



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4932

by Rep. David A. Welter

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2.15

Amends the Freedom of Information Act. Provides that a request for an arrest report or criminal history record must be made to the public body that created the public record being sought. Provides that a public body that merely maintains a copy of the public record being sought shall not release the public record. Provides that if a public body receives a request for a public record that it did not create, the public body shall direct the requester to the public body that created the public record.

LRB100 19838 HEP 35114 b

1 AN ACT concerning government.

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

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

6 (5 ILCS 140/2.15)

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

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

23 (b) Criminal history records. The following documents

1 maintained by a public body pertaining to criminal history
2 record information are public records subject to inspection and
3 copying by the public pursuant to this Act: (i) court records
4 that are public; (ii) records that are otherwise available
5 under State or local law; and (iii) records in which the
6 requesting party is the individual identified, except as
7 provided under Section 7(1)(d)(vi).

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

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

19 (e) A request for a public record under this Section must
20 be made to the public body that created the public record being
21 sought. A public body that merely maintains a copy of the
22 public record being sought shall not release the public record.
23 If a public body receives a request for a public record that it
24 did not create, the public body shall direct the requester to
25 the public body that created the public record.

26 (Source: P.A. 99-298, eff. 8-6-15.)