



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2356

Introduced 2/26/2021, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.06

from Ch. 102, par. 42.06

Amends the Open Meetings Act. Provides that each public body shall periodically (currently, specifies no less than semi-annually) meet to review minutes of all closed meetings. Provides that meetings to review minutes shall occur every 6 months, or as soon thereafter as is practicable, taking into account the nature and meeting schedule of the public body. Provides that committees which are ad hoc in nature shall review closed session minutes at the later of (1) 6 months from the date of the last review of closed session minutes or (2) at the next scheduled meeting of the ad hoc committee. Provides that when a public body is dissolved, disbanded, eliminated, or consolidated by executive action, legislative action, or referendum, the governing body of the unit of local government in which the public body was located shall review the closed session minutes of that public body.

LRB102 10299 RJF 15626 b

1 AN ACT concerning government.

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

4 Section 5. The Open Meetings Act is amended by changing
5 Section 2.06 as follows:

6 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

7 Sec. 2.06. Minutes; right to speak.

8 (a) All public bodies shall keep written minutes of all
9 their meetings, whether open or closed, and a verbatim record
10 of all their closed meetings in the form of an audio or video
11 recording. Minutes shall include, but need not be limited to:

12 (1) the date, time and place of the meeting;

13 (2) the members of the public body recorded as either
14 present or absent and whether the members were physically
15 present or present by means of video or audio conference;
16 and

17 (3) a summary of discussion on all matters proposed,
18 deliberated, or decided, and a record of any votes taken.

19 (b) A public body shall approve the minutes of its open
20 meeting within 30 days after that meeting or at the public
21 body's second subsequent regular meeting, whichever is later.
22 The minutes of meetings open to the public shall be available
23 for public inspection within 10 days after the approval of

1 such minutes by the public body. Beginning July 1, 2006, at the
2 time it complies with the other requirements of this
3 subsection, a public body that has a website that the
4 full-time staff of the public body maintains shall post the
5 minutes of a regular meeting of its governing body open to the
6 public on the public body's website within 10 days after the
7 approval of the minutes by the public body. Beginning July 1,
8 2006, any minutes of meetings open to the public posted on the
9 public body's website shall remain posted on the website for
10 at least 60 days after their initial posting.

11 (c) The verbatim record may be destroyed without
12 notification to or the approval of a records commission or the
13 State Archivist under the Local Records Act or the State
14 Records Act no less than 18 months after the completion of the
15 meeting recorded but only after:

16 (1) the public body approves the destruction of a
17 particular recording; and

18 (2) the public body approves minutes of the closed
19 meeting that meet the written minutes requirements of
20 subsection (a) of this Section.

21 (d) Each public body shall periodically, ~~but no less than~~
22 ~~semi-annually,~~ meet to review minutes of all closed meetings.
23 Meetings to review minutes shall occur every 6 months, or as
24 soon thereafter as is practicable, taking into account the
25 nature and meeting schedule of the public body. Committees
26 which are ad hoc in nature shall review closed session minutes

1 at the later of (1) 6 months from the date of the last review
2 of closed session minutes or (2) at the next scheduled meeting
3 of the ad hoc committee. At such meetings a determination
4 shall be made, and reported in an open session that (1) the
5 need for confidentiality still exists as to all or part of
6 those minutes or (2) that the minutes or portions thereof no
7 longer require confidential treatment and are available for
8 public inspection. The failure of a public body to strictly
9 comply with the semi-annual review of closed session written
10 minutes, whether before or after the effective date of this
11 amendatory Act of the 94th General Assembly, shall not cause
12 the written minutes or related verbatim record to become
13 public or available for inspection in any judicial proceeding,
14 other than a proceeding involving an alleged violation of this
15 Act, if the public body, within 60 days of discovering its
16 failure to strictly comply with the technical requirements of
17 this subsection, reviews the closed session minutes and
18 determines and thereafter reports in open session that either
19 (1) the need for confidentiality still exists as to all or part
20 of the minutes or verbatim record, or (2) that the minutes or
21 recordings or portions thereof no longer require confidential
22 treatment and are available for public inspection.

23 (e) Unless the public body has made a determination that
24 the verbatim recording no longer requires confidential
25 treatment or otherwise consents to disclosure, the verbatim
26 record of a meeting closed to the public shall not be open for

1 public inspection or subject to discovery in any
2 administrative or judicial proceeding other than one brought
3 to enforce this Act. In the case of a civil action brought to
4 enforce this Act, the court, if the judge believes such an
5 examination is necessary, must conduct such in camera
6 examination of the verbatim record as it finds appropriate in
7 order to determine whether there has been a violation of this
8 Act. In the case of a criminal proceeding, the court may
9 conduct an examination in order to determine what portions, if
10 any, must be made available to the parties for use as evidence
11 in the prosecution. Any such initial inspection must be held
12 in camera. If the court determines that a complaint or suit
13 brought for noncompliance under this Act is valid it may, for
14 the purposes of discovery, redact from the minutes of the
15 meeting closed to the public any information deemed to qualify
16 under the attorney-client privilege. The provisions of this
17 subsection do not supersede the privacy or confidentiality
18 provisions of State or federal law. Access to verbatim
19 recordings shall be provided to duly elected officials or
20 appointed officials filling a vacancy of an elected office in
21 a public body, and access shall be granted in the public body's
22 main office or official storage location, in the presence of a
23 records secretary, an administrative official of the public
24 body, or any elected official of the public body. No verbatim
25 recordings shall be recorded or removed from the public body's
26 main office or official storage location, except by vote of

1 the public body or by court order. Nothing in this subsection
2 (e) is intended to limit the Public Access Counselor's access
3 to those records necessary to address a request for
4 administrative review under Section 7.5 of this Act.

5 (f) Minutes of meetings closed to the public shall be
6 available only after the public body determines that it is no
7 longer necessary to protect the public interest or the privacy
8 of an individual by keeping them confidential, except that
9 duly elected officials or appointed officials filling a
10 vacancy of an elected office in a public body shall be provided
11 access to minutes of meetings closed to the public. Access to
12 minutes shall be granted in the public body's main office or
13 official storage location, in the presence of a records
14 secretary, an administrative official of the public body, or
15 any elected official of the public body. No minutes of
16 meetings closed to the public shall be removed from the public
17 body's main office or official storage location, except by
18 vote of the public body or by court order. Nothing in this
19 subsection (f) is intended to limit the Public Access
20 Counselor's access to those records necessary to address a
21 request for administrative review under Section 7.5 of this
22 Act.

23 (g) Any person shall be permitted an opportunity to
24 address public officials under the rules established and
25 recorded by the public body.

26 (h) When a public body is dissolved, disbanded,

1 eliminated, or consolidated by executive action, legislative
2 action, or referendum, the governing body of the unit of local
3 government in which the public body was located shall review
4 the closed session minutes of that public body.

5 (Source: P.A. 99-515, eff. 6-30-16.)