



Rep. Peter Breen

Filed: 4/25/2017

10000HB3515ham001

LRB100 10168 JLS 25541 a

1 AMENDMENT TO HOUSE BILL 3515

2 AMENDMENT NO. _____. Amend House Bill 3515 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

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

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

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

16 (c) Applications, related documents, and medical

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

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

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

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

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

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

26 (i) Information contained in a local emergency energy

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

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by wireless
6 carriers under the Wireless Emergency Telephone Safety
7 Act.

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

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

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

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

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

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

11 (q) Information prohibited from being disclosed by the
12 Personnel Records Review Act.

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

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

17 (t) All identified or deidentified health information
18 in the form of health data or medical records contained in,
19 stored in, submitted to, transferred by, or released from
20 the Illinois Health Information Exchange, and identified
21 or deidentified health information in the form of health
22 data and medical records of the Illinois Health Information
23 Exchange in the possession of the Illinois Health
24 Information Exchange Authority due to its administration
25 of the Illinois Health Information Exchange. The terms
26 "identified" and "deidentified" shall be given the same

1 meaning as in the Health Insurance Portability and
2 Accountability Act of 1996, Public Law 104-191, or any
3 subsequent amendments thereto, and any regulations
4 promulgated thereunder.

5 (u) (Blank). ~~Records and information provided to an~~
6 ~~independent team of experts under Brian's Law.~~

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

17 (w) Personally identifiable information which is
18 exempted from disclosure under subsection (g) of Section
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure
21 under Section 5-1014.3 of the Counties Code or Section
22 8-11-21 of the Illinois Municipal Code.

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

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

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

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

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

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

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

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

21 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
22 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
23 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
24 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
25 8-19-16; revised 9-1-16.)

1 Section 10. The Abuse Prevention Review Team Act is amended
2 by changing Section 30 as follows:

3 (210 ILCS 28/30)

4 Sec. 30. Public access to information.

5 (a) Meetings of the review teams and the Executive Council
6 shall be closed to the public. Meetings of the review teams and
7 the Executive Council are not subject to the Open Meetings Act,
8 as provided in that Act.

9 (b) Records and information provided to a review team and
10 the Executive Council, and records maintained by a review team
11 or the Executive Council, are confidential ~~and not subject to~~
12 ~~the Freedom of Information Act, as provided in that Act.~~
13 Nothing contained in this subsection (b) prevents the sharing
14 or disclosure of records, other than those produced by a review
15 team or the Executive Council, relating or pertaining to the
16 sexual assault or death of a resident.

17 (c) Members of a review team and the Executive Council are
18 not subject to examination, in any civil or criminal
19 proceeding, concerning information presented to members of the
20 review team or the Executive Council or opinions formed by
21 members of the review team or the Executive Council based on
22 that information. A person may, however, be examined concerning
23 information provided to a review team or the Executive Council
24 that is otherwise available to the public.

25 (d) Records and information produced by a review team and

1 the Executive Council are not subject to discovery or subpoena
2 and are not admissible as evidence in any civil or criminal
3 proceeding. Those records and information are, however,
4 subject to discovery or a subpoena, and are admissible as
5 evidence, to the extent they are otherwise available to the
6 public.

7 (Source: P.A. 93-577, eff. 8-21-03.)

8 Section 15. The Community-Integrated Living Arrangements
9 Licensure and Certification Act is amended by changing Section
10 14 as follows:

11 (210 ILCS 135/14)

12 Sec. 14. Transparency for individuals and guardians. By
13 October 1, 2011, the Department shall make available to
14 individuals and guardians upon enrollment a document listing
15 telephone numbers and other contact information to report
16 suspected cases of abuse, neglect, or exploitation. The
17 information provided shall include a delineation of the
18 individuals' rights. By July 1, 2012, the Department shall make
19 available through its website information on each agency
20 regarding licensure and quality assurance survey results;
21 licensure and contract status; and substantiated findings of
22 abuse, egregious neglect, and exploitation. The Department
23 shall adopt rules regarding the posting of this information and
24 shall inform individuals and guardians of its availability

1 during the initial provider selection process.

2 Notwithstanding any other provision of law, all
3 investigative reports made by the Office of Inspector General
4 regarding community-integrated living arrangements and
5 individuals living in community-integrated living arrangements
6 shall be available to the public for inspection and copying
7 under the Freedom of Information Act and any addresses of
8 community-integrated living arrangements in those reports
9 shall be disclosed and may not be redacted.

10 (Source: P.A. 97-441, eff. 8-19-11.)".