



Sen. Steve Stadelman

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10000SB2560sam002

LRB100 16756 JLS 38303 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 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

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

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

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

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

26 (e) Booking photographs, commonly known as "mugshots", may

1 not to be made available or published on a law enforcement
2 agency's social media website in connection with civil
3 offenses, petty offenses, business offenses, Class B
4 misdemeanors, and Class A misdemeanors unless the booking
5 photograph is posted to social media to assist in the search of
6 a missing person or to assist in the search for a fugitive,
7 person of interest, or individual wanted in relation to a crime
8 other than a petty offense, business offense, Class B
9 misdemeanor, or Class A misdemeanor.

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

11 Section 10. The Consumer Fraud and Deceptive Business
12 Practices Act is amended by changing Section 2QQQ as follows:

13 (815 ILCS 505/2QQQ)

14 Sec. 2QQQ. Criminal record information.

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

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

22 (1) descriptions or notations of any arrests, any
23 formal criminal charges, and the disposition of those
24 criminal charges, including, but not limited to, any

1 information made available under Section 4a of the State
2 Records Act or Section 3b of the Local Records Act;

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

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

10 (c) A person or entity that publishes for profit a person's
11 criminal record information in an electronic medium must
12 correct any errors in the individual's criminal history
13 information within 5 business days after notification of an
14 error. Failure to correct an error in the individual's criminal
15 record information constitutes an unlawful practice within the
16 meaning of this Act.

17 (d) A person whose criminal record information is published
18 for profit in electronic medium may demand the publisher to
19 correct the information if the subject of the information, or
20 his or her representative, sends a letter, via certified mail,
21 to the publishing entity demanding the information be corrected
22 and providing documentation of the correct information.

23 (e) Failure by a for-profit publishing entity to correct
24 the person's published criminal record information within 5
25 business days after receipt of the notice, demand for
26 correction, and the provision of correct information,

1 constitutes an unlawful and deceptive practice within the
2 meaning of this Act. In addition to any other remedy available
3 under this Act, a person who has been injured by a violation of
4 this Section is entitled to the damages of \$100 per day, plus
5 attorney's fees, for the publisher's failure to correct the
6 criminal record information.

7 (f) This Section does not apply to a play, book, magazine,
8 newspaper, musical, composition, visual work, work of art,
9 audiovisual work, radio, motion picture, or television
10 program, or a dramatic, literary, or musical work.

11 (g) This Section does not apply to a news medium or
12 reporter as defined in Section 8-902 of the Code of Civil
13 Procedure.

14 (h) This Section does not apply to the Illinois State
15 Police.

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