



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5798

Introduced 11/10/2020, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

110 ILCS 1020/1.5 new

Amends the Private College Campus Police Act. Provides that information and records in the custody or possession of a campus police department subject to the Act shall be open to inspection or copying to the extent the information and records relate to the members of the campus police department's exercise of the powers of municipal peace officers or county sheriffs. Lists the types of records that are and are not subject to inspection and copying. Sets forth provisions concerning record requests, and provides that any person denied access to any record required to be publicly available may file a request for review with the Office of the Attorney General Public Access Counselor.

LRB101 21616 NHT 72548 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The Private College Campus Police Act is amended
5 by adding Section 1.5 as follows:

6 (110 ILCS 1020/1.5 new)

7 Sec. 1.5. Records.

8 (a) Information and records in the custody or possession of
9 a campus police department subject to this Act shall be open to
10 inspection or copying as described in this Section to the
11 extent the information and records relate to the members of the
12 campus police department's exercise of the powers of municipal
13 peace officers or county sheriffs, as provided in Section 1 of
14 this Act.

15 (b) The following records are subject to inspection and
16 copying under subsection (a) of this Section:

17 (1) traffic stop and field contact information,
18 including, but not limited to, date, time, location, reason
19 for the stop, whether a search was conducted, disposition,
20 and race and gender of the person stopped;

21 (2) department directives;

22 (3) daily crime log information for all crimes reported
23 to the campus police department that is maintained pursuant

1 to the federal Jeanne Clery Disclosure of Campus Security
2 Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f)
3 and its implementing regulations, including, but not
4 limited to, the date the crime was reported, the date and
5 time the crime occurred, the nature and location of the
6 crime, and the disposition of the complaint, if known;

7 (4) arrest report information, including, but not
8 limited to, information that identifies the arrestee, when
9 and if available, information detailing any charges
10 relating to the arrest, the time and location of the
11 arrest, the name of the investigating or arresting law
12 enforcement agency, if the individual is detained, the
13 amount of any bail or bond, and the time and date that the
14 individual was received into, discharged from, or
15 transferred from the arresting agency's custody;

16 (5) broadcast radio communications between or among
17 officers and dispatchers of the campus police department
18 concerning traffic stops, field contacts, and arrests; and

19 (6) crime data and statistics that are required to be
20 reported pursuant to the federal Jeanne Clery Disclosure of
21 Campus Security Policy and Campus Crime Statistics Act.

22 (c) The following records are not subject to inspection and
23 copying under subsection (a) of this Section:

24 (1) records that are in the custody or possession of a
25 campus police department that do not pertain to the
26 exercise of power of a municipal peace officer or county

1 sheriff;

2 (2) records regarding employment matters, including
3 grievances and disciplinary matters, unless such records
4 relate to cases in which a member of the campus police
5 department's exercise of the powers of a municipal peace
6 officer or a county sheriff results in the imposition of
7 discipline; however, nothing in this subdivision (2) shall
8 be construed to limit, alter, or modify any of the terms,
9 conditions, or provisions of a collective bargaining
10 agreement existing on the effective date of this amendatory
11 Act of the 101st General Assembly, and nothing in this
12 subdivision (2) precludes a private college or private
13 university and the exclusive bargaining representative
14 from agreeing to and implementing this subdivision (2)
15 prior to the termination of the existing collective
16 bargaining agreement;

17 (3) records regarding labor contract negotiations;

18 (4) wage information;

19 (5) information about insurance;

20 (6) records relating to all ongoing investigations or
21 security threats the disclosure of which would jeopardize
22 public safety;

23 (7) records relating to students and related
24 disciplinary proceedings and actions, including, but not
25 limited to, those prohibited by the federal Family
26 Educational Rights and Privacy Act of 1974 and the Illinois

1 Health Insurance Portability and Accountability Act;

2 (8) arrest records protected by the Juvenile Court Act
3 of 1987;

4 (9) records relating to campus building access;

5 (10) records, tapes, and other digital media from
6 campus security cameras;

7 (11) non-criminal campus incident reports; and

8 (12) documents exempted from or not subject to the
9 Freedom of Information Act.

10 (d) A person may request records as described in this
11 Section, and a campus police department shall make records
12 available for public inspection. No fees shall be charged for
13 the first 50 pages of black and white, letter or legal-sized
14 copies. The fee for black and white, letter or legal-sized
15 copies shall not exceed 15 cents per page; for color copies or
16 copies of other sizes, the campus police department may charge
17 up to its actual cost for reproducing the records. A campus
18 police department is not required to copy a record that is
19 published on the department's, college's, or university's
20 Internet website. The campus police department shall notify the
21 requester that the record is available online and direct the
22 requester to the website where the record can be reasonably
23 accessed.

24 (e) Each campus police department shall designate one or
25 more employees to receive requests submitted to the campus
26 police department pursuant to subsection (a) of this Section

1 and ensure that the campus police department responds to
2 requests within 5 business days, or a different period of time
3 if agreed to by the requester and the campus police department.
4 The campus police department may notify a requester that the
5 department requires an additional 5 business days to respond to
6 requests.

7 (f) Each campus police department that maintains an
8 Internet website shall post on its website a brief description
9 of the methods whereby the public may request information and
10 records. If the campus police department does not maintain a
11 website, such information shall be prominently displayed in its
12 offices and made available for inspection and copying. A campus
13 police department may train employees regarding compliance
14 with this Act by using the training program made available by
15 the Office of the Attorney General Public Access Counselor.

16 (g) When a request is made to inspect or copy a record that
17 contains information that would be exempt from disclosure under
18 the Freedom of Information Act (including, but not limited to,
19 exemptions listed in Sections 2.15 and 7 of the Freedom of
20 Information Act), the campus police department may redact the
21 information subject to the exemptions.

22 (h) Any person denied access to any record required to be
23 publicly available under subsection (a) of this Section by a
24 campus police department may file a request for review with the
25 Public Access Counselor not later than 60 days after the date
26 of the denial. The request for review must be in writing,

1 signed by the requester, and include (i) a copy of the request
2 for access to records and (ii) any responses from the campus
3 police department.

4 (i) Upon receipt of a request for review, the Public Access
5 Counselor shall determine whether further action is warranted.
6 If the Public Access Counselor determines that the alleged
7 violation is unfounded, he or she shall so advise the requester
8 and the campus police department, and no further action shall
9 be undertaken. Unless the Public Access Counselor extends the
10 time by no more than 30 business days by sending written notice
11 to the requester and the campus police department that includes
12 a statement of the reasons for the extension in the notice or
13 decides to address the matter without the issuance of a binding
14 opinion, the Attorney General shall examine the issues and the
15 records, shall make findings of fact and conclusions of law,
16 and shall issue to the requester and the campus police
17 department an opinion in response to the request for review
18 within 60 days after its receipt. The opinion shall be binding
19 upon both the requester and the campus police department,
20 subject to review in circuit court. In responding to any
21 request under this Section, the Attorney General may exercise
22 his or her discretion and choose to resolve a request for
23 review by mediation or by a means other than the issuance of a
24 binding opinion. The decision not to issue a binding opinion
25 shall not be reviewable. Upon receipt of a binding opinion
26 concluding that a violation of this Section has occurred, the

1 campus police department shall either take necessary action
2 immediately to comply with the directive of the opinion or
3 shall initiate review proceedings. A binding opinion granting
4 or denying in whole or part the request shall be subject to
5 review in the circuit court of Cook or Sangamon County.