or State computer-based systems used by law
12 enforcement agencies or others to identify prohibited
13 purchasers of firearms in which the person was entered, unless
14 the person is otherwise ineligible to possess a firearm under
15 Illinois law, and destroy all records of the voluntary waiver.

16 (d) A person who knowingly makes a false Statement
17 regarding the person's identity on the voluntary waiver of
18 firearm rights form or revocation of waiver of firearm rights
19 form is in violation of this Act and is subject to the penalty
20 for perjury under Section 32-2 of the Criminal Code of 2012.

21 (e) Neither a voluntary waiver of firearm rights nor a
22 revocation of a voluntary waiver of firearm rights shall be
23 considered by a court in any legal proceeding.

24 (f) A voluntary waiver of firearm rights may not be
25 required of an individual as a condition for receiving
26 employment, benefits, or services.

1 (g) All records obtained and all reports produced, as
2 required by this Section, are not subject to disclosure and
3 shall be confidential with respect to all matters involving
4 health care, employment, education, housing, insurance,
5 government benefits, and contracting.

6 Section 90. The Freedom of Information Act is amended by
7 changing Section 7 as follows:

8 (5 ILCS 140/7)

9 Sec. 7. Exemptions.

10 (1) When a request is made to inspect or copy a public
11 record that contains information that is exempt from
12 disclosure under this Section, but also contains information
13 that is not exempt from disclosure, the public body may elect
14 to redact the information that is exempt. The public body
15 shall make the remaining information available for inspection
16 and copying. Subject to this requirement, the following shall
17 be exempt from inspection and copying:

18 (a) Information specifically prohibited from
19 disclosure by federal or State law or rules and
20 regulations implementing federal or State law.

21 (b) Private information, unless disclosure is required
22 by another provision of this Act, a State or federal law,
23 or a court order.

24 (b-5) Files, documents, and other data or databases

1 maintained by one or more law enforcement agencies and
2 specifically designed to provide information to one or
3 more law enforcement agencies regarding the physical or
4 mental status of one or more individual subjects.

5 (c) Personal information contained within public
6 records, the disclosure of which would constitute a
7 clearly unwarranted invasion of personal privacy, unless
8 the disclosure is consented to in writing by the
9 individual subjects of the information. "Unwarranted
10 invasion of personal privacy" means the disclosure of
11 information that is highly personal or objectionable to a
12 reasonable person and in which the subject's right to
13 privacy outweighs any legitimate public interest in
14 obtaining the information. The disclosure of information
15 that bears on the public duties of public employees and
16 officials shall not be considered an invasion of personal
17 privacy.

18 (d) Records in the possession of any public body
19 created in the course of administrative enforcement
20 proceedings, and any law enforcement or correctional
21 agency for law enforcement purposes, but only to the
22 extent that disclosure would:

23 (i) interfere with pending or actually and
24 reasonably contemplated law enforcement proceedings
25 conducted by any law enforcement or correctional
26 agency that is the recipient of the request;

1 (ii) interfere with active administrative
2 enforcement proceedings conducted by the public body
3 that is the recipient of the request;

4 (iii) create a substantial likelihood that a
5 person will be deprived of a fair trial or an impartial
6 hearing;

7 (iv) unavoidably disclose the identity of a
8 confidential source, confidential information
9 furnished only by the confidential source, or persons
10 who file complaints with or provide information to
11 administrative, investigative, law enforcement, or
12 penal agencies; except that the identities of
13 witnesses to traffic crashes, traffic crash reports,
14 and rescue reports shall be provided by agencies of
15 local government, except when disclosure would
16 interfere with an active criminal investigation
17 conducted by the agency that is the recipient of the
18 request;

19 (v) disclose unique or specialized investigative
20 techniques other than those generally used and known
21 or disclose internal documents of correctional
22 agencies related to detection, observation, or
23 investigation of incidents of crime or misconduct, and
24 disclosure would result in demonstrable harm to the
25 agency or public body that is the recipient of the
26 request;

1 (vi) endanger the life or physical safety of law
2 enforcement personnel or any other person; or

3 (vii) obstruct an ongoing criminal investigation
4 by the agency that is the recipient of the request.

5 (d-5) A law enforcement record created for law
6 enforcement purposes and contained in a shared electronic
7 record management system if the law enforcement agency
8 that is the recipient of the request did not create the
9 record, did not participate in or have a role in any of the
10 events which are the subject of the record, and only has
11 access to the record through the shared electronic record
12 management system.

13 (d-6) Records contained in the Officer Professional
14 Conduct Database under Section 9.2 of the Illinois Police
15 Training Act, except to the extent authorized under that
16 Section. This includes the documents supplied to the
17 Illinois Law Enforcement Training Standards Board from the
18 Illinois State Police and Illinois State Police Merit
19 Board.

20 (d-7) Information gathered or records created from the
21 use of automatic license plate readers in connection with
22 Section 2-130 of the Illinois Vehicle Code.

23 (e) Records that relate to or affect the security of
24 correctional institutions and detention facilities.

25 (e-5) Records requested by persons committed to the
26 Department of Corrections, Department of Human Services

1 Division of Mental Health, or a county jail if those
2 materials are available in the library of the correctional
3 institution or facility or jail where the inmate is
4 confined.

5 (e-6) Records requested by persons committed to the
6 Department of Corrections, Department of Human Services
7 Division of Mental Health, or a county jail if those
8 materials include records from staff members' personnel
9 files, staff rosters, or other staffing assignment
10 information.

11 (e-7) Records requested by persons committed to the
12 Department of Corrections or Department of Human Services
13 Division of Mental Health if those materials are available
14 through an administrative request to the Department of
15 Corrections or Department of Human Services Division of
16 Mental Health.

17 (e-8) Records requested by a person committed to the
18 Department of Corrections, Department of Human Services
19 Division of Mental Health, or a county jail, the
20 disclosure of which would result in the risk of harm to any
21 person or the risk of an escape from a jail or correctional
22 institution or facility.

23 (e-9) Records requested by a person in a county jail
24 or committed to the Department of Corrections or
25 Department of Human Services Division of Mental Health,
26 containing personal information pertaining to the person's

1 victim or the victim's family, including, but not limited
2 to, a victim's home address, home telephone number, work
3 or school address, work telephone number, social security
4 number, or any other identifying information, except as
5 may be relevant to a requester's current or potential case
6 or claim.

7 (e-10) Law enforcement records of other persons
8 requested by a person committed to the Department of
9 Corrections, Department of Human Services Division of
10 Mental Health, or a county jail, including, but not
11 limited to, arrest and booking records, mug shots, and
12 crime scene photographs, except as these records may be
13 relevant to the requester's current or potential case or
14 claim.

15 (f) Preliminary drafts, notes, recommendations,
16 memoranda, and other records in which opinions are
17 expressed, or policies or actions are formulated, except
18 that a specific record or relevant portion of a record
19 shall not be exempt when the record is publicly cited and
20 identified by the head of the public body. The exemption
21 provided in this paragraph (f) extends to all those
22 records of officers and agencies of the General Assembly
23 that pertain to the preparation of legislative documents.

24 (g) Trade secrets and commercial or financial
25 information obtained from a person or business where the
26 trade secrets or commercial or financial information are

1 furnished under a claim that they are proprietary,
2 privileged, or confidential, and that disclosure of the
3 trade secrets or commercial or financial information would
4 cause competitive harm to the person or business, and only
5 insofar as the claim directly applies to the records
6 requested.

7 The information included under this exemption includes
8 all trade secrets and commercial or financial information
9 obtained by a public body, including a public pension
10 fund, from a private equity fund or a privately held
11 company within the investment portfolio of a private
12 equity fund as a result of either investing or evaluating
13 a potential investment of public funds in a private equity
14 fund. The exemption contained in this item does not apply
15 to the aggregate financial performance information of a
16 private equity fund, nor to the identity of the fund's
17 managers or general partners. The exemption contained in
18 this item does not apply to the identity of a privately
19 held company within the investment portfolio of a private
20 equity fund, unless the disclosure of the identity of a
21 privately held company may cause competitive harm.

22 Nothing contained in this paragraph (g) shall be
23 construed to prevent a person or business from consenting
24 to disclosure.

25 (h) Proposals and bids for any contract, grant, or
26 agreement, including information which if it were

1 disclosed would frustrate procurement or give an advantage
2 to any person proposing to enter into a contractor
3 agreement with the body, until an award or final selection
4 is made. Information prepared by or for the body in
5 preparation of a bid solicitation shall be exempt until an
6 award or final selection is made.

7 (i) Valuable formulae, computer geographic systems,
8 designs, drawings, and research data obtained or produced
9 by any public body when disclosure could reasonably be
10 expected to produce private gain or public loss. The
11 exemption for "computer geographic systems" provided in
12 this paragraph (i) does not extend to requests made by
13 news media as defined in Section 2 of this Act when the
14 requested information is not otherwise exempt and the only
15 purpose of the request is to access and disseminate
16 information regarding the health, safety, welfare, or
17 legal rights of the general public.

18 (j) The following information pertaining to
19 educational matters:

20 (i) test questions, scoring keys, and other
21 examination data used to administer an academic
22 examination;

23 (ii) information received by a primary or
24 secondary school, college, or university under its
25 procedures for the evaluation of faculty members by
26 their academic peers;

1 (iii) information concerning a school or
2 university's adjudication of student disciplinary
3 cases, but only to the extent that disclosure would
4 unavoidably reveal the identity of the student; and

5 (iv) course materials or research materials used
6 by faculty members.

7 (k) Architects' plans, engineers' technical
8 submissions, and other construction related technical
9 documents for projects not constructed or developed in
10 whole or in part with public funds and the same for
11 projects constructed or developed with public funds,
12 including, but not limited to, power generating and
13 distribution stations and other transmission and
14 distribution facilities, water treatment facilities,
15 airport facilities, sport stadiums, convention centers,
16 and all government owned, operated, or occupied buildings,
17 but only to the extent that disclosure would compromise
18 security.

19 (l) Minutes of meetings of public bodies closed to the
20 public as provided in the Open Meetings Act until the
21 public body makes the minutes available to the public
22 under Section 2.06 of the Open Meetings Act.

23 (m) Communications between a public body and an
24 attorney or auditor representing the public body that
25 would not be subject to discovery in litigation, and
26 materials prepared or compiled by or for a public body in

1 anticipation of a criminal, civil, or administrative
2 proceeding upon the request of an attorney advising the
3 public body, and materials prepared or compiled with
4 respect to internal audits of public bodies.

5 (n) Records relating to a public body's adjudication
6 of employee grievances or disciplinary cases; however,
7 this exemption shall not extend to the final outcome of
8 cases in which discipline is imposed.

9 (o) Administrative or technical information associated
10 with automated data processing operations, including, but
11 not limited to, software, operating protocols, computer
12 program abstracts, file layouts, source listings, object
13 modules, load modules, user guides, documentation
14 pertaining to all logical and physical design of
15 computerized systems, employee manuals, and any other
16 information that, if disclosed, would jeopardize the
17 security of the system or its data or the security of
18 materials exempt under this Section.

19 (p) Records relating to collective negotiating matters
20 between public bodies and their employees or
21 representatives, except that any final contract or
22 agreement shall be subject to inspection and copying.

23 (q) Test questions, scoring keys, and other
24 examination data used to determine the qualifications of
25 an applicant for a license or employment.

26 (r) The records, documents, and information relating

1 to real estate purchase negotiations until those
2 negotiations have been completed or otherwise terminated.
3 With regard to a parcel involved in a pending or actually
4 and reasonably contemplated eminent domain proceeding
5 under the Eminent Domain Act, records, documents, and
6 information relating to that parcel shall be exempt except
7 as may be allowed under discovery rules adopted by the
8 Illinois Supreme Court. The records, documents, and
9 information relating to a real estate sale shall be exempt
10 until a sale is consummated.

11 (s) Any and all proprietary information and records
12 related to the operation of an intergovernmental risk
13 management association or self-insurance pool or jointly
14 self-administered health and accident cooperative or pool.
15 Insurance or self-insurance (including any
16 intergovernmental risk management association or
17 self-insurance pool) claims, loss or risk management
18 information, records, data, advice, or communications.

19 (t) Information contained in or related to
20 examination, operating, or condition reports prepared by,
21 on behalf of, or for the use of a public body responsible
22 for the regulation or supervision of financial
23 institutions, insurance companies, or pharmacy benefit
24 managers, unless disclosure is otherwise required by State
25 law.

26 (u) Information that would disclose or might lead to

1 the disclosure of secret or confidential information,
2 codes, algorithms, programs, or private keys intended to
3 be used to create electronic signatures under the Uniform
4 Electronic Transactions Act.

5 (v) Vulnerability assessments, security measures, and
6 response policies or plans that are designed to identify,
7 prevent, or respond to potential attacks upon a
8 community's population or systems, facilities, or
9 installations, but only to the extent that disclosure
10 could reasonably be expected to expose the vulnerability
11 or jeopardize the effectiveness of the measures, policies,
12 or plans, or the safety of the personnel who implement
13 them or the public. Information exempt under this item may
14 include such things as details pertaining to the
15 mobilization or deployment of personnel or equipment, to
16 the operation of communication systems or protocols, to
17 cybersecurity vulnerabilities, or to tactical operations.

18 (w) (Blank).

19 (x) Maps and other records regarding the location or
20 security of generation, transmission, distribution,
21 storage, gathering, treatment, or switching facilities
22 owned by a utility, by a power generator, or by the
23 Illinois Power Agency.

24 (y) Information contained in or related to proposals,
25 bids, or negotiations related to electric power
26 procurement under Section 1-75 of the Illinois Power

1 Agency Act and Section 16-111.5 of the Public Utilities
2 Act that is determined to be confidential and proprietary
3 by the Illinois Power Agency or by the Illinois Commerce
4 Commission.

5 (z) Information about students exempted from
6 disclosure under Section 10-20.38 or 34-18.29 of the
7 School Code, and information about undergraduate students
8 enrolled at an institution of higher education exempted
9 from disclosure under Section 25 of the Illinois Credit
10 Card Marketing Act of 2009.

11 (aa) Information the disclosure of which is exempted
12 under the Viatical Settlements Act of 2009.

13 (bb) Records and information provided to a mortality
14 review team and records maintained by a mortality review
15 team appointed under the Department of Juvenile Justice
16 Mortality Review Team Act.

17 (cc) Information regarding interments, entombments, or
18 inurnments of human remains that are submitted to the
19 Cemetery Oversight Database under the Cemetery Care Act or
20 the Cemetery Oversight Act, whichever is applicable.

21 (dd) Correspondence and records (i) that may not be
22 disclosed under Section 11-9 of the Illinois Public Aid
23 Code or (ii) that pertain to appeals under Section 11-8 of
24 the Illinois Public Aid Code.

25 (ee) The names, addresses, or other personal
26 information of persons who are minors and are also

1 participants and registrants in programs of park
2 districts, forest preserve districts, conservation
3 districts, recreation agencies, and special recreation
4 associations.

5 (ff) The names, addresses, or other personal
6 information of participants and registrants in programs of
7 park districts, forest preserve districts, conservation
8 districts, recreation agencies, and special recreation
9 associations where such programs are targeted primarily to
10 minors.

11 (gg) Confidential information described in Section
12 1-100 of the Illinois Independent Tax Tribunal Act of
13 2012.

14 (hh) The report submitted to the State Board of
15 Education by the School Security and Standards Task Force
16 under item (8) of subsection (d) of Section 2-3.160 of the
17 School Code and any information contained in that report.

18 (ii) Records requested by persons committed to or
19 detained by the Department of Human Services under the
20 Sexually Violent Persons Commitment Act or committed to
21 the Department of Corrections under the Sexually Dangerous
22 Persons Act if those materials: (i) are available in the
23 library of the facility where the individual is confined;
24 (ii) include records from staff members' personnel files,
25 staff rosters, or other staffing assignment information;
26 or (iii) are available through an administrative request

1 to the Department of Human Services or the Department of
2 Corrections.

3 (jj) Confidential information described in Section
4 5-535 of the Civil Administrative Code of Illinois.

5 (kk) The public body's credit card numbers, debit card
6 numbers, bank account numbers, Federal Employer
7 Identification Number, security code numbers, passwords,
8 and similar account information, the disclosure of which
9 could result in identity theft or impersonation or defrauding
10 of a governmental entity or a person.

11 (ll) Records concerning the work of the threat
12 assessment team of a school district, including, but not
13 limited to, any threat assessment procedure under the
14 School Safety Drill Act and any information contained in
15 the procedure.

16 (mm) Information prohibited from being disclosed under
17 subsections (a) and (b) of Section 15 of the Student
18 Confidential Reporting Act.

19 (nn) Proprietary information submitted to the
20 Environmental Protection Agency under the Drug Take-Back
21 Act.

22 (oo) Records described in subsection (f) of Section
23 3-5-1 of the Unified Code of Corrections.

24 (pp) Any and all information regarding burials,
25 interments, or entombments of human remains as required to
26 be reported to the Department of Natural Resources

1 pursuant either to the Archaeological and Paleontological
2 Resources Protection Act or the Human Remains Protection
3 Act.

4 (qq) ~~(pp)~~ Reports described in subsection (e) of
5 Section 16-15 of the Abortion Care Clinical Training
6 Program Act.

7 (rr) ~~(pp)~~ Information obtained by a certified local
8 health department under the Access to Public Health Data
9 Act.

10 (ss) ~~(pp)~~ For a request directed to a public body that
11 is also a HIPAA-covered entity, all information that is
12 protected health information, including demographic
13 information, that may be contained within or extracted
14 from any record held by the public body in compliance with
15 State and federal medical privacy laws and regulations,
16 including, but not limited to, the Health Insurance
17 Portability and Accountability Act and its regulations, 45
18 CFR Parts 160 and 164. As used in this paragraph,
19 "HIPAA-covered entity" has the meaning given to the term
20 "covered entity" in 45 CFR 160.103 and "protected health
21 information" has the meaning given to that term in 45 CFR
22 160.103.

23 (tt) All records obtained and all reports produced, as
24 required by Section 5 of the Voluntary Do Not Sell
25 Firearms Act, with respect to all matters involving health
26 care, employment, education, housing, insurance,

1 government benefits, and contracting.

2 (1.5) Any information exempt from disclosure under the
3 Judicial Privacy Act shall be redacted from public records
4 prior to disclosure under this Act.

5 (2) A public record that is not in the possession of a
6 public body but is in the possession of a party with whom the
7 agency has contracted to perform a governmental function on
8 behalf of the public body, and that directly relates to the
9 governmental function and is not otherwise exempt under this
10 Act, shall be considered a public record of the public body,
11 for purposes of this Act.

12 (3) This Section does not authorize withholding of
13 information or limit the availability of records to the
14 public, except as stated in this Section or otherwise provided
15 in this Act.

16 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
17 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
18 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
19 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
20 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
21 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised
22 9-7-23.)

23 Section 99. Effective date. This Act takes effect January
24 1, 2025.