



Sen. Steve Stadelman

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LRB100 16756 HEP 37801 a

1 AMENDMENT TO SENATE BILL 2560

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2560 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 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 indictment, information, or complaint ~~arrest~~,  
13 notwithstanding the time limits otherwise provided for in  
14 Section 3 of this Act: (i) information that identifies the  
15 individual, including the name, age, address, and photograph,  
16 when and if available; (ii) information detailing any charges

1 relating to the arrest; (iii) the time and location of the  
2 arrest; (iv) the name of the investigating or arresting law  
3 enforcement agency; (v) if the individual is incarcerated, the  
4 amount of any bail or bond; and (vi) if the individual is  
5 incarcerated, the time and date that the individual was  
6 received into, discharged from, or transferred from the  
7 arresting agency's custody.

8 (b) Criminal history records. The following documents  
9 maintained by a public body pertaining to criminal history  
10 record information are public records subject to inspection and  
11 copying by the public pursuant to this Act: (i) court records  
12 that are public; (ii) records that are otherwise available  
13 under State or local law; and (iii) records in which the  
14 requesting party is the individual identified, except as  
15 provided under Section 7(1)(d)(vi).

16 (c) Information described in items (iii) through (vi) of  
17 subsection (a) may be withheld if it is determined that  
18 disclosure would: (i) interfere with pending or actually and  
19 reasonably contemplated law enforcement proceedings conducted  
20 by any law enforcement agency; (ii) endanger the life or  
21 physical safety of law enforcement or correctional personnel or  
22 any other person; or (iii) compromise the security of any  
23 correctional facility.

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

1       (e) Booking photographs, commonly known as "mugshots",  
2 shall not be made available on a law enforcement agency's  
3 website or social media page unless the chief law enforcement  
4 officer of the agency deems that there is an imminent threat to  
5 public or personal safety and the publishing of the photograph  
6 would assist in addressing the imminent threat to public  
7 safety.

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

9       Section 10. The State Records Act is amended by changing  
10 Section 4a as follows:

11       (5 ILCS 160/4a)

12       Sec. 4a. Arrest records and reports.

13       (a) When an individual is charged ~~arrested~~, the following  
14 information must be made available to the news media for  
15 inspection and copying:

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

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

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

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

24           (5) If the individual is incarcerated, the amount of

1 any bail or bond.

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

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

11 (1) interfere with pending or actually and reasonably  
12 contemplated law enforcement proceedings conducted by any  
13 law enforcement or correctional agency;

14 (2) endanger the life or physical safety of law  
15 enforcement or correctional personnel or any other person;  
16 or

17 (3) compromise the security of any correctional  
18 facility.

19 (c) For the purposes of this Section, the term "news media"  
20 means personnel of a newspaper or other periodical issued at  
21 regular intervals whether in print or electronic format, a news  
22 service whether in print or electronic format, a radio station,  
23 a television station, a television network, a community antenna  
24 television service, or a person or corporation engaged in  
25 making news reels or other motion picture news for public  
26 showing.

1 (d) Each law enforcement or correctional agency may charge  
2 fees for arrest records, but in no instance may the fee exceed  
3 the actual cost of copying and reproduction. The fees may not  
4 include the cost of the labor used to reproduce the arrest  
5 record.

6 (e) The provisions of this Section do not supersede the  
7 confidentiality provisions for arrest records of the Juvenile  
8 Court Act of 1987.

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

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

13 Section 15. The Consumer Fraud and Deceptive Business  
14 Practices Act is amended by changing Section 2000 as follows:

15 (815 ILCS 505/2000)

16 Sec. 2000. Criminal record information.

17 (a) It is an unlawful practice for any person engaged in  
18 publishing or otherwise disseminating criminal record  
19 information through a print or electronic medium to solicit or  
20 accept the payment of a fee or other consideration to remove,  
21 correct, or modify said criminal record information.

22 (b) For the purposes of this Section, "criminal record  
23 information" includes any and all of the following:

24 (1) descriptions or notations of any arrests, any

1 formal criminal charges, and the disposition of those  
2 criminal charges, including, but not limited to, any  
3 information made available under Section 4a of the State  
4 Records Act or Section 3b of the Local Records Act;

5 (2) photographs of the person taken pursuant to an  
6 arrest or other involvement in the criminal justice system;  
7 or

8 (3) personal identifying information, including a  
9 person's name, address, date of birth, photograph, and  
10 social security number or other government-issued  
11 identification number.

12 (c) Any person who publishes for profit an individual's  
13 criminal record information in print or via an electronic  
14 medium shall correct any errors in the individual's criminal  
15 history within 5 business days of notification of any error.  
16 Failure to correct any error in the individual's criminal  
17 record constitutes an unlawful practice.

18 (d) Any person whose criminal record is published for  
19 profit in print or via an electronic medium may demand the  
20 publishing entity to remove or correct the information if the  
21 subject of the information, or the representative of the  
22 subject, sends a letter via certified mail to the publishing  
23 entity demanding that the information be corrected and provides  
24 documentation of the correct information.

25 (e) Failure by a publishing entity to correct the  
26 individual's published criminal record information within 5

1 business days of receipt of the notice, demand for correction,  
2 and documentation of the correct information constitutes an  
3 unlawful practice. The petitioner is entitled to damages in the  
4 amount of \$100 per day that the publisher fails to correct the  
5 criminal record information, plus attorney's fees.

6 (Source: P.A. 98-555, eff. 1-1-14.)".