

AN ACT concerning domestic violence.

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

Section 1. Short title. This Act may be cited as the Domestic Violence Fatality Review Act.

Section 5. Definitions. As used in this Act:

"Board" means the Illinois Criminal Justice Information Authority Board.

"Case eligible for review" means the case based upon a qualifying relationship that the regional review teams can review under Section 70.

"Confidential information" means:

(1) oral, written, digital, or electronic original or copied information, records, documents, photographs, images, exhibits, or communications (i) obtained by the Board, the Statewide Committee, or a regional review team from a public body for the purpose of addressing whether a case should be reviewed or for review of an eligible case under this Act while in the possession of the Board, Statewide Committee, or regional review team or (ii) in the possession of, provided to, obtained by, shared with, discussed by, created by, or maintained by the Board, the Statewide Committee, or a regional review team for the

purpose of addressing whether a case should be reviewed or for review of an eligible case;

(2) any information that may be in the possession of the Board, Statewide Committee, or a regional review team that discloses the identities of victims, survivors, deceased, or offenders, or their family members, or by which their identities can be determined by a reasonably diligent inquiry; and

(3) any discussions, deliberations, minutes, notes, records, or opinions of the members of the Board, Statewide Committee, or a regional review team with regard to a case eligible for review to determine whether the case should be reviewed or a review of an eligible case. Confidential information does not mean nonidentifying or aggregate data information or analysis of data, and recommendations for community and systemic reform.

"Deceased" means anyone who died in connection with the actions of the offender, other than the victim, survivor, or offender.

"Domestic violence" means abuse as it is defined in Section 103 of the Illinois Domestic Violence Act of 1986 and paragraph (1) of subsection (b) of Section 112A-3 of the Code of Criminal Procedure of 1963.

"Domestic violence fatality review" means the deliberative process of multiagency and multidisciplinary teams that select eligible cases of domestic violence related fatalities and

near-fatalities, and trace prior systemic interventions and involvement to:

(1) examine barriers to safety, justice, self-determination, and equity;

(2) identify systemic and community gaps and consider alternate and more effective systemic responses; and

(3) develop recommendations for greater coordinated and improved community and systemic response and prevention initiatives to domestic violence in order to reduce the occurrence, frequency, and severity of domestic violence and prevent fatalities and near-fatalities.

"Familiicide" means the killing of a family, including one or both parents and any children, by a family member.

"Fatality" means death caused by suicide or homicide.

"Near-fatality" means a death that nearly occurred by means of suicide or homicide, or an injury that could have resulted in death.

"Offender" means the person who inflicted domestic violence upon the victim and caused the victim's death, or the person who inflicted domestic violence upon a survivor. "Offender" includes a person who is deceased or alive, and is not required to have been the subject of a criminal investigation or prosecution.

"Regional domestic violence fatality review team" or "regional review team" means a multiagency and multidisciplinary team that selects and reviews eligible cases

in accordance with Section 45.

"Statewide Committee" means the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board.

"Survivor" means a person who experienced domestic violence and is alive.

"Victim" means the person who experienced domestic violence and is deceased, including by means of homicide or suicide.

Section 10. Findings. The General Assembly finds and declares the following:

(a) Over 10,000,000 people in the United States experience physical domestic violence by a current or former partner each year.

(b) According to the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, domestic violence accounts for 15% of all violent crime in the United States, and in this State, 42% of women and 26% of men have been harmed by an intimate partner in their lifetime.

(c) According to the U.S. Department of Justice, nationwide approximately 1 in 4 women and nearly 1 in 7 men experience severe physical violence resulting from domestic violence by an intimate partner at some point in their lifetime.

(d) The Illinois Criminal Justice Information Authority found that while the actual number of domestic violence incidents are underreported, in this State over 100,000 domestic violence offenses were reported to law enforcement each year between 2005 and 2017. Between 400,000 and nearly 600,000 orders of protection were filed each year between 2005 and 2017.

(e) From 2001 to 2018, State domestic violence agencies served nearly 800,000 adults and children, at an average of 57,684 clients per year, according to the Illinois Criminal Justice Information Authority.

(f) Domestic violence related homicides account for nearly 1 in 5 murders in the United States. According to the National Coalition Against Domestic Violence, female homicide victims are substantially more likely than male homicide victims to have been killed by an intimate partner. One in 3 female murder victims are killed by intimate partners. About 4% of male homicide victims were killed by an intimate partner. Nationwide, 72% of all homicide-suicides involved an intimate partner of which 94% of the murdered victims are women.

(g) The Illinois Criminal Justice Information Authority found that 15% of all homicides in this State are connected to domestic violence, such that at least 130 domestic violence related homicides occurred in this State during 2019. The Illinois Coalition Against Domestic Violence found that domestic violence fatalities occurred across at least 26

counties and included at least 7 children between July 2019 and June 2020.

(h) The Illinois Criminal Justice Information Authority found that the estimated financial impact of domestic violence homicides reported in this State during 2019 would total nearly \$1.2 billion.

(i) Nearly all familicides involve a history of domestic violence.

(j) Effective responses to domestic violence and domestic violence related fatalities involve governmental, social services, and other systems in the community. A coordinated and consistent approach among community and system points of intervention are important to fostering the safety, stability, well-being and healing of survivors, and facilitating meaningful engagement with and sustainable accountability for offenders.

(k) Domestic violence transcends boundaries of race, religion, ethnicity, sexual orientation, gender identity, disability, culture, socioeconomic status, and geography.

(l) Domestic violence related fatalities and near-fatalities are experienced and responded to differently in historically marginalized communities. The communities and systems that victims, survivors, and offenders engage with in historically marginalized communities are typically those with power imbalances often rooted in systemic racism and oppression. Women of color, in particular, face additional

barriers and gaps in accessing systemic and community responses aimed at reducing domestic violence related fatalities and near-fatalities.

(m) Over 200 domestic violence fatality review teams exist across the United States. Those teams are engaged in systems reform in order to improve the response to domestic violence and reduce and prevent domestic violence related fatalities and near-fatalities.

(n) Domestic violence related fatalities and near-fatalities can be prevented, and the use of regional domestic violence fatality review teams under the leadership, guidance, and technical assistance of the Statewide Committee in support of the regional teams is an effort toward such prevention.

Section 15. Purposes. The purposes of this Act are:

(1) To create the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board to support domestic violence fatality review in this State.

(2) To establish regional domestic violence fatality review teams that engage in domestic violence fatality review in this State in order to foster systemic reform that aims to:

(A) reduce domestic violence and domestic violence related fatalities and near-fatalities in this State;

(B) address disparate and discriminatory practices and

attitudes in the systems that interact with victims, survivors, and offenders; and

(C) reduce the cost on society of domestic violence and domestic violence related fatalities and near-fatalities by:

(i) reviewing selected cases eligible for review;

(ii) examining how systems have responded to individual experiences;

(iii) identifying gaps and barriers to effective and equitable responses that promote safety, stability, well-being, healing, and accountability; and

(iv) recommending strategies to improve community and systemic responses to domestic violence in order to foster points of intervention and support that are effective, coordinated, collaborative, consistent, just, and equitable.

Section 20. Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board. The Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board is hereby created to provide guidance, leadership, technical assistance, research, and other supports to the regional domestic violence fatality review teams in carrying out their responsibilities under this

Act, and to serve as a statewide resource for addressing domestic violence related fatalities and near-fatalities as well as other forms of abuse connected to domestic violence.

Section 25. Membership of the Statewide Committee.

(a) The Statewide Committee shall consist of the following voting members and nonvoting ex officio members. The voting membership shall have racial, ethnic, gender, and geographic diversity and include the following:

(1) Four members of the General Assembly as follows: 2 members of the Senate, one member appointed by the President of the Senate and one member appointed by the Senate Minority Leader; 2 members of the House of Representatives, one member appointed by the Speaker of the House and one member appointed by the House Minority Leader.

(2) One member of the Governor's policy leadership team appointed by the Governor.

(3) Up to 20 public members designated by the Board Chairperson, including:

(A) Four members representing different regional review teams established under this Act, or at-large members in accordance with subparagraph (I) if 4 regional review teams have not yet been established at the time of appointment.

(B) Two members representing statewide, regional,

or local organizations that advocate on behalf of survivors of domestic violence.

(C) Two members who are domestic violence survivors, one of whom may be a family member of a victim of domestic violence related fatality or near-fatality.

(D) Four social service providers representing different geographic areas of the State whose significant purpose is to provide services to survivors of domestic violence.

(E) Two social service providers who have significant experience working with domestic violence offenders.

(F) One physician licensed by the State whose State practice focuses on emergency medicine.

(G) One member of the Illinois Association of Chiefs of Police recommended by the Association Director or President.

(H) One member of the Illinois Sheriffs' Association recommended by the Association Director or President.

(I) Three at-large members who have substantial expertise and experience in the response to or prevention of domestic violence and domestic violence related fatalities and near-fatalities, or a related skill or expertise.

(b) The following, or a designee, shall serve as nonvoting ex officio members of the Statewide Committee: the Lieutenant Governor; the Secretary of Human Services; the Director of Public Health; the Attorney General; the Director of the Illinois State Police; the Director of Children and Family Services; the Director of the Illinois Criminal Justice Information Authority; the Director of the Office of the State's Attorney Appellate Prosecutor; the Director of the Office of the State Appellate Defender; and the Director of the Administrative Office of the Illinois Courts.

Section 30. Statewide Committee terms of members; vacancies.

(a) Terms of the original voting members shall be staggered as follows: one-half shall be designated for 2-year terms and one-half shall be designated for 3-year terms. The length of the initial terms of each original voting member shall be drawn by lot at the first meeting held by the Statewide Committee and shall be recorded as part of the minutes of the meeting. After the initial term, each term shall be for 3 years. Length of terms of co-chairs, the secretary, and other officers coincide with Statewide Committee members' terms.

(b) The Board Chairperson shall designate members to fill vacancies in accordance with Section 25. A member whose term has expired may serve until a successor is appointed and

accepts the appointment.

Section 35. Statewide Committee quorum; meetings; compensation.

(a) A quorum shall consist of 7 of the voting members of the Statewide Committee.

(b) The first meeting of the Statewide Committee shall occur by January 15, 2022. At the first meeting and at subsequent meetings when terms expire, the voting members shall elect 2 co-chairs and a secretary from among the voting members and may elect any other officers and other officers the voting members deem necessary to carry out the duties and responsibilities of the Statewide Committee.

(c) The Statewide Committee shall meet at least quarterly each State fiscal year. Additional meetings may be called by the co-chairs, after at least 7 days prior notice to the Statewide Committee members, or upon a written request signed by at least 5 Statewide Committee members to the co-chairs for a meeting request. Meetings may be held by a virtual meeting format during a public health emergency or disaster proclamation declared by the Governor, or at the discretion of the co-chairs.

(d) The meetings of the Statewide Committee are subject to the Open Meetings Act, except the following shall occur in closed executive sessions not subject to the requirements of the Open Meetings Act:

(1) discussions about personnel matters, confidential information as defined by Section 5, or cases eligible for review under Section 70; and

(2) conducting a domestic violence fatality review.

(e) The members shall receive no compensation for their service as members of the Statewide Committee, but may receive reimbursement for actual expenses incurred in the performance of their duties, subject to the availability of funds for that purpose.

Section 40. Duties and responsibilities of the Statewide Committee.

(a) The Statewide Committee shall carry out the following duties and responsibilities:

(1) Subject to available funds, hire or assign a full-time Program Manager to carry out the duties and responsibilities of the Statewide Committee and the purposes of this Act. The Program Manager may hire additional staff, subject to the availability of funds for that purpose and subject to the approval of the Board. The Statewide Committee and regional review teams can operate without an acting Program Manager.

(2) Establish and maintain an Internet website.

(3) Prepare an annual budget that includes compensation for the Program Manager and staff, and financial reimbursement to regional review team members or

teams for actual expenses incurred in the performance of their duties, subject to the availability of funds for that purpose.

(4) Facilitate the establishment and implementation of regional review teams across the State over 6 years after the effective date of this Act and collaboratively develop regional implementation plans and procedures.

(5) Provide training and ongoing technical assistance to regional review teams.

(6) Conduct, or assist in conducting, regional domestic violence fatality reviews if requested by regional review teams in specific cases.

(7) Develop model confidentiality agreement, policies, and procedures for the use of regional review teams.

(8) Develop guidelines for the annual and biennial reports of the Statewide Committee and the regional review teams pursuant to this Section and Section 65.

(9) Appoint the initial members of each regional review team in accordance with Section 50 or designate a founding member of a regional review team to form the remainder of the regional review team in accordance with Section 50, unless the regional review team has been formed prior to the effective date of this Act or elects to form without the involvement of the Statewide Committee.

(10) Create a process whereby the Statewide Committee shall annually officially recognize regional review teams

that are formed and operated in substantial compliance with the requirements of this Act, and nonrecognize those regional review teams that are substantially out of compliance after reasonable efforts are made by the Statewide Committee to engage the regional review team's co-chairs and other regional stakeholders to facilitate corrective actions to bring the regional review team into substantial compliance. A nonrecognized regional review team no longer has the authority to operate under this Act, however, nonrecognition would not preclude the formation of a new regional review team for the affected region.

(11) Review, analyze, maintain, and securely store regional review team reports and recommendations submitted by each regional review team as required by Section 65.

(12) File an annual report with the Governor and the General Assembly on the operations and activities of the Statewide Committee and of the regional review teams. The first report shall be due no later than March 1, 2023, and each subsequent report shall be due no later than March 1 of each year thereafter. The annual report shall be made publicly available on the Statewide Committee's Internet website.

(13) In even numbered years, file a substantive biennial report reviewing and analyzing the data and recommendations collected from the reports of the regional

review teams. The biennial report shall include specific recommendations for legislative, systemic, policy, and any other changes to reduce domestic violence and domestic violence related fatalities and near-fatalities. The first report shall be due no later than April 1, 2024, and each subsequent report shall be due no later than April 1 of each even year thereafter. The biennial report shall be made publicly available on the Statewide Committee's Internet website.

(b) The Statewide Committee may carry out the following duties and responsibilities:

(1) After a vote by the majority of the voting Statewide Committee members or a decision by the co-chairs, establish one or more subcommittees or task forces to address specific issues regarding domestic violence, domestic violence fatalities and near-fatalities, domestic violence fatality review, or other related issues or subject matters, and may invite nonmembers with expertise on the issue or subject matter to serve on the subcommittee or task force. Each subcommittee or task force shall be chaired by a member of the Statewide Committee.

(2) Advise the Governor and General Assembly on domestic violence, domestic violence fatalities and near-fatalities, domestic violence fatality review, data, and related topics or policies.

(3) Engage nonmember stakeholders in reviewing selected recommendations from the regional review teams in accordance with notions of fairness, equity, justice, due process, and practicality.

(4) Analyze data and identify trends related to domestic violence and domestic violence related fatalities and near-fatalities, and develop mechanisms for collecting, analyzing, and storing data that it collects or that is provided by the regional review teams.

(5) Adopt administrative rules in order to implement this Act.

(6) Subject to the availability of funding and approval by a vote of the majority of the Statewide Committee members, engage with and enter into contracts with a higher education institution or research entity for research, analysis, training, and educational purposes in furtherance of the purposes of this Act. Statewide Committee members or Statewide Committee staff shall not share information with contractors that would disclose the identities of victims, survivors, deceased, offenders, and their family members or by which their identities can be determined by a reasonably diligent inquiry.

(7) Support the implementation of systemic and community reform recommendations in order to advance the purposes of this Act.

(8) Adopt notice of funding opportunities, award

grants, or enter into contracts with statewide or local organizations that advocate on behalf of survivors.

(9) Assign any responsibilities under this Section.

(10) Engage in any other activities that enable the Statewide Committee, its staff, and the regional review teams to carry out the purposes of this Act.

Section 45. Regional domestic violence fatality review teams. A regional domestic violence fatality review team may be established within the boundaries of each judicial circuit. Once a review team is established within the boundaries of the judicial circuit, the team may establish one or more subteams to efficiently and effectively carry out the responsibilities of the regional review team and conduct domestic violence fatality review.

Section 50. Membership of regional domestic violence fatality review teams. Each regional review team shall, at a minimum, include the following members from within the boundaries of the judicial circuit:

- (1) a State's Attorney or Assistant State's Attorney;
- (2) a public defender or other criminal defense lawyer;
- (3) a coroner or medical examiner;
- (4) a Sheriff, Deputy Sheriff, Chief of Police, or other law enforcement officer with experience in domestic violence cases;

(5) a social service provider whose significant role is to provide services to survivors of domestic violence;

(6) a social service provider who has significant experience working with domestic violence offenders, if available in the region;

(7) a civil legal services lawyer or pro bono lawyer connected with a civil legal services program; and

(8) at least 2 of the following members: a public health official; a physician licensed by the State who specializes in emergency medicine; an advanced practice registered nurse; a licensed mental health professional such as a psychiatrist, clinical psychologist, licensed clinical professional counselor, or licensed clinical social worker; a circuit judge or associate judge; a clerk of the circuit court or other elected or appointed court official; an administrative law judge; an emergency medical technician, paramedic, or other first responder; a local or regional elected official or State legislator; a representative from the private business sector; a member of the clergy or other representative of the faith community; a public housing authority administrator or manager; an alcohol and substance abuse treatment professional; a probation or parole officer; a child welfare administrator, caseworker, or investigator; a public school administrator, teacher, or school support staff person licensed and endorsed by the Illinois State Board of Education; a representative of a State university or community

college; a social science researcher or data analyst; a survivor or a family member or friend of a survivor or victim; a supervised child visitation or child exchange staff person; or a member of the public at-large who has the education, training, or experience to carry out the purposes of the regional review team.

Section 55. Terms of regional review team members; vacancies.

(a) Terms of the original regional team members shall be staggered as follows: one-half of the initial members of the review team shall serve 2-year terms, and one-half of the initial members shall serve 3-year terms. The initial terms shall be drawn by lot at the first meeting of the review team. Following the initial terms, each member of the review team shall serve 3-year terms. No member shall serve more than 2 consecutive terms. Length of terms of co-chairs, the secretary, and other officers coincide with regional review team membership terms.

(b) Vacancies shall be filled by individuals who meet the requirements of Section 50 either by an application process or upon the recommendation of a member of the regional review team, and approved by a vote of the majority of the regional review team members. Vacancies occurring during a term shall be filled to complete the current term. Members whose terms have expired may continue to serve until a new member is

appointed. Former members are eligible for reappointment after the expiration of at least 12 months following their last date of service.

Section 60. Regional review team quorum; meetings; compensation.

(a) All members of the regional review team are voting members. Five members of the regional review team shall constitute a quorum.

(b) At the first meeting and at subsequent meetings when terms expire, the regional review team shall elect 2 co-chairs and a secretary and may elect any other officers the voting members deem necessary to carry out the duties and responsibilities of the regional review team.

(c) Each regional review team shall meet at least quarterly on a date and at a time and location determined by the co-chairs. Additional meetings may be convened by the co-chairs upon at least 7 days' prior written notice to the regional review team members, or upon the written request by at least 5 regional review team members to the co-chairs. Meetings may be held by virtual meeting format during a public health emergency or disaster proclamation declared by the Governor, or at the discretion of the co-chairs.

(d) Members of regional review teams are not entitled to compensation, but may receive reimbursement for actual expenses incurred in the performance of their duties, subject

to the availability of State or local funds for such purposes.

Section 65. Duties and responsibilities of the regional domestic violence fatality review team.

(a) Each regional review team shall carry out the following duties and responsibilities:

(1) Form a regional review team in accordance with Sections 50 and 55.

(2) Report the names, professional titles, if applicable, and business contact information of each review team member to the Statewide Committee and inform the Statewide Committee in a timely manner of any changes to the membership of the regional review team.

(3) Create a secure system of maintaining and storing minutes, correspondence, and confidential information related to the regional review team and the domestic violence fatality reviews.

(4) Ensure that each member of the regional review team participates in trainings and technical assistance provided by the Statewide Committee and other professionals.

(5) Meet at least quarterly and maintain minutes of the business conducted by the regional review team at each meeting.

(6) Establish priorities for reviewing eligible cases that consider, in part, demographic and case type

diversity.

(7) Based upon information available from a variety of sources, consider cases eligible for review in accordance with Section 70.

(8) Vote by a majority of the regional review team members to review a specific case based upon various factors, including the priorities by the regional review team.

(9) Invite and coordinate with the specific people designated in Section 50 who were involved in the selected domestic violence related fatality or near-fatality to participate in the domestic violence fatality review. Members of the regional review team may also participate directly in the domestic violence fatality review.

(10) Execute a confidentiality agreement with each member of the regional review team and participant of a domestic violence fatality review in accordance with Section 75.

(11) Conduct a domestic violence fatality review of at least 2 eligible cases per calendar year, or, if the regional review team is unable to complete at least 2 reviews in a given year, provide an explanation to the Statewide Committee in the regional review team's annual report pursuant to paragraph (12).

(12) Prepare and submit an annual report to the Statewide Committee on the operations and activities of

the regional review team in accordance with guidelines established by the Statewide Committee. The initial report shall be due on March 1 following the formation of the regional review team and subsequent reports shall be submitted no later than March 1 of each year thereafter.

(13) On odd numbered years, prepare and submit to the Statewide Committee a biennial report based upon the domestic violence fatality reviews of the corresponding time period. The biennial report shall include specific recommendations for legislative, systemic, policy, and any other changes to reduce domestic violence and domestic violence related fatalities and near-fatalities. These recommendations will be reviewed by the Statewide Committee according to Section 40 and will, in part, inform the Statewide Committee's biennial report on even years. Any information that identifies the victims, survivors, deceased, or offenders, or their family members or any information by which their identities can be determined by a reasonably diligent inquiry shall not be disclosed in any domestic violence fatality review biennial report or by any other means. Any narrative of nonidentifying facts will be limited to those essential and indispensable to the explanation of data analysis or a recommendation for reform. Aggregate and nonidentifying data, including demographics, may be included in the biennial report. The first biennial report shall be due no

later than April 1, 2023, and each subsequent report shall be due no later than April 1 of each odd year thereafter.

(b) Each regional review team may carry out the following duties and responsibilities:

(1) Collect and analyze data from its regional area regarding cases eligible for review that were and were not reviewed by the regional review team for purposes of identifying patterns and making recommendations for community and systemic reforms.

(2) Subject to the availability of funding and approval by a vote of the majority of the regional review team members, engage with and enter into contracts with a higher education institution or research entity for research, analysis, training, and educational purposes in furtherance of the purposes of this Act. Regional review team members shall not share information with contractors that would disclose the identities of victims, survivors, deceased, offenders, and their family members or by which their identities can be determined by a reasonably diligent inquiry.

(3) Seek funds to support the operations of the regional review team and the facilitation of domestic violence fatality reviews.

(4) Support the implementation of systemic and community reform recommendations in order to advance the purposes of this Act.

(5) Engage in any other activities that enable the regional review team to carry out the purposes of this Act.

Section 70. Case eligible for review by regional review team. A case eligible for review shall include a fatality or near-fatality that occurred within the geographic boundaries of the judicial circuit covered by the regional review team and a qualifying relationship.

(a) A fatality or near-fatality includes at least one of the following:

(1) a homicide, as defined in Article 9 of the Criminal Code of 2012 in which:

(A) the offender causes the death of the victim, the deceased, or others; or

(B) the survivor causes the death of the offender, the deceased, or others;

(2) a suicide or attempted suicide of the offender;

(3) a suicide of the victim;

(4) a suicide attempt of the survivor;

(5) a familicide in which the offender causes the death of the victim and other members of the victim's family including, but not limited to, minor or adult children and parents;

(6) the near-fatality of a survivor caused by the offender;

(7) the near-fatality of an offender caused by the survivor; or

(8) any other case involving domestic violence if a majority of the regional review team vote that a review of the case will advance the purposes of this Act.

(b) A qualifying relationship between the offender and the victim or survivor shall include instances or a history of domestic violence perpetrated by the offender against the victim or survivor and at least one of the following circumstances:

(1) the offender and the victim or survivor:

(A) resided together or shared a common dwelling at any time;

(B) have or are alleged to have a child in common; or

(C) are or were engaged, married, divorced, separated, or had a dating or romantic relationship, regardless of whether they had sexual relations;

(2) the offender stalked the victim or survivor as described in Section 12-7.3 of the Criminal Code of 2012;

(3) the victim or survivor filed for an order of protection against the offender under the Illinois Domestic Violence Act of 1986 or Section 112A-2.5 of the Code of Criminal Procedure of 1963;

(4) the victim or survivor filed for a civil no contact order against the offender under the Civil No

Contact Order Act or Section 112A-14.5 of the Code of Criminal Procedure of 1963;

(5) the victim or survivor filed for a stalking no contact order against the offender under the Stalking No Contact Order Act or Section 112A-2.5 of the Code of Criminal Procedure of 1963;

(6) the offender violated an order of protection, civil no contact order, or stalking no contact order obtained by the victim or survivor;

(7) the deceased resided in the same household as, was present at the workplace of, was in the proximity of, or was related by blood or affinity to a victim or survivor;

(8) the deceased was a law enforcement officer, emergency medical technician, or other responder to a domestic violence incident between the offender and the victim or survivor; or

(9) a relationship between the offender and the victim, survivor, or deceased exists that a majority of the regional review team votes warrants review of the case to advance the purposes of this Act.

(c) A case eligible for review does not require criminal charges or a conviction.

(d) Any criminal investigation, civil, criminal, or administrative proceeding, and appeals shall be complete for a case to be eligible for review.

Section 75. Confidentiality of regional review teams, information, and domestic violence fatality reviews.

(a) Meetings in which regional review teams are engaged in a domestic violence fatality review or in which confidential information is shared or disclosed are closed to the public and not subject to Section 2 of the Open Meetings Act.

(b) Unless otherwise available and lawfully obtained through another source pursuant to an applicable law that allows the disclosure and release of the information, confidential information in the possession of a regional review team is not:

(1) subject to disclosure by the Board, Statewide Committee, or a regional review team under the Freedom of Information Act, and this exemption does not extend to other public bodies unless otherwise provided by law;

(2) subject to subpoena and discovery under Section 2-402 of the Code of Civil Procedure, Article 115 of the Code of Criminal Procedure of 1963, or Illinois Supreme Court Rule 412; and

(3) admissible as evidence in any civil or criminal proceeding.

(c) Confidential information in the possession of a regional review team shall not be disclosed, released, or shared except as follows:

(1) among Statewide Committee members or Statewide Committee staff pursuant to the review of an eligible

case;

(2) among regional review team members to determine whether a case is eligible for review or whether an eligible case should be reviewed;

(3) among regional review team members and participants during a domestic violence fatality review; or

(4) a regional review team votes to share confidential information for solely educational or research purposes, consistent with State or federal law, as long as the information disclosed does not include the identities of victims, survivors, deceased, or offenders, or their family members or any information by which their identities can be determined by a reasonably diligent inquiry.

(d) All Statewide Committee members, Statewide Committee subcommittee members, Statewide Committee staff, all members of each regional review team, and any other person who participates in any manner in a review of an eligible case by a regional review team shall execute a confidentiality agreement based upon a model confidentiality agreement developed by the Statewide Committee or a document substantially similar to the Statewide Committee's model document that acknowledges and agrees to comply with the responsibility not to disclose or release confidential information. All executed confidentiality agreements shall be maintained by the Statewide Committee and

by each regional review team, respectively.

(e) Members and staff of the Board, Statewide Committee, and members of a regional review team or participants of a domestic violence fatality review cannot be subject to examination or compelled to disclose or release confidential information in any administrative, civil or criminal proceeding, except for information that is otherwise available and lawfully obtained through another source pursuant to an applicable law that allows the disclosure and release of the information.

Section 80. Access to records and information.

(a) Upon the oral or written request by a regional review team, records and oral or written information relevant to the purposes of domestic violence fatality review and to the responsibilities of the regional review team shall be provided free of charge by the following: State and local governmental agencies and officials; medical and dental providers; domestic violence offender and partner abuse intervention service providers; child care providers; and employers. Examples of records and oral or written information that may be requested include, but are not limited to: guardian ad litem reports; parenting evaluations; victim impact statements; mental health evaluations submitted to a court; probation information, presentence interviews, and reports; recommendations made regarding bail and release on own recognizance; child welfare

reports and information; Child Advocacy Center reports and information; law enforcement incident reports, dispatch records, statements of victims, witnesses and suspects, supplemental reports, and probable cause statements; 9-1-1 call-taker's reports; correction and post-sentence probation or supervision reports; medical, hospital, and dental treatment records; school records and information; child care records and information; and employer records and information. The records and oral or written information may be provided for purposes of domestic violence fatality review without authorization of the person or persons to whom the records and oral or written information relate.

(b) The records and oral or written information described in this Section provided to a regional review team or in a domestic violence fatality review become confidential information as defined in this Act. The Statewide Committee, regional review teams, and any other participant in a domestic violence fatality review shall maintain the confidentiality and shall not disclose or release the confidential information received, shared, or obtained.

(c) Nothing in this Act shall:

(1) limit public access to records or information that are lawfully available; or

(2) change the confidentiality and privilege of communications under the Illinois Domestic Violence Act of 1986, Section 8-802.1 of the Code of Civil Procedure, the

Mental Health and Developmental Disabilities Code, 42 CFR 2.15, Section 40002(b)(2) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(2)), 45 CFR 1370.4, and 28 CFR 94.115.

(d) The Statewide Committee or a regional review team may request and obtain information and records from outside the State by any available legal means.

Section 85. Storage and destruction of confidential information.

(a) Following a domestic violence fatality review, participants who brought or provided confidential information may return to their possession the confidential information, shall not disclose or share the confidential information unless otherwise allowed by State or federal law or not otherwise privileged, and may destroy the confidential information unless otherwise prohibited by State or federal law. Confidential information subject to immediate destruction shall be destroyed as provided under the State Records Act or Local Records Act.

(b) Following a domestic violence fatality review, if one of the co-chairs of the regional review team is employed by a public or governmental agency, the co-chair of the regional review team will store at the place of employment or virtually on the confidential electronic database or other technology any remaining confidential information and will maintain the

confidentiality of the information. If neither of the co-chairs of the regional review team are employed by a public or governmental agency, the co-chairs will designate a member of the regional review team employed by a public or governmental agency to store at the place of the member's employment or virtually on the member's confidential electronic database or other technology any remaining confidential information and will maintain the confidentiality of the information. One year following the submission of the regional review team's biennial report pursuant to Section 65, the co-chair or a designee shall destroy the confidential information.

Section 90. Penalty for unlawful disclosure of confidential information. Anyone who discloses, receives, makes use of, or knowingly permits the use of any confidential information in violation of this Act commits a Class A misdemeanor.

Section 95. Immunity. If acting in good faith, without malice, and within the protocols established by the Statewide Committee and the regional review team, members of the Statewide Committee and regional review team, and anyone participating in a domestic violence fatality review shall have immunity from administrative, civil, or criminal liability for an act or omission related to the participation

in a domestic violence fatality review, notwithstanding Section 90.

Section 900. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

(Text of Section before amendment by P.A. 101-652)

Sec. 2. Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or

legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for

public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.

(8) Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be

recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or

professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals, or for the discussion of matters protected under the federal Patient Safety and Quality Improvement Act of 2005, and the regulations promulgated thereunder, including 42 C.F.R. Part 3 (73 FR 70732), or the federal Health Insurance Portability and Accountability Act of 1996, and the regulations promulgated thereunder, including 45 C.F.R. Parts 160, 162, and 164, by a hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under Brian's Law.

(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(27) (Blank).

(28) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk

areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

(30) Those meetings or portions of meetings of a fatality review team or the Illinois Fatality Review Team Advisory Council during which a review of the death of an eligible adult in which abuse or neglect is suspected, alleged, or substantiated is conducted pursuant to Section 15 of the Adult Protective Services Act.

(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.

(32) Meetings between the Regional Transportation Authority Board and its Service Boards when the discussion involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act.

(33) Those meetings or portions of meetings of the advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed.

(34) Meetings of the Tax Increment Financing Reform Task Force under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(35) Meetings of the group established to discuss Medicaid capitation rates under Section 5-30.8 of the Illinois Public Aid Code.

(36) Those deliberations or portions of deliberations for decisions of the Illinois Gaming Board in which there is discussed any of the following: (i) personal, commercial, financial, or other information obtained from any source that is privileged, proprietary, confidential, or a trade secret; or (ii) information specifically exempted from the disclosure by federal or State law.

(38) Meetings of the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board that occur in closed executive session under subsection (d) of Section 35 of the Domestic Violence Fatality Review Act.

(39) Meetings of the regional review teams under subsection (a) of Section 75 of the Domestic Violence Fatality Review Act.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign

power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17; 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff. 8-23-19; revised 9-27-19.)

(Text of Section after amendment by P.A. 101-652)

Sec. 2. Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained

in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act.

(2) Collective negotiating matters between the public body and its employees or their representatives, or

deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.

(8) Security procedures, school building safety and

security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in

the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals, or for the discussion of matters protected under the federal Patient Safety and Quality Improvement Act of 2005, and the regulations promulgated thereunder, including 42 C.F.R. Part 3 (73 FR 70732), or the federal Health Insurance Portability and Accountability Act of 1996, and the regulations promulgated thereunder, including 45 C.F.R. Parts 160, 162, and 164, by a hospital, or other institution providing medical care,

that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under

Brian's Law.

(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(27) (Blank).

(28) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

(30) Those meetings or portions of meetings of a fatality review team or the Illinois Fatality Review Team Advisory Council during which a review of the death of an eligible adult in which abuse or neglect is suspected, alleged, or substantiated is conducted pursuant to Section 15 of the Adult Protective Services Act.

(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.

(32) Meetings between the Regional Transportation

Authority Board and its Service Boards when the discussion involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act.

(33) Those meetings or portions of meetings of the advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed.

(34) Meetings of the Tax Increment Financing Reform Task Force under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(35) Meetings of the group established to discuss Medicaid capitation rates under Section 5-30.8 of the Illinois Public Aid Code.

(36) Those deliberations or portions of deliberations for decisions of the Illinois Gaming Board in which there is discussed any of the following: (i) personal, commercial, financial, or other information obtained from any source that is privileged, proprietary, confidential, or a trade secret; or (ii) information specifically exempted from the disclosure by federal or State law.

(37) Deliberations for decisions of the Illinois Law Enforcement Training Standards Board, the Certification Review Panel, and the Illinois State Police Merit Board

regarding certification and decertification.

(38) Meetings of the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board that occur in closed executive session under subsection (d) of Section 35 of the Domestic Violence Fatality Review Act.

(39) Meetings of the regional review teams under subsection (a) of Section 75 of the Domestic Violence Fatality Review Act.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local

electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17; 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff. 8-23-19; 101-652, eff. 1-1-22.)

Section 905. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

(Text of Section before amendment by P.A. 101-652)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical

records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

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

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

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

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy

plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

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

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

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

(o) Information that is prohibited from being

disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

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

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

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

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Office due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance

Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding

against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under

Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed

under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is exempt from disclosure under subsection (k) of Section 11 of the Equal Pay Act of 2003.

(ddd) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

(Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff. 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-656, eff. 3-23-21.)

(Text of Section after amendment by P.A. 101-652)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library

Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

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

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

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

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under

that Act.

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

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

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

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

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

prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

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

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

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

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Office due to its administration of the Illinois Health Information

Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling

statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle

Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law

enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under

the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is exempt from disclosure under subsection (k) of Section 11 of the Equal Pay Act of 2003.

(ccc) ~~(bbb)~~ Information that is prohibited from disclosure by the Illinois Police Training Act and the State Police Act.

(ddd) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

(Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff. 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff. 1-1-22; 101-656, eff. 3-23-21; revised 4-21-21.)

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a

Public Act 102-0520

SB0685 Enrolled

LRB102 12042 LNS 17378 b

Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 999. Effective date. This Act takes effect upon becoming law.