



Rep. Elaine Nekritz

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1 AMENDMENT TO HOUSE BILL 3303

2 AMENDMENT NO. _____. Amend House Bill 3303 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Sections 2 and 2.15 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means all legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees thereof, and a School Finance Authority created
16 under Article 1E of the School Code. "Public body" does not

1 include a child death review team or the Illinois Child Death
2 Review Teams Executive Council established under the Child
3 Death Review Team Act, or a regional youth advisory board or
4 the Statewide Youth Advisory Board established under the
5 Department of Children and Family Services Statewide Youth
6 Advisory Board Act.

7 (b) "Person" means any individual, corporation,
8 partnership, firm, organization or association, acting
9 individually or as a group.

10 (c) "Public records" means all records, reports, forms,
11 writings, letters, memoranda, books, papers, maps,
12 photographs, microfilms, cards, tapes, recordings, electronic
13 data processing records, electronic communications, recorded
14 information and all other documentary materials pertaining to
15 the transaction of public business, regardless of physical form
16 or characteristics, having been prepared by or for, or having
17 been or being used by, received by, in the possession of, or
18 under the control of any public body. "Public records" do not
19 include documentary materials whose disclosure is regulated
20 under the Juvenile Court Act of 1987.

21 (c-5) "Private information" means unique identifiers,
22 including a person's social security number, driver's license
23 number, employee identification number, biometric identifiers,
24 personal financial information, passwords or other access
25 codes, medical records, home or personal telephone numbers, and
26 personal email addresses. Private information also includes

1 home address and personal license plates, except as otherwise
2 provided by law or when compiled without possibility of
3 attribution to any person.

4 (c-10) "Commercial purpose" means the use of any part of a
5 public record or records, or information derived from public
6 records, in any form for sale, resale, or solicitation or
7 advertisement for sales or services. For purposes of this
8 definition, requests made by news media and non-profit,
9 scientific, or academic organizations shall not be considered
10 to be made for a "commercial purpose" when the principal
11 purpose of the request is (i) to access and disseminate
12 information concerning news and current or passing events, (ii)
13 for articles of opinion or features of interest to the public,
14 or (iii) for the purpose of academic, scientific, or public
15 research or education.

16 (d) "Copying" means the reproduction of any public record
17 by means of any photographic, electronic, mechanical or other
18 process, device or means now known or hereafter developed and
19 available to the public body.

20 (e) "Head of the public body" means the president, mayor,
21 chairman, presiding officer, director, superintendent,
22 manager, supervisor or individual otherwise holding primary
23 executive and administrative authority for the public body, or
24 such person's duly authorized designee.

25 (f) "News media" means a newspaper or other periodical
26 issued at regular intervals whether in print or electronic

1 format, a news service whether in print or electronic format, a
2 radio station, a television station, a television network, a
3 community antenna television service, or a person or
4 corporation engaged in making news reels or other motion
5 picture news for public showing.

6 (g) "Recurrent requester", as used in Section 3.2 of this
7 Act, means a person that, in the 12 months immediately
8 preceding the request, has submitted to the same public body
9 (i) a minimum of 50 requests for records, (ii) a minimum of 15
10 requests for records within a 30-day period, or (iii) a minimum
11 of 7 requests for records within a 7-day period. For purposes
12 of this definition, requests made by news media and non-profit,
13 scientific, or academic organizations shall not be considered
14 in calculating the number of requests made in the time periods
15 in this definition when the principal purpose of the requests
16 is (i) to access and disseminate information concerning news
17 and current or passing events, (ii) for articles of opinion or
18 features of interest to the public, or (iii) for the purpose of
19 academic, scientific, or public research or education.

20 For the purposes of this subsection (g), "request" means a
21 written document (or oral request, if the public body chooses
22 to honor oral requests) that is submitted to a public body via
23 personal delivery, mail, telefax, electronic mail, or other
24 means available to the public body and that identifies the
25 particular public record the requester seeks. One request may
26 identify multiple records to be inspected or copied.

1 (h) "Voluminous request" means a request that: (i) includes
2 more than 5 individual requests for more than 5 different
3 categories of records or a combination of individual requests
4 that total requests for more than 5 different categories of
5 records in a period of 20 business days; or (ii) requires the
6 compilation of more than 500 letter or legal-sized pages of
7 public records unless a single requested record exceeds 500
8 pages. "Single requested record" may include, but is not
9 limited to, one report, form, e-mail, letter, memorandum, book,
10 map, microfilm, tape, or recording.

11 "Voluminous request" does not include a request made by
12 news media and non-profit, scientific, or academic
13 organizations if the principal purpose of the request is: (1)
14 to access and disseminate information concerning news and
15 current or passing events; (2) for articles of opinion or
16 features of interest to the public; or (3) for the purpose of
17 academic, scientific, or public research or education.

18 For the purposes of this subsection (h), "request" means a
19 written document, or oral request, if the public body chooses
20 to honor oral requests, that is submitted to a public body via
21 personal delivery, mail, telefax, electronic mail, or other
22 means available to the public body and that identifies the
23 particular public record or records the requester seeks. One
24 request may identify multiple individual records to be
25 inspected or copied.

26 (Source: P.A. 97-579, eff. 8-26-11; 98-806, eff. 1-1-15;

1 98-1129, eff. 12-3-14; revised 12-19-14.)

2 (5 ILCS 140/2.15)

3 Sec. 2.15. Arrest reports and criminal history records.

4 (a) Arrest reports. The following chronologically
5 maintained arrest and criminal history information maintained
6 by State or local criminal justice agencies shall be furnished
7 as soon as practical, but in no event later than 72 hours after
8 the arrest, notwithstanding the time limits otherwise provided
9 for in Section 3 of this Act: (i) information that identifies
10 the individual, including the name, age, address, and
11 photograph, when and if available; (ii) information detailing
12 any charges relating to the arrest; (iii) the time and location
13 of the arrest; (iv) the name of the investigating or arresting
14 law enforcement agency; (v) if the individual is incarcerated,
15 the amount of any bail or bond; and (vi) if the individual is
16 incarcerated, the time and date that the individual was
17 received into, discharged from, or transferred from the
18 arresting agency's custody.

19 (b) Criminal history records. The following documents
20 maintained by a public body pertaining to criminal history
21 record information are public records subject to inspection and
22 copying by the public pursuant to this Act: (i) court records
23 that are public; (ii) records that are otherwise available
24 under State or local law; and (iii) records in which the
25 requesting party is the individual identified, except as

1 provided under Section 7(1)(d)(vi).

2 (c) Information described in items (iii) through (vi) of
3 subsection (a) may be withheld if it is determined that
4 disclosure would: (i) interfere with pending or actually and
5 reasonably contemplated law enforcement proceedings conducted
6 by any law enforcement agency; (ii) endanger the life or
7 physical safety of law enforcement or correctional personnel or
8 any other person; or (iii) compromise the security of any
9 correctional facility.

10 (d) The provisions of this Section do not supersede the
11 confidentiality provisions for law enforcement or arrest
12 records of the Juvenile Court Act of 1987.

13 (Source: P.A. 96-542, eff. 1-1-10.)

14 Section 10. The Juvenile Court Act of 1987 is amended by
15 changing Section 1-7 as follows:

16 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

17 Sec. 1-7. Confidentiality of law enforcement records.

18 (A) Inspection and copying of law enforcement records
19 maintained by law enforcement agencies that relate to a minor
20 who has been investigated, arrested, or taken into custody
21 before his or her 18th birthday shall be restricted to the
22 following:

23 (1) Any local, State or federal law enforcement
24 officers of any jurisdiction or agency when necessary for

1 the discharge of their official duties during the
2 investigation or prosecution of a crime or relating to a
3 minor who has been adjudicated delinquent and there has
4 been a previous finding that the act which constitutes the
5 previous offense was committed in furtherance of criminal
6 activities by a criminal street gang, or, when necessary
7 for the discharge of its official duties in connection with
8 a particular investigation of the conduct of a law
9 enforcement officer, an independent agency or its staff
10 created by ordinance and charged by a unit of local
11 government with the duty of investigating the conduct of
12 law enforcement officers. For purposes of this Section,
13 "criminal street gang" has the meaning ascribed to it in
14 Section 10 of the Illinois Streetgang Terrorism Omnibus
15 Prevention Act.

16 (2) Prosecutors, probation officers, social workers,
17 or other individuals assigned by the court to conduct a
18 pre-adjudication or pre-disposition investigation, and
19 individuals responsible for supervising or providing
20 temporary or permanent care and custody for minors pursuant
21 to the order of the juvenile court, when essential to
22 performing their responsibilities.

23 (3) Prosecutors and probation officers:

24 (a) in the course of a trial when institution of
25 criminal proceedings has been permitted or required
26 under Section 5-805; or

1 (b) when institution of criminal proceedings has
2 been permitted or required under Section 5-805 and such
3 minor is the subject of a proceeding to determine the
4 amount of bail; or

5 (c) when criminal proceedings have been permitted
6 or required under Section 5-805 and such minor is the
7 subject of a pre-trial investigation, pre-sentence
8 investigation, fitness hearing, or proceedings on an
9 application for probation.

10 (4) Adult and Juvenile Prisoner Review Board.

11 (5) Authorized military personnel.

12 (6) Persons engaged in bona fide research, with the
13 permission of the Presiding Judge of the Juvenile Court and
14 the chief executive of the respective law enforcement
15 agency; provided that publication of such research results
16 in no disclosure of a minor's identity and protects the
17 confidentiality of the minor's record.

18 (7) Department of Children and Family Services child
19 protection investigators acting in their official
20 capacity.

21 (8) The appropriate school official only if the agency
22 or officer believes that there is an imminent threat of
23 physical harm to students, school personnel, or others who
24 are present in the school or on school grounds.

25 (A) Inspection and copying shall be limited to law
26 enforcement records transmitted to the appropriate

1 school official or officials whom the school has
2 determined to have a legitimate educational or safety
3 interest by a local law enforcement agency under a
4 reciprocal reporting system established and maintained
5 between the school district and the local law
6 enforcement agency under Section 10-20.14 of the
7 School Code concerning a minor enrolled in a school
8 within the school district who has been arrested or
9 taken into custody for any of the following offenses:

10 (i) any violation of Article 24 of the Criminal
11 Code of 1961 or the Criminal Code of 2012;

12 (ii) a violation of the Illinois Controlled
13 Substances Act;

14 (iii) a violation of the Cannabis Control Act;

15 (iv) a forcible felony as defined in Section
16 2-8 of the Criminal Code of 1961 or the Criminal
17 Code of 2012;

18 (v) a violation of the Methamphetamine Control
19 and Community Protection Act;

20 (vi) a violation of Section 1-2 of the
21 Harassing and Obscene Communications Act;

22 (vii) a violation of the Hazing Act; or

23 (viii) a violation of Section 12-1, 12-2,
24 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
25 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
26 Criminal Code of 1961 or the Criminal Code of 2012.

1 The information derived from the law enforcement
2 records shall be kept separate from and shall not
3 become a part of the official school record of that
4 child and shall not be a public record. The information
5 shall be used solely by the appropriate school official
6 or officials whom the school has determined to have a
7 legitimate educational or safety interest to aid in the
8 proper rehabilitation of the child and to protect the
9 safety of students and employees in the school. If the
10 designated law enforcement and school officials deem
11 it to be in the best interest of the minor, the student
12 may be referred to in-school or community based social
13 services if those services are available.
14 "Rehabilitation services" may include interventions by
15 school support personnel, evaluation for eligibility
16 for special education, referrals to community-based
17 agencies such as youth services, behavioral healthcare
18 service providers, drug and alcohol prevention or
19 treatment programs, and other interventions as deemed
20 appropriate for the student.

21 (B) Any information provided to appropriate school
22 officials whom the school has determined to have a
23 legitimate educational or safety interest by local law
24 enforcement officials about a minor who is the subject
25 of a current police investigation that is directly
26 related to school safety shall consist of oral

1 information only, and not written law enforcement
2 records, and shall be used solely by the appropriate
3 school official or officials to protect the safety of
4 students and employees in the school and aid in the
5 proper rehabilitation of the child. The information
6 derived orally from the local law enforcement
7 officials shall be kept separate from and shall not
8 become a part of the official school record of the
9 child and shall not be a public record. This limitation
10 on the use of information about a minor who is the
11 subject of a current police investigation shall in no
12 way limit the use of this information by prosecutors in
13 pursuing criminal charges arising out of the
14 information disclosed during a police investigation of
15 the minor. For purposes of this paragraph,
16 "investigation" means an official systematic inquiry
17 by a law enforcement agency into actual or suspected
18 criminal activity.

19 (9) Mental health professionals on behalf of the
20 Illinois Department of Corrections or the Department of
21 Human Services or prosecutors who are evaluating,
22 prosecuting, or investigating a potential or actual
23 petition brought under the Sexually Violent Persons
24 Commitment Act relating to a person who is the subject of
25 juvenile law enforcement records or the respondent to a
26 petition brought under the Sexually Violent Persons

1 Commitment Act who is the subject of the juvenile law
2 enforcement records sought. Any records and any
3 information obtained from those records under this
4 paragraph (9) may be used only in sexually violent persons
5 commitment proceedings.

6 (10) The president of a park district. Inspection and
7 copying shall be limited to law enforcement records
8 transmitted to the president of the park district by the
9 Illinois State Police under Section 8-23 of the Park
10 District Code or Section 16a-5 of the Chicago Park District
11 Act concerning a person who is seeking employment with that
12 park district and who has been adjudicated a juvenile
13 delinquent for any of the offenses listed in subsection (c)
14 of Section 8-23 of the Park District Code or subsection (c)
15 of Section 16a-5 of the Chicago Park District Act.

16 (B) (1) Except as provided in paragraph (2), no law
17 enforcement officer or other person or agency may knowingly
18 transmit to the Department of Corrections or the Department
19 of State Police or to the Federal Bureau of Investigation
20 any fingerprint or photograph relating to a minor who has
21 been arrested or taken into custody before his or her 18th
22 birthday, unless the court in proceedings under this Act
23 authorizes the transmission or enters an order under
24 Section 5-805 permitting or requiring the institution of
25 criminal proceedings.

26 (2) Law enforcement officers or other persons or

1 agencies shall transmit to the Department of State Police
2 copies of fingerprints and descriptions of all minors who
3 have been arrested or taken into custody before their 18th
4 birthday for the offense of unlawful use of weapons under
5 Article 24 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, a Class X or Class 1 felony, a forcible
7 felony as defined in Section 2-8 of the Criminal Code of
8 1961 or the Criminal Code of 2012, or a Class 2 or greater
9 felony under the Cannabis Control Act, the Illinois
10 Controlled Substances Act, the Methamphetamine Control and
11 Community Protection Act, or Chapter 4 of the Illinois
12 Vehicle Code, pursuant to Section 5 of the Criminal
13 Identification Act. Information reported to the Department
14 pursuant to this Section may be maintained with records
15 that the Department files pursuant to Section 2.1 of the
16 Criminal Identification Act. Nothing in this Act prohibits
17 a law enforcement agency from fingerprinting a minor taken
18 into custody or arrested before his or her 18th birthday
19 for an offense other than those listed in this paragraph
20 (2).

21 (C) The records of law enforcement officers, or of an
22 independent agency created by ordinance and charged by a unit
23 of local government with the duty of investigating the conduct
24 of law enforcement officers, concerning all minors under 18
25 years of age must be maintained separate from the records of
26 arrests and may not be open to public inspection or their

1 contents disclosed to the public except by order of the court
2 presiding over matters pursuant to this Act or when the
3 institution of criminal proceedings has been permitted or
4 required under Section 5-805 or such a person has been
5 convicted of a crime and is the subject of pre-sentence
6 investigation or proceedings on an application for probation or
7 when provided by law. For purposes of obtaining documents
8 pursuant to this Section, a civil subpoena is not an order of
9 the court.

10 (1) In cases where the law enforcement, or independent
11 agency, records concern a pending juvenile court case, the
12 party seeking to inspect the records shall provide actual
13 notice to the attorney or guardian ad litem of the minor
14 whose records are sought.

15 (2) In cases where the records concern a juvenile court
16 case that is no longer pending, the party seeking to
17 inspect the records shall provide actual notice to the
18 minor or the minor's parent or legal guardian, and the
19 matter shall be referred to the chief judge presiding over
20 matters pursuant to this Act.

21 (3) In determining whether the records should be
22 available for inspection, the court shall consider the
23 minor's interest in confidentiality and rehabilitation
24 over the moving party's interest in obtaining the
25 information. Any records obtained in violation of this
26 subsection (C) shall not be admissible in any criminal or

1 civil proceeding, or operate to disqualify a minor from
2 subsequently holding public office or securing employment,
3 or operate as a forfeiture of any public benefit, right,
4 privilege, or right to receive any license granted by
5 public authority.

6 (D) Nothing contained in subsection (C) of this Section
7 shall prohibit the inspection or disclosure to victims and
8 witnesses of photographs contained in the records of law
9 enforcement agencies when the inspection and disclosure is
10 conducted in the presence of a law enforcement officer for the
11 purpose of the identification or apprehension of any person
12 subject to the provisions of this Act or for the investigation
13 or prosecution of any crime.

14 (E) Law enforcement officers, and personnel of an
15 independent agency created by ordinance and charged by a unit
16 of local government with the duty of investigating the conduct
17 of law enforcement officers, may not disclose the identity of
18 any minor in releasing information to the general public as to
19 the arrest, investigation or disposition of any case involving
20 a minor.

21 (F) Nothing contained in this Section shall prohibit law
22 enforcement agencies from communicating with each other by
23 letter, memorandum, teletype or intelligence alert bulletin or
24 other means the identity or other relevant information
25 pertaining to a person under 18 years of age if there are
26 reasonable grounds to believe that the person poses a real and

1 present danger to the safety of the public or law enforcement
2 officers. The information provided under this subsection (F)
3 shall remain confidential and shall not be publicly disclosed,
4 except as otherwise allowed by law.

5 (G) Nothing in this Section shall prohibit the right of a
6 Civil Service Commission or appointing authority of any state,
7 county or municipality examining the character and fitness of
8 an applicant for employment with a law enforcement agency,
9 correctional institution, or fire department from obtaining
10 and examining the records of any law enforcement agency
11 relating to any record of the applicant having been arrested or
12 taken into custody before the applicant's 18th birthday.

13 (H) The changes made to this Section by Public Act 98-61
14 apply to law enforcement records of a minor who has been
15 arrested or taken into custody on or after January 1, 2014 (the
16 effective date of Public Act 98-61).

17 (Source: P.A. 97-700, eff. 6-22-12; 97-1083, eff. 8-24-12;
18 97-1104, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-61, eff.
19 1-1-14; 98-756, eff. 7-16-14.)".