

## 103RD GENERAL ASSEMBLY State of Illinois 2023 and 2024 SB3246

Introduced 2/6/2024, by Sen. Laura Fine

## SYNOPSIS AS INTRODUCED:

5 ILCS 140/7 50 ILCS 709/5-12 50 ILCS 709/5-13 new

Amends the Uniform Crime Reporting Act. Provides that each law enforcement agency shall submit a report to the Illinois State Police after receiving a complaint of a hate crime or other bias-related complaint within 2 weeks of receiving the complaint. Includes requirements of the report. Provides that the Illinois State Police must identify patterns and analyze the information reported to it for the purpose of connecting the information to other reported crimes or incidents, create a reporting form or process to receive this information, review all reports, and disseminate to potentially affected law enforcement agencies, and create a process for the sharing of all the reported incidents with law enforcement agencies across the State. Provides that each law enforcement agency shall identify a point of contact in regard to hate crime reporting under this Section within the agency and provide the Illinois State Police with that person's name and contact information. Provides that the Illinois State Police shall adopt rules identifying other bias-related complaints that must be reported. Makes a conforming change. Amends the Freedom of Information Act to except reports and information received under the hate crime and bias-related incident reporting under the Uniform Crime Reporting Act.

LRB103 37654 AWJ 67781 b

1 AN ACT concerning State government.

## Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:
- 6 (5 ILCS 140/7)

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- 7 Sec. 7. Exemptions.
- (1) When a request is made to inspect or copy a public 8 9 that contains information that is exempt disclosure under this Section, but also contains information 10 that is not exempt from disclosure, the public body may elect 11 12 to redact the information that is exempt. The public body 13 shall make the remaining information available for inspection 14 and copying. Subject to this requirement, the following shall be exempt from inspection and copying: 15
  - (a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.
- (b) Private information, unless disclosure is required
  by another provision of this Act, a State or federal law,
  or a court order.
- 22 (b-5) Files, documents, and other data or databases 23 maintained by one or more law enforcement agencies and

specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

- (c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.
- (d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:
  - (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;
    - (ii) interfere with active administrative

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enforcement proceedings conducted by the public body that is the recipient of the request;

- (iii) create a substantial likelihood that a
  person will be deprived of a fair trial or an impartial
  hearing;
- unavoidably disclose the identity of (iv) confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic crashes, traffic crash reports, and rescue reports shall be provided by agencies of government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;
- (v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation, or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;
  - (vi) endanger the life or physical safety of law

enforcement personnel or any other person; or

- (vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.
  - enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.
  - (d-6) Records contained in the Officer Professional Conduct Database under Section 9.2 of the Illinois Police Training Act, except to the extent authorized under that Section. This includes the documents supplied to the Illinois Law Enforcement Training Standards Board from the Illinois State Police and Illinois State Police Merit Board.
  - (d-7) Information gathered or records created from the use of automatic license plate readers in connection with Section 2-130 of the Illinois Vehicle Code.
  - (e) Records that relate to or affect the security of correctional institutions and detention facilities.
  - (e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those

materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

- (e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.
- (e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.
- (e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.
- (e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited

to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

- (e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.
- (f) Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.
- (g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary,

privileged, or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

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

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

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage

to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

- (i) Valuable formulae, computer geographic systems, designs, drawings, and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.
- (j) The following information pertaining to educational matters:
  - (i) test questions, scoring keys, and other examination data used to administer an academic examination;
  - (ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;
    - (iii) information concerning a school or

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university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

- (iv) course materials or research materials used by faculty members.
- Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including, but not limited to, power generating distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.
- (1) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.
- (m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil, or administrative

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proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

- (n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.
- (o) Administrative or technical information associated with automated data processing operations, including, but not limited to, software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation logical pertaining to all and physical design computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.
- (p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.
- (q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.
- (r) The records, documents, and information relating to real estate purchase negotiations until those

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

- (s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance self-insurance (including orany intergovernmental risk management association self-insurance pool) claims, loss or risk management information, records, data, advice, or communications.
- contained Information in (t) or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions, insurance companies, or pharmacy benefit managers, unless disclosure is otherwise required by State law.
- (u) Information that would disclose or might lead to the disclosure of secret or confidential information,

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codes, algorithms, programs, or private keys intended to be used to create electronic signatures under the Uniform Electronic Transactions Act.

- (v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks community's population or systems, facilities, installations, but only to the extent that disclosure could reasonably be expected to expose the vulnerability or jeopardize the effectiveness of the measures, policies, or plans, or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, to cybersecurity vulnerabilities, or to tactical operations.
  - (w) (Blank).
- (x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.
- (y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities

Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

- (z) Information about students exempted from disclosure under Section 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.
- (aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.
- (bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.
- (cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.
- (dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.
- (ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park

districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

- (ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.
- (gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.
- (hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.
- (ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of

- 1 Corrections.
- 2 (jj) Confidential information described in Section 3 5-535 of the Civil Administrative Code of Illinois.
  - (kk) The public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.
  - (11) Records concerning the work of the threat assessment team of a school district, including, but not limited to, any threat assessment procedure under the School Safety Drill Act and any information contained in the procedure.
  - (mm) Information prohibited from being disclosed under subsections (a) and (b) of Section 15 of the Student Confidential Reporting Act.
  - (nn) Proprietary information submitted to the Environmental Protection Agency under the Drug Take-Back Act.
  - (oo) Records described in subsection (f) of Section 3-5-1 of the Unified Code of Corrections.
  - (pp) Any and all information regarding burials, interments, or entombments of human remains as required to be reported to the Department of Natural Resources pursuant either to the Archaeological and Paleontological

L	Resources	Protection	Act	or	the	Human	Remains	Protection
2	Act.							

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

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

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

(tt) Reports prepared for or prepared by the Illinois

State Police, or documents given to or shared by the

Illinois State Police, under Section 5-13 of the Uniform

Crime Reporting Act.

(1.5) Any information exempt from disclosure under the

- 1 Judicial Privacy Act shall be redacted from public records
- 2 prior to disclosure under this Act.
- 3 (2) A public record that is not in the possession of a
- 4 public body but is in the possession of a party with whom the
- 5 agency has contracted to perform a governmental function on
- 6 behalf of the public body, and that directly relates to the
- 7 governmental function and is not otherwise exempt under this
- 8 Act, shall be considered a public record of the public body,
- 9 for purposes of this Act.
- 10 (3) This Section does not authorize withholding of
- 11 information or limit the availability of records to the
- 12 public, except as stated in this Section or otherwise provided
- in this Act.
- 14 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
- 15 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
- 16 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
- 17 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
- 18 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
- 19 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised
- 20 9-7-23.)
- 21 Section 10. The Uniform Crime Reporting Act is amended by
- 22 by changing Section 5-12 and by adding Section 5-13 as
- 23 follows:
- 24 (50 ILCS 709/5-12)

Sec. 5-12. Monthly reporting. All law enforcement agencies shall submit to the Illinois State Police on a monthly basis the following:

- (1) beginning January 1, 2016, a report on any arrest-related death that shall include information regarding the deceased, the officer, any weapon used by the officer or the deceased, and the circumstances of the incident. The Illinois State Police shall submit on a quarterly basis all information collected under this paragraph (1) to the Illinois Criminal Justice Information Authority, contingent upon updated federal guidelines regarding the Uniform Crime Reporting Program;
- (2) beginning January 1, 2017, a report on any instance when a law enforcement officer discharges his or her firearm causing a non-fatal injury to a person, during the performance of his or her official duties or in the line of duty;
- (3) (blank); a report of incident based information on hate crimes including information describing the offense, location of the offense, type of victim, offender, and bias motivation. If no hate crime incidents occurred during a reporting month, the law enforcement agency must submit a no incident record, as required by the Illinois State Police;
- (4) a report on any incident of an alleged commission of a domestic crime, that shall include information

regarding the victim, offender, date and time of the incident, any injury inflicted, any weapons involved in the commission of the offense, and the relationship between the victim and the offender;

- (5) data on an index of offenses selected by the Illinois State Police based on the seriousness of the offense, frequency of occurrence of the offense, and likelihood of being reported to law enforcement. The data shall include the number of index crime offenses committed and number of associated arrests;
- (6) data on offenses and incidents reported by schools to local law enforcement. The data shall include offenses defined as an attack against school personnel, intimidation offenses, drug incidents, and incidents involving weapons;
- (7) beginning on July 1, 2021, a report on incidents where a law enforcement officer was dispatched to deal with a person experiencing a mental health crisis or incident. The report shall include the number of incidents, the level of law enforcement response and the outcome of each incident. For purposes of this Section, a "mental health crisis" is when a person's behavior puts them at risk of hurting themselves or others or prevents them from being able to care for themselves;
- (8) beginning on July 1, 2021, a report on use of force, including any action that resulted in the death or

1	serious bodily injury of a person or the discharge of a
2	firearm at or in the direction of a person. The report
3	shall include information required by the Illinois State
4	Police, pursuant to Section 5-11 of this Act.
5	(Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
6	102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)
7	(50 ILCS 709/5-13 new)
8	Sec. 5-13. Hate crime other bias-related incident
9	reporting.
10	(a) Each law enforcement agency shall submit a report to
11	the Illinois State Police after receiving a complaint of a
12	hate crime, as that term is defined in Section 12-7.1 of the
13	Criminal Code of 2012, or other bias-related complaint within
14	2 weeks of receiving the complaint. The report shall, at a
15	minimum and if available, include:
16	(1) the identity of the suspect or offender;
17	(2) the date of the offense;
18	(3) the location of the offense;
19	(4) the identity of the victim of the crime or
20	incident;
21	(5) the reported crime or act committed;
22	(6) the type of bias and information about the
23	offender and the victim that is related to the bias;
24	(7) any organized group involved or that condoned or

affirmatively supporting the crime or incident;

reported.

1	(8) a narrative summary of the event; and
2	(9) any additional information the Illinois State
3	Police or the reporting law enforcement agency deems
4	necessary.
5	Upon receipt of each report received under this
6	subsection, the Illinois State Police shall identify patterns
7	and analyze the information reported to it for the purpose of
8	connecting the information to other reported crimes or
9	incidents.
10	(b) The Illinois State Police shall create a reporting
11	form or process to receive the report under subsection (a),
12	review all reports, and disseminate to potentially affected
13	law enforcement agencies any additional information or
14	findings it has identified as potentially related or relevant
15	to the reported incident. The Illinois State Police shall also
16	create a process for sharing all of the reported incidents
17	with law enforcement agencies across the State.
18	(c) Each law enforcement agency shall identify a point of
19	contact for hate crime reporting under this Section within the
20	agency and provide the Illinois State Police with that
21	person's name and contact information.
22	(d) The Illinois State Police shall adopt rules
23	identifying other bias-related complaints that must be