



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3713

Introduced 2/24/2005, by Rep. James H. Meyer

#### SYNOPSIS AS INTRODUCED:

750 ILCS 60/Art. V heading new  
750 ILCS 60/501 new  
750 ILCS 60/505 new  
750 ILCS 60/510 new  
750 ILCS 60/515 new  
5 ILCS 140/7

from Ch. 116, par. 207

Amends the Illinois Domestic Violence Act of 1986. Creates the Domestic Violence Prevention Review Board. Authorizes the Board to create Domestic Violence Fatality Review Teams to gather and review information concerning fatal and near-fatal violence incidents, including suicides. Provides that information relevant to the investigation of a crime may be disclosed by a Team only to the prosecuting attorney or to a law enforcement agency or may be made available to the Attorney General, upon request. Limits the liability for a Team member or a person providing information to a Team for civil damages arising out of an official act or an omission during the gathering or processing of information by a Team, except for acts or omissions that constitute willful or wanton misconduct on the part of the member or person providing information or acts performed outside the scope of the authority of the Team. Amends the Freedom of Information Act. Exempts information gathered by a Domestic Violence Fatality Review Team from the requirements of the Act.

LRB094 09244 LCB 39478 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning domestic violence.

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

4 Section 5. The Illinois Domestic Violence Act of 1986 is  
5 amended by adding Article V as follows:

6 (750 ILCS 60/Art. V heading new)

7 ARTICLE V

8 FATALITY REVIEW TEAMS

9 (750 ILCS 60/501 new)

10 Sec. 501. Domestic Violence Prevention and Treatment  
11 Board.

12 (a) There is hereby created the Domestic Violence  
13 Prevention and Treatment Board.

14 (b) The Board shall consist of 9 members appointed as soon  
15 as possible after this amendatory Act of the 94th General  
16 Assembly takes effect. The members shall be appointed as  
17 follows: one member appointed by the Speaker of the House of  
18 Representatives; one member appointed by the Minority Leader of  
19 the House of Representatives; one member appointed by the  
20 President of the Senate; one member appointed by the Minority  
21 Leader of the Senate; and 5 members appointed by the Governor  
22 with one member representing domestic violence groups within  
23 the State, one member from the Illinois State Police, one  
24 member representing rape crisis counselors, one member from the  
25 Department of Children and Family Services, and one member  
26 representing the general public.

27 (c) At its first meeting, the Board shall elect from among  
28 its members a Chairperson and other officers it considers  
29 necessary or appropriate. After its first meeting, the Board  
30 shall meet at least quarterly, or more frequently at the call  
31 of the Chairperson or if requested by 5 or more members.

1       (d) A majority of the members of the Board constitute a  
2 quorum for the transaction of business at a meeting of the  
3 Board. A majority of the members present and serving is  
4 required for official action of the Board.

5       (e) Members of the Board shall serve without compensation.  
6 However, members of the Board may be reimbursed for their  
7 actual and necessary expenses incurred in the performance of  
8 their official duties as members of the Board.

9       (f) The Board shall do the following:

10       (1) Authorize the State and a county or counties to  
11 establish inter-agency Domestic Violence Fatality Review  
12 Teams.

13       (2) Develop guidelines, rules, and protocols under  
14 which the Domestic Violence Fatality Review Teams shall  
15 operate.

16       (3) Require the Domestic Violence Fatality Review  
17 Teams to report annually to the Board concerning the  
18 information gathered.

19       (4) Provide guidelines concerning the content and  
20 format of the reports to the Board.

21       (5) Provide for ongoing training for the Domestic  
22 Violence Fatality Review Teams.

23       (750 ILCS 60/505 new)

24       Sec. 505. Domestic Violence Fatality Review Teams. The  
25 Board shall create Domestic Violence Fatality Review Teams. The  
26 Teams shall gather and review information concerning fatal and  
27 near-fatal violence incidents, including suicides, and shall  
28 report to the Board concerning this information.

29       (750 ILCS 60/510 new)

30       Sec. 510. Information; confidentiality.

31       (a) Information obtained or created by the Teams shall be  
32 confidential and shall not be subject to civil discovery of the  
33 Freedom of Information Act.

34       (b) Documents created by a Team shall not be subject to

1 subpoena, discovery, or introduction into evidence, unless the  
2 document would otherwise be available from an alternate source.

3 (c) Information relevant to the investigation of a crime  
4 may be disclosed by a Team only to the prosecuting attorney or  
5 to a law enforcement agency. Information may also be made  
6 available to the Attorney General, upon request.

7 (750 ILCS 60/515 new)

8 Sec. 515. Liability. No member of a Team and no person  
9 providing information to a Team shall be liable for civil  
10 damages arising out of an official act or an omission during  
11 the gathering or processing of information by a Team, except  
12 for acts or omissions that constitute willful or wanton  
13 misconduct on the part of the member or person providing  
14 information or acts performed outside the scope of the  
15 authority of the Team.

16 Section 10. The Freedom of Information Act is amended by  
17 changing Section 7 as follows:

18 (5 ILCS 140/7) (from Ch. 116, par. 207)

19 Sec. 7. Exemptions.

20 (1) The following shall be exempt from inspection and  
21 copying:

22 (a) Information specifically prohibited from  
23 disclosure by federal or State law or rules and regulations  
24 adopted under federal or State law.

25 (b) Information that, if disclosed, would constitute a  
26 clearly unwarranted invasion of personal privacy, unless  
27 the disclosure is consented to in writing by the individual  
28 subjects of the information. The disclosure of information  
29 that bears on the public duties of public employees and  
30 officials shall not be considered an invasion of personal  
31 privacy. Information exempted under this subsection (b)  
32 shall include but is not limited to:

33 (i) files and personal information maintained with

1 respect to clients, patients, residents, students or  
2 other individuals receiving social, medical,  
3 educational, vocational, financial, supervisory or  
4 custodial care or services directly or indirectly from  
5 federal agencies or public bodies;

6 (ii) personnel files and personal information  
7 maintained with respect to employees, appointees or  
8 elected officials of any public body or applicants for  
9 those positions;

10 (iii) files and personal information maintained  
11 with respect to any applicant, registrant or licensee  
12 by any public body cooperating with or engaged in  
13 professional or occupational registration, licensure  
14 or discipline;

15 (iv) information required of any taxpayer in  
16 connection with the assessment or collection of any tax  
17 unless disclosure is otherwise required by State  
18 statute;

19 (v) information revealing the identity of persons  
20 who file complaints with or provide information to  
21 administrative, investigative, law enforcement or  
22 penal agencies; provided, however, that identification  
23 of witnesses to traffic accidents, traffic accident  
24 reports, and rescue reports may be provided by agencies  
25 of local government, except in a case for which a  
26 criminal investigation is ongoing, without  
27 constituting a clearly unwarranted per se invasion of  
28 personal privacy under this subsection; and

29 (vi) the names, addresses, or other personal  
30 information of participants and registrants in park  
31 district, forest preserve district, and conservation  
32 district programs.

33 (c) Records compiled by any public body for  
34 administrative enforcement proceedings and any law  
35 enforcement or correctional agency for law enforcement  
36 purposes or for internal matters of a public body, but only

1 to the extent that disclosure would:

2 (i) interfere with pending or actually and  
3 reasonably contemplated law enforcement proceedings  
4 conducted by any law enforcement or correctional  
5 agency;

6 (ii) interfere with pending administrative  
7 enforcement proceedings conducted by any public body;

8 (iii) deprive a person of a fair trial or an  
9 impartial hearing;

10 (iv) unavoidably disclose the identity of a  
11 confidential source or confidential information  
12 furnished only by the confidential source;

13 (v) disclose unique or specialized investigative  
14 techniques other than those generally used and known or  
15 disclose internal documents of correctional agencies  
16 related to detection, observation or investigation of  
17 incidents of crime or misconduct;

18 (vi) constitute an invasion of personal privacy  
19 under subsection (b) of this Section;

20 (vii) endanger the life or physical safety of law  
21 enforcement personnel or any other person; or

22 (viii) obstruct an ongoing criminal investigation.

23 (d) Criminal history record information maintained by  
24 State or local criminal justice agencies, except the  
25 following which shall be open for public inspection and  
26 copying:

27 (i) chronologically maintained arrest information,  
28 such as traditional arrest logs or blotters;

29 (ii) the name of a person in the custody of a law  
30 enforcement agency and the charges for which that  
31 person is being held;

32 (iii) court records that are public;

33 (iv) records that are otherwise available under  
34 State or local law; or

35 (v) records in which the requesting party is the  
36 individual identified, except as provided under part

1 (vii) of paragraph (c) of subsection (1) of this  
2 Section.

3 "Criminal history record information" means data  
4 identifiable to an individual and consisting of  
5 descriptions or notations of arrests, detentions,  
6 indictments, informations, pre-trial proceedings, trials,  
7 or other formal events in the criminal justice system or  
8 descriptions or notations of criminal charges (including  
9 criminal violations of local municipal ordinances) and the  
10 nature of any disposition arising therefrom, including  
11 sentencing, court or correctional supervision,  
12 rehabilitation and release. The term does not apply to  
13 statistical records and reports in which individuals are  
14 not identified and from which their identities are not  
15 ascertainable, or to information that is for criminal  
16 investigative or intelligence purposes.

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

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

28 (g) Trade secrets and commercial or financial  
29 information obtained from a person or business where the  
30 trade secrets or information are proprietary, privileged  
31 or confidential, or where disclosure of the trade secrets  
32 or information may cause competitive harm, including all  
33 information determined to be confidential under Section  
34 4002 of the Technology Advancement and Development Act.  
35 Nothing contained in this paragraph (g) shall be construed  
36 to prevent a person or business from consenting to

1 disclosure.

2 (h) Proposals and bids for any contract, grant, or  
3 agreement, including information which if it were  
4 disclosed would frustrate procurement or give an advantage  
5 to any person proposing to enter into a contractor  
6 agreement with the body, until an award or final selection  
7 is made. Information prepared by or for the body in  
8 preparation of a bid solicitation shall be exempt until an  
9 award or final selection is made.

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

21 (j) Test questions, scoring keys and other examination  
22 data used to administer an academic examination or  
23 determined the qualifications of an applicant for a license  
24 or employment.

25 (k) Architects' plans, engineers' technical  
26 submissions, and other construction related technical  
27 documents for projects not constructed or developed in  
28 whole or in part with public funds and the same for  
29 projects constructed or developed with public funds, but  
30 only to the extent that disclosure would compromise  
31 security, including but not limited to water treatment  
32 facilities, airport facilities, sport stadiums, convention  
33 centers, and all government owned, operated, or occupied  
34 buildings.

35 (l) Library circulation and order records identifying  
36 library users with specific materials.



1 (m) Minutes of meetings of public bodies closed to the  
2 public as provided in the Open Meetings Act until the  
3 public body makes the minutes available to the public under  
4 Section 2.06 of the Open Meetings Act.

5 (n) Communications between a public body and an  
6 attorney or auditor representing the public body that would  
7 not be subject to discovery in litigation, and materials  
8 prepared or compiled by or for a public body in  
9 anticipation of a criminal, civil or administrative  
10 proceeding upon the request of an attorney advising the  
11 public body, and materials prepared or compiled with  
12 respect to internal audits of public bodies.

13 (o) Information received by a primary or secondary  
14 school, college or university under its procedures for the  
15 evaluation of faculty members by their academic peers.

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

26 (q) Documents or materials relating to collective  
27 negotiating matters between public bodies and their  
28 employees or representatives, except that any final  
29 contract or agreement shall be subject to inspection and  
30 copying.

31 (r) Drafts, notes, recommendations and memoranda  
32 pertaining to the financing and marketing transactions of  
33 the public body. The records of ownership, registration,  
34 transfer, and exchange of municipal debt obligations, and  
35 of persons to whom payment with respect to these  
36 obligations is made.

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

12           (t) Any and all proprietary information and records  
13 related to the operation of an intergovernmental risk  
14 management association or self-insurance pool or jointly  
15 self-administered health and accident cooperative or pool.

16           (u) Information concerning a university's adjudication  
17 of student or employee grievance or disciplinary cases, to  
18 the extent that disclosure would reveal the identity of the  
19 student or employee and information concerning any public  
20 body's adjudication of student or employee grievances or  
21 disciplinary cases, except for the final outcome of the  
22 cases.

23           (v) Course materials or research materials used by  
24 faculty members.

25           (w) Information related solely to the internal  
26 personnel rules and practices of a public body.

27           (x) Information contained in or related to  
28 examination, operating, or condition reports prepared by,  
29 on behalf of, or for the use of a public body responsible  
30 for the regulation or supervision of financial  
31 institutions or insurance companies, unless disclosure is  
32 otherwise required by State law.

33           (y) Information the disclosure of which is restricted  
34 under Section 5-108 of the Public Utilities Act.

35           (z) Manuals or instruction to staff that relate to  
36 establishment or collection of liability for any State tax

1 or that relate to investigations by a public body to  
2 determine violation of any criminal law.

3 (aa) Applications, related documents, and medical  
4 records received by the Experimental Organ Transplantation  
5 Procedures Board and any and all documents or other records  
6 prepared by the Experimental Organ Transplantation  
7 Procedures Board or its staff relating to applications it  
8 has received.

9 (bb) Insurance or self insurance (including any  
10 intergovernmental risk management association or self  
11 insurance pool) claims, loss or risk management  
12 information, records, data, advice or communications.

13 (cc) Information and records held by the Department of  
14 Public Health and its authorized representatives relating  
15 to known or suspected cases of sexually transmissible  
16 disease or any information the disclosure of which is  
17 restricted under the Illinois Sexually Transmissible  
18 Disease Control Act.

19 (dd) Information the disclosure of which is exempted  
20 under Section 30 of the Radon Industry Licensing Act.

21 (ee) Firm performance evaluations under Section 55 of  
22 the Architectural, Engineering, and Land Surveying  
23 Qualifications Based Selection Act.

24 (ff) Security portions of system safety program plans,  
25 investigation reports, surveys, schedules, lists, data, or  
26 information compiled, collected, or prepared by or for the  
27 Regional Transportation Authority under Section 2.11 of  
28 the Regional Transportation Authority Act or the St. Clair  
29 County Transit District under the Bi-State Transit Safety  
30 Act.

31 (gg) Information the disclosure of which is restricted  
32 and exempted under Section 50 of the Illinois Prepaid  
33 Tuition Act.

34 (hh) Information the disclosure of which is exempted  
35 under the State Officials and Employees Ethics Act.

36 (ii) Beginning July 1, 1999, information that would

1 disclose or might lead to the disclosure of secret or  
2 confidential information, codes, algorithms, programs, or  
3 private keys intended to be used to create electronic or  
4 digital signatures under the Electronic Commerce Security  
5 Act.

6 (jj) Information contained in a local emergency energy  
7 plan submitted to a municipality in accordance with a local  
8 emergency energy plan ordinance that is adopted under  
9 Section 11-21.5-5 of the Illinois Municipal Code.

10 (kk) Information and data concerning the distribution  
11 of surcharge moneys collected and remitted by wireless  
12 carriers under the Wireless Emergency Telephone Safety  
13 Act.

14 (ll) Vulnerability assessments, security measures, and  
15 response policies or plans that are designed to identify,  
16 prevent, or respond to potential attacks upon a community's  
17 population or systems, facilities, or installations, the  
18 destruction or contamination of which would constitute a  
19 clear and present danger to the health or safety of the  
20 community, but only to the extent that disclosure could  
21 reasonably be expected to jeopardize the effectiveness of  
22 the measures or the safety of the personnel who implement  
23 them or the public. Information exempt under this item may  
24 include such things as details pertaining to the  
25 mobilization or deployment of personnel or equipment, to  
26 the operation of communication systems or protocols, or to  
27 tactical operations.

28 (mm) Maps and other records regarding the location or  
29 security of a utility's generation, transmission,  
30 distribution, storage, gathering, treatment, or switching  
31 facilities.

32 (nn) Law enforcement officer identification  
33 information or driver identification information compiled  
34 by a law enforcement agency or the Department of  
35 Transportation under Section 11-212 of the Illinois  
36 Vehicle Code.

1 (oo) Records and information provided to a residential  
2 health care facility resident sexual assault and death  
3 review team or the Residential Health Care Facility  
4 Resident Sexual Assault and Death Review Teams Executive  
5 Council under the Residential Health Care Facility  
6 Resident Sexual Assault and Death Review Team Act.

7 (pp) Information gathered by a Domestic Violence  
8 Fatality Review Team under Article V of the Illinois  
9 Domestic Violence Act of 1986.

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

14 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,  
15 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,  
16 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;  
17 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.  
18 8-21-03; 93-617, eff. 12-9-03.)