



Rep. Jay Hoffman

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LRB101 08285 AWJ 60145 a

1 AMENDMENT TO SENATE BILL 1418

2 AMENDMENT NO. _____. Amend Senate Bill 1418 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 carriers
6 under the Emergency Telephone System Act.

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

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

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

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

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and
2 Hazardous Substances Registry Act.

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

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

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

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

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

1 Accountability Act of 1996, Public Law 104-191, or any
2 subsequent amendments thereto, and any regulations
3 promulgated thereunder.

4 (u) Records and information provided to an independent
5 team of experts under the Developmental Disability and
6 Mental Health Safety Act (also known as 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) Information that is exempted from disclosure
20 under Section 30.1 of the Pharmacy Practice Act.

21 (ff) Information that is exempted from disclosure
22 under the Revised Uniform Unclaimed Property Act.

23 (gg) Information that is prohibited from being
24 disclosed under Section 7-603.5 of the Illinois Vehicle
25 Code.

26 (hh) Records that are exempt from disclosure under

1 Section 1A-16.7 of the Election Code.

2 (ii) Information which is exempted from disclosure
3 under Section 2505-800 of the Department of Revenue Law of
4 the Civil Administrative Code of Illinois.

5 (jj) Information and reports that are required to be
6 submitted to the Department of Labor by registering day and
7 temporary labor service agencies but are exempt from
8 disclosure under subsection (a-1) of Section 45 of the Day
9 and Temporary Labor Services Act.

10 (kk) Information prohibited from disclosure under the
11 Seizure and Forfeiture Reporting Act.

12 (ll) Information the disclosure of which is restricted
13 and exempted under Section 5-30.8 of the Illinois Public
14 Aid Code.

15 (mm) ~~(ll)~~ Records that are exempt from disclosure under
16 Section 4.2 of the Crime Victims Compensation Act.

17 (nn) ~~(ll)~~ Information that is exempt from disclosure
18 under Section 70 of the Higher Education Student Assistance
19 Act.

20 (oo) Recordings made under the Children's Advocacy
21 Center Act, except to the extent authorized under that Act.

22 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
23 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
24 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
25 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
26 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,

1 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
2 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
3 10-12-18.)

4 Section 10. The Bi-State Development Agency Act is amended
5 by changing Section 2 as follows:

6 (45 ILCS 105/2) (from Ch. 127, par. 63s-2)

7 Sec. 2. (a) Of the Commissioners first appointed one shall
8 be appointed to serve for a term of one year, one for two
9 years, one for three years, one for four years and one for five
10 years from the third Monday in January following his
11 appointment. Beginning with the appointment to be filled in
12 January of 2004, and the expiration of each term of each
13 commissioner thereafter, and each succeeding commissioner
14 thereafter, the Chairman of the County Board of the County of
15 Madison or the County of St. Clair, as the case may be, shall,
16 by and with the advice and consent of the respective County
17 Board, appoint a successor who shall hold office for a term of
18 five years. Each commissioner shall hold office until his
19 successor has been appointed and qualified. The commissioners
20 shall elect a chairman of the Illinois delegation annually from
21 among themselves.

22 (b) The Chairman of the County Board of St. Clair County
23 shall appoint a commissioner for the term expiring in January,
24 2004 and in the following year the Chairman of the County Board

1 of Madison County shall appoint a commissioner for the term
2 expiring in January of that year. Successive appointments shall
3 alternate between the Chairman of the St. Clair County Board
4 and the Chairman of the Madison County Board, except as may be
5 modified by the provisions of subsection (c).

6 (c) In the event that a tax has been imposed in Monroe
7 County consistent with the provisions of Section 5.01 of the
8 Local Mass Transit District Act, the Chairman of the Monroe
9 County Board shall, upon the expiration of the term of a
10 commissioner who is a resident of the County in which 3 of the
11 then remaining commissioners reside, appoint a commissioner
12 with the advice and consent of the Monroe County Board. The
13 commissioner appointed by the Monroe County Board shall hold
14 office for a term of 5 years and a successor shall be appointed
15 by the chairman of the Monroe County Board, with the advice and
16 consent of the Monroe County Board. The appointments of the 4
17 remaining commissioners shall then continue to alternate
18 between St. Clair and Madison County so that each County shall
19 continue to retain the appointments of 2 commissioners. To the
20 extent that this subsection (c) conflicts with any other
21 provision of this Section or Section 3, the provisions of this
22 subsection (c) control.

23 (d) A county authorized to appoint commissioners that does
24 not contract for light rail service with the Bi-State
25 Development Agency and does not pay for that service in part
26 with county-generated revenue shall be limited to one

1 commissioner. When the term of an existing commissioner expires
2 from the county without light rail service and there is another
3 commissioner from that county serving an unexpired term, the
4 commissioner leaving shall be replaced by an appointee from a
5 county contracting for light rail service; this process shall
6 continue until the county without light rail service has only
7 one commissioner. At that point, that one commissioner will
8 continue to be appointed as previously authorized by this Act.

9 (Source: P.A. 93-432, eff. 6-1-04.)

10 Section 15. The Children's Advocacy Center Act is amended
11 by changing Section 2.5 and by adding Section 4.5 as follows:

12 (55 ILCS 80/2.5)

13 Sec. 2.5. Definitions. As used in this Section:

14 "Accreditation" means the process in which certification
15 of competency, authority, or credibility is presented by
16 standards set by the National Children's Alliance to ensure
17 effective, efficient and consistent delivery of services by a
18 CAC.

19 "Child maltreatment" includes any act or occurrence, as
20 defined in Section 5 of the Criminal Code of 2012, under the
21 Children and Family Services Act or the Juvenile Court Act of
22 1987 involving either a child victim or child witness.

23 "Children's Advocacy Center" or "CAC" is a child-focused,
24 trauma-informed, facility-based program in which

1 representatives from law enforcement, child protection,
2 prosecution, mental health, forensic interviewing, medical,
3 and victim advocacy disciplines collaborate to interview
4 children, meet with a child's parent or parents, caregivers,
5 and family members, and make team decisions about the
6 investigation, prosecution, safety, treatment, and support
7 services for child maltreatment cases.

8 "Children's Advocacy Centers of Illinois" or "CACI" is a
9 state chapter of the National Children's Alliance ("NCA") and
10 organizing entity for Children's Advocacy Centers in the State
11 of Illinois. It defines membership and engages member CACs in
12 the NCA accreditation process and collecting and sharing of
13 data, and provides training, leadership, and technical
14 assistance to existing and emerging CACs in the State.

15 "Electronic recording" includes a motion picture,
16 audiotape, videotape, or digital recording.

17 "Forensic interview" means an interview between a trained
18 forensic interviewer, as defined by NCA standards, and a child
19 in which the interviewer obtains information from children in
20 an unbiased and fact finding manner that is developmentally
21 appropriate and culturally sensitive to support accurate and
22 fair decision making by the multidisciplinary team in the
23 criminal justice and child protection systems. Whenever
24 practical, all parties involved in investigating reports of
25 child maltreatment shall observe the interview, which shall be
26 electronically ~~digitally~~ recorded.

1 "Forensic interview transcription" means a verbatim
2 transcript of a forensic interview for the purpose of
3 translating the interview into another language.

4 "Multidisciplinary team" or "MDT" means a group of
5 professionals working collaboratively under a written
6 protocol, who represent various disciplines from the point of a
7 report of child maltreatment to assure the most effective
8 coordinated response possible for every child. Employees from
9 each participating entity shall be included on the MDT. A CAC's
10 MDT must include professionals involved in the coordination,
11 investigation, and prosecution of child abuse cases, including
12 the CAC's staff, participating law enforcement agencies, the
13 county state's attorney, and the Illinois Department of
14 Children and Family Services, and must include professionals
15 involved in the delivery of services to victims of child
16 maltreatment and non-offending parent or parents, caregiver,
17 and their families.

18 "National Children's Alliance" or "NCA" means the
19 professional membership organization dedicated to helping
20 local communities respond to allegations of child abuse in an
21 effective and efficient manner. NCA provides training,
22 support, technical assistance and leadership on a national
23 level to state and local CACs and communities responding to
24 reports of child maltreatment. NCA is the national organization
25 that provides the standards for CAC accreditation.

26 "Protocol" means a written methodology defining the

1 responsibilities of each of the MDT members in the
2 investigation and prosecution of child maltreatment within a
3 defined jurisdiction. Written protocols are signed documents
4 and are reviewed and/or updated annually, at a minimum, by a
5 CAC's Advisory Board.

6 (Source: P.A. 98-809, eff. 1-1-15; revised 9-28-18.)

7 (55 ILCS 80/4.5 new)

8 Sec. 4.5. Forensic interviews; electronic recordings.

9 (a) Consent is not required for a forensic interview to be
10 electronically recorded. Failure to record does not render a
11 forensic interview inadmissible.

12 (b) A forensic interview, an electronic recording, or a
13 forensic interview transcription or electronic recording is
14 confidential and exempt from public inspection and copying
15 under Section 7.5 of the Freedom of Information Act and may
16 only be viewed by a court, attorneys, investigators, or experts
17 for the purpose of judicial and administrative hearings and
18 shall not be disseminated except pursuant to a court's
19 protective order.

20 (c) Nothing in this Act shall be construed to limit or
21 prohibit electronically recorded forensic interviewing in
22 accordance with Article 14 of the Criminal Code of 2012 or
23 Article 108A or Article 108B of the Code of Criminal Procedure
24 of 1963."