

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Banking Act is amended by changing
5 Sections 18, 48.1, and 48.3 as follows:

6 (205 ILCS 5/18) (from Ch. 17, par. 325)

7 Sec. 18. Change in control.

8 (a) Before any person, whether acting directly or
9 indirectly or through or in concert with one or more persons,
10 may cause (i) a change to ~~may~~ occur in the ownership of
11 outstanding stock of any State bank, whether by sale and
12 purchase, gift, bequest or inheritance, or any other means,
13 including the acquisition of stock of the State bank by any
14 bank holding company, which will result in control or a change
15 in the control of the bank or (ii) ~~before~~ a change to occur in
16 the control of a holding company having control of the
17 outstanding stock of a State bank whether by sale and purchase,
18 gift, bequest or inheritance, or any other means, including the
19 acquisition of stock of such holding company by any other bank
20 holding company, which will result in control or a change in
21 control of the bank or holding company, or (iii) ~~before~~ a
22 transfer of substantially all the assets or liabilities of the
23 State bank, the Secretary ~~Commissioner~~ shall be of the opinion

1 and find:

2 (1) that the general character of proposed management
3 or of the person desiring to purchase substantially all the
4 assets or to assume substantially all the liabilities of
5 the State bank, after the change in control, is such as to
6 assure reasonable promise of successful, safe and sound
7 operation;

8 (1.1) that depositors' interests will not be
9 jeopardized by the purchase or assumption and that adequate
10 provision has been made for all liabilities as required for
11 a voluntary liquidation under Section 68 of this Act;

12 (2) that the future earnings prospects of the person
13 desiring to purchase substantially all assets or to assume
14 substantially all the liabilities of the State bank, after
15 the proposed change in control, are favorable;

16 (2.5) that the future prospects of the institution will
17 not jeopardize the financial stability of the bank or
18 prejudice the interests of the depositors of the bank;

19 (3) that any prior involvement by the persons proposing
20 to obtain control, to purchase substantially all the
21 assets, or to assume substantially all the liabilities of
22 the State bank or by the proposed management personnel with
23 any other financial institution, whether as stockholder,
24 director, officer or customer, was conducted in a safe and
25 sound manner; and

26 (4) that if the acquisition is being made by a bank

1 holding company, the acquisition is authorized under the
2 Illinois Bank Holding Company Act of 1957.

3 (b) Any person ~~Persons~~ desiring to purchase control of an
4 existing State ~~state~~ bank, to purchase substantially all the
5 assets, or to assume substantially all the liabilities of the
6 State bank shall, prior to that purchase, submit to the
7 Secretary ~~Commissioner~~:

8 (1) a statement of financial worth;

9 (2) satisfactory evidence that any prior involvement
10 by the persons and the proposed management personnel with
11 any other financial institution, whether as stockholder,
12 director, officer or customer, was conducted in a safe and
13 sound manner; and

14 (3) such other relevant information as the Secretary
15 ~~Commissioner~~ may request to substantiate the findings
16 under subsection (a) of this Section.

17 A person who has submitted information to the Secretary
18 ~~Commissioner~~ pursuant to this subsection (b) is under a
19 continuing obligation until the Secretary ~~Commissioner~~ takes
20 action on the application to immediately supplement that
21 information if there are any material changes in the
22 information previously furnished or if there are any material
23 changes in any circumstances that may affect the Secretary's
24 ~~Commissioner's~~ opinion and findings. In addition, a person
25 submitting information under this subsection shall notify the
26 Secretary ~~Commissioner~~ of the date when the change in control

1 is finally effected.

2 The Secretary ~~Commissioner~~ may impose such terms and
3 conditions on the approval of the change in control application
4 as he deems necessary or appropriate.

5 If an applicant, whose application for a change in control
6 has been approved pursuant to subsection (a) of this Section,
7 fails to effect the change in control within 180 days after the
8 date of the Secretary's ~~Commissioner's~~ approval, the Secretary
9 ~~Commissioner~~ shall revoke that approval unless a request has
10 been submitted, in writing, to the Secretary ~~Commissioner~~ for
11 an extension and the request has been approved.

12 (b-1) Any person, whether acting directly or indirectly or
13 through or in concert with one or more persons, who obtains
14 ownership of stock of an existing State bank or stock of a
15 holding company that controls the State bank by gift, bequest,
16 or inheritance such that ownership of the stock would
17 constitute control of the State bank or holding company may
18 obtain title and ownership of the stock, but may not exercise
19 management or control of the business and affairs of the bank
20 or vote his or her shares so as to exercise management or
21 control unless and until the Secretary ~~Commissioner~~ approves an
22 application for the change of control as provided in subsection
23 (b) of this Section.

24 (b-3) The provisions of this Section do not apply to an
25 established holding company acquiring control of a State bank
26 if the transaction is subject to approval under Section 3 of

1 the federal Bank Holding Company Act, the Federal Deposit
2 Insurance Act, or the federal Home Owners' Loan Act.

3 (c) Whenever a State ~~state~~ bank makes a loan or loans,
4 secured, or to be secured, by 25% or more of the outstanding
5 stock of a State ~~state~~ bank, the president or other chief
6 executive officer of the lending bank shall promptly report
7 such fact to the Secretary ~~Commissioner~~ upon obtaining
8 knowledge of such loan or loans, except that no report need be
9 made in those cases where the borrower has been the owner of
10 record of the stock for a period of one year or more, or the
11 stock is that of a newly organized bank prior to its opening.

12 (d) The reports required by subsections (b) ~~and (c)~~ of this
13 Section 18, other than those relating to a transfer of assets
14 or assumption of liabilities, shall contain the following
15 information to the extent that it is known by the person making
16 the report: (1) the number of shares involved; (2) the names of
17 the sellers (or transferors); (3) the names of the purchasers
18 (or transferees); (4) the names of the beneficial owners if the
19 shares are registered in another name: (5) the purchase price,
20 if applicable; (6) the total number of shares owned by the
21 sellers (or transferors), the purchasers (or transferees) and
22 the beneficial owners both immediately before and after the
23 transaction; and, (7) in the case of a loan, the name of the
24 borrower, the amount of the loan, the name of the bank issuing
25 the stock securing the loan and the number of shares securing
26 the loan. In addition to the foregoing, such reports shall

1 contain such other information which is requested by the
2 Secretary ~~Commissioner~~ to inform the Secretary ~~Commissioner~~ of
3 the effect of the transaction upon control of the bank whose
4 stock is involved.

5 (d-1) The reports required by subsection (b) of this
6 Section 18 that relate to purchase of assets and assumption of
7 liabilities shall contain the following information to the
8 extent that it is known by the person making the report: (1)
9 the value, amount, and description of the assets transferred;
10 (2) the amount, type, and to whom each type of liabilities are
11 owed; (3) the names of the purchasers (or transferees); (4) the
12 names of the beneficial owners if the shares of a purchaser or
13 transferee are registered in another name; (5) the purchase
14 price, if applicable; and, (6) in the case of a loan obtained
15 to effect a purchase, the name of the borrower, the amount and
16 terms of the loan, and the description of the assets securing
17 the loan. In addition to the foregoing, these reports shall
18 contain any other information that is requested by the
19 Secretary ~~Commissioner~~ to inform the Secretary ~~Commissioner~~ of
20 the effect of the transaction upon the bank from which assets
21 are purchased or liabilities are transferred.

22 (e) Whenever such a change as described in subsection (a)
23 of this Section 18 occurs, each State ~~state~~ bank shall report
24 promptly to the Secretary ~~Commissioner~~ any changes or
25 replacement of its chief executive officer or of any director
26 occurring in the next 12 month period, including in its report

1 a statement of the past and current business and professional
2 affiliations of the new chief executive officer or directors.

3 (f) (Blank).

4 (g) (1) Except as otherwise expressly provided in this
5 subsection (g), the Secretary ~~Commissioners~~ shall not approve
6 an application for a change in control if upon consummation of
7 the change in control the persons applying for the change in
8 control, including any affiliates of the persons applying,
9 would control 30% or more of the total amount of deposits which
10 are located in this State at insured depository institutions.
11 For purposes of this subsection (g), the words "insured
12 depository institution" shall mean State banks, national
13 banks, and insured savings associations. For purposes of this
14 subsection (g), the word "deposits" shall have the meaning
15 ascribed to that word in Section 3(1) of the Federal Deposit
16 Insurance Act. For purposes of this subsection (g), the total
17 amount of deposits which are considered to be located in this
18 State at insured depository institutions shall equal the sum of
19 all deposits held at the main banking premises and branches in
20 the State of Illinois of State banks, national banks, or
21 insured savings associations. For purposes of this subsection
22 (g), the word "affiliates" shall have the meaning ascribed to
23 that word in Section 35.2 of this Act.

24 (2) Notwithstanding the provisions of paragraph (1) of this
25 subsection ~~subsection (g)(1) of this Section~~, the Secretary
26 ~~Commissioner~~ may approve an application for a change in control

1 for a bank that is in default or in danger of default. Except
2 in those instances in which an application for a change in
3 control is for a bank that is in default or in danger of
4 default, the Secretary Commissioner may not approve a change in
5 control which does not meet the requirements of paragraph (1)
6 of this subsection ~~subsection (g)(1) of this Section~~. The
7 Secretary Commissioner may not waive the provisions of
8 paragraph (1) of this subsection ~~subsection (g)(1) of this~~
9 ~~Section~~, whether pursuant to Section 3(d) of the federal Bank
10 Holding Company Act of 1956 or Section 44(d) of the Federal
11 Deposit Insurance Act, except as expressly provided in this
12 paragraph ~~subsection (g)(2) of this subsection~~.

13 (h) As used in this Section:

14 "Control", ~~the term "control"~~ means the power,
15 directly or indirectly, to direct the management or
16 policies of the bank or to vote 25% or more of the
17 outstanding stock of the bank. If there is any question as
18 to whether a change in control application should be filed,
19 the question shall be resolved in favor of filing the
20 application with the Secretary Commissioner.

21 "Substantially ~~As used in this Section, "substantially~~
22 all" the assets or liabilities of a State bank means that
23 portion of the assets or liabilities of a State bank such
24 that their purchase or transfer will materially impair the
25 ability of the State bank to continue successful, safe, and
26 sound operations or to continue as a going concern or would

1 cause the bank to lose its federal deposit insurance.

2 "Purchase" ~~As used in this Section, "purchase"~~
3 includes a transfer by gift, bequest, inheritance, or any
4 other means.

5 As used in this Section, a person is acting in concert if
6 that person is acting in concert under federal laws or
7 regulations.

8 (Source: P.A. 92-483, eff. 8-23-01; 92-811, eff. 8-21-02.)

9 (205 ILCS 5/48.1) (from Ch. 17, par. 360)

10 Sec. 48.1. Customer financial records; confidentiality.

11 (a) For the purpose of this Section, the term "financial
12 records" means any original, any copy, or any summary of:

13 (1) a document granting signature authority over a
14 deposit or account;

15 (2) a statement, ledger card or other record on any
16 deposit or account, which shows each transaction in or with
17 respect to that account;

18 (3) a check, draft or money order drawn on a bank or
19 issued and payable by a bank; or

20 (4) any other item containing information pertaining
21 to any relationship established in the ordinary course of a
22 bank's business between a bank and its customer, including
23 financial statements or other financial information
24 provided by the customer.

25 (b) This Section does not prohibit:

1 (1) The preparation, examination, handling or
2 maintenance of any financial records by any officer,
3 employee or agent of a bank having custody of the records,
4 or the examination of the records by a certified public
5 accountant engaged by the bank to perform an independent
6 audit.

7 (2) The examination of any financial records by, or the
8 furnishing of financial records by a bank to, any officer,
9 employee or agent of (i) the Commissioner of Banks and Real
10 Estate, (ii) after May 31, 1997, a state regulatory
11 authority authorized to examine a branch of a State bank
12 located in another state, (iii) the Comptroller of the
13 Currency, (iv) the Federal Reserve Board, or (v) the
14 Federal Deposit Insurance Corporation for use solely in the
15 exercise of his duties as an officer, employee, or agent.

16 (3) The publication of data furnished from financial
17 records relating to customers where the data cannot be
18 identified to any particular customer or account.

19 (4) The making of reports or returns required under
20 Chapter 61 of the Internal Revenue Code of 1986.

21 (5) Furnishing information concerning the dishonor of
22 any negotiable instrument permitted to be disclosed under
23 the Uniform Commercial Code.

24 (6) The exchange in the regular course of business of
25 (i) credit information between a bank and other banks or
26 financial institutions or commercial enterprises, directly

1 or through a consumer reporting agency or (ii) financial
2 records or information derived from financial records
3 between a bank and other banks or financial institutions or
4 commercial enterprises for the purpose of conducting due
5 diligence pursuant to a purchase or sale involving the bank
6 or assets or liabilities of the bank.

7 (7) The furnishing of information to the appropriate
8 law enforcement authorities where the bank reasonably
9 believes it has been the victim of a crime.

10 (8) The furnishing of information under the Revised
11 Uniform Unclaimed Property Act.

12 (9) The furnishing of information under the Illinois
13 Income Tax Act and the Illinois Estate and
14 Generation-Skipping Transfer Tax Act.

15 (10) The furnishing of information under the federal
16 Currency and Foreign Transactions Reporting Act Title 31,
17 United States Code, Section 1051 et seq.

18 (11) The furnishing of information under any other
19 statute that by its terms or by regulations promulgated
20 thereunder requires the disclosure of financial records
21 other than by subpoena, summons, warrant, or court order.

22 (12) The furnishing of information about the existence
23 of an account of a person to a judgment creditor of that
24 person who has made a written request for that information.

25 (13) The exchange in the regular course of business of
26 information between commonly owned banks in connection

1 with a transaction authorized under paragraph (23) of
2 Section 5 and conducted at an affiliate facility.

3 (14) The furnishing of information in accordance with
4 the federal Personal Responsibility and Work Opportunity
5 Reconciliation Act of 1996. Any bank governed by this Act
6 shall enter into an agreement for data exchanges with a
7 State agency provided the State agency pays to the bank a
8 reasonable fee not to exceed its actual cost incurred. A
9 bank providing information in accordance with this item
10 shall not be liable to any account holder or other person
11 for any disclosure of information to a State agency, for
12 encumbering or surrendering any assets held by the bank in
13 response to a lien or order to withhold and deliver issued
14 by a State agency, or for any other action taken pursuant
15 to this item, including individual or mechanical errors,
16 provided the action does not constitute gross negligence or
17 willful misconduct. A bank shall have no obligation to
18 hold, encumber, or surrender assets until it has been
19 served with a subpoena, summons, warrant, court or
20 administrative order, lien, or levy.

21 (15) The exchange in the regular course of business of
22 information between a bank and any commonly owned affiliate
23 of the bank, subject to the provisions of the Financial
24 Institutions Insurance Sales Law.

25 (16) The furnishing of information to law enforcement
26 authorities, the Illinois Department on Aging and its

1 regional administrative and provider agencies, the
2 Department of Human Services Office of Inspector General,
3 or public guardians: (i) upon subpoena by the investigatory
4 entity or the guardian, or (ii) if there is suspicion by
5 the bank that a customer who is an elderly person or person
6 with a disability has been or may become the victim of
7 financial exploitation. For the purposes of this item (16),
8 the term: (i) "elderly person" means a person who is 60 or
9 more years of age, (ii) "disabled person" means a person
10 who has or reasonably appears to the bank to have a
11 physical or mental disability that impairs his or her
12 ability to seek or obtain protection from or prevent
13 financial exploitation, and (iii) "financial exploitation"
14 means tortious or illegal use of the assets or resources of
15 an elderly or disabled person, and includes, without
16 limitation, misappropriation of the elderly or disabled
17 person's assets or resources by undue influence, breach of
18 fiduciary relationship, intimidation, fraud, deception,
19 extortion, or the use of assets or resources in any manner
20 contrary to law. A bank or person furnishing information
21 pursuant to this item (16) shall be entitled to the same
22 rights and protections as a person furnishing information
23 under the Adult Protective Services Act and the Illinois
24 Domestic Violence Act of 1986.

25 (17) The disclosure of financial records or
26 information as necessary to effect, administer, or enforce

1 a transaction requested or authorized by the customer, or
2 in connection with:

3 (A) servicing or processing a financial product or
4 service requested or authorized by the customer;

5 (B) maintaining or servicing a customer's account
6 with the bank; or

7 (C) a proposed or actual securitization or
8 secondary market sale (including sales of servicing
9 rights) related to a transaction of a customer.

10 Nothing in this item (17), however, authorizes the sale
11 of the financial records or information of a customer
12 without the consent of the customer.

13 (18) The disclosure of financial records or
14 information as necessary to protect against actual or
15 potential fraud, unauthorized transactions, claims, or
16 other liability.

17 (19) (a) The disclosure of financial records or
18 information related to a private label credit program
19 between a financial institution and a private label party
20 in connection with that private label credit program. Such
21 information is limited to outstanding balance, available
22 credit, payment and performance and account history,
23 product references, purchase information, and information
24 related to the identity of the customer.

25 (b) (1) For purposes of this paragraph (19) of
26 subsection (b) of Section 48.1, a "private label credit

1 program" means a credit program involving a financial
2 institution and a private label party that is used by a
3 customer of the financial institution and the private label
4 party primarily for payment for goods or services sold,
5 manufactured, or distributed by a private label party.

6 (2) For purposes of this paragraph (19) of subsection
7 (b) of Section 48.1, a "private label party" means, with
8 respect to a private label credit program, any of the
9 following: a retailer, a merchant, a manufacturer, a trade
10 group, or any such person's affiliate, subsidiary, member,
11 agent, or service provider.

12 (c) Except as otherwise provided by this Act, a bank may
13 not disclose to any person, except to the customer or his duly
14 authorized agent, any financial records or financial
15 information obtained from financial records relating to that
16 customer of that bank unless:

17 (1) the customer has authorized disclosure to the
18 person;

19 (2) the financial records are disclosed in response to
20 a lawful subpoena, summons, warrant, citation to discover
21 assets, or court order which meets the requirements of
22 subsection (d) of this Section; or

23 (3) the bank is attempting to collect an obligation
24 owed to the bank and the bank complies with the provisions
25 of Section 2I of the Consumer Fraud and Deceptive Business
26 Practices Act.

1 (d) A bank shall disclose financial records under paragraph
2 (2) of subsection (c) of this Section under a lawful subpoena,
3 summons, warrant, citation to discover assets, or court order
4 only after the bank mails a copy of the subpoena, summons,
5 warrant, citation to discover assets, or court order to the
6 person establishing the relationship with the bank, if living,
7 and, otherwise his personal representative, if known, at his
8 last known address by first class mail, postage prepaid, unless
9 the bank is specifically prohibited from notifying the person
10 by order of court or by applicable State or federal law. A bank
11 shall not mail a copy of a subpoena to any person pursuant to
12 this subsection if the subpoena was issued by a grand jury
13 under the Statewide Grand Jury Act.

14 (e) Any officer or employee of a bank who knowingly and
15 willfully furnishes financial records in violation of this
16 Section is guilty of a business offense and, upon conviction,
17 shall be fined not more than \$1,000.

18 (f) Any person who knowingly and willfully induces or
19 attempts to induce any officer or employee of a bank to
20 disclose financial records in violation of this Section is
21 guilty of a business offense and, upon conviction, shall be
22 fined not more than \$1,000.

23 (g) A bank shall be reimbursed for costs that are
24 reasonably necessary and that have been directly incurred in
25 searching for, reproducing, or transporting books, papers,
26 records, or other data ~~of a customer~~ required or requested to

1 be produced pursuant to a lawful subpoena, summons, warrant,
2 citation to discover assets, or court order. The Commissioner
3 shall determine the rates and conditions under which payment
4 may be made.

5 (Source: P.A. 99-143, eff. 7-27-15; 100-22, eff. 1-1-18.)

6 (205 ILCS 5/48.3) (from Ch. 17, par. 360.2)

7 Sec. 48.3. Disclosure of reports of examinations and
8 confidential supervisory information; limitations.

9 (a) Any report of examination, visitation, or
10 investigation prepared by the Secretary under this Act, the
11 Electronic Fund Transfer Act, the Corporate Fiduciary Act, the
12 Illinois Bank Holding Company Act of 1957, and the Foreign
13 Banking Office Act, any report of examination, visitation, or
14 investigation prepared by the state regulatory authority of
15 another state that examines a branch of an Illinois State bank
16 in that state, any document or record prepared or obtained in
17 connection with or relating to any examination, visitation, or
18 investigation, and any record prepared or obtained by the
19 Secretary to the extent that the record summarizes or contains
20 information derived from any report, document, or record
21 described in this subsection shall be deemed "confidential
22 supervisory information". Confidential supervisory information
23 shall not include any information or record routinely prepared
24 by a bank or other financial institution and maintained in the
25 ordinary course of business or any information or record that

1 is required to be made publicly available pursuant to State or
2 federal law or rule. Confidential supervisory information
3 shall be the property of the Secretary and shall only be
4 disclosed under the circumstances and for the purposes set
5 forth in this Section.

6 The Secretary may disclose confidential supervisory
7 information only under the following circumstances:

8 (1) The Secretary may furnish confidential supervisory
9 information to the Board of Governors of the Federal
10 Reserve System, the federal reserve bank of the federal
11 reserve district in which the State bank is located or in
12 which the parent or other affiliate of the State bank is
13 located, any official or examiner thereof duly accredited
14 for the purpose, or any other state regulator, federal
15 regulator, or in the case of a foreign bank possessing a
16 certificate of authority pursuant to the Foreign Banking
17 Office Act or a license pursuant to the Foreign Bank
18 Representative Office Act, the bank regulator in the
19 country where the foreign bank is chartered, that the
20 Secretary determines to have an appropriate regulatory
21 interest. Nothing contained in this Act shall be construed
22 to limit the obligation of any member State bank to comply
23 with the requirements relative to examinations and reports
24 of the Federal Reserve Act and of the Board of Governors of
25 the Federal Reserve System or the federal reserve bank of
26 the federal reserve district in which the bank is located,

1 nor to limit in any way the powers of the Secretary with
2 reference to examinations and reports.

3 (2) The Secretary may furnish confidential supervisory
4 information to the United States, any agency thereof that
5 has insured a bank's deposits in whole or in part, or any
6 official or examiner thereof duly accredited for the
7 purpose. Nothing contained in this Act shall be construed
8 to limit the obligation relative to examinations and
9 reports of any State bank, deposits in which are to any
10 extent insured by the United States, any agency thereof,
11 nor to limit in any way the powers of the Secretary with
12 reference to examination and reports of such bank.

13 (2.5) The Secretary may furnish confidential
14 supervisory information to a Federal Home Loan Bank in
15 connection with any bank that is a member of the Federal
16 Home Loan Bank or in connection with any application by the
17 bank before the Federal Home Loan Bank. The confidential
18 supervisory information shall remain the property of the
19 Secretary and may not be further disclosed without the
20 Secretary's permission.

21 (3) The Secretary may furnish confidential supervisory
22 information to the appropriate law enforcement authorities
23 when the Secretary reasonably believes a bank, which the
24 Secretary has caused to be examined, has been a victim of a
25 crime.

26 (4) The Secretary may furnish confidential supervisory

1 information relating to a bank or other financial
2 institution, which the Secretary has caused to be examined,
3 to be sent to the administrator of the Revised Uniform
4 Unclaimed Property Act.

5 (5) The Secretary may furnish confidential supervisory
6 information relating to a bank or other financial
7 institution, which the Secretary has caused to be examined,
8 relating to its performance of obligations under the
9 Illinois Income Tax Act and the Illinois Estate and
10 Generation-Skipping Transfer Tax Act to the Illinois
11 Department of Revenue.

12 (6) The Secretary may furnish confidential supervisory
13 information relating to a bank or other financial
14 institution, which the Secretary has caused to be examined,
15 under the federal Currency and Foreign Transactions
16 Reporting Act, Title 31, United States Code, Section 1051
17 et seq.

18 (6.5) The Secretary may furnish confidential
19 supervisory information to any other agency or entity that
20 the Secretary determines to have a legitimate regulatory
21 interest.

22 (7) The Secretary may furnish confidential supervisory
23 information under any other statute that by its terms or by
24 regulations promulgated thereunder requires the disclosure
25 of financial records other than by subpoena, summons,
26 warrant, or court order.

1 (8) At the request of the affected bank or other
2 financial institution, the Secretary may furnish
3 confidential supervisory information relating to a bank or
4 other financial institution, which the Secretary has
5 caused to be examined, in connection with the obtaining of
6 insurance coverage or the pursuit of an insurance claim for
7 or on behalf of the bank or other financial institution;
8 provided that, when possible, the Secretary shall disclose
9 only relevant information while maintaining the
10 confidentiality of financial records not relevant to such
11 insurance coverage or claim and, when appropriate, may
12 delete identifying data relating to any person or
13 individual.

14 (9) The Secretary may furnish a copy of a report of any
15 examination performed by the Secretary of the condition and
16 affairs of any electronic data processing entity to the
17 banks serviced by the electronic data processing entity.

18 (10) In addition to the foregoing circumstances, the
19 Secretary may, but is not required to, furnish confidential
20 supervisory information under the same circumstances
21 authorized for the bank or financial institution pursuant
22 to subsection (b) of this Section, except that the
23 Secretary shall provide confidential supervisory
24 information under circumstances described in paragraph (3)
25 of subsection (b) of this Section only upon the request of
26 the bank or other financial institution.

1 (b) A bank or other financial institution or its officers,
2 agents, and employees may disclose confidential supervisory
3 information only under the following circumstances:

4 (1) to the board of directors of the bank or other
5 financial institution, as well as the president,
6 vice-president, cashier, and other officers of the bank or
7 other financial institution to whom the board of directors
8 may delegate duties with respect to compliance with
9 recommendations for action, and to the board of directors
10 of a bank holding company that owns at least 80% of the
11 outstanding stock of the bank or other financial
12 institution;

13 (2) to attorneys for the bank or other financial
14 institution and to a certified public accountant engaged by
15 the State bank or financial institution to perform an
16 independent audit provided that the attorney or certified
17 public accountant shall not permit the confidential
18 supervisory information to be further disseminated;

19 (3) to any person who seeks to acquire a controlling
20 interest in, or who seeks to merge with, the bank or
21 financial institution, provided that all attorneys,
22 certified public accountants, officers, agents, or
23 employees of that person shall agree to be bound to respect
24 the confidentiality of the confidential supervisory
25 information and to not further disseminate the information
26 therein contained;

1 (3.5) to a Federal Home Loan Bank of which it is a
2 member;

3 (4) (blank); ~~or~~

4 (4.5) to any attorney, accountant, consultant, or
5 other professional as needed to comply with any enforcement
6 action issued by the Secretary; or

7 (5) to the bank's insurance company in relation to an
8 insurance claim or the effort by the bank to procure
9 insurance coverage, provided that, when possible, the bank
10 shall disclose only information that is relevant to the
11 insurance claim or that is necessary to procure the
12 insurance coverage, while maintaining the confidentiality
13 of financial information pertaining to customers. When
14 appropriate, the bank may delete identifying data relating
15 to any person.

16 The disclosure of confidential supervisory information by
17 a bank or other financial institution pursuant to this
18 subsection (b) and the disclosure of information to the
19 Secretary or other regulatory agency in connection with any
20 examination, visitation, or investigation shall not constitute
21 a waiver of any legal privilege otherwise available to the bank
22 or other financial institution with respect to the information.

23 (c) (1) Notwithstanding any other provision of this Act or
24 any other law, confidential supervisory information shall be
25 the property of the Secretary and shall be privileged from
26 disclosure to any person except as provided in this Section. No

1 person in possession of confidential supervisory information
2 may disclose that information for any reason or under any
3 circumstances not specified in this Section without the prior
4 authorization of the Secretary. Any person upon whom a demand
5 for production of confidential supervisory information is
6 made, whether by subpoena, order, or other judicial or
7 administrative process, must withhold production of the
8 confidential supervisory information and must notify the
9 Secretary of the demand, at which time the Secretary is
10 authorized to intervene for the purpose of enforcing the
11 limitations of this Section or seeking the withdrawal or
12 termination of the attempt to compel production of the
13 confidential supervisory information.

14 (2) Any request for discovery or disclosure of confidential
15 supervisory information, whether by subpoena, order, or other
16 judicial or administrative process, shall be made to the
17 Secretary, and the Secretary shall determine within 15 days
18 whether to disclose the information pursuant to procedures and
19 standards that the Secretary shall establish by rule. If the
20 Secretary determines that such information will not be
21 disclosed, the Secretary's decision shall be subject to
22 judicial review under the provisions of the Administrative
23 Review Law, and venue shall be in either Sangamon County or
24 Cook County.

25 (3) Any court order that compels disclosure of confidential
26 supervisory information may be immediately appealed by the

1 Secretary, and the order shall be automatically stayed pending
2 the outcome of the appeal.

3 (d) If any officer, agent, attorney, or employee of a bank
4 or financial institution knowingly and willfully furnishes
5 confidential supervisory information in violation of this
6 Section, the Secretary may impose a civil monetary penalty up
7 to \$1,000 for the violation against the officer, agent,
8 attorney, or employee.

9 (Source: P.A. 100-22, eff 1-1-18; 100-64, eff. 8-11-17; revised
10 10-5-17.)

11 Section 10. The Savings Bank Act is amended by changing
12 Sections 8015 and 9012 as follows:

13 (205 ILCS 205/8015) (from Ch. 17, par. 7308-15)

14 Sec. 8015. Change in control.

15 (a) No person, whether acting directly or indirectly or
16 through or in concert with one or more persons, may acquire
17 control of a savings bank operating under this Act without
18 prior approval of the Secretary. The provisions of this Section
19 do not apply to an established holding company acquiring
20 control of a State savings bank if the transaction is subject
21 to approval under the Federal Deposit Insurance Act, the
22 federal Home Owners' Loan Act, or Section 3 of the federal Bank
23 Holding Company Act.

24 (b) Any person seeking to acquire control of a savings bank

1 or subsidiary of a savings bank operating under this Act shall
2 submit an application in the form required by the Secretary.

3 (c) The Secretary may examine the books and records of the
4 applicant and related persons, investigate any matter relevant
5 to the application, and require the applicant to submit
6 additional information and documents.

7 (d) The Secretary shall not approve an acquisition of
8 control unless the application and related examination and
9 investigation permit the Secretary to find positively on all of
10 the following matters:

11 (1) The applicant has filed a complete application, has
12 cooperated with all examinations and investigations of the
13 Secretary, and has submitted all information and documents
14 requested by the Secretary.

15 (2) The applicant and proposed management have the
16 necessary competence, experience, integrity, and financial
17 ability.

18 (3) The business plans of the applicant are consistent
19 with the safe and sound operation of the savings bank and
20 the purposes of this Act.

21 (4) The acquisition of control would not be inequitable
22 to members, borrowers or creditors of the savings bank.

23 (5) The applicant and proposed management have
24 complied with subsection (f) of this Section.

25 (6) The future prospects of the institution will not
26 jeopardize the financial stability of the savings bank or

1 prejudice the interests of the members of the savings bank.

2 (e) Shares of stock or mutual members shares acquired in
3 violation of subsection (a) of this Section shall not be voted
4 and shall not be counted in calculating the total number of
5 shares eligible to vote. In addition to any other action
6 authorized under this Act, the Secretary may require divestment
7 of shares of stock acquired in violation of this Section and
8 may require retirement of the withdrawal value of accounts
9 providing mutual member voting shares acquired in violation of
10 this Section, in which case the savings bank shall pay accrued
11 interest on the retired withdrawal value and shall not assess
12 any penalty for early withdrawal.

13 (f) An individual, whether acting directly or indirectly or
14 through or in concert with one or more persons, shall file
15 written notice to the Secretary within 10 days of the
16 occurrence of either of the following events:

17 (1) becoming, directly or indirectly, the beneficial
18 owner of more than five percent of the voting shares of a
19 savings bank or savings bank holding company; or

20 (2) obtaining, directly or indirectly, the power to
21 cast more than five percent of the member votes of a
22 savings bank or savings bank holding company.

23 The requirements of this subsection (f) are separate and in
24 addition to the requirements of subsection (a) of this Section.

25 (g) The Secretary may promulgate rules to implement this
26 provision, including definitions, form and content of

1 application or notice, procedures, exemptions, and
2 requirements for approval.

3 (h) As used in this Section, a person is acting in concert
4 if that person is acting in concert under federal laws or
5 regulations.

6 (Source: P.A. 96-585, eff. 8-18-09; 97-492, eff. 1-1-12.)

7 (205 ILCS 205/9012) (from Ch. 17, par. 7309-12)

8 Sec. 9012. Disclosure of reports of examinations and
9 confidential supervisory information; limitations.

10 (a) Any report of examination, visitation, or
11 investigation prepared by the Secretary under this Act, any
12 report of examination, visitation, or investigation prepared
13 by the state regulatory authority of another state that
14 examines a branch of an Illinois State savings bank in that
15 state, any document or record prepared or obtained in
16 connection with or relating to any examination, visitation, or
17 investigation, and any record prepared or obtained by the
18 Secretary to the extent that the record summarizes or contains
19 information derived from any report, document, or record
20 described in this subsection shall be deemed confidential
21 supervisory information. "Confidential supervisory
22 information" shall not include any information or record
23 routinely prepared by a savings bank and maintained in the
24 ordinary course of business or any information or record that
25 is required to be made publicly available pursuant to State or

1 federal law or rule. Confidential supervisory information
2 shall be the property of the Secretary and shall only be
3 disclosed under the circumstances and for the purposes set
4 forth in this Section.

5 The Secretary may disclose confidential supervisory
6 information only under the following circumstances:

7 (1) The Secretary may furnish confidential supervisory
8 information to federal and state depository institution
9 regulators, or any official or examiner thereof duly
10 accredited for the purpose. Nothing contained in this Act
11 shall be construed to limit the obligation of any savings
12 bank to comply with the requirements relative to
13 examinations and reports nor to limit in any way the powers
14 of the Secretary relative to examinations and reports.

15 (2) The Secretary may furnish confidential supervisory
16 information to the United States or any agency thereof that
17 to any extent has insured a savings bank's deposits, or any
18 official or examiner thereof duly accredited for the
19 purpose. Nothing contained in this Act shall be construed
20 to limit the obligation relative to examinations and
21 reports of any savings bank in which deposits are to any
22 extent insured by the United States or any agency thereof
23 nor to limit in any way the powers of the Secretary with
24 reference to examination and reports of the savings bank.

25 (2.5) The Secretary may furnish confidential
26 supervisory information to a Federal Home Loan Bank in

1 connection with any savings bank that is a member of the
2 Federal Home Loan Bank or in connection with any
3 application by the savings bank before the Federal Home
4 Loan Bank. The confidential supervisory information shall
5 remain the property of the Secretary and may not be further
6 disclosed without the Secretary's permission.

7 (3) The Secretary may furnish confidential supervisory
8 information to the appropriate law enforcement authorities
9 when the Secretary reasonably believes a savings bank,
10 which the Secretary has caused to be examined, has been a
11 victim of a crime.

12 (4) The Secretary may furnish confidential supervisory
13 information related to a savings bank, which the Secretary
14 has caused to be examined, to the administrator of the
15 Revised Uniform Unclaimed Property Act.

16 (5) The Secretary may furnish confidential supervisory
17 information relating to a savings bank, which the Secretary
18 has caused to be examined, relating to its performance of
19 obligations under the Illinois Income Tax Act and the
20 Illinois Estate and Generation-Skipping Transfer Tax Act
21 to the Illinois Department of Revenue.

22 (6) The Secretary may furnish confidential supervisory
23 information relating to a savings bank, which the Secretary
24 has caused to be examined, under the federal Currency and
25 Foreign Transactions Reporting Act, 31 United States Code,
26 Section 1051 et seq.

1 (7) The Secretary may furnish confidential supervisory
2 information to any other agency or entity that the
3 Secretary determines to have a legitimate regulatory
4 interest.

5 (8) The Secretary may furnish confidential supervisory
6 information as otherwise permitted or required by this Act
7 and may furnish confidential supervisory information under
8 any other statute that by its terms or by regulations
9 promulgated thereunder requires the disclosure of
10 financial records other than by subpoena, summons,
11 warrant, or court order.

12 (9) At the request of the affected savings bank, the
13 Secretary may furnish confidential supervisory information
14 relating to the savings bank, which the Secretary has
15 caused to be examined, in connection with the obtaining of
16 insurance coverage or the pursuit of an insurance claim for
17 or on behalf of the savings bank; provided that, when
18 possible, the Secretary shall disclose only relevant
19 information while maintaining the confidentiality of
20 financial records not relevant to such insurance coverage
21 or claim and, when appropriate, may delete identifying data
22 relating to any person.

23 (10) The Secretary may furnish a copy of a report of
24 any examination performed by the Secretary of the condition
25 and affairs of any electronic data processing entity to the
26 savings banks serviced by the electronic data processing

1 entity.

2 (11) In addition to the foregoing circumstances, the
3 Secretary may, but is not required to, furnish confidential
4 supervisory information under the same circumstances
5 authorized for the savings bank pursuant to subsection (b)
6 of this Section, except that the Secretary shall provide
7 confidential supervisory information under circumstances
8 described in paragraph (3) of subsection (b) of this
9 Section only upon the request of the savings bank.

10 (b) A savings bank or its officers, agents, and employees
11 may disclose confidential supervisory information only under
12 the following circumstances:

13 (1) to the board of directors of the savings bank, as
14 well as the president, vice-president, cashier, and other
15 officers of the savings bank to whom the board of directors
16 may delegate duties with respect to compliance with
17 recommendations for action, and to the board of directors
18 of a savings bank holding company that owns at least 80% of
19 the outstanding stock of the savings bank or other
20 financial institution.

21 (2) to attorneys for the savings bank and to a
22 certified public accountant engaged by the savings bank to
23 perform an independent audit; provided that the attorney or
24 certified public accountant shall not permit the
25 confidential supervisory information to be further
26 disseminated.

1 (3) to any person who seeks to acquire a controlling
2 interest in, or who seeks to merge with, the savings bank;
3 provided that the person shall agree to be bound to respect
4 the confidentiality of the confidential supervisory
5 information and to not further disseminate the information
6 other than to attorneys, certified public accountants,
7 officers, agents, or employees of that person who likewise
8 shall agree to be bound to respect the confidentiality of
9 the confidential supervisory information and to not
10 further disseminate the information.

11 (4) to the savings bank's insurance company, if the
12 supervisory information contains information that is
13 otherwise unavailable and is strictly necessary to
14 obtaining insurance coverage or pursuing an insurance
15 claim for or on behalf of the savings bank; provided that,
16 when possible, the savings bank shall disclose only
17 information that is relevant to obtaining insurance
18 coverage or pursuing an insurance claim, while maintaining
19 the confidentiality of financial information pertaining to
20 customers; and provided further that, when appropriate,
21 the savings bank may delete identifying data relating to
22 any person.

23 (5) to a Federal Home Loan Bank of which it is a
24 member.

25 (6) to any attorney, accountant, consultant, or other
26 professional as needed to comply with an enforcement action

1 issued by the Secretary.

2 The disclosure of confidential supervisory information by
3 a savings bank pursuant to this subsection (b) and the
4 disclosure of information to the Secretary or other regulatory
5 agency in connection with any examination, visitation, or
6 investigation shall not constitute a waiver of any legal
7 privilege otherwise available to the savings bank with respect
8 to the information.

9 (c) (1) Notwithstanding any other provision of this Act or
10 any other law, confidential supervisory information shall be
11 the property of the Secretary and shall be privileged from
12 disclosure to any person except as provided in this Section. No
13 person in possession of confidential supervisory information
14 may disclose that information for any reason or under any
15 circumstances not specified in this Section without the prior
16 authorization of the Secretary. Any person upon whom a demand
17 for production of confidential supervisory information is
18 made, whether by subpoena, order, or other judicial or
19 administrative process, must withhold production of the
20 confidential supervisory information and must notify the
21 Secretary of the demand, at which time the Secretary is
22 authorized to intervene for the purpose of enforcing the
23 limitations of this Section or seeking the withdrawal or
24 termination of the attempt to compel production of the
25 confidential supervisory information.

26 (2) Any request for discovery or disclosure of confidential

1 supervisory information, whether by subpoena, order, or other
2 judicial or administrative process, shall be made to the
3 Secretary, and the Secretary shall determine within 15 days
4 whether to disclose the information pursuant to procedures and
5 standards that the Secretary shall establish by rule. If the
6 Secretary determines that such information will not be
7 disclosed, the Secretary's decision shall be subject to
8 judicial review under the provisions of the Administrative
9 Review Law, and venue shall be in either Sangamon County or
10 Cook County.

11 (3) Any court order that compels disclosure of confidential
12 supervisory information may be immediately appealed by the
13 Secretary, and the order shall be automatically stayed pending
14 the outcome of the appeal.

15 (d) If any officer, agent, attorney, or employee of a
16 savings bank knowingly and willfully furnishes confidential
17 supervisory information in violation of this Section, the
18 Secretary may impose a civil monetary penalty up to \$1,000 for
19 the violation against the officer, agent, attorney, or
20 employee.

21 (e) Subject to the limits of this Section, the Secretary
22 also may promulgate regulations to set procedures and standards
23 for disclosure of the following items:

24 (1) All fixed orders and opinions made in cases of
25 appeals of the Secretary's actions.

26 (2) Statements of policy and interpretations adopted

1 by the Secretary's office, but not otherwise made public.

2 (3) Nonconfidential portions of application files,
3 including applications for new charters. The Secretary
4 shall specify by rule as to what part of the files are
5 confidential.

6 (4) Quarterly reports of income, deposits, and
7 financial condition.

8 (Source: P.A. 100-22, eff. 1-1-18; 100-64, eff. 8-11-17;
9 revised 10-5-17.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.