



Rep. Maurice A. West, II

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1 AMENDMENT TO SENATE BILL 685

2 AMENDMENT NO. _____. Amend Senate Bill 685 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Domestic Violence Fatality Review Act.

6 Section 5. Definitions. As used in this Act:

7 "Board" means the Illinois Criminal Justice Information
8 Authority Board.

9 "Case eligible for review" means the case based upon a
10 qualifying relationship that the regional review teams can
11 review under Section 70.

12 "Confidential information" means:

13 (1) any oral, written, digital or electronic, original
14 or copied information, records, documents, photographs,
15 images, exhibits, or communications provided to, obtained
16 by, shared with, discussed by, created by, or maintained

1 by the Board, Statewide Committee, or by a regional review
2 team with regard to a case eligible for review to
3 determine whether the case should be reviewed or a review
4 of an eligible case;

5 (2) any information that discloses the identities of
6 victims, survivors, deceased, or offenders, or their
7 family members, or any information by which their
8 identities can be determined by a reasonably diligent
9 inquiry; and

10 (3) any discussions, deliberations, minutes, notes,
11 records, or opinions of the members of the Board,
12 Statewide Committee, or a regional review team with regard
13 to a case eligible for review to determine whether the
14 case should be reviewed or a review of an eligible case.
15 Confidential information does not mean nonidentifying or
16 aggregate data information or analysis of data, and
17 recommendations for community and systemic reform.

18 "Deceased" means anyone who died in connection with the
19 actions of the offender, other than the victim, survivor, or
20 offender.

21 "Domestic violence" means abuse as it is defined in
22 Section 103 of the Illinois Domestic Violence Act of 1986 and
23 paragraph (1) of subsection (b) of Section 112A-3 of the Code
24 of Criminal Procedure of 1963.

25 "Domestic violence fatality review" means the deliberative
26 process of multiagency and multidisciplinary teams that select

1 eligible cases of domestic violence related fatalities and
2 near-fatalities, and trace prior systemic interventions and
3 involvement to:

4 (1) examine barriers to safety, justice,
5 self-determination, and equity;

6 (2) identify systemic and community gaps and consider
7 alternate and more effective systemic responses; and

8 (3) develop recommendations for greater coordinated
9 and improved community and systemic response and
10 prevention initiatives to domestic violence in order to
11 reduce the occurrence, frequency, and severity of domestic
12 violence and prevent fatalities and near-fatalities.

13 "Familicide" means the killing of a family, including one
14 or both parents and any children, by a family member.

15 "Fatality" means death caused by suicide or homicide.

16 "Near-fatality" means a death that nearly occurred by
17 means of suicide or homicide, or an injury that could have
18 resulted in death.

19 "Offender" means the person who inflicted domestic
20 violence upon the victim and caused the victim's death, or the
21 person who inflicted domestic violence upon a survivor.

22 "Offender" includes a person who is deceased or alive, and is
23 not required to have been the subject of a criminal
24 investigation or prosecution.

25 "Regional domestic violence fatality review team" or
26 "regional review team" means a multiagency and

1 multidisciplinary team that selects and reviews eligible cases
2 in accordance with Section 45.

3 "Statewide Committee" means the Ad Hoc Statewide Domestic
4 Violence Fatality Review Committee of the Illinois Criminal
5 Justice Information Authority Board.

6 "Survivor" means a person who experienced domestic
7 violence and is alive.

8 "Victim" means the person who experienced domestic
9 violence and is deceased, including by means of homicide or
10 suicide.

11 Section 10. Findings. The General Assembly finds and
12 declares the following:

13 (a) Over 10,000,000 people in the United States experience
14 physical domestic violence by a current or former partner each
15 year.

16 (b) According to the Centers for Disease Control and
17 Prevention of the United States Department of Health and Human
18 Services, domestic violence accounts for 15% of all violent
19 crime in the United States, and in this State, 42% of women and
20 26% of men have been harmed by an intimate partner in their
21 lifetime.

22 (c) According to the U.S. Department of Justice,
23 nationwide approximately 1 in 4 women and nearly 1 in 7 men
24 experience severe physical violence resulting from domestic
25 violence by an intimate partner at some point in their

1 lifetime.

2 (d) The Illinois Criminal Justice Information Authority
3 found that while the actual number of domestic violence
4 incidents are underreported, in this State over 100,000
5 domestic violence offenses were reported to law enforcement
6 each year between 2005 and 2017. Between 400,000 and nearly
7 600,000 orders of protection were filed each year between 2005
8 and 2017.

9 (e) From 2001 to 2018, State domestic violence agencies
10 served nearly 800,000 adults and children, at an average of
11 57,684 clients per year, according to the Illinois Criminal
12 Justice Information Authority.

13 (f) Domestic violence related homicides account for nearly
14 1 in 5 murders in the United States. According to the National
15 Coalition Against Domestic Violence, female homicide victims
16 are substantially more likely than male homicide victims to
17 have been killed by an intimate partner. One in 3 female murder
18 victims are killed by intimate partners. About 4% of male
19 homicide victims were killed by an intimate partner.
20 Nationwide, 72% of all homicide-suicides involved an intimate
21 partner of which 94% of the murdered victims are women.

22 (g) The Illinois Criminal Justice Information Authority
23 found that 15% of all homicides in this State are connected to
24 domestic violence, such that at least 130 domestic violence
25 related homicides occurred in this State during 2019. The
26 Illinois Coalition Against Domestic Violence found that

1 domestic violence fatalities occurred across at least 26
2 counties and included at least 7 children between July 2019
3 and June 2020.

4 (h) The Illinois Criminal Justice Information Authority
5 found that the estimated financial impact of domestic violence
6 homicides reported in this State during 2019 would total
7 nearly \$1.2 billion.

8 (i) Nearly all familicides involve a history of domestic
9 violence.

10 (j) Effective responses to domestic violence and domestic
11 violence related fatalities involve governmental, social
12 services, and other systems in the community. A coordinated
13 and consistent approach among community and system points of
14 intervention are important to fostering the safety, stability,
15 well-being and healing of survivors, and facilitating
16 meaningful engagement with and sustainable accountability for
17 offenders.

18 (k) Domestic violence transcends boundaries of race,
19 religion, ethnicity, sexual orientation, gender identity,
20 disability, culture, socioeconomic status, and geography.

21 (l) Domestic violence related fatalities and
22 near-fatalities are experienced and responded to differently
23 in historically marginalized communities. The communities and
24 systems that victims, survivors, and offenders engage with in
25 historically marginalized communities are typically those with
26 power imbalances often rooted in systemic racism and

1 oppression. Women of color, in particular, face additional
2 barriers and gaps in accessing systemic and community
3 responses aimed at reducing domestic violence related
4 fatalities and near-fatalities.

5 (m) Over 200 domestic violence fatality review teams exist
6 across the United States. Those teams are engaged in systems
7 reform in order to improve the response to domestic violence
8 and reduce and prevent domestic violence related fatalities
9 and near-fatalities.

10 (n) Domestic violence related fatalities and
11 near-fatalities can be prevented, and the use of regional
12 domestic violence fatality review teams under the leadership,
13 guidance, and technical assistance of the Statewide Committee
14 in support of the regional teams is an effort toward such
15 prevention.

16 Section 15. Purposes. The purposes of this Act are:

17 (1) To create the Ad Hoc Statewide Domestic Violence
18 Fatality Review Committee of the Illinois Criminal Justice
19 Information Authority Board to support domestic violence
20 fatality review in this State.

21 (2) To establish regional domestic violence fatality
22 review teams that engage in domestic violence fatality review
23 in this State in order to foster systemic reform that aims to:

24 (A) reduce domestic violence and domestic violence
25 related fatalities and near-fatalities in this State;

1 (B) address disparate and discriminatory practices and
2 attitudes in the systems that interact with victims,
3 survivors, and offenders; and

4 (C) reduce the cost on society of domestic violence
5 and domestic violence related fatalities and
6 near-fatalities by:

7 (i) reviewing selected cases eligible for review;

8 (ii) examining how systems have responded to
9 individual experiences;

10 (iii) identifying gaps and barriers to effective
11 and equitable responses that promote safety,
12 stability, well-being, healing, and accountability;
13 and

14 (iv) recommending strategies to improve community
15 and systemic responses to domestic violence in order
16 to foster points of intervention and support that are
17 effective, coordinated, collaborative, consistent,
18 just, and equitable.

19 Section 20. Ad Hoc Statewide Domestic Violence Fatality
20 Review Committee of the Illinois Criminal Justice Information
21 Authority Board. The Ad Hoc Statewide Domestic Violence
22 Fatality Review Committee of the Illinois Criminal Justice
23 Information Authority Board is hereby created to provide
24 guidance, leadership, technical assistance, research, and
25 other supports to the regional domestic violence fatality

1 review teams in carrying out their responsibilities under this
2 Act, and to serve as a statewide resource for addressing
3 domestic violence related fatalities and near-fatalities as
4 well as other forms of abuse connected to domestic violence.

5 Section 25. Membership of the Statewide Committee.

6 (a) The Statewide Committee shall consist of the following
7 voting members and nonvoting ex officio members. The voting
8 membership shall have racial, ethnic, gender, and geographic
9 diversity and include the following:

10 (1) Four members of the General Assembly as follows: 2
11 members of the Senate, one member appointed by the
12 President of the Senate and one member appointed by the
13 Senate Minority Leader; 2 members of the House of
14 Representatives, one member appointed by the Speaker of
15 the House and one member appointed by the House Minority
16 Leader.

17 (2) One member of the Governor's policy leadership
18 team appointed by the Governor.

19 (3) Up to 20 public members designated by the Board
20 Chairperson, including:

21 (A) Four members representing different regional
22 review teams established under this Act, or at-large
23 members in accordance with subparagraph (I) if 4
24 regional review teams have not yet been established at
25 the time of appointment.

1 (B) Two members representing statewide, regional,
2 or local organizations that advocate on behalf of
3 survivors of domestic violence.

4 (C) Two members who are domestic violence
5 survivors, one of whom may be a family member of a
6 victim of domestic violence-related fatality or
7 near-fatality.

8 (D) Four social services providers representing
9 different geographic areas of the State whose
10 significant purpose is to provide services to
11 survivors of domestic violence.

12 (E) Two social service providers who have
13 significant experience working with domestic violence
14 offenders.

15 (F) One physician licensed by the State whose
16 State practice focuses on emergency medicine.

17 (G) One member of the Illinois Association of
18 Chiefs of Police recommended by the Association
19 Director or President.

20 (H) One member of the Illinois Sheriffs'
21 Association recommended by the Association Director or
22 President.

23 (I) Three at-large members who have substantial
24 expertise and experience in the response to or
25 prevention of domestic violence and domestic violence
26 related fatalities and near-fatalities, or a related

1 skill or expertise.

2 (b) The following, or a designee, shall serve as nonvoting
3 ex officio members of the Statewide Committee: the Lieutenant
4 Governor; the Secretary of Human Services; the Director of
5 Public Health; the Attorney General; the Director of the
6 Illinois State Police; the Director of Children and Family
7 Services; the Director of the Illinois Criminal Justice
8 Information Authority; the Director of the Office of the
9 State's Attorney Appellate Prosecutor; and the Director of the
10 Office of the State Appellate Defender.

11 Section 30. Statewide Committee terms of members;
12 vacancies.

13 (a) Terms of the original voting members shall be
14 staggered as follows: one-half shall be designated for 2-year
15 terms and one-half shall be designated for 3-year terms. The
16 length of the initial terms of each original voting member
17 shall be drawn by lot at the first meeting held by the
18 Statewide Committee and shall be recorded as part of the
19 minutes of the meeting. After the initial term, each term
20 shall be for 3 years. Length of terms of co-chairs, the
21 secretary, and other officers coincide with Statewide
22 Committee members' terms.

23 (b) The Board Chairperson shall designate members to fill
24 vacancies in accordance with Section 25. A member whose term
25 has expired may serve until a successor is appointed and

1 accepts the appointment.

2 Section 35. Statewide Committee quorum; meetings;
3 compensation.

4 (a) A quorum shall consist of 7 of the voting members of
5 the Statewide Committee.

6 (b) The first meeting of the Statewide Committee shall
7 occur by January 15, 2022. At the first meeting and at
8 subsequent meetings when terms expire, the voting members
9 shall elect 2 co-chairs and a secretary from among the voting
10 members and may elect any other officers and other officers
11 the voting members deem necessary to carry out the duties and
12 responsibilities of the Statewide Committee.

13 (c) The Statewide Committee shall meet at least quarterly
14 each State Fiscal Year. Additional meetings may be called by
15 the co-chairs, after at least 7 days prior notice to the
16 Statewide Committee members, or upon a written request signed
17 by at least 5 Statewide Committee members to the co-chairs for
18 a meeting request. Meetings may be held by a virtual meeting
19 format during a public health emergency or disaster
20 proclamation declared by the Governor, or at the discretion of
21 the co-chairs.

22 (d) The meetings of the Statewide Committee are subject to
23 the Open Meetings Act, except the following shall occur in
24 closed executive sessions not subject to the requirements of
25 the Open Meetings Act:

1 (1) discussions about personnel matters, confidential
2 information as defined by Section 5, or cases eligible for
3 review under Section 70;

4 (2) conducting a domestic violence fatality review;
5 and

6 (3) any other matters that the Statewide Committee
7 co-chairs deem necessary or a majority of the Statewide
8 Committee members vote to discuss in a closed executive
9 session in order to advance the purposes of this Act.

10 (e) The members shall receive no compensation for their
11 service as members of the Statewide Committee, but may receive
12 reimbursement for actual expenses incurred in the performance
13 of their duties, subject to the availability of funds for that
14 purpose.

15 Section 40. Duties and responsibilities of the Statewide
16 Committee.

17 (a) The Statewide Committee shall carry out the following
18 duties and responsibilities:

19 (1) Subject to available funds, hire or assign a
20 full-time Program Manager to carry out the duties and
21 responsibilities of the Statewide Committee and the
22 purposes of this Act. The Program Manager may hire
23 additional staff, subject to the availability of funds for
24 that purpose and subject to the approval of the Board. The
25 Statewide Committee and regional review teams can operate

1 without an acting Program Manager.

2 (2) Establish and maintain an Internet website.

3 (3) Prepare an annual budget that includes
4 compensation for the Program Manager and staff, and
5 financial reimbursement to regional review team members or
6 teams for actual expenses incurred in the performance of
7 their duties, subject to the availability of funds for
8 that purpose.

9 (4) Facilitate the establishment and implementation of
10 regional review teams across the State over 6 years after
11 the effective date of this Act and collaboratively develop
12 regional implementation plans and procedures.

13 (5) Provide training and ongoing technical assistance
14 to regional review teams.

15 (6) Conduct, or assist in conducting, regional
16 domestic violence fatality reviews if requested by
17 regional review teams in specific cases.

18 (7) Develop model confidentiality agreement, policies,
19 and procedures for the use of regional review teams.

20 (8) Develop guidelines for the annual and biennial
21 reports of the Statewide Committee and the regional review
22 teams pursuant to this Section and Section 65.

23 (9) Appoint the initial members of each regional
24 review team in accordance with Section 50 or designate a
25 founding member of a regional review team to form the
26 remainder of the regional review team in accordance with

1 Section 50, unless the regional review team has been
2 formed prior to the effective date of this Act or elects to
3 form without the involvement of the Statewide Committee.

4 (10) Create a process whereby the Statewide Committee
5 shall annually officially recognize regional review teams
6 that are formed and operated in substantial compliance
7 with the requirements of this Act, and nonrecognize those
8 regional review teams that are substantially out of
9 compliance after reasonable efforts are made by the
10 Statewide Committee to engage the regional review team's
11 co-chairs and other regional stakeholders to facilitate
12 corrective actions to bring the regional review team into
13 substantial compliance. A nonrecognized regional review
14 team no longer has the authority to operate under this
15 Act, however, nonrecognition would not preclude the
16 formation of a new regional review team for the affected
17 region.

18 (11) Review, analyze, maintain, and securely store
19 regional review team reports and recommendations submitted
20 by each regional review team as required by Section 65.

21 (12) File an annual report with the Governor and the
22 General Assembly on the operations and activities of the
23 Statewide Committee and of the regional review teams. The
24 first report shall be due no later than March 1, 2023, and
25 each subsequent report shall be due no later than March 1
26 of each year thereafter. The annual report shall be made

1 publicly available on the Statewide Committee's Internet
2 website.

3 (13) In even numbered years, file a substantive
4 biennial report reviewing and analyzing the data and
5 recommendations collected from the reports of the regional
6 review teams. The biennial report shall include specific
7 recommendations for legislative, systemic, policy, and any
8 other changes to reduce domestic violence and domestic
9 violence related fatalities and near-fatalities. The first
10 report shall be due no later than April 1, 2024, and each
11 subsequent report shall be due no later than April 1 of
12 each even year thereafter. The biennial report shall be
13 made publicly available on the Statewide Committee's
14 Internet website.

15 (b) The Statewide Committee may carry out the following
16 duties and responsibilities:

17 (1) After a vote by the majority of the voting
18 Statewide Committee members or a decision by the
19 co-chairs, establish one or more subcommittees or task
20 forces to address specific issues regarding domestic
21 violence, domestic violence fatalities and
22 near-fatalities, domestic violence fatality review, or
23 other related issues or subject matters, and may invite
24 nonmembers with expertise on the issue or subject matter
25 to serve on the subcommittee or task force. Each
26 subcommittee or task force shall be chaired by a member of

1 the Statewide Committee.

2 (2) Advise the Governor and General Assembly on
3 domestic violence, domestic violence fatalities and
4 near-fatalities, domestic violence fatality review, data,
5 and related topics or policies.

6 (3) Engage nonmember stakeholders in reviewing
7 selected recommendations from the regional review teams in
8 accordance with notions of fairness, equity, justice, due
9 process, and practicality.

10 (4) Analyze data and identify trends related to
11 domestic violence and domestic violence related fatalities
12 and near-fatalities, and develop mechanisms for
13 collecting, analyzing, and storing data that it collects
14 or that is provided by the regional review teams.

15 (5) Adopt administrative rules in order to implement
16 this Act.

17 (6) Subject to the availability of funding and
18 approval by a vote of the majority of the Statewide
19 Committee members, engage with and enter into contracts
20 with a higher education institution or research entity for
21 research, analysis, training, and educational purposes in
22 furtherance of the purposes of this Act. Statewide
23 Committee members or Statewide Committee staff shall not
24 share information with contractors that would disclose the
25 identities of victims, survivors, deceased, offenders, and
26 their family members or by which their identities can be

1 determined by a reasonably diligent inquiry.

2 (7) Support the implementation of systemic and
3 community reform recommendations in order to advance the
4 purposes of this Act.

5 (8) Adopt notice of funding opportunities, award
6 grants, or enter into contracts with statewide or local
7 organizations that advocate on behalf of survivors.

8 (9) Assign any responsibilities under this Section.

9 (10) Engage in any other activities that enable the
10 Statewide Committee, its staff, and the regional review
11 teams to carry out the purposes of this Act.

12 Section 45. Regional domestic violence fatality review
13 teams. A regional domestic violence fatality review team may
14 be established within the boundaries of each judicial circuit.
15 Once a review team is established within the boundaries of the
16 judicial circuit, the team may establish one or more subteams
17 to efficiently and effectively carry out the responsibilities
18 of the regional review team and conduct domestic violence
19 fatality review.

20 Section 50. Membership of regional domestic violence
21 fatality review teams. Each regional review team shall, at a
22 minimum, include the following members from within the
23 boundaries of the judicial circuit:

24 (1) a State's Attorney or Assistant State's Attorney;

- 1 (2) a public defender or other criminal defense lawyer;
- 2 (3) a coroner or medical examiner;
- 3 (4) a Sheriff, Deputy Sheriff, Chief of Police, or other
4 law enforcement officer with experience in domestic violence
5 cases;
- 6 (5) a social services provider whose significant role is
7 to provide services to survivors of domestic violence;
- 8 (6) a social services provider who has significant
9 experience working with domestic violence offenders, if
10 available in the region;
- 11 (7) a civil legal services lawyer or pro bono lawyer
12 connected with a civil legal services program; and
- 13 (8) at least 2 of the following members: a public health
14 official; a physician licensed by the State who specializes in
15 emergency medicine; an advanced practice registered nurse; a
16 licensed mental health professional such as a psychiatrist,
17 clinical psychologist, licensed clinical professional
18 counselor, or licensed clinical social worker; a circuit judge
19 or associate judge; a clerk of the circuit court or other
20 elected or appointed court official; an administrative law
21 judge; an emergency medical technician, paramedic, or other
22 first responder; a local or regional elected official or State
23 legislator; a representative from the private business sector;
24 a member of the clergy or other representative of the faith
25 community; a public housing authority administrator or
26 manager; an alcohol and substance abuse treatment

1 professional; a probation or parole officer; a child welfare
2 administrator, caseworker, or investigator; a public school
3 administrator, teacher, or school support staff person
4 licensed and endorsed by the Illinois State Board of
5 Education; a representative of a State university or community
6 college; a social science researcher or data analyst; a
7 survivor or a family member or friend of a survivor or victim;
8 a supervised child visitation or child exchange staff person;
9 or a member of the public at-large who has the education,
10 training, or experience to carry out the purposes of the
11 regional review team.

12 Section 55. Terms of regional review team members;
13 vacancies.

14 (a) Terms of the original regional team members shall be
15 staggered as follows: one-half of the initial members of the
16 review team shall serve 2-year terms, and one-half of the
17 initial members shall serve 3-year terms. The initial terms
18 shall be drawn by lot at the first meeting of the review team.
19 Following the initial terms, each member of the review team
20 shall serve 3-year terms. No member shall serve more than 2
21 consecutive terms. Length of terms of co-chairs, the
22 secretary, and other officers coincide with regional review
23 team membership terms.

24 (b) Vacancies shall be filled by individuals who meet the
25 requirements of Section 50 either by an application process or

1 upon the recommendation of a member of the regional review
2 team, and approved by a vote of the majority of the regional
3 review team members. Vacancies occurring during a term shall
4 be filled to complete the current term. Members whose terms
5 have expired may continue to serve until a new member is
6 appointed. Former members are eligible for reappointment after
7 the expiration of at least 12 months following their last date
8 of service.

9 Section 60. Regional review team quorum; meetings;
10 compensation.

11 (a) All members of the regional review team are voting
12 members. Five members of the regional review team shall
13 constitute a quorum.

14 (b) At the first meeting and at subsequent meetings when
15 terms expire, the regional review team shall elect 2 co-chairs
16 and a secretary and may elect any other officers the voting
17 members deem necessary to carry out the duties and
18 responsibilities of the regional review team.

19 (c) Each regional review team shall meet at least
20 quarterly on a date and at a time and location determined by
21 the co-chairs. Additional meetings may be convened by the
22 co-chairs upon at least 7 days prior written notice to the
23 regional review team members, or upon the written request by
24 at least 5 regional review team members to the co-chairs.
25 Meetings may be held by virtual meeting format during a public

1 health emergency or disaster proclamation declared by the
2 Governor, or at the discretion of the co-chairs.

3 (d) Members of regional review teams are not entitled to
4 compensation, but may receive reimbursement for actual
5 expenses incurred in the performance of their duties, subject
6 to the availability of State or local funds for such purposes.

7 Section 65. Duties and responsibilities of the regional
8 domestic violence fatality review team.

9 (a) Each regional review team shall carry out the
10 following duties and responsibilities:

11 (1) Form a regional review team in accordance with
12 Sections 50 and 55.

13 (2) Report the names, professional titles, if
14 applicable, and business contact information of each
15 review team member to the Statewide Committee and inform
16 the Statewide Committee in a timely manner of any changes
17 to the membership of the regional review team.

18 (3) Create a secure system of maintaining and storing
19 minutes, correspondence, and confidential information
20 related to the regional review team and the domestic
21 violence fatality reviews.

22 (4) Ensure that each member of the regional review
23 team participates in trainings and technical assistance
24 provided by the Statewide Committee and other
25 professionals.

1 (5) Meet at least quarterly and maintain minutes of
2 the business conducted by the regional review team at each
3 meeting.

4 (6) Establish priorities for reviewing eligible cases
5 that consider, in part, demographic and case type
6 diversity.

7 (7) Based upon information available from a variety of
8 sources, consider cases eligible for review in accordance
9 with Section 70.

10 (8) Vote by a majority of the regional review team
11 members to review a specific case based upon various
12 factors, including the priorities by the regional review
13 team.

14 (9) Invite and coordinate with the specific people
15 designated in Section 50 who were involved in the selected
16 domestic violence-related fatality or near-fatality to
17 participate in the domestic violence fatality review.
18 Members of the regional review team may also participate
19 directly in the domestic violence fatality review.

20 (10) Execute a confidentiality agreement with each
21 member of the regional review team and participant of a
22 domestic violence fatality review in accordance with
23 Section 75.

24 (11) Conduct a domestic violence fatality review of at
25 least 2 eligible cases per calendar year, or, if the
26 regional review team is unable to complete at least 2

1 reviews in a given year, provide an explanation to the
2 Statewide Committee in the regional review team's annual
3 report pursuant to paragraph (12).

4 (12) Prepare and submit an annual report to the
5 Statewide Committee on the operations and activities of
6 the regional review team in accordance with guidelines
7 established by the Statewide Committee. The initial report
8 shall be due on March 1 following the formation of the
9 regional review team and subsequent reports shall be
10 submitted no later than March 1 of each year thereafter.

11 (13) On odd numbered years, prepare and submit to the
12 Statewide Committee a biennial report based upon the
13 domestic violence fatality reviews of the corresponding
14 time period. The biennial report shall include specific
15 recommendations for legislative, systemic, policy, and any
16 other changes to reduce domestic violence and domestic
17 violence related fatalities and near-fatalities. These
18 recommendations will be reviewed by the Statewide
19 Committee according to Section 40 and will, in part,
20 inform the Statewide Committee's biennial report on even
21 years. Any information that identifies the victims,
22 survivors, deceased, or offenders, or their family members
23 or any information by which their identities can be
24 determined by a reasonably diligent inquiry shall not be
25 disclosed in any domestic violence fatality review
26 biennial report or by any other means. Any narrative of

1 nonidentifying facts will be limited to those essential
2 and indispensable to the explanation of data analysis or a
3 recommendation for reform. Aggregate and nonidentifying
4 data, including demographics, may be included in the
5 biennial report. The first biennial report shall be due no
6 later than April 1, 2023, and each subsequent report shall
7 be due no later than April 1 of each odd year thereafter.

8 (b) Each regional review team may carry out the following
9 duties and responsibilities:

10 (1) Collect and analyze data from its regional area
11 regarding cases eligible for review that were and were not
12 reviewed by the regional review team for purposes of
13 identifying patterns and making recommendations for
14 community and systemic reforms.

15 (2) Subject to the availability of funding and
16 approval by a vote of the majority of the regional review
17 team members, engage with and enter into contracts with a
18 higher education institution or research entity for
19 research, analysis, training, and educational purposes in
20 furtherance of the purposes of this Act. Regional review
21 team members shall not share information with contractors
22 that would disclose the identities of victims, survivors,
23 deceased, offenders, and their family members or by which
24 their identities can be determined by a reasonably
25 diligent inquiry.

26 (3) Seek funds to support the operations of the

1 regional review team and the facilitation of domestic
2 violence fatality reviews.

3 (4) Support the implementation of systemic and
4 community reform recommendations in order to advance the
5 purposes of this Act.

6 (5) Engage in any other activities that enable the
7 regional review team to carry out the purposes of this
8 Act.

9 Section 70. Case eligible for review by regional review
10 team. A case eligible for review shall include a fatality or
11 near-fatality that occurred within the geographic boundaries
12 of the judicial circuit covered by the regional review team
13 and a qualifying relationship.

14 (a) A fatality or near-fatality includes at least one of
15 the following:

16 (1) a homicide, as defined in Article 9 of the
17 Criminal Code of 2012 in which:

18 (A) the offender causes the death of the victim,
19 the deceased, or others; or

20 (B) the survivor causes the death of the offender,
21 the deceased, or others;

22 (2) a suicide or attempt suicide of the offender;

23 (3) a suicide of the victim;

24 (4) a suicide attempt of the survivor;

25 (5) a familicide in which the offender causes the

1 death of the victim and other members of the victim's
2 family including, but not limited to, minor or adult
3 children and parents;

4 (6) the near-fatality of a survivor caused by the
5 offender;

6 (7) the near-fatality of an offender caused by the
7 survivor; or

8 (8) any other case involving domestic violence if a
9 majority of the regional review team vote that a review of
10 the case will advance the purposes of this Act.

11 (b) A qualifying relationship between the offender and the
12 victim or survivor shall include instances or a history of
13 domestic violence perpetrated by the offender against the
14 victim or survivor and at least one of the following
15 circumstances:

16 (1) the offender and the victim or survivor:

17 (A) resided together or shared a common dwelling
18 at any time;

19 (B) have or are alleged to have a child in common;

20 or

21 (C) are or were engaged, married, divorced,
22 separated, or had a dating or romantic relationship,
23 regardless of whether they had sexual relations;

24 (2) the offender stalked the victim or survivor as
25 described in Section 12-7.3 of the Criminal Code of 2012;

26 (3) the victim or survivor filed for an order of

1 protection against the offender under the Illinois
2 Domestic Violence Act of 1986 or Section 112A-2.5 of the
3 Code of Criminal Procedure of 1963;

4 (4) the victim or survivor filed for a civil no
5 contact order against the offender under the Civil No
6 Contact Order Act or Section 112A-14.5 of the Code of
7 Criminal Procedure of 1963;

8 (5) the victim or survivor filed for a stalking no
9 contact order against the offender under the Stalking No
10 Contact Order Act or Section 112A-2.5 of the Code of
11 Criminal Procedure of 1963;

12 (6) the offender violated an order of protection,
13 civil no contact order, or stalking no contact order
14 obtained by the victim or survivor;

15 (7) the deceased resided in the same household as, was
16 present at the workplace of, was in the proximity of, or
17 was related by blood or affinity to a victim or survivor;

18 (8) the deceased was a law enforcement officer,
19 emergency medical technician, or other responder to a
20 domestic violence incident between the offender and the
21 victim or survivor; or

22 (9) a relationship between the offender and the
23 victim, survivor, or deceased exists that a majority of
24 the regional review team votes warrants review of the case
25 to advance the purposes of this Act.

26 (c) A case eligible review does not require criminal

1 charges or a conviction.

2 (d) Any criminal investigation, civil, criminal, or
3 administrative proceeding, and appeals shall be complete for a
4 case to be eligible for review.

5 Section 75. Confidentiality of regional review teams,
6 information, and domestic violence fatality reviews.

7 (a) Meetings in which regional review teams are engaged in
8 any activity related to domestic violence fatality review or
9 in which confidential information is shared or disclosed are
10 closed to the public and not subject to Section 2 of the Open
11 Meetings Act.

12 (b) Unless otherwise available and lawfully obtained
13 through another source pursuant to an applicable law that
14 allows the disclosure and release of the information,
15 confidential information is not:

16 (1) subject to the Freedom of Information Act;

17 (2) subject to subpoena and discovery under Section
18 2-402 of the Code of Civil Procedure, Article 115 of the
19 Code of Criminal Procedure of 1963, or Illinois Supreme
20 Court Rule 412,; and

21 (3) admissible as evidence in any civil or criminal
22 proceeding.

23 (c) Confidential information shall not be disclosed,
24 released or shared except as follows:

25 (1) among Statewide Committee members or Statewide

1 Committee staff pursuant to the review of an eligible
2 case;

3 (2) among regional review team members to determine
4 whether a case is eligible for review or whether an
5 eligible case should be reviewed;

6 (3) among regional review team members and
7 participants during a domestic violence fatality review;
8 or

9 (4) a regional review team votes to share confidential
10 information for solely educational or research purposes,
11 consistent with State or federal law, as long as the
12 information disclosed does not include the identities of
13 victims, survivors, deceased, or offenders, or their
14 family members or any information by which their
15 identities can be determined by a reasonably diligent
16 inquiry.

17 (d) All Statewide Committee members, Statewide Committee
18 subcommittee members, Statewide Committee staff, all members
19 of each regional review team, and any other person who
20 participates in any manner in a review of an eligible case by a
21 regional review team shall execute a confidentiality agreement
22 based upon a model confidentiality agreement developed by the
23 Statewide Committee or a document substantially similar to the
24 Statewide Committee's model document that acknowledges and
25 agrees to comply with the responsibility not to disclose or
26 release confidential information. All executed confidentiality

1 agreements shall be maintained by the Statewide Committee and
2 by each regional review team respectively.

3 (e) Members and staff of the Board, Statewide Committee,
4 and members of a regional review team or participants of a
5 domestic violence fatality review cannot be subject to
6 examination or compelled to disclose or release confidential
7 information in any administrative, civil or criminal
8 proceeding, except for information that is otherwise available
9 and lawfully obtained through another source pursuant to an
10 applicable law that allows the disclosure and release of the
11 information.

12 Section 80. Access to records and information.

13 (a) Upon the oral or written request by a regional review
14 team, records and oral or written information relevant to the
15 purposes of domestic violence fatality review and to the
16 responsibilities of the regional review team shall be provided
17 free of charge by the following: State and local governmental
18 agencies and officials; medical and dental providers; domestic
19 violence offender and partner abuse intervention service
20 providers; child care providers; and employers. Examples of
21 records and oral or written information that may be requested
22 include, but are not limited to: guardian ad litem reports;
23 parenting evaluations; victim impact statements; mental health
24 evaluations submitted to a court; probation information,
25 presentence interviews, and reports; recommendations made

1 regarding bail and release on own recognizance; child welfare
2 reports and information; Child Advocacy Center reports and
3 information; law enforcement incident reports, dispatch
4 records, statements of victims, witnesses and suspects,
5 supplemental reports, and probable cause statements; 9-1-1
6 call-taker's reports; correction and post-sentence probation
7 or supervision reports; medical, hospital, and dental
8 treatment records; school records and information; child care
9 records and information; and employer records and information.
10 The records and oral or written information may be provided
11 for purposes of domestic violence fatality review without
12 authorization of the person or persons to whom the records and
13 oral or written information relate.

14 (b) The records and oral or written information described
15 in this Section provided to a regional review team or in a
16 domestic violence fatality review become confidential
17 information as defined in this Act. The Statewide Committee,
18 regional review teams, and any other participant in a domestic
19 violence fatality review shall maintain the confidentiality
20 and shall not disclose or release the confidential information
21 received, shared, or obtained.

22 (c) Nothing in this Act shall:

23 (1) limit public access to records or information that
24 are lawfully available; or

25 (2) change the confidentiality and privilege of
26 communications under the Illinois Domestic Violence Act of

1 1986, Section 8-802.1 of the Code of Civil Procedure, the
2 Mental Health and Developmental Disabilities Code, 42 CFR
3 2.15, Section 40002(b)(2) of the Violence Against Women
4 Act of 1994 (34 U.S.C. 12291(b)(2)), 45 CFR 1370.4, and 28
5 CFR 94.115.

6 (d) The Statewide Committee or a regional review team may
7 request and obtain information and records from outside the
8 State by any available legal means.

9 Section 85. Storage and destruction of confidential
10 information.

11 (a) Following a domestic violence fatality review,
12 participants who brought or provided confidential information
13 may return to their possession the confidential information,
14 shall not disclose or share the confidential information
15 unless otherwise allowed by State or federal law or not
16 otherwise privileged, and may destroy the confidential
17 information unless otherwise prohibited by State or federal
18 law.

19 (b) Following a domestic violence fatality review, the
20 co-chairs of the regional review team will store at the place
21 of their employment or virtually on their confidential
22 electronic database or other technology any remaining
23 confidential information and will maintain the confidentiality
24 of the information. One year following the submission of the
25 regional review team's biennial report pursuant to Section 65,

1 the co-chair or a designee shall destroy the confidential
2 information.

3 Section 90. Penalty for unlawful disclosure of
4 confidential information. Anyone who discloses, receives,
5 makes use of, or knowingly permits the use of any confidential
6 information in violation of this Act commits a Class A
7 misdemeanor.

8 Section 95. Immunity. If acting in good faith, without
9 malice, and within the protocols established by the Statewide
10 Committee and the regional review team, members of the
11 Statewide Committee and regional review team, and anyone
12 participating in a domestic violence fatality review shall
13 have immunity from administrative, civil, or criminal
14 liability for an act or omission related to the participation
15 in a domestic violence fatality review, notwithstanding
16 Section 90.

17 Section 900. The Open Meetings Act is amended by changing
18 Section 2 as follows:

19 (5 ILCS 120/2) (from Ch. 102, par. 42)

20 (Text of Section before amendment by P.A. 101-652)

21 Sec. 2. Open meetings.

22 (a) Openness required. All meetings of public bodies shall

1 be open to the public unless excepted in subsection (c) and
2 closed in accordance with Section 2a.

3 (b) Construction of exceptions. The exceptions contained
4 in subsection (c) are in derogation of the requirement that
5 public bodies meet in the open, and therefore, the exceptions
6 are to be strictly construed, extending only to subjects
7 clearly within their scope. The exceptions authorize but do
8 not require the holding of a closed meeting to discuss a
9 subject included within an enumerated exception.

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

12 (1) The appointment, employment, compensation,
13 discipline, performance, or dismissal of specific
14 employees, specific individuals who serve as independent
15 contractors in a park, recreational, or educational
16 setting, or specific volunteers of the public body or
17 legal counsel for the public body, including hearing
18 testimony on a complaint lodged against an employee, a
19 specific individual who serves as an independent
20 contractor in a park, recreational, or educational
21 setting, or a volunteer of the public body or against
22 legal counsel for the public body to determine its
23 validity. However, a meeting to consider an increase in
24 compensation to a specific employee of a public body that
25 is subject to the Local Government Wage Increase
26 Transparency Act may not be closed and shall be open to the

1 public and posted and held in accordance with this Act.

2 (2) Collective negotiating matters between the public
3 body and its employees or their representatives, or
4 deliberations concerning salary schedules for one or more
5 classes of employees.

6 (3) The selection of a person to fill a public office,
7 as defined in this Act, including a vacancy in a public
8 office, when the public body is given power to appoint
9 under law or ordinance, or the discipline, performance or
10 removal of the occupant of a public office, when the
11 public body is given power to remove the occupant under
12 law or ordinance.

13 (4) Evidence or testimony presented in open hearing,
14 or in closed hearing where specifically authorized by law,
15 to a quasi-adjudicative body, as defined in this Act,
16 provided that the body prepares and makes available for
17 public inspection a written decision setting forth its
18 determinative reasoning.

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

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

25 (7) The sale or purchase of securities, investments,
26 or investment contracts. This exception shall not apply to

1 the investment of assets or income of funds deposited into
2 the Illinois Prepaid Tuition Trust Fund.

3 (8) Security procedures, school building safety and
4 security, and the use of personnel and equipment to
5 respond to an actual, a threatened, or a reasonably
6 potential danger to the safety of employees, students,
7 staff, the public, or public property.

8 (9) Student disciplinary cases.

9 (10) The placement of individual students in special
10 education programs and other matters relating to
11 individual students.

12 (11) Litigation, when an action against, affecting or
13 on behalf of the particular public body has been filed and
14 is pending before a court or administrative tribunal, or
15 when the public body finds that an action is probable or
16 imminent, in which case the basis for the finding shall be
17 recorded and entered into the minutes of the closed
18 meeting.

19 (12) The establishment of reserves or settlement of
20 claims as provided in the Local Governmental and
21 Governmental Employees Tort Immunity Act, if otherwise the
22 disposition of a claim or potential claim might be
23 prejudiced, or the review or discussion of claims, loss or
24 risk management information, records, data, advice or
25 communications from or with respect to any insurer of the
26 public body or any intergovernmental risk management

1 association or self insurance pool of which the public
2 body is a member.

3 (13) Conciliation of complaints of discrimination in
4 the sale or rental of housing, when closed meetings are
5 authorized by the law or ordinance prescribing fair
6 housing practices and creating a commission or
7 administrative agency for their enforcement.

8 (14) Informant sources, the hiring or assignment of
9 undercover personnel or equipment, or ongoing, prior or
10 future criminal investigations, when discussed by a public
11 body with criminal investigatory responsibilities.

12 (15) Professional ethics or performance when
13 considered by an advisory body appointed to advise a
14 licensing or regulatory agency on matters germane to the
15 advisory body's field of competence.

16 (16) Self evaluation, practices and procedures or
17 professional ethics, when meeting with a representative of
18 a statewide association of which the public body is a
19 member.

20 (17) The recruitment, credentialing, discipline or
21 formal peer review of physicians or other health care
22 professionals, or for the discussion of matters protected
23 under the federal Patient Safety and Quality Improvement
24 Act of 2005, and the regulations promulgated thereunder,
25 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
26 Health Insurance Portability and Accountability Act of

1 1996, and the regulations promulgated thereunder,
2 including 45 C.F.R. Parts 160, 162, and 164, by a
3 hospital, or other institution providing medical care,
4 that is operated by the public body.

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

7 (19) Review or discussion of applications received
8 under the Experimental Organ Transplantation Procedures
9 Act.

10 (20) The classification and discussion of matters
11 classified as confidential or continued confidential by
12 the State Government Suggestion Award Board.

13 (21) Discussion of minutes of meetings lawfully closed
14 under this Act, whether for purposes of approval by the
15 body of the minutes or semi-annual review of the minutes
16 as mandated by Section 2.06.

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

19 (23) The operation by a municipality of a municipal
20 utility or the operation of a municipal power agency or
21 municipal natural gas agency when the discussion involves
22 (i) contracts relating to the purchase, sale, or delivery
23 of electricity or natural gas or (ii) the results or
24 conclusions of load forecast studies.

25 (24) Meetings of a residential health care facility
26 resident sexual assault and death review team or the

1 Executive Council under the Abuse Prevention Review Team
2 Act.

3 (25) Meetings of an independent team of experts under
4 Brian's Law.

5 (26) Meetings of a mortality review team appointed
6 under the Department of Juvenile Justice Mortality Review
7 Team Act.

8 (27) (Blank).

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

13 (29) Meetings between internal or external auditors
14 and governmental audit committees, finance committees, and
15 their equivalents, when the discussion involves internal
16 control weaknesses, identification of potential fraud risk
17 areas, known or suspected frauds, and fraud interviews
18 conducted in accordance with generally accepted auditing
19 standards of the United States of America.

20 (30) Those meetings or portions of meetings of a
21 fatality review team or the Illinois Fatality Review Team
22 Advisory Council during which a review of the death of an
23 eligible adult in which abuse or neglect is suspected,
24 alleged, or substantiated is conducted pursuant to Section
25 15 of the Adult Protective Services Act.

26 (31) Meetings and deliberations for decisions of the

1 Concealed Carry Licensing Review Board under the Firearm
2 Concealed Carry Act.

3 (32) Meetings between the Regional Transportation
4 Authority Board and its Service Boards when the discussion
5 involves review by the Regional Transportation Authority
6 Board of employment contracts under Section 28d of the
7 Metropolitan Transit Authority Act and Sections 3A.18 and
8 3B.26 of the Regional Transportation Authority Act.

9 (33) Those meetings or portions of meetings of the
10 advisory committee and peer review subcommittee created
11 under Section 320 of the Illinois Controlled Substances
12 Act during which specific controlled substance prescriber,
13 dispenser, or patient information is discussed.

14 (34) Meetings of the Tax Increment Financing Reform
15 Task Force under Section 2505-800 of the Department of
16 Revenue Law of the Civil Administrative Code of Illinois.

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

20 (36) Those deliberations or portions of deliberations
21 for decisions of the Illinois Gaming Board in which there
22 is discussed any of the following: (i) personal,
23 commercial, financial, or other information obtained from
24 any source that is privileged, proprietary, confidential,
25 or a trade secret; or (ii) information specifically
26 exempted from the disclosure by federal or State law.

1 (37) Meetings of the regional review teams under
2 Section 75 of the Domestic Violence Fatality Review Act.

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

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

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

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

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

1 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
2 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
3 8-23-19; revised 9-27-19.)

4 (Text of Section after amendment by P.A. 101-652)

5 Sec. 2. Open meetings.

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

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

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

18 (1) The appointment, employment, compensation,
19 discipline, performance, or dismissal of specific
20 employees, specific individuals who serve as independent
21 contractors in a park, recreational, or educational
22 setting, or specific volunteers of the public body or
23 legal counsel for the public body, including hearing
24 testimony on a complaint lodged against an employee, a
25 specific individual who serves as an independent

1 contractor in a park, recreational, or educational
2 setting, or a volunteer of the public body or against
3 legal counsel for the public body to determine its
4 validity. However, a meeting to consider an increase in
5 compensation to a specific employee of a public body that
6 is subject to the Local Government Wage Increase
7 Transparency Act may not be closed and shall be open to the
8 public and posted and held in accordance with this Act.

9 (2) Collective negotiating matters between the public
10 body and its employees or their representatives, or
11 deliberations concerning salary schedules for one or more
12 classes of employees.

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

20 (4) Evidence or testimony presented in open hearing,
21 or in closed hearing where specifically authorized by law,
22 to a quasi-adjudicative body, as defined in this Act,
23 provided that the body prepares and makes available for
24 public inspection a written decision setting forth its
25 determinative reasoning.

26 (5) The purchase or lease of real property for the use

1 of the public body, including meetings held for the
2 purpose of discussing whether a particular parcel should
3 be acquired.

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

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

10 (8) Security procedures, school building safety and
11 security, and the use of personnel and equipment to
12 respond to an actual, a threatened, or a reasonably
13 potential danger to the safety of employees, students,
14 staff, the public, or public property.

15 (9) Student disciplinary cases.

16 (10) The placement of individual students in special
17 education programs and other matters relating to
18 individual students.

19 (11) Litigation, when an action against, affecting or
20 on behalf of the particular public body has been filed and
21 is pending before a court or administrative tribunal, or
22 when the public body finds that an action is probable or
23 imminent, in which case the basis for the finding shall be
24 recorded and entered into the minutes of the closed
25 meeting.

26 (12) The establishment of reserves or settlement of

1 claims as provided in the Local Governmental and
2 Governmental Employees Tort Immunity Act, if otherwise the
3 disposition of a claim or potential claim might be
4 prejudiced, or the review or discussion of claims, loss or
5 risk management information, records, data, advice or
6 communications from or with respect to any insurer of the
7 public body or any intergovernmental risk management
8 association or self insurance pool of which the public
9 body is a member.

10 (13) Conciliation of complaints of discrimination in
11 the sale or rental of housing, when closed meetings are
12 authorized by the law or ordinance prescribing fair
13 housing practices and creating a commission or
14 administrative agency for their enforcement.

15 (14) Informant sources, the hiring or assignment of
16 undercover personnel or equipment, or ongoing, prior or
17 future criminal investigations, when discussed by a public
18 body with criminal investigatory responsibilities.

19 (15) Professional ethics or performance when
20 considered by an advisory body appointed to advise a
21 licensing or regulatory agency on matters germane to the
22 advisory body's field of competence.

23 (16) Self evaluation, practices and procedures or
24 professional ethics, when meeting with a representative of
25 a statewide association of which the public body is a
26 member.

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

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

14 (19) Review or discussion of applications received
15 under the Experimental Organ Transplantation Procedures
16 Act.

17 (20) The classification and discussion of matters
18 classified as confidential or continued confidential by
19 the State Government Suggestion Award Board.

20 (21) Discussion of minutes of meetings lawfully closed
21 under this Act, whether for purposes of approval by the
22 body of the minutes or semi-annual review of the minutes
23 as mandated by Section 2.06.

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

26 (23) The operation by a municipality of a municipal

1 utility or the operation of a municipal power agency or
2 municipal natural gas agency when the discussion involves
3 (i) contracts relating to the purchase, sale, or delivery
4 of electricity or natural gas or (ii) the results or
5 conclusions of load forecast studies.

6 (24) Meetings of a residential health care facility
7 resident sexual assault and death review team or the
8 Executive Council under the Abuse Prevention Review Team
9 Act.

10 (25) Meetings of an independent team of experts under
11 Brian's Law.

12 (26) Meetings of a mortality review team appointed
13 under the Department of Juvenile Justice Mortality Review
14 Team Act.

15 (27) (Blank).

16 (28) 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 (29) Meetings between internal or external auditors
21 and governmental audit committees, finance committees, and
22 their equivalents, when the discussion involves internal
23 control weaknesses, identification of potential fraud risk
24 areas, known or suspected frauds, and fraud interviews
25 conducted in accordance with generally accepted auditing
26 standards of the United States of America.

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

7 (31) Meetings and deliberations for decisions of the
8 Concealed Carry Licensing Review Board under the Firearm
9 Concealed Carry Act.

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

16 (33) Those meetings or portions of meetings of the
17 advisory committee and peer review subcommittee created
18 under Section 320 of the Illinois Controlled Substances
19 Act during which specific controlled substance prescriber,
20 dispenser, or patient information is discussed.

21 (34) Meetings of the Tax Increment Financing Reform
22 Task Force under Section 2505-800 of the Department of
23 Revenue Law of the Civil Administrative Code of Illinois.

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

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

8 (37) Deliberations for decisions of the Illinois Law
9 Enforcement Training Standards Board, the Certification
10 Review Panel, and the Illinois State Police Merit Board
11 regarding certification and decertification.

12 (38) Meetings of the regional review teams under
13 Section 75 of the Domestic Violence Fatality Review Act.

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

15 "Employee" means a person employed by a public body whose
16 relationship with the public body constitutes an
17 employer-employee relationship under the usual common law
18 rules, and who is not an independent contractor.

19 "Public office" means a position created by or under the
20 Constitution or laws of this State, the occupant of which is
21 charged with the exercise of some portion of the sovereign
22 power of this State. The term "public office" shall include
23 members of the public body, but it shall not include
24 organizational positions filled by members thereof, whether
25 established by law or by a public body itself, that exist to
26 assist the body in the conduct of its business.

1 "Quasi-adjudicative body" means an administrative body
2 charged by law or ordinance with the responsibility to conduct
3 hearings, receive evidence or testimony and make
4 determinations based thereon, but does not include local
5 electoral boards when such bodies are considering petition
6 challenges.

7 (e) Final action. No final action may be taken at a closed
8 meeting. Final action shall be preceded by a public recital of
9 the nature of the matter being considered and other
10 information that will inform the public of the business being
11 conducted.

12 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
13 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
14 8-23-19; 101-652, eff. 1-1-22.)

15 Section 905. The Freedom of Information Act is amended by
16 changing Section 7.5 as follows:

17 (5 ILCS 140/7.5)

18 Sec. 7.5. Statutory exemptions. To the extent provided for
19 by the statutes referenced below, the following shall be
20 exempt from inspection and copying:

21 (a) All information determined to be confidential
22 under Section 4002 of the Technology Advancement and
23 Development Act.

24 (b) Library circulation and order records identifying

1 library users with specific materials under the Library
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical
4 records received by the Experimental Organ Transplantation
5 Procedures Board and any and all documents or other
6 records prepared by the Experimental Organ Transplantation
7 Procedures Board or its staff relating to applications it
8 has received.

9 (d) Information and records held by the Department of
10 Public Health and its authorized representatives relating
11 to known or suspected cases of sexually transmissible
12 disease or any information the disclosure of which is
13 restricted under the Illinois Sexually Transmissible
14 Disease Control Act.

15 (e) Information the disclosure of which is exempted
16 under Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of
18 the Architectural, Engineering, and Land Surveying
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted
21 and exempted under Section 50 of the Illinois Prepaid
22 Tuition Act.

23 (h) Information the disclosure of which is exempted
24 under the State Officials and Employees Ethics Act, and
25 records of any lawfully created State or local inspector
26 general's office that would be exempt if created or

1 obtained by an Executive Inspector General's office under
2 that Act.

3 (i) Information contained in a local emergency energy
4 plan submitted to a municipality in accordance with a
5 local emergency energy plan ordinance that is adopted
6 under Section 11-21.5-5 of the Illinois Municipal Code.

7 (j) Information and data concerning the distribution
8 of surcharge moneys collected and remitted by carriers
9 under the Emergency Telephone System Act.

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

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

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

22 (n) Defense budgets and petitions for certification of
23 compensation and expenses for court appointed trial
24 counsel as provided under Sections 10 and 15 of the
25 Capital Crimes Litigation Act. This subsection (n) shall
26 apply until the conclusion of the trial of the case, even

1 if the prosecution chooses not to pursue the death penalty
2 prior to trial or sentencing.

3 (o) Information that is prohibited from being
4 disclosed under Section 4 of the Illinois Health and
5 Hazardous Substances Registry Act.

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

13 (q) Information prohibited from being disclosed by the
14 Personnel Record Review Act.

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

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

19 (t) All identified or deidentified health information
20 in the form of health data or medical records contained
21 in, stored in, submitted to, transferred by, or released
22 from the Illinois Health Information Exchange, and
23 identified or deidentified health information in the form
24 of health data and medical records of the Illinois Health
25 Information Exchange in the possession of the Illinois
26 Health Information Exchange Office due to its

1 administration of the Illinois Health Information
2 Exchange. The terms "identified" and "deidentified" shall
3 be given the same meaning as in the Health Insurance
4 Portability and Accountability Act of 1996, Public Law
5 104-191, or any subsequent amendments thereto, and any
6 regulations promulgated thereunder.

7 (u) Records and information provided to an independent
8 team of experts under the Developmental Disability and
9 Mental Health Safety Act (also known as Brian's Law).

10 (v) Names and information of people who have applied
11 for or received Firearm Owner's Identification Cards under
12 the Firearm Owners Identification Card Act or applied for
13 or received a concealed carry license under the Firearm
14 Concealed Carry Act, unless otherwise authorized by the
15 Firearm Concealed Carry Act; and databases under the
16 Firearm Concealed Carry Act, records of the Concealed
17 Carry Licensing Review Board under the Firearm Concealed
18 Carry Act, and law enforcement agency objections under the
19 Firearm Concealed Carry Act.

20 (w) Personally identifiable information which is
21 exempted from disclosure under subsection (g) of Section
22 19.1 of the Toll Highway Act.

23 (x) Information which is exempted from disclosure
24 under Section 5-1014.3 of the Counties Code or Section
25 8-11-21 of the Illinois Municipal Code.

26 (y) Confidential information under the Adult

1 Protective Services Act and its predecessor enabling
2 statute, the Elder Abuse and Neglect Act, including
3 information about the identity and administrative finding
4 against any caregiver of a verified and substantiated
5 decision of abuse, neglect, or financial exploitation of
6 an eligible adult maintained in the Registry established
7 under Section 7.5 of the Adult Protective Services Act.

8 (z) Records and information provided to a fatality
9 review team or the Illinois Fatality Review Team Advisory
10 Council under Section 15 of the Adult Protective Services
11 Act.

12 (aa) Information which is exempted from disclosure
13 under Section 2.37 of the Wildlife Code.

14 (bb) Information which is or was prohibited from
15 disclosure by the Juvenile Court Act of 1987.

16 (cc) Recordings made under the Law Enforcement
17 Officer-Worn Body Camera Act, except to the extent
18 authorized under that Act.

19 (dd) Information that is prohibited from being
20 disclosed under Section 45 of the Condominium and Common
21 Interest Community Ombudsperson Act.

22 (ee) Information that is exempted from disclosure
23 under Section 30.1 of the Pharmacy Practice Act.

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

26 (gg) Information that is prohibited from being

1 disclosed under Section 7-603.5 of the Illinois Vehicle
2 Code.

3 (hh) Records that are exempt from disclosure under
4 Section 1A-16.7 of the Election Code.

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

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

13 (kk) Information prohibited from disclosure under the
14 Seizure and Forfeiture Reporting Act.

15 (ll) Information the disclosure of which is restricted
16 and exempted under Section 5-30.8 of the Illinois Public
17 Aid Code.

18 (mm) Records that are exempt from disclosure under
19 Section 4.2 of the Crime Victims Compensation Act.

20 (nn) Information that is exempt from disclosure under
21 Section 70 of the Higher Education Student Assistance Act.

22 (oo) Communications, notes, records, and reports
23 arising out of a peer support counseling session
24 prohibited from disclosure under the First Responders
25 Suicide Prevention Act.

26 (pp) Names and all identifying information relating to

1 an employee of an emergency services provider or law
2 enforcement agency under the First Responders Suicide
3 Prevention Act.

4 (qq) Information and records held by the Department of
5 Public Health and its authorized representatives collected
6 under the Reproductive Health Act.

7 (rr) Information that is exempt from disclosure under
8 the Cannabis Regulation and Tax Act.

9 (ss) Data reported by an employer to the Department of
10 Human Rights pursuant to Section 2-108 of the Illinois
11 Human Rights Act.

12 (tt) Recordings made under the Children's Advocacy
13 Center Act, except to the extent authorized under that
14 Act.

15 (uu) Information that is exempt from disclosure under
16 Section 50 of the Sexual Assault Evidence Submission Act.

17 (vv) Information that is exempt from disclosure under
18 subsections (f) and (j) of Section 5-36 of the Illinois
19 Public Aid Code.

20 (ww) Information that is exempt from disclosure under
21 Section 16.8 of the State Treasurer Act.

22 (xx) Information that is exempt from disclosure or
23 information that shall not be made public under the
24 Illinois Insurance Code.

25 (yy) Information prohibited from being disclosed under
26 the Illinois Educational Labor Relations Act.

1 (zz) Information prohibited from being disclosed under
2 the Illinois Public Labor Relations Act.

3 (aaa) Information prohibited from being disclosed
4 under Section 1-167 of the Illinois Pension Code.

5 (bbb) Information prohibited from being disclosed
6 under subsection (d) of Section 35 of the Domestic
7 Violence Fatality Review Act.

8 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
9 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
10 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
11 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
12 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
13 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
14 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
15 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
16 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,
17 eff. 7-7-20.)

18 Section 995. No acceleration or delay. Where this Act
19 makes changes in a statute that is represented in this Act by
20 text that is not yet or no longer in effect (for example, a
21 Section represented by multiple versions), the use of that
22 text does not accelerate or delay the taking effect of (i) the
23 changes made by this Act or (ii) provisions derived from any
24 other Public Act.

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.".