



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1365

Introduced 2/21/2007, by Rep. James H. Meyer

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Domestic Violence Act of 1986 by creating the Domestic Violence Fatality Review Team Law. Authorizes the creation of Domestic Violence Fatality Review Teams to identify and review the circumstances that led to domestic violence related homicides and identify strategies to prevent future fatalities. Allows, for the limited purpose of domestic violence fatality reviews, the disclosure to Team members of any information deemed confidential, privileged, or prohibited from disclosure by any other Act. Provides that confidential information obtained by a Team shall remain confidential and may not be disclosed by the Team. Provides that the proceedings, records, opinions, and deliberations of a Team shall be privileged. 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 or acts performed outside the scope of the authority of the Team. Provides that the Office of the Attorney General shall convene a statewide Domestic Violence Fatality Review Advisory Council to advise regarding the development and implementation of Domestic Violence Fatality Review Teams and study the feasibility of an electronic database of orders of protection issued in Illinois. Requires the Office of the Attorney General and the Advisory Council to issue a biennial statewide report on Domestic Violence Fatality Review Teams. Makes other changes. Amends the Freedom of Information Act. Exempts information gathered by a Domestic Violence Fatality Review Team from the requirements of the Act.

LRB095 11170 LCT 31539 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 and Sections 501, 505, 510, 515,
6 520, 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

1 population over 2,000,000 may establish a Domestic Violence
2 Fatality Review Team. The Team shall identify intimate partner
3 violence-related homicides, review the circumstances that led
4 to those deaths, and identify strategies to prevent future
5 fatalities. For the purposes of this Article, "intimate
6 partners" include: (i) spouses or former spouses; (ii) persons
7 who have or allegedly have a child in common; and (iii) persons
8 who have or had a dating or engagement relationship.

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

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

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

17 (1) coroners or medical examiners;

18 (2) judges and courts;

19 (3) the investigating law enforcement agency;

20 (4) prosecutors;

21 (5) a local domestic violence agency;

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

24 (7) child welfare representatives.

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

1 (1) mental health treatment providers;

2 (2) corrections and domestic partner abuse
3 intervention providers;

4 (3) representatives from domestic violence programs;

5 (4) representatives from an area institution of higher
6 education;

7 (5) city council members;

8 (6) survivors of domestic violence;

9 (7) county commissioners;

10 (8) local members of the clergy; and

11 (9) a family member of a decedent whose death resulted
12 from domestic abuse.

13 (f) Teams shall have access to all appropriate information
14 and records in possession of public and private agencies that
15 are relevant to the review of a domestic violence fatality.
16 This access includes, but is not limited to, access to victims
17 and perpetrators' medical, dental, and mental health records,
18 pathologists reports, coroners and medical examiners' records,
19 direct service records, records of law enforcement agencies,
20 records from the Department of Corrections and parole and
21 probation departments, reports from states and governments,
22 court records and information, and employment records. For the
23 limited purpose of domestic violence fatality reviews, this
24 subsection (f) permits the disclosure to Team members of any
25 information deemed confidential, privileged, or prohibited
26 from disclosure by any other Act. Release of confidential

1 communication between domestic violence advocates and a
2 domestic violence victim shall follow subsection (d) of Section
3 227 of this Act, which allows for the waiver of privilege
4 afforded to guardians or executors or administrators of the
5 estate of the domestic violence victim.

6 (750 ILCS 60/515 new)

7 Sec. 515. Information; confidentiality. Meetings of
8 Domestic Violence Fatality Review Teams shall be closed to the
9 public and not subject to the Open Meetings Act. Confidential
10 information obtained by a Team shall remain confidential and
11 may not be disclosed by the Team. The proceedings, records,
12 opinions, and deliberations of a Team are privileged and are
13 not subject to discovery, subpoena, the Freedom of Information
14 Act, or introduction into evidence in any civil action in any
15 manner that would directly or indirectly identify specific
16 persons or cases reviewed by the Team. Release of confidential
17 communications between domestic violence advocates and a
18 domestic violence victim shall follow the provisions of
19 subsection (d) of Section 227 of this Act, which allows for the
20 waiver of privilege afforded to guardians or executors or
21 administrators of the estate of the domestic violence victim.

22 (750 ILCS 60/520 new)

23 Sec. 520. Liability. No member of a Team and no person
24 providing information to a Team is liable for civil damages

1 arising out of an official act or omission during the gathering
2 or processing of information by a Team, except for acts or
3 omissions that constitute willful or wanton misconduct on the
4 part of the member or person providing information, or acts
5 performed outside the scope of the authority of the Team.

6 (750 ILCS 60/525 new)

7 Sec. 525. Statewide coordination.

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

12 (1) coroners or medical examiners;

13 (2) judges and courts;

14 (3) law enforcement;

15 (4) prosecutors;

16 (5) domestic violence programs and partner abuse
17 intervention programs; and

18 (6) health care.

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

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

23 (c) The Council shall also study the feasibility of an
24 electronic database of orders of protection issued in Illinois,
25 accessible only to law enforcement personnel, prosecutors,

1 prosecutorial staff, judges, and court personnel.

2 (750 ILCS 60/530 new)

3 Sec. 530. Report to General Assembly. A biennial statewide
4 report on Domestic Violence Fatality Review Teams shall be
5 issued by the Office of the Attorney General and the Advisory
6 Council to the Illinois General Assembly in December of
7 even-numbered years. The annual report in December of 2010
8 shall contain a recommendation as to whether or not the
9 domestic violence review process provided for in this Article
10 should continue or be terminated.

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

13 (5 ILCS 140/7) (from Ch. 116, par. 207)

14 Sec. 7. Exemptions.

15 (1) The following shall be exempt from inspection and
16 copying:

17 (a) Information specifically prohibited from
18 disclosure by federal or State law or rules and regulations
19 adopted under federal or State law.

20 (b) Information that, if disclosed, would constitute a
21 clearly unwarranted invasion of personal privacy, unless
22 the disclosure is consented to in writing by the individual
23 subjects of the information. The disclosure of information

1 that bears on the public duties of public employees and
2 officials shall not be considered an invasion of personal
3 privacy. Information exempted under this subsection (b)
4 shall include but is not limited to:

5 (i) files and personal information maintained with
6 respect to clients, patients, residents, students or
7 other individuals receiving social, medical,
8 educational, vocational, financial, supervisory or
9 custodial care or services directly or indirectly from
10 federal agencies or public bodies;

11 (ii) personnel files and personal information
12 maintained with respect to employees, appointees or
13 elected officials of any public body or applicants for
14 those positions;

15 (iii) files and personal information maintained
16 with respect to any applicant, registrant or licensee
17 by any public body cooperating with or engaged in
18 professional or occupational registration, licensure
19 or discipline;

20 (iv) information required of any taxpayer in
21 connection with the assessment or collection of any tax
22 unless disclosure is otherwise required by State
23 statute;

24 (v) information revealing the identity of persons
25 who file complaints with or provide information to
26 administrative, investigative, law enforcement or

1 penal agencies; provided, however, that identification
2 of witnesses to traffic accidents, traffic accident
3 reports, and rescue reports may be provided by agencies
4 of local government, except in a case for which a
5 criminal investigation is ongoing, without
6 constituting a clearly unwarranted per se invasion of
7 personal privacy under this subsection; and

8 (vi) the names, addresses, or other personal
9 information of participants and registrants in park
10 district, forest preserve district, and conservation
11 district programs.

12 (c) Records compiled by any public body for
13 administrative enforcement proceedings and any law
14 enforcement or correctional agency for law enforcement
15 purposes or for internal matters of a public body, but only
16 to the extent that disclosure would:

17 (i) interfere with pending or actually and
18 reasonably contemplated law enforcement proceedings
19 conducted by any law enforcement or correctional
20 agency;

21 (ii) interfere with pending administrative
22 enforcement proceedings conducted by any public body;

23 (iii) deprive a person of a fair trial or an
24 impartial hearing;

25 (iv) unavoidably disclose the identity of a
26 confidential source or confidential information

1 furnished only by the confidential source;

2 (v) disclose unique or specialized investigative
3 techniques other than those generally used and known or
4 disclose internal documents of correctional agencies
5 related to detection, observation or investigation of
6 incidents of crime or misconduct;

7 (vi) constitute an invasion of personal privacy
8 under subsection (b) of this Section;

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

11 (viii) obstruct an ongoing criminal investigation.

12 (d) Criminal history record information maintained by
13 State or local criminal justice agencies, except the
14 following which shall be open for public inspection and
15 copying:

16 (i) chronologically maintained arrest information,
17 such as traditional arrest logs or blotters;

18 (ii) the name of a person in the custody of a law
19 enforcement agency and the charges for which that
20 person is being held;

21 (iii) court records that are public;

22 (iv) records that are otherwise available under
23 State or local law; or

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

26 (vii) of paragraph (c) of subsection (1) of this

1 Section.

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

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

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

1 (g) Trade secrets and commercial or financial
2 information obtained from a person or business where the
3 trade secrets or information are proprietary, privileged
4 or confidential, or where disclosure of the trade secrets
5 or information may cause competitive harm, including:

6 (i) All information determined to be confidential
7 under Section 4002 of the Technology Advancement and
8 Development Act.

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

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

26 (h) Proposals and bids for any contract, grant, or

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

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

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

23 (k) Architects' plans, engineers' technical
24 submissions, and other construction related technical
25 documents for projects not constructed or developed in
26 whole or in part with public funds and the same for

1 projects constructed or developed with public funds, but
2 only to the extent that disclosure would compromise
3 security, including but not limited to water treatment
4 facilities, airport facilities, sport stadiums, convention
5 centers, and all government owned, operated, or occupied
6 buildings.

7 (l) Library circulation and order records identifying
8 library users with specific materials.

9 (m) Minutes of meetings of public bodies closed to the
10 public as provided in the Open Meetings Act until the
11 public body makes the minutes available to the public under
12 Section 2.06 of the Open Meetings Act.

13 (n) Communications between a public body and an
14 attorney or auditor representing the public body that would
15 not be subject to discovery in litigation, and materials
16 prepared or compiled by or for a public body in
17 anticipation of a criminal, civil or administrative
18 proceeding upon the request of an attorney advising the
19 public body, and materials prepared or compiled with
20 respect to internal audits of public bodies.

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

24 (p) Administrative or technical information associated
25 with automated data processing operations, including but
26 not limited to software, operating protocols, computer

1 program abstracts, file layouts, source listings, object
2 modules, load modules, user guides, documentation
3 pertaining to all logical and physical design of
4 computerized systems, employee manuals, and any other
5 information that, if disclosed, would jeopardize the
6 security of the system or its data or the security of
7 materials exempt under this Section.

8 (q) Documents or materials relating to collective
9 negotiating matters between public bodies and their
10 employees or representatives, except that any final
11 contract or agreement shall be subject to inspection and
12 copying.

13 (r) Drafts, notes, recommendations and memoranda
14 pertaining to the financing and marketing transactions of
15 the public body. The records of ownership, registration,
16 transfer, and exchange of municipal debt obligations, and
17 of persons to whom payment with respect to these
18 obligations is made.

19 (s) The records, documents and information relating to
20 real estate purchase negotiations until those negotiations
21 have been completed or otherwise terminated. With regard to
22 a parcel involved in a pending or actually and reasonably
23 contemplated eminent domain proceeding under the Eminent
24 Domain Act, records, documents and information relating to
25 that parcel shall be exempt except as may be allowed under
26 discovery rules adopted by the Illinois Supreme Court. The

1 records, documents and information relating to a real
2 estate sale shall be exempt until a sale is consummated.

3 (t) Any and all proprietary information and records
4 related to the operation of an intergovernmental risk
5 management association or self-insurance pool or jointly
6 self-administered health and accident cooperative or pool.

7 (u) Information concerning a university's adjudication
8 of student or employee grievance or disciplinary cases, to
9 the extent that disclosure would reveal the identity of the
10 student or employee and information concerning any public
11 body's adjudication of student or employee grievances or
12 disciplinary cases, except for the final outcome of the
13 cases.

14 (v) Course materials or research materials used by
15 faculty members.

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

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

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

26 (z) Manuals or instruction to staff that relate to

1 establishment or collection of liability for any State tax
2 or that relate to investigations by a public body to
3 determine violation of any criminal law.

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

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

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

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

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

25 (ff) Security portions of system safety program plans,
26 investigation reports, surveys, schedules, lists, data, or

1 information compiled, collected, or prepared by or for the
2 Regional Transportation Authority under Section 2.11 of
3 the Regional Transportation Authority Act or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act.

6 (gg) Information the disclosure of which is restricted
7 and exempted under Section 50 of the Illinois Prepaid
8 Tuition Act.

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

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

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

21 (kk) Information and data concerning the distribution
22 of surcharge moneys collected and remitted by wireless
23 carriers under the Wireless Emergency Telephone Safety
24 Act.

25 (ll) Vulnerability assessments, security measures, and
26 response policies or plans that are designed to identify,

1 prevent, or respond to potential attacks upon a community's
2 population or systems, facilities, or installations, the
3 destruction or contamination of which would constitute a
4 clear and present danger to the health or safety of the
5 community, but only to the extent that disclosure could
6 reasonably be expected to jeopardize the effectiveness of
7 the measures or the safety of the personnel who implement
8 them or the public. Information exempt under this item may
9 include such things as details pertaining to the
10 mobilization or deployment of personnel or equipment, to
11 the operation of communication systems or protocols, or to
12 tactical operations.

13 (mm) Maps and other records regarding the location or
14 security of a utility's generation, transmission,
15 distribution, storage, gathering, treatment, or switching
16 facilities.

17 (nn) Law enforcement officer identification
18 information or driver identification information compiled
19 by a law enforcement agency or the Department of
20 Transportation under Section 11-212 of the Illinois
21 Vehicle Code.

22 (oo) Records and information provided to a residential
23 health care facility resident sexual assault and death
24 review team or the Executive Council under the Abuse
25 Prevention Review Team Act.

26 (pp) Information provided to the predatory lending

1 database created pursuant to Article 3 of the Residential
2 Real Property Disclosure Act, except to the extent
3 authorized under that Article.

4 (qq) Defense budgets and petitions for certification
5 of compensation and expenses for court appointed trial
6 counsel as provided under Sections 10 and 15 of the Capital
7 Crimes Litigation Act. This subsection (qq) shall apply
8 until the conclusion of the trial of the case, even if the
9 prosecution chooses not to pursue the death penalty prior
10 to trial or sentencing.

11 (rr) Information gathered by a Domestic Violence
12 Fatality Review Team under Article V of the Illinois
13 Domestic Violence Act of 1986.

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

18 (Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,
19 eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;
20 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff.
21 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff.
22 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; revised
23 8-3-06.)

1 INDEX

2 Statutes amended in order of appearance

3 750 ILCS 60/Art. V heading

4 new

5 750 ILCS 60/501 new

6 750 ILCS 60/505 new

7 750 ILCS 60/510 new

8 750 ILCS 60/515 new

9 750 ILCS 60/520 new

10 750 ILCS 60/525 new

11 750 ILCS 60/530 new

12 5 ILCS 140/7 from Ch. 116, par. 207