



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1765

Introduced 2/17/2021, by Rep. Kambium Buckner

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.07 new
720 ILCS 5/33-3

from Ch. 38, par. 33-3

Amends the Open Meetings Act. Provides that a law enforcement agency, an officer employed by a law enforcement agency, or a person contracted by a law enforcement agency may not conduct a background check of speakers at meetings of public bodies, including police disciplinary boards, except to provide security for the premises in which the meeting is to occur and for the protection of public officials and other persons who attend the meeting. Provides that information obtained in violation of this provision may not be used for purposes, other than those permitted purposes, and may not be admitted as evidence in any criminal or civil proceeding or as evidence in an administrative hearing. Provides that a person who violates this provision is guilty of official misconduct under the Criminal Code of 2012. Amends the Criminal Code of 2012 to make conforming changes. Effective immediately.

LRB102 03912 RLC 13927 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The Open Meetings Act is amended by adding
5 Section 2.07 as follows:

6 (5 ILCS 120/2.07 new)

7 Sec. 2.07. Police conduct of background checks of speakers
8 at public meetings.

9 (a) In this Section:

10 "Background check" means a check of the personal
11 history of a person, including collection of criminal
12 history record information as defined in Section 3 of the
13 Illinois Uniform Conviction Information Act, financial and
14 credit history, DNA, fingerprints, and information located
15 on social media sites.

16 "Law enforcement agency" means an agency of the State
17 or of a unit of local government charged with enforcement
18 of State, county, or municipal laws or with managing
19 custody of detained persons in the State.

20 "Social media" means a service, platform, or site
21 where users communicate with one another and share media,
22 such as pictures, videos, music, and blogs, with other
23 users free of charge.

1 (b) A law enforcement agency, an officer employed by a law
2 enforcement agency, or a person contracted by a law
3 enforcement agency may not conduct a background check of
4 speakers at meetings of public bodies, including police
5 disciplinary boards, except to provide security for the
6 premises in which the meeting is to occur and for the
7 protection of public officials and other persons who attend
8 the meeting.

9 (c) Information obtained in violation of this Section may
10 not be used for purposes other than those permitted under
11 subsection (b) and may not be admitted as evidence in any
12 criminal or civil proceeding or as evidence in an
13 administrative hearing.

14 (d) A person who knowingly violates this Section is guilty
15 of official misconduct as provided in Section 33-3 of the
16 Criminal Code of 2012.

17 Section 10. The Criminal Code of 2012 is amended by
18 changing Section 33-3 as follows:

19 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

20 Sec. 33-3. Official misconduct.

21 (a) A public officer or employee or special government
22 agent commits misconduct when, in his official capacity or
23 capacity as a special government agent, he or she commits any
24 of the following acts:

1 (1) Intentionally or recklessly fails to perform any
2 mandatory duty as required by law; or

3 (2) Knowingly performs an act which he knows he is
4 forbidden by law to perform; or

5 (3) With intent to obtain a personal advantage for
6 himself or another, he performs an act in excess of his
7 lawful authority; ~~or~~

8 (4) Solicits or knowingly accepts for the performance
9 of any act a fee or reward which he knows is not authorized
10 by law; or

11 (5) Knowingly violates Section 2.07 of the Open
12 Meetings Act.

13 (b) An employee of a law enforcement agency commits
14 misconduct when he or she knowingly uses or communicates,
15 directly or indirectly, information acquired in the course of
16 employment, with the intent to obstruct, impede, or prevent
17 the investigation, apprehension, or prosecution of any
18 criminal offense or person. Nothing in this subsection (b)
19 shall be construed to impose liability for communicating to a
20 confidential resource, who is participating or aiding law
21 enforcement, in an ongoing investigation.

22 (c) A public officer or employee or special government
23 agent convicted of violating any provision of this Section
24 forfeits his or her office or employment or position as a
25 special government agent. In addition, he or she commits a
26 Class 3 felony.

1 (d) For purposes of this Section, "special government
2 agent" has the meaning ascribed to it in subsection (1) of
3 Section 4A-101 of the Illinois Governmental Ethics Act.

4 (Source: P.A. 98-867, eff. 1-1-15.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.