



Rep. James H. Meyer

**Filed: 4/11/2005**

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LRB094 09244 LCB 44905 a

1 AMENDMENT TO HOUSE BILL 3713

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3713 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Domestic Violence Act of 1986 is  
5 amended by adding the heading of Article V and Sections 501,  
6 505, 510, 515, 520, 525, and 530 as follows:

7 (750 ILCS 60/Art. V heading new)

8 ARTICLE V

9 FATALITY REVIEW TEAMS

10 (750 ILCS 60/501 new)

11 Sec. 501. Short title. This Article may be cited as the  
12 Domestic Violence Fatality Review Team Law.

13 (750 ILCS 60/505 new)

14 Sec. 505. Purpose. The purpose of this Article is to allow  
15 creation of teams to identify and review the circumstances that  
16 led to domestic violence-related homicides and identify  
17 strategies to prevent future fatalities.

18 (750 ILCS 60/510 new)

19 Sec. 510. Domestic Violence Fatality Review Teams.

20 (a) A county or group of counties or a municipality with a  
21 population over 2,000,000 may establish a Domestic Violence

1 Fatality Review Team. The Team shall identify intimate partner  
2 violence-related homicides, review the circumstances that led  
3 to those deaths, and identify strategies to prevent future  
4 fatalities. For the purposes of this Article, "intimate  
5 partners" include: (i) spouses or former spouses; (ii) persons  
6 who have or allegedly have a child in common; and (iii) persons  
7 who have or had a dating or engagement relationship.

8 (b) Teams may determine which intimate partner  
9 violence-related homicides to review, but may not review cases  
10 under investigation by law enforcement or while an action is  
11 pending in criminal or civil court.

12 (c) Teams may be comprised of members who serve on an  
13 ongoing basis and members who serve on a case-specific basis.

14 (d) Teams shall include, but are not limited to,  
15 representatives from the following:

16 (1) coroners or medical examiners;

17 (2) judges and courts;

18 (3) the investigating law enforcement agency;

19 (4) prosecutors;

20 (5) a local domestic violence agency;

21 (6) health care professionals or emergency response  
22 personnel; and

23 (7) child welfare representatives.

24 (e) Teams may also include, but are not limited to, the  
25 following:

26 (1) mental health treatment providers;

27 (2) corrections and domestic partner abuse  
28 intervention providers;

29 (3) representatives from domestic violence programs;

30 (4) representatives from an area institution of higher  
31 education;

32 (5) city council members;

33 (6) survivors of domestic violence;

34 (7) county commissioners;

1           (8) local members of the clergy; and

2           (9) a family member of a decedent whose death resulted  
3           from domestic abuse.

4           (f) Teams shall have access to all appropriate information  
5           and records in possession of public and private agencies that  
6           are relevant to the review of a domestic violence fatality.  
7           This access includes, but is not limited to, access to victims  
8           and perpetrators' medical, dental, and mental health records,  
9           pathologists reports, coroners and medical examiners' records,  
10           direct service records, records of law enforcement agencies,  
11           records from the Department of Corrections and parole and  
12           probation departments, reports from state and governments,  
13           court records and information, and employment records. For the  
14           limited purpose of domestic violence fatality reviews, this  
15           subsection (f) permits the disclosure to Team members of any  
16           information deemed confidential, privileged, or prohibited  
17           from disclosure by any other Act. Release of confidential  
18           communication between domestic violence advocates and a  
19           domestic violence victim shall follow subsection (d) of Section  
20           227 of this Act, which allows for the waiver of privilege  
21           afforded to guardians or executors or administrators of the  
22           estate of the domestic violence victim.

23           (750 ILCS 60/515 new)

24           Sec. 515. Information; confidentiality. Meetings of  
25           Domestic Violence Fatality Review Teams shall be closed to the  
26           public and not subject to the Open Meetings Act. Confidential  
27           information obtained by a Team shall remain confidential and  
28           may not be disclosed by the Team. The proceedings, records,  
29           opinions, and deliberations of a Team are privileged and are  
30           not subject to discovery, subpoena, the Freedom of Information  
31           Act, or introduction into evidence in any civil action in any  
32           manner that would directly or indirectly identify specific  
33           persons or cases reviewed by the Team.

1 (750 ILCS 60/520 new)

2 Sec. 520. Liability. No member of a Team and no person  
3 providing information to a Team is liable for civil damages  
4 arising out of an official act or omission during the gathering  
5 or processing of information by a Team, except for acts or  
6 omissions that constitute willful or wanton misconduct on the  
7 part of the member or person providing information, or acts  
8 performed outside the scope of the authority of the Team.

9 (750 ILCS 60/525 new)

10 Sec. 525. Statewide coordination.

11 (a) The Office of the Attorney General shall convene a  
12 statewide Domestic Violence Fatality Review Advisory Council  
13 including, but not limited to, representatives from the  
14 following professions:

15 (1) coroners or medical examiners;

16 (2) judges and courts;

17 (3) law enforcement;

18 (4) prosecutors;

19 (5) domestic violence and partner abuse intervention;

20 and

21 (6) health care.

22 The Council shall advise regarding the development and  
23 implementation of Domestic Violence Fatality Review Teams.

24 (b) Domestic Violence Fatality Review Teams shall report  
25 annually to the Office of the Attorney General for compilation.

26 (c) The Council shall also study the feasibility of an  
27 electronic database of orders of protection issued in Illinois,  
28 accessible only to law enforcement personnel, prosecutors,  
29 prosecutorial staff, judges, and court personnel.

30 (750 ILCS 60/530 new)

31 Sec. 530. Report to General Assembly. A biennial statewide

1 report on Domestic Violence Fatality Review Teams shall be  
2 issued by the Office of the Attorney General and the Advisory  
3 Council to the Illinois General Assembly in December of  
4 even-numbered years. The annual report in December of 2008  
5 shall contain a recommendation as to whether or not the  
6 domestic violence review process provided for in this Article  
7 should continue or be terminated.

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

10 (5 ILCS 140/7) (from Ch. 116, par. 207)

11 Sec. 7. Exemptions.

12 (1) The following shall be exempt from inspection and  
13 copying:

14 (a) Information specifically prohibited from  
15 disclosure by federal or State law or rules and regulations  
16 adopted under federal or State law.

17 (b) Information that, if disclosed, would constitute a  
18 clearly unwarranted invasion of personal privacy, unless  
19 the disclosure is consented to in writing by the individual  
20 subjects of the information. The disclosure of information  
21 that bears on the public duties of public employees and  
22 officials shall not be considered an invasion of personal  
23 privacy. Information exempted under this subsection (b)  
24 shall include but is not limited to:

25 (i) files and personal information maintained with  
26 respect to clients, patients, residents, students or  
27 other individuals receiving social, medical,  
28 educational, vocational, financial, supervisory or  
29 custodial care or services directly or indirectly from  
30 federal agencies or public bodies;

31 (ii) personnel files and personal information  
32 maintained with respect to employees, appointees or

1           elected officials of any public body or applicants for  
2           those positions;

3           (iii) files and personal information maintained  
4           with respect to any applicant, registrant or licensee  
5           by any public body cooperating with or engaged in  
6           professional or occupational registration, licensure  
7           or discipline;

8           (iv) information required of any taxpayer in  
9           connection with the assessment or collection of any tax  
10          unless disclosure is otherwise required by State  
11          statute;

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

22          (vi) the names, addresses, or other personal  
23          information of participants and registrants in park  
24          district, forest preserve district, and conservation  
25          district programs.

26          (c) Records compiled by any public body for  
27          administrative enforcement proceedings and any law  
28          enforcement or correctional agency for law enforcement  
29          purposes or for internal matters of a public body, but only  
30          to the extent that disclosure would:

31                 (i) interfere with pending or actually and  
32                 reasonably contemplated law enforcement proceedings  
33                 conducted by any law enforcement or correctional  
34                 agency;

1           (ii) interfere with pending administrative  
2 enforcement proceedings conducted by any public body;

3           (iii) deprive a person of a fair trial or an  
4 impartial hearing;

5           (iv) unavoidably disclose the identity of a  
6 confidential source or confidential information  
7 furnished only by the confidential source;

8           (v) disclose unique or specialized investigative  
9 techniques other than those generally used and known or  
10 disclose internal documents of correctional agencies  
11 related to detection, observation or investigation of  
12 incidents of crime or misconduct;

13           (vi) constitute an invasion of personal privacy  
14 under subsection (b) of this Section;

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

17           (viii) obstruct an ongoing criminal investigation.

18           (d) Criminal history record information maintained by  
19 State or local criminal justice agencies, except the  
20 following which shall be open for public inspection and  
21 copying:

22           (i) chronologically maintained arrest information,  
23 such as traditional arrest logs or blotters;

24           (ii) the name of a person in the custody of a law  
25 enforcement agency and the charges for which that  
26 person is being held;

27           (iii) court records that are public;

28           (iv) records that are otherwise available under  
29 State or local law; or

30           (v) records in which the requesting party is the  
31 individual identified, except as provided under part  
32 (vii) of paragraph (c) of subsection (1) of this  
33 Section.

34           "Criminal history record information" means data

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

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

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

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



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

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

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

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

34           (l) Library circulation and order records identifying

1 library users with specific materials.

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

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

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

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

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

32 (r) Drafts, notes, recommendations and memoranda  
33 pertaining to the financing and marketing transactions of  
34 the public body. The records of ownership, registration,

1 transfer, and exchange of municipal debt obligations, and  
2 of persons to whom payment with respect to these  
3 obligations is made.

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

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

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

26 (v) Course materials or research materials used by  
27 faculty members.

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

30 (x) Information contained in or related to  
31 examination, operating, or condition reports prepared by,  
32 on behalf of, or for the use of a public body responsible  
33 for the regulation or supervision of financial  
34 institutions or insurance companies, unless disclosure is

1 otherwise required by State law.

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

4 (z) Manuals or instruction to staff that relate to  
5 establishment or collection of liability for any State tax  
6 or that relate to investigations by a public body to  
7 determine violation of any criminal law.

8 (aa) Applications, related documents, and medical  
9 records received by the Experimental Organ Transplantation  
10 Procedures Board and any and all documents or other records  
11 prepared by the Experimental Organ Transplantation  
12 Procedures Board or its staff relating to applications it  
13 has received.

14 (bb) Insurance or self insurance (including any  
15 intergovernmental risk management association or self  
16 insurance pool) claims, loss or risk management  
17 information, records, data, advice or communications.

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

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

26 (ee) Firm performance evaluations under Section 55 of  
27 the Architectural, Engineering, and Land Surveying  
28 Qualifications Based Selection Act.

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

1 Act.

2 (gg) Information the disclosure of which is restricted  
3 and exempted under Section 50 of the Illinois Prepaid  
4 Tuition Act.

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

7 (ii) Beginning July 1, 1999, information that would  
8 disclose or might lead to the disclosure of secret or  
9 confidential information, codes, algorithms, programs, or  
10 private keys intended to be used to create electronic or  
11 digital signatures under the Electronic Commerce Security  
12 Act.

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

17 (kk) Information and data concerning the distribution  
18 of surcharge moneys collected and remitted by wireless  
19 carriers under the Wireless Emergency Telephone Safety  
20 Act.

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

1 (mm) Maps and other records regarding the location or  
2 security of a utility's generation, transmission,  
3 distribution, storage, gathering, treatment, or switching  
4 facilities.

5 (nn) Law enforcement officer identification  
6 information or driver identification information compiled  
7 by a law enforcement agency or the Department of  
8 Transportation under Section 11-212 of the Illinois  
9 Vehicle Code.

10 (oo) Records and information provided to a residential  
11 health care facility resident sexual assault and death  
12 review team or the Residential Health Care Facility  
13 Resident Sexual Assault and Death Review Teams Executive  
14 Council under the Residential Health Care Facility  
15 Resident Sexual Assault and Death Review Team Act.

16 (pp) Information gathered by a Domestic Violence  
17 Fatality Review Team under Article V of the Illinois  
18 Domestic Violence Act of 1986.

19 (2) This Section does not authorize withholding of  
20 information or limit the availability of records to the public,  
21 except as stated in this Section or otherwise provided in this  
22 Act.

23 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,  
24 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,  
25 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;  
26 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.  
27 8-21-03; 93-617, eff. 12-9-03.)".