



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5374

Introduced 1/31/2022, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

See Index

Amends the Open Meetings Act. Provides that a public body may hold a closed meeting to consider security procedures, school building safety and security, and the use of personnel, equipment, reporting to law enforcement, or legal action to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. Amends the Freedom of Information Act. Exempts from inspection and copying records concerning a school employee's determination about whether an individual poses a clear and present danger, a school district's report of a threat to law enforcement, or an action by a school district under the Firearms Restraining Order Act. Amends the Mental Health and Developmental Disabilities Code. Provides that when the Illinois State Police is notified that a person has been determined to pose a clear and present danger, it shall determine whether to file an action under the Firearms Restraining Order Act with that person as the respondent. Amends the Firearm Owners Identification Card Act. Provides that when the Illinois State Police is notified that a person has been determined to pose a clear and present danger, the Illinois State Police shall determine whether to revoke the person's Firearm Owner's Identification Card and whether to file an action under the Firearms Restraining Order Act with that person as the respondent. Provides that any information disclosed under this provision shall remain privileged and confidential, and shall not be redisclosed, except as required under the provisions reporting a person who is prohibited from possessing a firearm to the National Instant Criminal Background Check System Index, Denied Persons Files or for the purpose of an action under the Firearms Restraining Order Act. Amends the Firearms Restraining Order Act. Provides that a school district board of directors or board of education may by policy or resolution authorize a designee or designees to file petitions for firearms restraining orders on its behalf with or without prior board approval of a specific petition. Provides that for any petition filed by a designee without prior board approval, the board must approve a resolution ratifying the specific petition as soon as possible after the filing of the petition, but no later than 30 days after the filing of the petition.

LRB102 23412 RLC 32581 b

A BILL FOR

1 AN ACT concerning firearms.

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 changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do
16 not require the holding of a closed meeting to discuss a
17 subject included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees, specific individuals who serve as independent
23 contractors in a park, recreational, or educational

1 setting, or specific volunteers of the public body or
2 legal counsel for the public body, including hearing
3 testimony on a complaint lodged against an employee, a
4 specific individual who serves as an independent
5 contractor in a park, recreational, or educational
6 setting, or a volunteer of the public body or against
7 legal counsel for the public body to determine its
8 validity. However, a meeting to consider an increase in
9 compensation to a specific employee of a public body that
10 is subject to the Local Government Wage Increase
11 Transparency Act may not be closed and shall be open to the
12 public and posted and held in accordance with this Act.

13 (2) Collective negotiating matters between the public
14 body and its employees or their representatives, or
15 deliberations concerning salary schedules for one or more
16 classes of employees.

17 (3) The selection of a person to fill a public office,
18 as defined in this Act, including a vacancy in a public
19 office, when the public body is given power to appoint
20 under law or ordinance, or the discipline, performance or
21 removal of the occupant of a public office, when the
22 public body is given power to remove the occupant under
23 law or ordinance.

24 (4) Evidence or testimony presented in open hearing,
25 or in closed hearing where specifically authorized by law,
26 to a quasi-adjudicative body, as defined in this Act,

1 provided that the body prepares and makes available for
2 public inspection a written decision setting forth its
3 determinative reasoning.

4 (5) The purchase or lease of real property for the use
5 of the public body, including meetings held for the
6 purpose of discussing whether a particular parcel should
7 be acquired.

8 (6) The setting of a price for sale or lease of
9 property owned by the public body.

10 (7) The sale or purchase of securities, investments,
11 or investment contracts. This exception shall not apply to
12 the investment of assets or income of funds deposited into
13 the Illinois Prepaid Tuition Trust Fund.

14 (8) Security procedures, school building safety and
15 security, and the use of personnel, ~~and~~ equipment, ~~and~~
16 reporting to law enforcement, or legal action to respond
17 to an actual, a threatened, or a reasonably potential
18 danger to the safety of employees, students, staff, the
19 public, or public property.

20 (9) Student disciplinary cases.

21 (10) The placement of individual students in special
22 education programs and other matters relating to
23 individual students.

24 (11) Litigation, when an action against, affecting or
25 on behalf of the particular public body has been filed and
26 is pending before a court or administrative tribunal, or

1 when the public body finds that an action is probable or
2 imminent, in which case the basis for the finding shall be
3 recorded and entered into the minutes of the closed
4 meeting.

5 (12) The establishment of reserves or settlement of
6 claims as provided in the Local Governmental and
7 Governmental Employees Tort Immunity Act, if otherwise the
8 disposition of a claim or potential claim might be
9 prejudiced, or the review or discussion of claims, loss or
10 risk management information, records, data, advice or
11 communications from or with respect to any insurer of the
12 public body or any intergovernmental risk management
13 association or self insurance pool of which the public
14 body is a member.

15 (13) Conciliation of complaints of discrimination in
16 the sale or rental of housing, when closed meetings are
17 authorized by the law or ordinance prescribing fair
18 housing practices and creating a commission or
19 administrative agency for their enforcement.

20 (14) Informant sources, the hiring or assignment of
21 undercover personnel or equipment, or ongoing, prior or
22 future criminal investigations, when discussed by a public
23 body with criminal investigatory responsibilities.

24 (15) Professional ethics or performance when
25 considered by an advisory body appointed to advise a
26 licensing or regulatory agency on matters germane to the

1 advisory body's field of competence.

2 (16) Self evaluation, practices and procedures or
3 professional ethics, when meeting with a representative of
4 a statewide association of which the public body is a
5 member.

6 (17) The recruitment, credentialing, discipline or
7 formal peer review of physicians or other health care
8 professionals, or for the discussion of matters protected
9 under the federal Patient Safety and Quality Improvement
10 Act of 2005, and the regulations promulgated thereunder,
11 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
12 Health Insurance Portability and Accountability Act of
13 1996, and the regulations promulgated thereunder,
14 including 45 C.F.R. Parts 160, 162, and 164, by a
15 hospital, or other institution providing medical care,
16 that is operated by the public body.

17 (18) Deliberations for decisions of the Prisoner
18 Review Board.

19 (19) Review or discussion of applications received
20 under the Experimental Organ Transplantation Procedures
21 Act.

22 (20) The classification and discussion of matters
23 classified as confidential or continued confidential by
24 the State Government Suggestion Award Board.

25 (21) Discussion of minutes of meetings lawfully closed
26 under this Act, whether for purposes of approval by the

1 body of the minutes or semi-annual review of the minutes
2 as mandated by Section 2.06.

3 (22) Deliberations for decisions of the State
4 Emergency Medical Services Disciplinary Review Board.

5 (23) The operation by a municipality of a municipal
6 utility or the operation of a municipal power agency or
7 municipal natural gas agency when the discussion involves
8 (i) contracts relating to the purchase, sale, or delivery
9 of electricity or natural gas or (ii) the results or
10 conclusions of load forecast studies.

11 (24) Meetings of a residential health care facility
12 resident sexual assault and death review team or the
13 Executive Council under the Abuse Prevention Review Team
14 Act.

15 (25) Meetings of an independent team of experts under
16 Brian's Law.

17 (26) Meetings of a mortality review team appointed
18 under the Department of Juvenile Justice Mortality Review
19 Team Act.

20 (27) (Blank).

21 (28) Correspondence and records (i) that may not be
22 disclosed under Section 11-9 of the Illinois Public Aid
23 Code or (ii) that pertain to appeals under Section 11-8 of
24 the Illinois Public Aid Code.

25 (29) Meetings between internal or external auditors
26 and governmental audit committees, finance committees, and

1 their equivalents, when the discussion involves internal
2 control weaknesses, identification of potential fraud risk
3 areas, known or suspected frauds, and fraud interviews
4 conducted in accordance with generally accepted auditing
5 standards of the United States of America.

6 (30) Those meetings or portions of meetings of a
7 fatality review team or the Illinois Fatality Review Team
8 Advisory Council during which a review of the death of an
9 eligible adult in which abuse or neglect is suspected,
10 alleged, or substantiated is conducted pursuant to Section
11 15 of the Adult Protective Services Act.

12 (31) Meetings and deliberations for decisions of the
13 Concealed Carry Licensing Review Board under the Firearm
14 Concealed Carry Act.

15 (32) Meetings between the Regional Transportation
16 Authority Board and its Service Boards when the discussion
17 involves review by the Regional Transportation Authority
18 Board of employment contracts under Section 28d of the
19 Metropolitan Transit Authority Act and Sections 3A.18 and
20 3B.26 of the Regional Transportation Authority Act.

21 (33) Those meetings or portions of meetings of the
22 advisory committee and peer review subcommittee created
23 under Section 320 of the Illinois Controlled Substances
24 Act during which specific controlled substance prescriber,
25 dispenser, or patient information is discussed.

26 (34) Meetings of the Tax Increment Financing Reform

1 Task Force under Section 2505-800 of the Department of
2 Revenue Law of the Civil Administrative Code of Illinois.

3 (35) Meetings of the group established to discuss
4 Medicaid capitation rates under Section 5-30.8 of the
5 Illinois Public Aid Code.

6 (36) Those deliberations or portions of deliberations
7 for decisions of the Illinois Gaming Board in which there
8 is discussed any of the following: (i) personal,
9 commercial, financial, or other information obtained from
10 any source that is privileged, proprietary, confidential,
11 or a trade secret; or (ii) information specifically
12 exempted from the disclosure by federal or State law.

13 (37) Deliberations for decisions of the Illinois Law
14 Enforcement Training Standards Board, the Certification
15 Review Panel, and the Illinois State Police Merit Board
16 regarding certification and decertification.

17 (38) Meetings of the Ad Hoc Statewide Domestic
18 Violence Fatality Review Committee of the Illinois
19 Criminal Justice Information Authority Board that occur in
20 closed executive session under subsection (d) of Section
21 35 of the Domestic Violence Fatality Review Act.

22 (39) Meetings of the regional review teams under
23 subsection (a) of Section 75 of the Domestic Violence
24 Fatality Review Act.

25 (40) ~~(38)~~ Meetings of the Firearm Owner's
26 Identification Card Review Board under Section 10 of the

1 Firearm Owners Identification Card Act.

2 (d) Definitions. For purposes of this Section:

3 "Employee" means a person employed by a public body whose
4 relationship with the public body constitutes an
5 employer-employee relationship under the usual common law
6 rules, and who is not an independent contractor.

7 "Public office" means a position created by or under the
8 Constitution or laws of this State, the occupant of which is
9 charged with the exercise of some portion of the sovereign
10 power of this State. The term "public office" shall include
11 members of the public body, but it shall not include
12 organizational positions filled by members thereof, whether
13 established by law or by a public body itself, that exist to
14 assist the body in the conduct of its business.

15 "Quasi-adjudicative body" means an administrative body
16 charged by law or ordinance with the responsibility to conduct
17 hearings, receive evidence or testimony and make
18 determinations based thereon, but does not include local
19 electoral boards when such bodies are considering petition
20 challenges.

21 (e) Final action. No final action may be taken at a closed
22 meeting. Final action shall be preceded by a public recital of
23 the nature of the matter being considered and other
24 information that will inform the public of the business being
25 conducted.

26 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;

1 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.
2 8-20-21; 102-558, eff. 8-20-21; revised 10-6-21.)

3 Section 10. The Freedom of Information Act is amended by
4 changing Section 7 as follows:

5 (5 ILCS 140/7) (from Ch. 116, par. 207)

6 Sec. 7. Exemptions.

7 (1) When a request is made to inspect or copy a public
8 record that contains information that is exempt from
9 disclosure under this Section, but also contains information
10 that is not exempt from disclosure, the public body may elect
11 to redact the information that is exempt. The public body
12 shall make the remaining information available for inspection
13 and copying. Subject to this requirement, the following shall
14 be exempt from inspection and copying:

15 (a) Information specifically prohibited from
16 disclosure by federal or State law or rules and
17 regulations implementing federal or State law.

18 (b) Private information, unless disclosure is required
19 by another provision of this Act, a State or federal law or
20 a court order.

21 (b-5) Files, documents, and other data or databases
22 maintained by one or more law enforcement agencies and
23 specifically designed to provide information to one or
24 more law enforcement agencies regarding the physical or

1 mental status of one or more individual subjects.

2 (c) Personal information contained within public
3 records, the disclosure of which would constitute a
4 clearly unwarranted invasion of personal privacy, unless
5 the disclosure is consented to in writing by the
6 individual subjects of the information. "Unwarranted
7 invasion of personal privacy" means the disclosure of
8 information that is highly personal or objectionable to a
9 reasonable person and in which the subject's right to
10 privacy outweighs any legitimate public interest in
11 obtaining the information. The disclosure of information
12 that bears on the public duties of public employees and
13 officials shall not be considered an invasion of personal
14 privacy.

15 (d) Records in the possession of any public body
16 created in the course of administrative enforcement
17 proceedings, and any law enforcement or correctional
18 agency for law enforcement purposes, but only to the
19 extent that disclosure would:

20 (i) interfere with pending or actually and
21 reasonably contemplated law enforcement proceedings
22 conducted by any law enforcement or correctional
23 agency that is the recipient of the request;

24 (ii) interfere with active administrative
25 enforcement proceedings conducted by the public body
26 that is the recipient of the request;

1 (iii) create a substantial likelihood that a
2 person will be deprived of a fair trial or an impartial
3 hearing;

4 (iv) unavoidably disclose the identity of a
5 confidential source, confidential information
6 furnished only by the confidential source, or persons
7 who file complaints with or provide information to
8 administrative, investigative, law enforcement, or
9 penal agencies; except that the identities of
10 witnesses to traffic accidents, traffic accident
11 reports, and rescue reports shall be provided by
12 agencies of local government, except when disclosure
13 would interfere with an active criminal investigation
14 conducted by the agency that is the recipient of the
15 request;

16 (v) disclose unique or specialized investigative
17 techniques other than those generally used and known
18 or disclose internal documents of correctional
19 agencies related to detection, observation or
20 investigation of incidents of crime or misconduct, and
21 disclosure would result in demonstrable harm to the
22 agency or public body that is the recipient of the
23 request;

24 (vi) endanger the life or physical safety of law
25 enforcement personnel or any other person; or

26 (vii) obstruct an ongoing criminal investigation

1 by the agency that is the recipient of the request.

2 (d-5) A law enforcement record created for law
3 enforcement purposes and contained in a shared electronic
4 record management system if the law enforcement agency
5 that is the recipient of the request did not create the
6 record, did not participate in or have a role in any of the
7 events which are the subject of the record, and only has
8 access to the record through the shared electronic record
9 management system.

10 (d-6) Records contained in the Officer Professional
11 Conduct Database under Section 9.2 ~~9.4~~ of the Illinois
12 Police Training Act, except to the extent authorized under
13 that Section. This includes the documents supplied to the
14 Illinois Law Enforcement Training Standards Board from the
15 Illinois State Police and Illinois State Police Merit
16 Board.

17 (e) Records that relate to or affect the security of
18 correctional institutions and detention facilities.

19 (e-5) Records requested by persons committed to the
20 Department of Corrections, Department of Human Services
21 Division of Mental Health, or a county jail if those
22 materials are available in the library of the correctional
23 institution or facility or jail where the inmate is
24 confined.

25 (e-6) Records requested by persons committed to the
26 Department of Corrections, Department of Human Services

1 Division of Mental Health, or a county jail if those
2 materials include records from staff members' personnel
3 files, staff rosters, or other staffing assignment
4 information.

5 (e-7) Records requested by persons committed to the
6 Department of Corrections or Department of Human Services
7 Division of Mental Health if those materials are available
8 through an administrative request to the Department of
9 Corrections or Department of Human Services Division of
10 Mental Health.

11 (e-8) Records requested by a person committed to the
12 Department of Corrections, Department of Human Services
13 Division of Mental Health, or a county jail, the
14 disclosure of which would result in the risk of harm to any
15 person or the risk of an escape from a jail or correctional
16 institution or facility.

17 (e-9) Records requested by a person in a county jail
18 or committed to the Department of Corrections or
19 Department of Human Services Division of Mental Health,
20 containing personal information pertaining to the person's
21 victim or the victim's family, including, but not limited
22 to, a victim's home address, home telephone number, work
23 or school address, work telephone number, social security
24 number, or any other identifying information, except as
25 may be relevant to a requester's current or potential case
26 or claim.

1 (e-10) Law enforcement records of other persons
2 requested by a person committed to the Department of
3 Corrections, Department of Human Services Division of
4 Mental Health, or a county jail, including, but not
5 limited to, arrest and booking records, mug shots, and
6 crime scene photographs, except as these records may be
7 relevant to the requester's current or potential case or
8 claim.

9 (f) Preliminary drafts, notes, recommendations,
10 memoranda and other records in which opinions are
11 expressed, or policies or actions are formulated, except
12 that a specific record or relevant portion of a record
13 shall not be exempt when the record is publicly cited and
14 identified by the head of the public body. The exemption
15 provided in this paragraph (f) extends to all those
16 records of officers and agencies of the General Assembly
17 that pertain to the preparation of legislative documents.

18 (g) Trade secrets and commercial or financial
19 information obtained from a person or business where the
20 trade secrets or commercial or financial information are
21 furnished under a claim that they are proprietary,
22 privileged, or confidential, and that disclosure of the
23 trade secrets or commercial or financial information would
24 cause competitive harm to the person or business, and only
25 insofar as the claim directly applies to the records
26 requested.

1 The information included under this exemption includes
2 all trade secrets and commercial or financial information
3 obtained by a public body, including a public pension
4 fund, from a private equity fund or a privately held
5 company within the investment portfolio of a private
6 equity fund as a result of either investing or evaluating
7 a potential investment of public funds in a private equity
8 fund. The exemption contained in this item does not apply
9 to the aggregate financial performance information of a
10 private equity fund, nor to the identity of the fund's
11 managers or general partners. The exemption contained in
12 this item does not apply to the identity of a privately
13 held company within the investment portfolio of a private
14 equity fund, unless the disclosure of the identity of a
15 privately held company may cause competitive harm.

16 Nothing contained in this paragraph (g) shall be
17 construed to prevent a person or business from consenting
18 to disclosure.

19 (h) Proposals and bids for any contract, grant, or
20 agreement, including information which if it were
21 disclosed would frustrate procurement or give an advantage
22 to any person proposing to enter into a contractor
23 agreement with the body, until an award or final selection
24 is made. Information prepared by or for the body in
25 preparation of a bid solicitation shall be exempt until an
26 award or final selection is made.

1 (i) Valuable formulae, computer geographic systems,
2 designs, drawings and research data obtained or produced
3 by any public body when disclosure could reasonably be
4 expected to produce private gain or public loss. The
5 exemption for "computer geographic systems" provided in
6 this paragraph (i) does not extend to requests made by
7 news media as defined in Section 2 of this Act when the
8 requested information is not otherwise exempt and the only
9 purpose of the request is to access and disseminate
10 information regarding the health, safety, welfare, or
11 legal rights of the general public.

12 (j) The following information pertaining to
13 educational matters:

14 (i) test questions, scoring keys and other
15 examination data used to administer an academic
16 examination;

17 (ii) information received by a primary or
18 secondary school, college, or university under its
19 procedures for the evaluation of faculty members by
20 their academic peers;

21 (iii) information concerning a school or
22 university's adjudication of student disciplinary
23 cases, but only to the extent that disclosure would
24 unavoidably reveal the identity of the student; and

25 (iv) course materials or research materials used
26 by faculty members.

1 (k) Architects' plans, engineers' technical
2 submissions, and other construction related technical
3 documents for projects not constructed or developed in
4 whole or in part with public funds and the same for
5 projects constructed or developed with public funds,
6 including, but not limited to, power generating and
7 distribution stations and other transmission and
8 distribution facilities, water treatment facilities,
9 airport facilities, sport stadiums, convention centers,
10 and all government owned, operated, or occupied buildings,
11 but only to the extent that disclosure would compromise
12 security.

13 (1) Minutes of meetings of public bodies closed to the
14 public as provided in the Open Meetings Act until the
15 public body makes the minutes available to the public
16 under Section 2.06 of the Open Meetings Act.

17 (m) Communications between a public body and an
18 attorney or auditor representing the public body that
19 would not be subject to discovery in litigation, and
20 materials prepared or compiled by or for a public body in
21 anticipation of a criminal, civil, or administrative
22 proceeding upon the request of an attorney advising the
23 public body, and materials prepared or compiled with
24 respect to internal audits of public bodies.

25 (n) Records relating to a public body's adjudication
26 of employee grievances or disciplinary cases; however,

1 this exemption shall not extend to the final outcome of
2 cases in which discipline is imposed.

3 (o) Administrative or technical information associated
4 with automated data processing operations, including, but
5 not limited to, software, operating protocols, computer
6 program abstracts, file layouts, source listings, object
7 modules, load modules, user guides, documentation
8 pertaining to all logical and physical design of
9 computerized systems, employee manuals, and any other
10 information that, if disclosed, would jeopardize the
11 security of the system or its data or the security of
12 materials exempt under this Section.

13 (p) Records relating to collective negotiating matters
14 between public bodies and their employees or
15 representatives, except that any final contract or
16 agreement shall be subject to inspection and copying.

17 (q) Test questions, scoring keys, and other
18 examination data used to determine the qualifications of
19 an applicant for a license or employment.

20 (r) The records, documents, and information relating
21 to real estate purchase negotiations until those
22 negotiations have been completed or otherwise terminated.
23 With regard to a parcel involved in a pending or actually
24 and reasonably contemplated eminent domain proceeding
25 under the Eminent Domain Act, records, documents, and
26 information relating to that parcel shall be exempt except

1 as may be allowed under discovery rules adopted by the
2 Illinois Supreme Court. The records, documents, and
3 information relating to a real estate sale shall be exempt
4 until a sale is consummated.

5 (s) Any and all proprietary information and records
6 related to the operation of an intergovernmental risk
7 management association or self-insurance pool or jointly
8 self-administered health and accident cooperative or pool.
9 Insurance or self insurance (including any
10 intergovernmental risk management association or self
11 insurance pool) claims, loss or risk management
12 information, records, data, advice or communications.

13 (t) Information contained in or related to
14 examination, operating, or condition reports prepared by,
15 on behalf of, or for the use of a public body responsible
16 for the regulation or supervision of financial
17 institutions, insurance companies, or pharmacy benefit
18 managers, unless disclosure is otherwise required by State
19 law.

20 (u) Information that would disclose or might lead to
21 the disclosure of secret or confidential information,
22 codes, algorithms, programs, or private keys intended to
23 be used to create electronic signatures under the Uniform
24 Electronic Transactions Act.

25 (v) Vulnerability assessments, security measures, and
26 response policies or plans that are designed to identify,

1 prevent, or respond to potential attacks upon a
2 community's population or systems, facilities, or
3 installations, the destruction or contamination of which
4 would constitute a clear and present danger to the health
5 or safety of the community, but only to the extent that
6 disclosure could reasonably be expected to jeopardize the
7 effectiveness of the measures or the safety of the
8 personnel who implement them or the public. Information
9 exempt under this item may include such things as details
10 pertaining to the mobilization or deployment of personnel
11 or equipment, to the operation of communication systems or
12 protocols, or to tactical operations.

13 (w) (Blank).

14 (x) Maps and other records regarding the location or
15 security of generation, transmission, distribution,
16 storage, gathering, treatment, or switching facilities
17 owned by a utility, by a power generator, or by the
18 Illinois Power Agency.

19 (y) Information contained in or related to proposals,
20 bids, or negotiations related to electric power
21 procurement under Section 1-75 of the Illinois Power
22 Agency Act and Section 16-111.5 of the Public Utilities
23 Act that is determined to be confidential and proprietary
24 by the Illinois Power Agency or by the Illinois Commerce
25 Commission.

26 (z) Information about students exempted from

1 disclosure under Sections 10-20.38 or 34-18.29 of the
2 School Code, and information about undergraduate students
3 enrolled at an institution of higher education exempted
4 from disclosure under Section 25 of the Illinois Credit
5 Card Marketing Act of 2009.

6 (aa) Information the disclosure of which is exempted
7 under the Viatical Settlements Act of 2009.

8 (bb) Records and information provided to a mortality
9 review team and records maintained by a mortality review
10 team appointed under the Department of Juvenile Justice
11 Mortality Review Team Act.

12 (cc) Information regarding interments, entombments, or
13 inurnments of human remains that are submitted to the
14 Cemetery Oversight Database under the Cemetery Care Act or
15 the Cemetery Oversight Act, whichever is applicable.

16 (dd) Correspondence and records (i) that may not be
17 disclosed under Section 11-9 of the Illinois Public Aid
18 Code or (ii) that pertain to appeals under Section 11-8 of
19 the Illinois Public Aid Code.

20 (ee) The names, addresses, or other personal
21 information of persons who are minors and are also
22 participants and registrants in programs of park
23 districts, forest preserve districts, conservation
24 districts, recreation agencies, and special recreation
25 associations.

26 (ff) The names, addresses, or other personal

1 information of participants and registrants in programs of
2 park districts, forest preserve districts, conservation
3 districts, recreation agencies, and special recreation
4 associations where such programs are targeted primarily to
5 minors.

6 (gg) Confidential information described in Section
7 1-100 of the Illinois Independent Tax Tribunal Act of
8 2012.

9 (hh) The report submitted to the State Board of
10 Education by the School Security and Standards Task Force
11 under item (8) of subsection (d) of Section 2-3.160 of the
12 School Code and any information contained in that report.

13 (ii) Records requested by persons committed to or
14 detained by the Department of Human Services under the
15 Sexually Violent Persons Commitment Act or committed to
16 the Department of Corrections under the Sexually Dangerous
17 Persons Act if those materials: (i) are available in the
18 library of the facility where the individual is confined;
19 (ii) include records from staff members' personnel files,
20 staff rosters, or other staffing assignment information;
21 or (iii) are available through an administrative request
22 to the Department of Human Services or the Department of
23 Corrections.

24 (jj) Confidential information described in Section
25 5-535 of the Civil Administrative Code of Illinois.

26 (kk) The public body's credit card numbers, debit card

1 numbers, bank account numbers, Federal Employer
2 Identification Number, security code numbers, passwords,
3 and similar account information, the disclosure of which
4 could result in identity theft or impersonation or defrauding
5 of a governmental entity or a person.

6 (11) Records concerning the work of the threat
7 assessment team of a school district, a school employee's
8 determination about whether an individual poses a clear
9 and present danger, a school district's report of a threat
10 to law enforcement, or an action by a school district
11 under the Firearms Restraining Order Act.

12 (1.5) Any information exempt from disclosure under the
13 Judicial Privacy Act shall be redacted from public records
14 prior to disclosure under this Act.

15 (2) A public record that is not in the possession of a
16 public body but is in the possession of a party with whom the
17 agency has contracted to perform a governmental function on
18 behalf of the public body, and that directly relates to the
19 governmental function and is not otherwise exempt under this
20 Act, shall be considered a public record of the public body,
21 for purposes of this Act.

22 (3) This Section does not authorize withholding of
23 information or limit the availability of records to the
24 public, except as stated in this Section or otherwise provided
25 in this Act.

26 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;

1 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
2 6-25-21; 102-558, eff. 8-20-21; revised 11-22-21.)

3 Section 15. The Mental Health and Developmental
4 Disabilities Code is amended by changing Section 6-103.3 as
5 follows:

6 (405 ILCS 5/6-103.3)

7 Sec. 6-103.3. Clear and present danger; notice.

8 (a) If a person is determined to pose a clear and present
9 danger to himself, herself, or to others by a physician,
10 clinical psychologist, or qualified examiner, whether employed
11 by the State, by any public or private mental health facility
12 or part thereof, or by a law enforcement official or a school
13 administrator, then the physician, clinical psychologist,
14 qualified examiner shall notify the Department of Human
15 Services and a law enforcement official or school
16 administrator shall notify the Illinois State Police, within
17 24 hours of making the determination that the person poses a
18 clear and present danger. The Department of Human Services
19 shall immediately update its records and information relating
20 to mental health and developmental disabilities, and if
21 appropriate, shall notify the Illinois State Police in a form
22 and manner prescribed by the Illinois State Police. When the
23 Illinois State Police is notified pursuant to this Section
24 that a person has been determined to pose a clear and present

1 danger, it shall determine whether to file an action under the
2 Firearms Restraining Order Act with that person as the
3 respondent.

4 (b) Information disclosed under this Section shall remain
5 privileged and confidential, and shall not be redisclosed,
6 except as required under subsection (e) of Section 3.1 of the
7 Firearm Owners Identification Card Act or for the purpose of
8 an action under the Firearms Restraining Order Act, nor used
9 for any other purpose. The method of providing this
10 information shall guarantee that the information is not
11 released beyond that which is necessary for the purposes
12 provided by ~~purpose of~~ this Section and shall be provided by
13 rule by the Department of Human Services. The identity of the
14 person reporting under this Section shall not be disclosed to
15 the subject of the report. The physician, clinical
16 psychologist, qualified examiner, law enforcement official, or
17 school administrator making the determination and his or her
18 employer shall not be held criminally, civilly, or
19 professionally liable for making or not making the
20 notification required under this Section, except for willful
21 or wanton misconduct. This Section does not apply to a law
22 enforcement official, if making the notification under this
23 Section will interfere with an ongoing or pending criminal
24 investigation.

25 (c) For the purposes of this Section:

26 "Clear and present danger" has the meaning ascribed to

1 it in Section 1.1 of the Firearm Owners Identification
2 Card Act.

3 "Determined to pose a clear and present danger to
4 himself, herself, or to others by a physician, clinical
5 psychologist, or qualified examiner" means in the
6 professional opinion of the physician, clinical
7 psychologist, or qualified examiner, a person poses a
8 clear and present danger.

9 "School administrator" means the person required to
10 report under the School Administrator Reporting of Mental
11 Health Clear and Present Danger Determinations Law.

12 (Source: P.A. 102-538, eff. 8-20-21.)

13 Section 20. The Firearm Owners Identification Card Act is
14 amended by changing Section 8.1 as follows:

15 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

16 Sec. 8.1. Notifications to the Illinois State Police.

17 (a) The Circuit Clerk shall, in the form and manner
18 required by the Supreme Court, notify the Illinois State
19 Police of all final dispositions of cases for which the
20 Department has received information reported to it under
21 Sections 2.1 and 2.2 of the Criminal Identification Act.

22 (b) Upon adjudication of any individual as a person with a
23 mental disability as defined in Section 1.1 of this Act or a
24 finding that a person has been involuntarily admitted, the

1 court shall direct the circuit court clerk to immediately
2 notify the Illinois State Police, Firearm Owner's
3 Identification (FOID) department, and shall forward a copy of
4 the court order to the Department.

5 (b-1) Beginning July 1, 2016, and each July 1 and December
6 30 of every year thereafter, the circuit court clerk shall, in
7 the form and manner prescribed by the Illinois State Police,
8 notify the Illinois State Police, Firearm Owner's
9 Identification (FOID) department if the court has not directed
10 the circuit court clerk to notify the Illinois State Police,
11 Firearm Owner's Identification (FOID) department under
12 subsection (b) of this Section, within the preceding 6 months,
13 because no person has been adjudicated as a person with a
14 mental disability by the court as defined in Section 1.1 of
15 this Act or if no person has been involuntarily admitted. The
16 Supreme Court may adopt any orders or rules necessary to
17 identify the persons who shall be reported to the Illinois
18 State Police under subsection (b), or any other orders or
19 rules necessary to implement the requirements of this Act.

20 (c) The Department of Human Services shall, in the form
21 and manner prescribed by the Illinois State Police, report all
22 information collected under subsection (b) of Section 12 of
23 the Mental Health and Developmental Disabilities
24 Confidentiality Act for the purpose of determining whether a
25 person who may be or may have been a patient in a mental health
26 facility is disqualified under State or federal law from

1 receiving or retaining a Firearm Owner's Identification Card,
2 or purchasing a weapon.

3 (d) If a person is determined to pose a clear and present
4 danger to himself, herself, or to others:

5 (1) by a physician, clinical psychologist, or
6 qualified examiner, or is determined to have a
7 developmental disability by a physician, clinical
8 psychologist, or qualified examiner, whether employed by
9 the State or privately, then the physician, clinical
10 psychologist, or qualified examiner shall, within 24 hours
11 of making the determination, notify the Department of
12 Human Services that the person poses a clear and present
13 danger or has a developmental disability; or

14 (2) by a law enforcement official or school
15 administrator, then the law enforcement official or school
16 administrator shall, within 24 hours of making the
17 determination, notify the Illinois State Police that the
18 person poses a clear and present danger.

19 The Department of Human Services shall immediately update
20 its records and information relating to mental health and
21 developmental disabilities, and if appropriate, shall notify
22 the Illinois State Police in a form and manner prescribed by
23 the Illinois State Police. When the Illinois State Police is
24 notified pursuant to this subsection that a person has been
25 determined to pose a clear and present danger, the ~~The~~
26 Illinois State Police shall determine whether to revoke the

1 person's Firearm Owner's Identification Card under Section 8
2 of this Act and whether to file an action under the Firearms
3 Restraining Order Act with that person as the respondent. Any
4 information disclosed under this subsection shall remain
5 privileged and confidential, and shall not be redisclosed,
6 except as required under subsection (e) of Section 3.1 of this
7 Act or for the purpose of an action under the Firearms
8 Restraining Order Act, nor used for any other purpose. The
9 method of providing this information shall guarantee that the
10 information is not released beyond what is necessary for the
11 purposes provided by ~~purpose of~~ this Section and shall be
12 provided by rule by the Department of Human Services. The
13 identity of the person reporting under this Section shall not
14 be disclosed to the subject of the report. The physician,
15 clinical psychologist, qualified examiner, law enforcement
16 official, or school administrator making the determination and
17 his or her employer shall not be held criminally, civilly, or
18 professionally liable for making or not making the
19 notification required under this subsection, except for
20 willful or wanton misconduct.

21 (e) The Illinois State Police shall adopt rules to
22 implement this Section.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 Section 25. The Firearms Restraining Order Act is amended
25 by changing Sections 5 and 10 as follows:

1 (430 ILCS 67/5)

2 (Text of Section before amendment by P.A. 102-345)

3 Sec. 5. Definitions. As used in this Act:

4 "Family member of the respondent" means a spouse, parent,
5 child, or step-child of the respondent, any other person
6 related by blood or present marriage to the respondent, or a
7 person who shares a common dwelling with the respondent.

8 "Firearms restraining order" means an order issued by the
9 court, prohibiting and enjoining a named person from having in
10 his or her custody or control, purchasing, possessing, or
11 receiving any firearms.

12 "Intimate partner" means a spouse, former spouse, a person
13 with whom the respondent has or allegedly has a child in
14 common, or a person with whom the respondent has or has had a
15 dating or engagement relationship.

16 "Petitioner" means:

17 (1) a family member of the respondent as defined in
18 this Act; or

19 (2) a law enforcement officer who files a petition
20 alleging that the respondent poses a danger of causing
21 personal injury to himself, herself, or another by having
22 in his or her custody or control, purchasing, possessing,
23 or receiving a firearm.

24 "Respondent" means the person alleged in the petition to
25 pose a danger of causing personal injury to himself, herself,

1 or another by having in his or her custody or control,
2 purchasing, possessing, or receiving a firearm.

3 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

4 (Text of Section after amendment by P.A. 102-345)

5 Sec. 5. Definitions. As used in this Act:

6 "Family member of the respondent" means a spouse, former
7 spouse, person with whom the respondent has a minor child in
8 common, parent, child, or step-child of the respondent, any
9 other person related by blood or present marriage to the
10 respondent, or a person who shares a common dwelling with the
11 respondent.

12 "Firearms restraining order" means an order issued by the
13 court, prohibiting and enjoining a named person from having in
14 his or her custody or control, purchasing, possessing, or
15 receiving any firearms or ammunition, or removing firearm
16 parts that could be assembled to make an operable firearm.

17 "Intimate partner" means a spouse, former spouse, a person
18 with whom the respondent has or allegedly has a child in
19 common, or a person with whom the respondent has or has had a
20 dating or engagement relationship.

21 "Petitioner" means:

22 (1) a family member of the respondent as defined in
23 this Act; ~~or~~

24 (1.5) a school district board of directors or board of
25 education or its designee; or

1 (2) a law enforcement officer who files a petition
2 alleging that the respondent poses a danger of causing
3 personal injury to himself, herself, or another by having
4 in his or her custody or control, purchasing, possessing,
5 or receiving a firearm, ammunition, or firearm parts that
6 could be assembled to make an operable firearm or removing
7 firearm parts that could be assembled to make an operable
8 firearm.

9 "Respondent" means the person alleged in the petition to
10 pose a danger of causing personal injury to himself, herself,
11 or another by having in his or her custody or control,
12 purchasing, possessing, or receiving a firearm, ammunition, or
13 firearm parts that could be assembled to make an operable
14 firearm or removing firearm parts that could be assembled to
15 make an operable firearm.

16 (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22.)

17 (430 ILCS 67/10)

18 (Text of Section before amendment by P.A. 102-345)

19 Sec. 10. Commencement of action; procedure.

20 (a) An action for a firearms restraining order is
21 commenced by filing a verified petition for a firearms
22 restraining order in any circuit court.

23 (b) A petition for a firearms restraining order may be
24 filed in any county where the respondent resides.

25 (c) No fee shall be charged by the clerk for filing,

1 amending, vacating, certifying, or photocopying petitions or
2 orders; or for issuing alias summons; or for any related
3 filing service. No fee shall be charged by the sheriff or other
4 law enforcement for service by the sheriff or other law
5 enforcement of a petition, rule, motion, or order in an action
6 commenced under this Section.

7 (d) The court shall provide, through the office of the
8 clerk of the court, simplified forms and clerical assistance
9 to help with the writing and filing of a petition under this
10 Section by any person not represented by counsel. In addition,
11 that assistance may be provided by the State's Attorney.

12 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

13 (Text of Section after amendment by P.A. 102-345)

14 Sec. 10. Commencement of action; procedure.

15 (a) An action for a firearms restraining order is
16 commenced by filing a verified petition for a firearms
17 restraining order in any circuit court.

18 (b) A petition for a firearms restraining order may be
19 filed in: (1) any county where the respondent resides or (2)
20 any county where an incident occurred that involved the
21 respondent posing an immediate and present danger of causing
22 personal injury to the respondent or another by having in his
23 or her custody or control, or purchasing, possessing, or
24 receiving, a firearm, ammunition, or firearm parts that could
25 be assembled to make an operable firearm.

1 (c) No fee shall be charged by the clerk for filing,
2 amending, vacating, certifying, printing, or photocopying
3 petitions or orders; or for issuing alias summons; or for any
4 related filing service. No fee shall be charged by the sheriff
5 or other law enforcement for service by the sheriff or other
6 law enforcement of a petition, rule, motion, or order in an
7 action commenced under this Section.

8 (d) The court shall provide, through the office of the
9 clerk of the court, simplified forms and clerical assistance
10 to help with the writing and filing of a petition under this
11 Section by any person not represented by counsel. In addition,
12 that assistance may be provided by the State's Attorney.

13 (e) A school district board of directors or board of
14 education may by policy or resolution authorize a designee or
15 designees to file petitions for firearms restraining orders on
16 its behalf with or without prior board approval of a specific
17 petition. For any petition filed by a designee without prior
18 board approval, the board must approve a resolution ratifying
19 the specific petition as soon as possible after the filing of
20 the petition, but no later than 30 days after the filing of the
21 petition.

22 (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 120/2 from Ch. 102, par. 42

4 5 ILCS 140/7 from Ch. 116, par. 207

5 405 ILCS 5/6-103.3

6 430 ILCS 65/8.1 from Ch. 38, par. 83-8.1

7 430 ILCS 67/5

8 430 ILCS 67/10