

# HB4216



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4216

by Rep. Anthony DeLuca

### SYNOPSIS AS INTRODUCED:

50 ILCS 205/4

from Ch. 116, par. 43.104

Amends the Local Records Act. Provides that any person who knowingly, without lawful authority and with the intent to defraud any party, public officer, or entity, alters, destroys, defaces, removes, or conceals any public record commits a Class 4 felony.

LRB098 15819 JLK 50858 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Local Records Act is amended by changing  
5 Section 4 as follows:

6 (50 ILCS 205/4) (from Ch. 116, par. 43.104)

7 Sec. 4. All public records made or received by, or under  
8 the authority of, or coming into the custody, control or  
9 possession of any officer or agency shall not be mutilated,  
10 destroyed, transferred, removed or otherwise damaged or  
11 disposed of, in whole or in part, except as provided by law.  
12 Any person who knowingly, without lawful authority and with the  
13 intent to defraud any party, public officer, or entity, alters,  
14 destroys, defaces, removes, or conceals any public record  
15 commits a Class 4 felony.

16 Court records filed with the clerks of the Circuit Court  
17 shall be destroyed in accordance with the Supreme Court's  
18 General Administrative Order on Recordkeeping in the Circuit  
19 Courts. The clerks of the Circuit Courts shall notify the  
20 Supreme Court, in writing, specifying case records or other  
21 documents which they intend to destroy. The Supreme Court shall  
22 review the schedule of items to be destroyed and notify the  
23 appropriate Local Records Commission of the Court's intent to

1 destroy such records. The Local Records Commission, within 90  
2 days after receipt of the Supreme Court's notice, may undertake  
3 to photograph, microphotograph, or digitize electronically any  
4 or all such records and documents, or, in the alternative, may  
5 transport such original records to the State Archives or other  
6 storage location under its supervision.

7 The Archivist may accept for deposit in the State Archives  
8 or regional depositories official papers, drawings, maps,  
9 writings and records of every description of counties,  
10 municipal corporations, political subdivisions and courts of  
11 this State, when such materials are deemed by the Archivist to  
12 have sufficient historical or other value to warrant their  
13 continued preservation by the State of Illinois.

14 The officer or clerk depositing such records may, upon  
15 request, obtain from the Archivist, without charge, a certified  
16 copy or reproduction of any specific record, paper or document  
17 when such record, paper or document is required for public use.  
18 (Source: P.A. 89-272, eff. 8-10-95.)