



Rep. C.D. Davidsmeyer

Filed: 4/2/2018

10000HB4230ham001

LRB100 16481 SLF 36562 a

1 AMENDMENT TO HOUSE BILL 4230

2 AMENDMENT NO. _____. Amend House Bill 4230 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Records Act is amended by changing
5 Section 4a as follows:

6 (5 ILCS 160/4a)

7 Sec. 4a. Arrest records and reports.

8 (a) When an individual is charged under a traffic or
9 conservation citation and complaint issued by the arresting
10 officer or arraigned after a formal complaint, information, or
11 indictment is filed by the prosecutor ~~arrested~~, the following
12 information must be made available to the news media for
13 inspection and copying:

14 (1) Information that identifies the individual,
15 including the name, age, address, and photograph, when and
16 if available.

1 (2) Information detailing any charges relating to the
2 arrest.

3 (3) The time and location of the arrest.

4 (4) The name of the investigating or arresting law
5 enforcement agency.

6 (5) If the individual is incarcerated, the amount of
7 any bail or bond.

8 (6) If the individual is incarcerated, the time and
9 date that the individual was received, discharged, or
10 transferred from the arresting agency's custody.

11 (b) The information required by this Section must be made
12 available to the news media for inspection and copying as soon
13 as practicable, ~~but in no event shall the time period exceed 72~~
14 ~~hours from the arrest.~~ The information described in paragraphs
15 (3), (4), (5), and (6) of subsection (a), however, may be
16 withheld if it is determined that disclosure would:

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

20 (2) endanger the life or physical safety of law
21 enforcement or correctional personnel or any other person;
22 or

23 (3) compromise the security of any correctional
24 facility.

25 (c) For the purposes of this Section, the term "news media"
26 means personnel of a newspaper or other periodical issued at

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

7 (d) Each law enforcement or correctional agency may charge
8 fees for arrest records, but in no instance may the fee exceed
9 the actual cost of copying and reproduction. The fees may not
10 include the cost of the labor used to reproduce the arrest
11 record.

12 (e) The provisions of this Section do not supersede the
13 confidentiality provisions for arrest records of the Juvenile
14 Court Act of 1987.

15 (f) All information, including photographs, made available
16 under this Section is subject to the provisions of Section 2000
17 of the Consumer Fraud and Deceptive Business Practices Act.

18 (Source: P.A. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16.)

19 Section 10. The Local Records Act is amended by changing
20 Section 3b as follows:

21 (50 ILCS 205/3b)

22 Sec. 3b. Arrest records and reports.

23 (a) When an individual is charged under a traffic citation
24 and complaint issued by the arresting officer or arraigned

1 after a formal complaint, information, or indictment is filed
2 by the prosecutor arrested, the following information must be
3 made available to the news media for inspection and copying:

4 (1) Information that identifies the individual,
5 including the name, age, address, and photograph, when and
6 if available.

7 (2) Information detailing any charges relating to the
8 arrest.

9 (3) The time and location of the arrest.

10 (4) The name of the investigating or arresting law
11 enforcement agency.

12 (5) If the individual is incarcerated, the amount of
13 any bail or bond.

14 (6) If the individual is incarcerated, the time and
15 date that the individual was received, discharged, or
16 transferred from the arresting agency's custody.

17 (b) The information required by this Section must be made
18 available to the news media for inspection and copying as soon
19 as practicable ~~, but in no event shall the time period exceed~~
20 ~~72 hours from the arrest.~~ The information described in
21 paragraphs (3), (4), (5), and (6) of subsection (a), however,
22 may be withheld if it is determined that disclosure would:

23 (1) interfere with pending or actually and reasonably
24 contemplated law enforcement proceedings conducted by any
25 law enforcement or correctional agency;

26 (2) endanger the life or physical safety of law

1 enforcement or correctional personnel or any other person;
2 or

3 (3) compromise the security of any correctional
4 facility.

5 (c) For the purposes of this Section the term "news media"
6 means personnel of a newspaper or other periodical issued at
7 regular intervals whether in print or electronic format, a news
8 service whether in print or electronic format, a radio station,
9 a television station, a television network, a community antenna
10 television service, or a person or corporation engaged in
11 making news reels or other motion picture news for public
12 showing.

13 (d) Each law enforcement or correctional agency may charge
14 fees for arrest records, but in no instance may the fee exceed
15 the actual cost of copying and reproduction. The fees may not
16 include the cost of the labor used to reproduce the arrest
17 record.

18 (e) The provisions of this Section do not supersede the
19 confidentiality provisions for arrest records of the Juvenile
20 Court Act of 1987.

21 (f) All information, including photographs, made available
22 under this Section is subject to the provisions of Section 2000
23 of the Consumer Fraud and Deceptive Business Practices Act.

24 (Source: P.A. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16.)".